



Local Planning Policy 13 – Street Fencing, Walls and Gates (LPP13)

Management Procedure

Relevant Delegation

Purpose

1. Background and Introduction

Street fences and walls significantly contribute to the streetscape and amenity of an area and can influence pedestrian and motor vehicle safety and street surveillance.

On 27 June 2016, the City adopted Fencing Local Law 2016, which was published in the Government Gazette on 2 September 2016. The City's Fencing Local Law 2016 sets provisions for 'sufficient' dividing fences (as defined in the local law), for fencing throughout the City in residential, rural, commercial and industrial zones

This Policy is prepared in accordance with Clause 3, Schedule 2 of the Planning and Development Regulations 2015 (WA) and Part 7.3.1(a) of State Planning Policy 3.1 – Residential Design Codes (R-Codes).

The Policy:

- a) Clarifies when and how the City will consider a fence or wall variation within the front boundary set back of a property, or along the boundary between private and public property;
- b) Provides a table of recommended materials for fences and walls in these areas; and clarifies
- c) Assessment criteria for unauthorised fences, walls and gates.

2. Application of Policy

This Policy applies to all development proposing a fence, wall or gate throughout the City of Kalamunda

3. Statutory Authority/ Legal Status

This Policy has been prepared in accordance with Planning and Development (Local Planning Scheme) Regulations 2015 (WA) (Regulations) and Part 7.3.2 of the R-Codes to supplement the R-Codes deemed-to-comply provisions, clause 5.2.4 and clause 6.2.2

a) Relationship to LPS No. 3

- i. This policy is a planning policy prepared, advertised and adopted pursuant to Part 2 of Local Planning Scheme No.3. The policy augments and is to be read in conjunction with the provisions of Local Planning Scheme No.3 relating to development.
- ii. If there is a conflict between this local planning policy and the Scheme, then the Scheme shall prevail.

b) Relationship to Fencing Local Law 2016

If there is a conflict between the policy and the Fencing Local Law 2016, then the Policy shall prevail.

c) Relationship to other state planning/development control policies and guidelines. This Policy has due regard to, and should be read in conjunction with, State planning policies and guidelines. Of particular relevance to this policy are:

- i. State Planning Policy 1 – State Planning Framework.
- ii. State Planning Policy 3.1 – Residential Design Codes.
- iii. State Planning Policy - Liveable Neighbourhoods
- iv. State Planning Guidelines - Designing out Crime.

This Policy:

- a) Has due regard to, and should be read in conjunction with, the City of Kalamunda's other local planning policies;
 - b) Has been prepared in accordance with Part 7.3.2 of the R-Codes and amends the deemed-to-comply provisions of 'Street Walls and Fences' clause 5.2.4 and clause 6.2.2 including height limits; and
 - c) Provides supplementary information regarding performance objectives for fencing above retaining, and performance objectives for clause 5.3.8 'Retaining Walls'.
- d) Relationship to Dividing Fences Act 1961 (WA) (Dividing Fences Act)
- i. Currently dividing fences are administered under the Dividing Fences Act.
 - ii. If there is a conflict between this Policy and the Dividing Fences Act, then the Act shall prevail.

4. Policy Objectives

To provide clarity and design guidance through a detailed framework to supplement the provisions of Clauses 5.2.4 and Clause 6.2.2 of the R-Codes.

Provide development standards for all street fence, wall and gate development within the City of Kalamunda.

Policy Statement

This Policy applies to all fences, walls and gates within the front setback area and on the boundary between public and private land.

All other dividing fences are to be in accordance with the Dividing Fences Act and the Fencing Local Law 2016 (the Local Law).

Where a development for a fence, wall or gate is fully compliant with this Policy, development approval will not be required. A building permit may however be required.

A development application is required for unauthorised developments for fences and walls.

1. Residential Zoned Land

In addition to the requirements under Clause 5.2.4 and Clause 6.2.2 of the R-Codes, the provisions of this Policy should be applied when assessing applications for street fencing, walls and gates:

If a street fence complies with Table 1 and Table 2, a planning application is not required.

A building licence will still be required to be submitted and approved by the City.

Street fence materials must comply with Table 2- Acceptable Fencing Materials within the Front Setback as outlined in this policy

Table 1 – Heights of Sufficient Fences and Screening

The following heights criteria are applied in Residential zoned areas.

