



Hurstville City Council

Fences Adjacent to Public Roads Code

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1. PURPOSE

This code outlines Council's policy in respect of the erection of street boundary fences in excess of one (1) metre in height.

2. AIMS OF CODE

- (a) To provide guidelines for the erection of fences and walls in excess of one (1) metre in height above footpath level.
- (b) To ensure that:
 - fences complement and are compatible with the development of the land.
 - adverse impact of fences on the streetscape and public places is minimised.
 - fences do not adversely affect the character or amenity of the locality by their visual impact, size, overshadowing or other factors.
- (c) To ensure that safe vehicular access is maintained at property entrances and street intersections.
- (d) To maximise recreational space, privacy and security of residential dwellings adjoining roads, and places of public congregation, (e.g. bus stops), and for residential developments, townhouses, villas and dual occupancy.
- (e) To encourage the use of a diverse range of fencing designs and materials.

3. CONSIDERATION OF APPLICATIONS

In any application for the erection of courtyard walls and/or fences the Council may consider the following:

- (a) The purpose for which the fence or wall is required.
- (b) The position of the fence or wall in relation to the boundaries of the allotment and building alignments.
- (c) Height, materials and design of the proposed fence.
- (d) The general scale and appearance of the fence or wall relative to the general streetscape and amenity of the neighbourhood and the existence of similar structures in the neighbourhood.
- (e) Structural stability of the proposed work.
- (f) The possible effects of the structure on the safety of pedestrians and traffic conditions in the adjoining road system.

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- (g) The landscaping, both existing and proposed, and its effect on the embellishment of the proposed structure.
 - (h) The effects of the proposed structure on drainage.
 - (i) Current open space and open space utilisation on site.
 - (j) Levels of traffic on adjoining roads.

4. APPROVALS AND REQUIREMENTS

4.1 APPLICATIONS/OBTAINING APPROVAL

To see if you need to approval/what sort of approval you require refer to our Development Control Plan no. 14 - Exempt and Complying Development. Some minor projects do not require approval under certain circumstances, some require a complying development certificate, and others a development consent and construction certificate.

Generally, an application is not required for the replacement of timber or colorbond fences on secondary frontages (side boundaries), or corner allotments provided that fences do not exceed 1.8 metres in height and do not extend forward of the front alignment of the dwelling.

4.2 REQUIRED INFORMATION

Applications must be completed and signed by the owner, builder, architect or engineer and accompanied by documents as shown on the relevant application form. Fees apply as listed in our Schedule of Fees and Charges which may be downloaded from our website.

Applications for enclosure of the site shall be accompanied by a statement setting out the reasons for the proposed wall.

5. PLANS

5.1 SITE PLAN

The site plan shall be drawn at a scale of 1:200 or 1:500 and include:

- (a) Boundaries and dimensions of the site including location of the proposed fence, with gate openings, offsets, splay corners, and returns relative to boundaries and existing structures on the site.
- (b) Location and dimensions of any easements.
- (c) North point.
- (d) Location of vehicular crossings including obstructions such as power poles and gully pits.

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- (e) Location of existing vegetation including trees having a girth in excess of 300mm.
 - (f) Proposed landscaping including species and projected height at maturity.
 - (g) A layout of proposed drainage lines, where necessary.
 - (h) Foreshore Building Line, if applicable.

5.2 GENERAL PLAN

The general plan shall be drawn at a scale of 1:100 or 1:50 and include:

- (a) Elevations and plan view.
- (b) Height, design, colours and construction of the fence.
- (c) A sectional elevation of the wall including footings indicating adjoining ground levels and location of adjoining property boundaries, where relevant.

6. SPECIFICATION

Specifications shall describe construction and materials of the fence, whether materials will be new or second hand and include details of any proposed surface stormwater drainage or agricultural drainage.

7. GENERAL REQUIREMENTS

7.1 DIVIDING FENCES ACT

The provisions of the Dividing Fences Act, 1991, must be considered with the design of fences. This Act is not administered by Council. The provisions of this Act regulate the construction and repair of dividing fences between properties including procedures for the apportionment of costs between owners.