Fencing Wall and Gate Type	Acceptable Criteria
Front fence, wall or Gate. Site with an R Coding of R2 to R10	Subject to the same provisions as Rural fencing (see Part 8).
Front fence, wall or Gate. Site with an R Coding of R12.5 to R40	Solid portion permitted up to 1.2m , and visually permeable (see Table 1.1) to a maximum height of 1.8m within the front setback area or side otherwise identified as the primary access (refer Attachment 3 – Examples of Front Fencing) A street fence or wall may be varied to a solid height of 1.8m where the property faces any of the roads listed in Appendix 1 and the dwelling is subject to headlight glare or excess noise from traffic calming devices such as a chicane.
Front fence, wall or Gate. Site with an R Coding of R40 to R80	Visually permeable to max height of 1.2m as per part 6.2.2 of the R-Codes.

<p>Dividing Fence (separating two privately owned properties)</p>	<p>As per the Dividing Fences Act 1961 and the Fencing Local Law. Dividing fence heights that exceed 1.8m require a development application and approval by the City.</p>
<p>Hedging</p>	<p>Hedges are encouraged as an alternative to a fence or wall and should be maintained to a height of 1.2m to provide adequate street surveillance</p>
<p>Uniform fence (boundary of private property adjoining a public domain)</p>	<p>Solid portion permitted to 1.8m.</p>
<p>Boundary fence (street or Public Open Space POS)</p>	<p>Solid portion to 1.2m in height within the front setback and 50% visually permeable to a maximum height of 1.8m. Solid portion permitted to 1.8m behind the front setback line (refer Appendix 2 – Indicative Diagram of Fencing).</p>
<p>Gates</p>	<p>All gates are to be visually permeable above 1.2m (see Definitions) and open inwards or sideways so as not to obstruct the road or footpath. Gates are to comply with total fence or wall heights as outlined in Table 1 unless otherwise approved by the City.</p>
<p>Sightlines</p>	<p>To maintain sightlines fences and walls shall be a maximum height of 0.75m within 1.5m of where a driveway meets a public street and where two streets intersect, and/or truncated at the conflict point (Part 5.2.5 and 6.2.3 R-Codes).</p>

Table 2 – Acceptable Fencing Materials within the Front Setback

*Front fencing and walls in Residential zoned land, with the exception of **R2 - R10 residential zoned land, shall be in accordance with the materials as prescribed in Table 2.

Fencing Material	Acceptable Criteria
Masonry Limestone Brick Stone Slate	Permitted
Metal Wrought Iron Decorative Steel Aluminum of an open style	Permitted
Timber Slats Maintaining permeability up to a minimum of 50% of the surface area	Permitted
Powder Coated Steel or Aluminium	Permitted behind the front setback.
Chain Link Wire Mesh	Permitted behind the front setback.
Fibre Cement Sheeting Brush Type Style Fencing Asbestos containing Material Star Pickets and Wire Post and Wire Barbed Wire Fencing	Not Permitted Not Permitted Not Permitted Not Permitted Not Permitted Not permitted in Residential Areas

*Refer Appendix 3 for examples of appropriate front fencing in Residential Zoned areas.

**For acceptable street fencing material, refer to Part 7 – R2-R10 and Rural zoned land.

2. Retaining Walls and Fill

Where retaining walls or fill are proposed above 500mm above natural ground level within the front setback area, any fencing should be of an 'open style' and visually permeable.

A visually permeable fence may be permitted above the height of the retaining wall where it meets the following criteria:

a) Design for front fence retaining walls:

- i. Retaining should be designed to be as close to natural ground level as practicable (refer Figure 2).
- ii. The amount of fill brought onto the site should be minimised and must be 'clean' fill.
- iii. Where retaining walls are greater than 500mm in height the fencing portion above the retaining wall shall be a minimum 50% visually permeable (as defined by the R-Codes) and be, up to a maximum total height of 1.5m above the height of the retaining wall portion (see Figure 1).

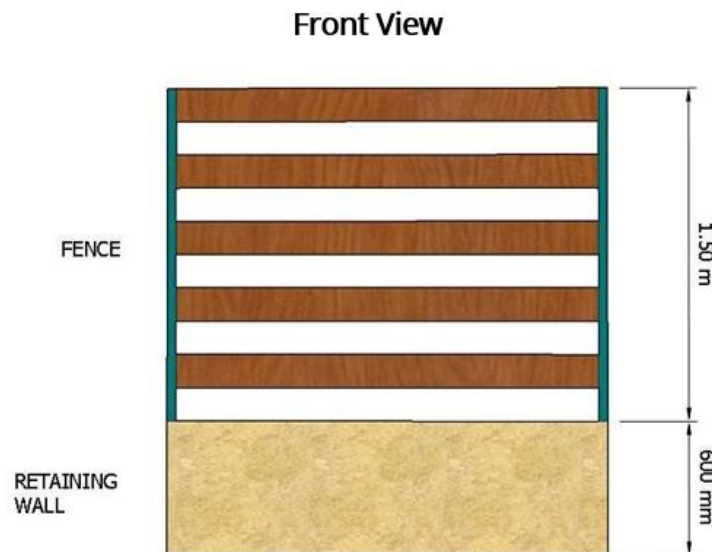


Figure 1 – Elevation demonstrating 7.2 (a)(iii) fence above retaining over 500mm. Fence above retaining should be a maximum of 1.5m in height and 50% visually permeable.

- iv. Where, in the opinion of the assessing officer, the height of a retaining wall above 500mm with a 1.5m fence above may have an undesirable impact on the streetscape the design shall be modified to include terracing and vegetative screening where practicable (see Figure 2).
- v. Street surveillance shall be maintained in accordance with the R-Codes regardless of permissible height requirements. vi) Stormwater to be retained onsite.
- vi. Where retaining walls exceed 500mm in height, landscaping shall be planted in front of the wall to minimise visual building bulk to the streetscape. Landscaping plans are to be submitted with all applications for retaining over 500mm and designed to maintain/maximise street surveillance with species of plants to be approved by the City.

- vii. Where the retaining exceeds 500mm above natural ground level the City may require the applicant to mitigate the bulk by terracing the retaining and/or setting the wall back from the boundary to provide for permanent planter boxes facing the street (see Figure 2).

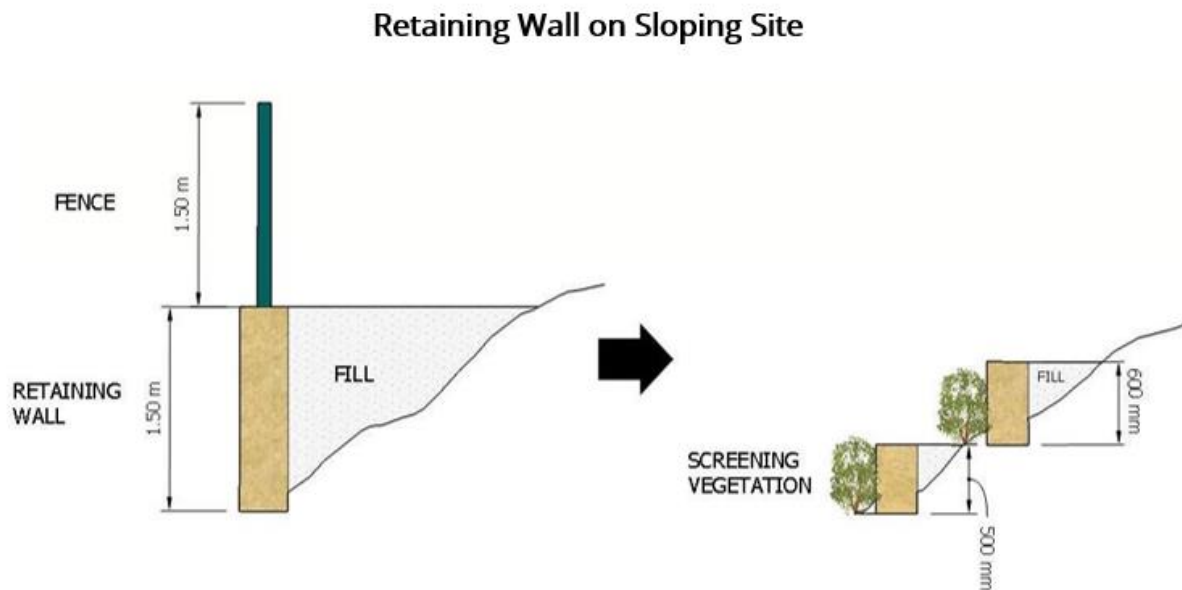


Figure 2. Design objective for retaining walls on a sloping site. High retaining with a fence above should be avoided. Design features such as terracing and landscaping planted in front of retaining walls minimises the visual impact on the streetscape.