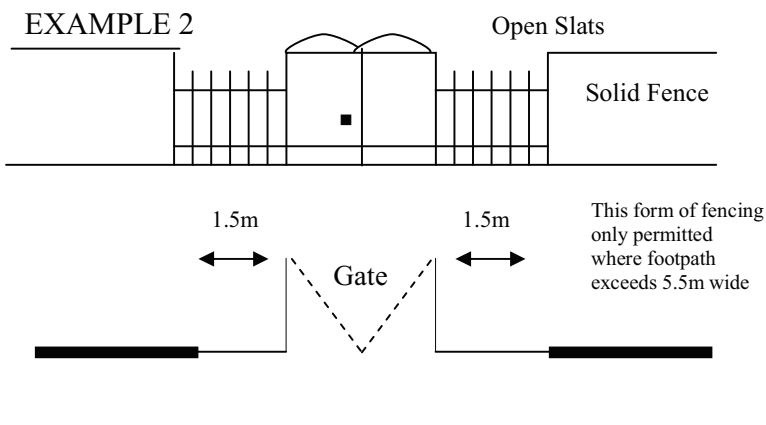
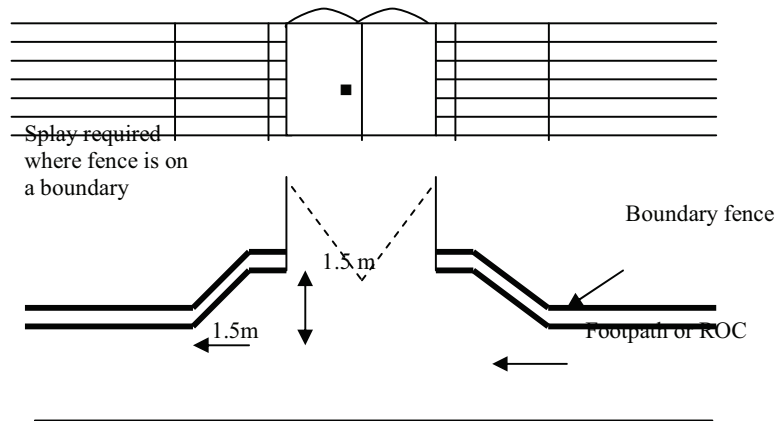
7.2 FENCE DESIGN

Fences shall be designed so as to be compatible with the adjoining buildings and fences and the natural surroundings.

The design should demonstrate architectural merit and relief from a mass of wall is encouraged by the use of vertical columns, brick capping, variable brickwork bonds, timber panel inserts and open metal or timber panels. Fences on premises with heritage classifications should be in harmony with existing building/s.

7.3 VEHICULAR ACCESS

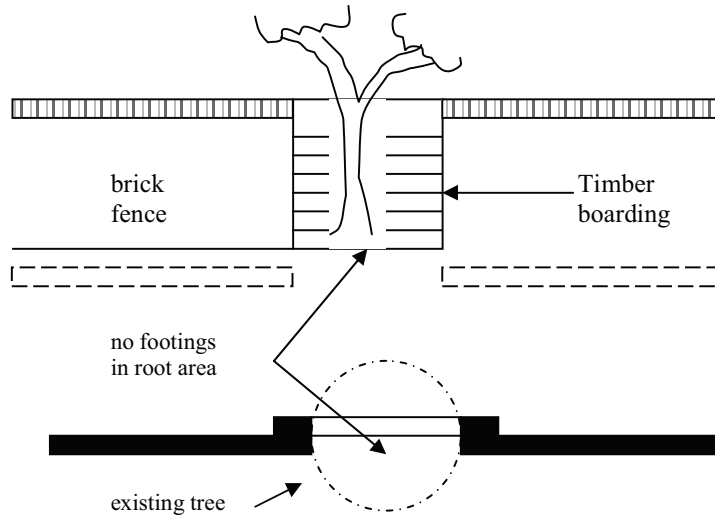
Openings for vehicular entries shall be designed to facilitate safe entry and exit conditions from the site and adjoining premises, i.e. visibility of pedestrians and ability to open gates with vehicles fully off the road (refer examples below). Gates shall open inwards to the property and provide a minimum unobstructed width of 2.5 metres. Consideration should be given to the location of access driveways to adjoining premises.



7.4 PLANTING

Where fences are required to be set back from the boundaries of the site, planting with species capable of reducing the visual impact of the fence shall be implemented. Plants and trees should be selected so that damage to the fence or footpath will not occur.