3. R2 to R10 and Rural Zoned Land

Front fences, walls and gates should maintain high visual permeability to retain the rural aesthetic and character of an open streetscape (Refer to Appendix 3 for examples of appropriate fencing).

Front fencing and walls in rural zones may be solid to a maximum height of 1.2m and visually permeable to 1.8m.

Street fencing to comply with Schedule 3 of the Fencing Local Law.

Applications for variation may be applied where necessary for the containment of livestock/large animals and other agricultural uses, provided street surveillance is maintained, and adequate sightlines are provided at intersections and at crossovers.

4. Commercial, District Centre, Activity Centre, Service Station, Private Club and Institutions, and Mixed Use Zoned Land.

The standard of fencing, walls and gates for commercial and institutional developments will be assessed on its own merits (refer Appendix 3 for examples of appropriate front fencing).

Generally, the standard of street fencing and walls will be assessed against the same criteria as Residential zoned land and taking into consideration the existing streetscape, sightlines, crime prevention through environmental design as well as minimising opportunities for blank walls and graffiti opportunity.

A fence or wall or gate shall not be approved if it is deemed to have a negative impact on visual amenity, safety, street surveillance, or anti-social behaviour in the area.

Fencing, gates and walls in non-residential areas will be assessed in accordance with Schedule 2 of the Local Law.

Where this Policy conflicts with a Structure Plan, Local Development Plan (LDP), or Design Guidelines for an industrial area, the adopted LDP/Design Guidelines shall prevail.

5. Front Fences and Walls in Industrial and Industrial Development Zoned Land

Fencing and gates shall be a maximum height of 2.1m and shall be visually permeable.

Solid front fences will not be permitted in an Industrial zoned area. Solid elements should be incorporated as pillars or posts (refer to Appendix 3 for examples of appropriate front fencing).

Fencing and gates shall be integrated (with complimentary colours, textures or materials) with the site planning and design of the building and details required to be submitted as a planning application

Sliding front gates are preferred. Where swinging gates are installed on boundary fencing they shall open inwards from the street.

Black is the preferred colour for metal tubing rail fences (including garrison fencing).

No chain link mesh fencing is permitted forward of the front setback line.

Where fencing or walls are proposed behind the front setback line, the minimum standard is black PVC galvanised link mesh fencing or palisade and welded mesh fencing.

Electrified fencing and barbed wire on top will only be permitted on a case by case basis at the discretion of the City.

For all dividing fences and walls behind the front setback see Schedule 2 of the Local Law.

Where this policy conflicts with a Structure Plan, Local Development Plan (LDP), or Design Guidelines for an industrial area the adopted LDP/Design Guidelines shall prevail.

6. Unauthorised Fence, Wall and Gate Applications

Where an unauthorised fence, wall or gate is deemed dangerous or a hazard the owner will be given notice to remove it immediately in accordance with Part 8.4.2 'Unauthorised Existing Developments' of the Local Planning Scheme.

The height and visual permeability may be required to be modified to be compliant without total demolition of the fence. Applications for non-compliant unauthorised fencing shall be remedied by the owner to be compliant with this policy. Where variation to the policy is sought justification for the variation must be provided and other materials or methods may be used to 'soften' the impact of the fence or wall. This may include the following measures;

- a) Converting portions of fence above 1.2m to visually permeable material.
- b) Adding colours or texture to 'break-up' the bulk, and/or

- c) Adding vegetative screening. Species and size of planting to be approved by the City.

An unauthorised street fence, wall or gate can be approved where the justification is deemed reasonable, and the owner has proposed sufficient modifications in accordance with Part 11.2, and the proposal will not set an undesirable precedence for the area with consideration to Part 13 'Matters to be considered' of this policy.

An unauthorised street fence, wall or gate can be approved where the justification is deemed reasonable, and the owner has proposed sufficient modifications in accordance with Part 11.2, and the proposal will not set an undesirable precedence for the area with consideration to Part 13 'Matters to be considered' of this policy.

All unauthorised street fence, wall, and gate applications that do not take action when issued with a notice to apply for a development approval, is considered to have contravened the provisions of the Local Planning Scheme and may be subject to compliance action.

7. Maintenance and Appearance

The landowner(s) shall maintain fencing, walls, and gates to the street to a maintenance condition so as to prevent it from becoming dangerous, damaged, dilapidated, unsightly, or otherwise detrimental to the safety of the community or visual amenity of the streetscape or neighbouring properties. Where a complaint is received in writing and in the opinion of the City of Kalamunda 25% of the structure (or more) is in disrepair the owner will be required to upgrade or make good the condition of the structure to the satisfaction of the City.

All fences, walls and gates should be durable and resistant to weather conditions and vandalism (refer to Appendix 3 for examples of appropriate front fencing).

The colours and materials for all street fencing, walls or gates should blend with existing fencing along the same boundary so as retain a consistent visual impact on the streetscape or public open space.

8. Matters to be considered

The impact of the proposed street fence or wall on the amenity and character of areas, as viewed from a street, public space or neighbouring property;

- a) The impact of retaining 'bulk' (unbroken blank walls) on neighbouring properties;
- b) Whether the proposed development will still achieve a desired streetscape where a variation is applied;
- c) Whether street surveillance is maintained for the safety of residents, cyclists, and motor vehicle sightlines;
- d) Whether solar access and ventilation is maintained within the development and on adjoining properties;
- e) Any special limitation on the development of the land by virtue of its size, shape or environmental/geographical feature;

- f) Whether support for the development application will set an undesirable precedent for similar sized surrounding lots;
- g) Comments received from affected adjacent property owners/occupiers;
- h) Where wall height exceeds 500mm the applicant must demonstrate the excess height is justified and steps have been taken to minimise earthworks and fill, and that high quality landscaping can be planted to screen the development (see Figure 2); and
- i) Stormwater shall be disposed of onsite to the satisfaction of the City.

9. Variations to the Policy

Any variation to development requirements will require the applicant to provide additional justification demonstrating how the proposal will not adversely affect adjoining property owners, the streetscape or the amenity of the locality, with particular reference to 'Matters to be Considered' of this policy. The City may undertake consultation with adjoining affected property owners/occupiers during assessment.

The following variations for fencing height requirements in Residential areas may be considered:

- a) Where protection is needed from headlight glare and the road is not a primary or district distributor road, there may be a case to justify a solid portion of wall to block headlight glare to a primary outdoor living area or window to a habitable room (Refer to Appendix

1 – List of Primary or District Distributor Roads within the City).

A 1.8m height wall is deemed acceptable in these situations where the property may be subject to effects from traffic calming devices such as a chicane, can be screened with vegetation, and/or where it will not set an undesirable precedent for the street, and only where the portion of the wall required to protect from headlight glare is built solid to

1.8m with the remaining portion of the fence being designed in accordance with the requirements of the R Codes and this policy (1.2m solid, visually permeable between 1.2m-1.8m with solid pillars permitted).

- b) Where the contours of the ground or the difference in levels between one side of the fence and the other side warrant consideration of an irregular or higher fence.
- c) Where the applicant can demonstrate to the City that there is a need to provide visual screening to an outdoor living area.
- d) In the case that a proposed solid fence or wall application may be varied, the City may consider conditions providing alternative options for example; vegetative screening, as a buffer for potential noise or light pollution and/or to reduce the impact of a solid fence or wall, and/or incorporate design features as in clause 8b) of this policy. In those instances, the street fence or wall shall not exceed a total solid height of 1.8m.

- e) Where a site boundary slopes the front fence can be 'stepped' to meet an average height of 1.8m or 1.2m to the satisfaction of the City.

Adopted	26 June 2018 OCM 106/2018
Reviewed	
Next Review Date	

Definitions

Boundary fence

A “boundary fence” is a fence that is installed along a lot boundary adjoining a street or public open space or reserve

Chicane

An artificial feature creating extra turns in a road to slow traffic.

Dividing fence

A “dividing Fence” is a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary; It does not include a fence running along the boundary of a road and it does not include a retaining wall.

Front fence

A “front fence” is a fence within the front setback area of the primary street or side otherwise identified as the primary access. Gates will be considered an extension of the fence and subject to the same conditions. Street fence and wall height is measured from natural ground level from the primary street side of the fence as viewed from the street.

Gate

A hinged barrier used to close an opening in a wall, fence or hedge.

Uniform Fence

A “uniform fence” is fencing which runs along the boundary of a private property which adjoins the public domain (i.e. a Road Reserve, public open space etc.).