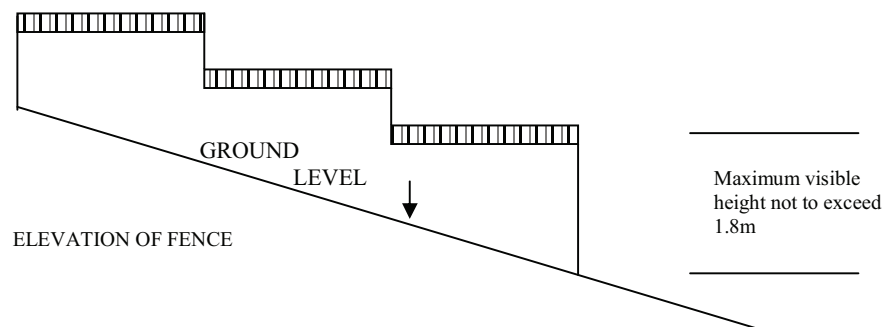
All existing trees subject to the Tree Preservation Order are to be preserved and provision should be made to prevent disturbance to root systems.



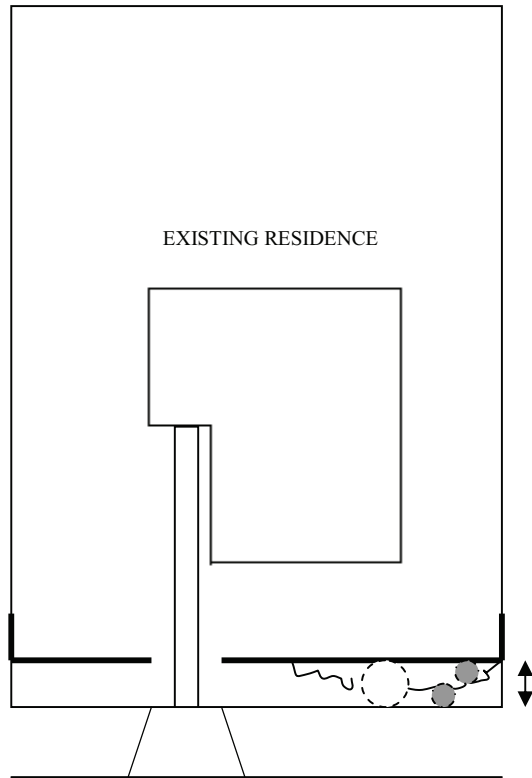
8. FENCING REQUIREMENTS - PRIMARY & SECONDARY BUILDING LINES

8.1 SOLID FENCES

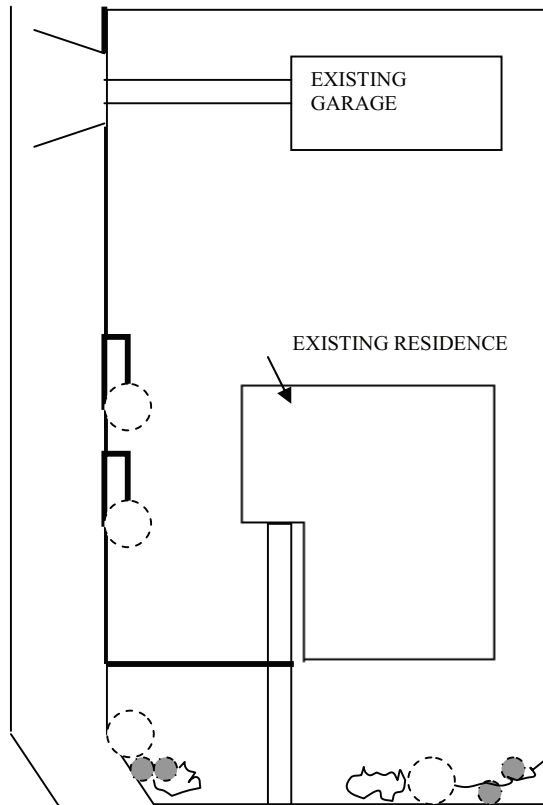
Solid fences such as block masonry, paling, brushwood and sheet or panelled fences shall not exceed 1.8m in height at any point when measured above Council's footpath level. (Note: concessions as expressed in Clause 4.1).



Solid fences to the primary frontage should be set back a minimum distance of 1.5m from the boundary. The setback area shall be landscaped to soften the appearance of the wall when viewed from the street. Solid fences of architectural merit utilizing columns, capping, variable brick bonds, etc. may be approved by Council on the boundary alignment.