Sufficient Fence

A “sufficient fence” is fencing which is considered acceptable under Schedule 1, 2 and 3 of the City’s Fencing Local Law.

Visually Permeable

A “visually permeable” fence is defined in the R-Codes and is summarised as follows:

R-Code definition of visually permeable

- Continuous vertical or horizontal gaps of 50mm or greater width occupying no less than one third of the total surface area;
- Continuous vertical or horizontal gaps less than 50mm, occupying at least one half of the total surface area in aggregate
- A surface offering equal or lesser obstruction to view

All gaps should be evenly distributed across the total length of the wall unless otherwise approved

Wall

A “wall” is defined as a continuous vertical structure made from masonry that encloses or divides an area of land

Appendix 3 – Example of Front Fencing
PERMITTED



<1.2m visually permeable with masonry elements



Visually permeable on retaining to a maximum height of 1.8m



1.2m in Front Setback and 1.8m behind Front Setback. Fence follows Natural Ground Level

NOT PERMITTED



>1.2m street surveillance is not maintained



Not visually permeable, street surveillance is not maintained



Powder coated steel or aluminium not permitted in the Front Setback area.

Appendix 3 – Example of Front Fencing
PERMITTED

NOT PERMITTED



Fencing on a sloping site with minor retaining

Front fencing should be neutral tones and blend with the streetscape



Front fence retaining wall on a sloped site softened with vegetation

Retaining/fencing to follow ground level and maintain street surveillance



Hedges encouraged provided they are maintained to 1.2m

Fencing should be durable, hard wearing and resistant to vandalism

Appendix 3 – Example of Front Fencing
PERMITTED



Visual permeability extends within the Front Setback including sides



Rural style fencing to be open style and blend with the surrounding landscape



Where a 1.8m side fence abuts a public street or ROW, high quality landscaping features shall be planted.

NOT PERMITTED



No powder coated steel or aluminium sheeting permitted in Front Setback



Chain link fencing, star pickets and barbed wire not permitted in front Setback



Large expanses of blank wall should be broken up with colour, texture, or screened with landscaping.

Appendix 3 – Example of Front Fencing
PERMITTED



Industrial Fencing should have high visual permeability and incorporate landscaping including advanced trees.



Black tube metal style fencing is commonly used in industrial areas.



Where a 1.8m side fence abuts a public street, high quality landscaping features shall be planted.

NOT PERMITTED



No powder coated steel or aluminium sheeting permitted in Front Setback. Fencing should be graffiti resistant.



Barbed wire not permitted unless approved by the City.



Chain link mesh fencing not permitted in Front Setback

Appendix 3 - Examples of Front Fencing

Explanatory Notes

All fences in zones R2-R10 to be considered 'rural fencing' as per Part 8 due to the larger lot sizes and generally more open streetscapes.

All fences in zones R10-R40 within the front setback are to be consistent with the heights as outlined in the Residential Design Codes (R-Codes) Part 5.2.4 'Street Walls and Fences' as solid to 1.2m and visually permeable to a maximum height of 1.8m. Front fences may only be varied where there is reasonable justification and meets one or more of the criteria outlined in Part 14 -'Variations to this Policy', or the property abuts a road as outlined in Appendix 1.

All street walls and fences R40-R80 are subject to the R-Codes Part 6.2.2 'Street Walls and Fences' which are to be visually permeable from natural ground level with masonry elements to a maximum height of 1.2m.

The City's fencing Local Law outlines minimum standards for a sufficient fence in residential, commercial, industrial, and rural lots. The Local Law applies to all fencing behind the front setback which is subject to the Dividing Fences Act while this policy outlines select materials which are not permitted within the front setback and deemed to detract from the character and amenity of the area.

Appendix 2 Indicative Diagram of Fencing is a representation of where front fencing and boundary fencing applies. Diagram 3 and 4 are a guide only and may not apply in all situations, particularly on unconventional shaped lots. Circumstances may vary and are subject to the discretion of the assessing officer.

Appendix 3 - The Fence and Wall Examples Information Sheet provides a visual guide to a sufficient front fence in different zones. This is to be used as a guide only. The City can consider a variety of other materials and designs provided they meet the criteria and objectives of this policy and the R-Codes.

Retrospective applications or development applications proposing variation to the deemed-to-comply provisions should be assessed based on individual merit and give consideration to the Scheme and Part 13 'Matters to be considered' and Part 14 'Variations to this policy'.