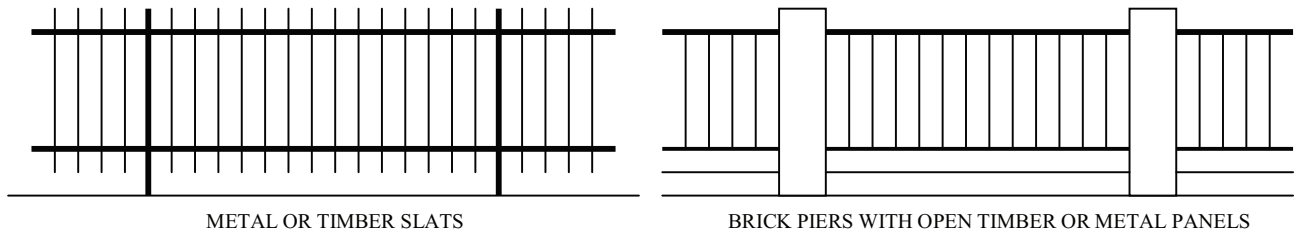
Solid fences to secondary frontages on corner allotments may be constructed on the allotment boundary providing they do not extend forward of the front alignment of the dwelling.



8.2 OPEN TYPE FENCES

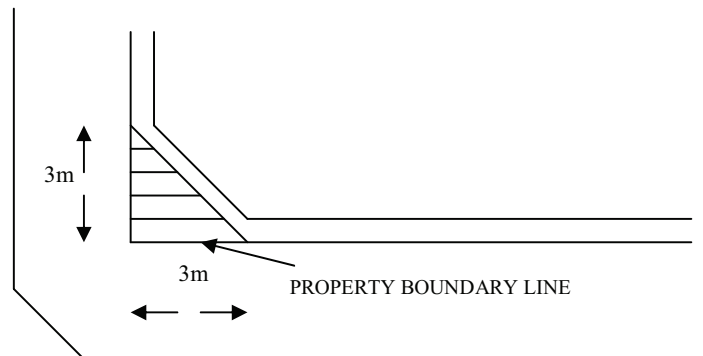
Open fences are those that are designed so that visibility to the enclosed area is not substantially restricted.

Open type fences must not exceed 1.8m in height above natural ground level but may be erected on the boundary alignment.



8.3 SIGHT LINES AT INTERSECTIONS

Where a solid fence is proposed at a road intersection, special consideration must be given to providing satisfactory sight distances for traffic. A 3m by 3m splay will normally be required in these locations.



Planting in the splay area should be trees with high foliage or low profile shrubs to maintain sight lines.

8.4 FENCING IN FORESHORE ZONES

Fencing in foreshore areas shall be designed to preserve views and to minimise disturbance to the natural landscape. Preference will be given to open type fences that are unobtrusive and do not restrict views.

Generally, solid fences will not be permitted between the Foreshore Building Line and Mean High Water mark.

8.5 BRICK FENCES

8.5.1 Footings.

Footings shall be reinforced concrete founded on a sound foundation and excavated to such a depth that the top of the footing will be 50mm below finished ground level, except for footings on a road boundary whereby the top of the footing must be 170mm (two brick courses) below finished ground level. No part of the footing shall encroach over the allotment boundary.

Where there is no existing kerb and gutter, Council must be consulted to obtain appropriate levels so that footings will be set below future footpaths.

8.5.2 Stability.

Stack bond or brick on edge will not be approved unless designed by a Consulting Structural Engineer. Properly bonded supporting piers are to be provided at not greater than 2m centres to single brick walls.

Free standing ends of brick fences shall be adequately supported by return walls that are a minimum length of half of the height of the wall and carried to the full height of the fence in matching bond.

8.6 DRAINAGE

Satisfactory provision shall be made for drainage lines to collect and discharge surface and seepage water to prevent damming of water on adjoining sites and to not interfere with the natural flow of surface water.

9. DIVIDING FENCES LAW

This law is administered by the Chamber Magistrate at your Local Court, and not the Council. You can obtain more information in the Department of Local Government publication “Dividing Fences Law” which explains issues like shared costs, recovering costs, fencing notices, and disputes. This publication may be downloaded from the Forms/Fees/Charges page of our website. For more information contact the Chamber Magistrate at your Local Court.

10. THE BUILDING CODE OF AUSTRALIA

For information on the Building Code of Australia (BCA): www.abcb.gov.au

11. TO CONTACT US

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