

DEVELOPMENT SERVICES Building

Attachment 1

4.3.4

TITLE: FENCES WITHIN THE TOWNSITE OF BROOME

ADOPTED: OCM 9 September 2003 – Page 49 - 50

REVIEWED: OCM 3 March 2004 – Pages 29 - 31

**ASSOCIATED
LEGISLATION:**

**ASSOCIATED
DOCUMENTS:**

**REVIEW
RESPONSIBILITY:** Manager Building Services

DELEGATION:

Previous Policy Number 5.1.4

Objective:

- to control the style, height and location of fencing within the town site of Broome;
- minimize adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity;
- To facilitate the erection of desirable fencing without the need for Council approval;
- To provide a procedure for approval of non-standard fencing.
- To ensure fencing satisfies the objectives of the Residential Design Codes of Western Australia.

Definitions:

In this Policy the following definitions shall apply:

- "Fence" is any barrier, railing, wall or other upright structure intended to enclose an area of land, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property but does not include any privacy screen, trellis or the like.
- "Breezeway Fencing" refers to any form of fencing, complying with this policy, that has not less than 10% of its surface area open, provided that this minimum area is uniformly provided throughout the length and height of the fence.
- "Height" in relation to a fence shall be the height at any given point between that side which has the highest ground level, whether natural or retained, and the highest point of the fence immediately above that point.
- "Land" shall have the same meaning as that contained in the Interpretations Act 1918.

- "R- Codes" means the Residential Design Codes of WA (2002) as amended from time to time.
- "Sharp or Jagged" means having an edge able to cut or pierce without the exertion of significant force.
- "Street Setback Area" refers to that area of land between the street alignment and the street setback line as set out, or established, under the Residential Design Codes of Western Australia. (Refer to diagrams).
- "Town Planning Scheme" means the Shire of Broome Town Planning Scheme No. 4 (referred to as TPS 4) as amended from time to time.
- "Visually Permeable" means:
 - having continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
 - having a surface offering "equal or lesser obstruction to view". (Refer to diagrams).

Policy:

This policy applies to the Broome town site area only.

Application of Policy.

This Policy shall apply to all fences within the town site of Broome except those that are specifically exempted.

Approval of Council.

The approval of the Shire is not required for the erection of fences within the town site of Broome, except for the Chinatown and Tourist precincts, providing the fence is constructed and located in accordance with the provisions of the relevant schedule(s) and the general provisions of this Policy.

Where a proposal to erect a fence does not comply with the provisions of the relevant schedule(s) under this policy then an application for approval of the fence is required to be submitted to Shire and must include the following;

- A letter requesting approval for the fence
- A site plan illustrating the proposed location of the fence;
- Construction and height details of the proposed fence.
- Adjoining owner comments where the fence is situated on or within 1.0metre of an adjoining boundary.
- Payment of any fee required.

(Note in some circumstances a Development Application may be required)

Delegation to Approve Fence Applications

The authority to approve fence applications under this Policy shall be delegated to Shire's Chief Executive Officer, who may sub delegate in accordance with his authority and where the CEO or a designated delegate is of the opinion that an application should be refused on merit then such application shall be dealt with by way of a planning application and the matter referred to Council for determination.

NOTE - Variations to this policy may be approved with or without conditions and variations that involve fences on or adjacent to the street or road boundary may require landscaping to be provided as part of any approval.

Exemptions

This policy does not apply to: –

- Any fence approved and erected as part of a development approval currently in force;
- Any government authority, corporation or body exempt from the provisions of Councils Town planning Scheme.

General Requirements

Fences are to be constructed to a minimum standard of Region C cyclonic wind conditions and for a Terrain category 2 and shall be erected in accordance with any relevant manufacturers requirements.

Fences shall not have any sharp or jagged projections (other than as permitted for barbed wire in the Industrial Zone) or any metal or other material capable of inflicting injury to any person or animal and shall not be electrified by any means.

Fence should be "Breezeway Fencing" as defined under this policy. The Shire of Broome firmly supports the use of "Breezeway" fence construction to facilitate the flow of cooling breezes between properties.

Front fence or fences fronting a public reserve shall be constructed with the supporting members (ie posts and rails) within the property side of the fence.

No person shall permit the storage of any materials whatsoever, used in conjunction with the erection of any fence, to remain on any public reserve, public place or land vested in or under the care, control and management of the Shire unless the written approval of Shire has been granted.

No person shall construct or repair a fence using secondhand materials unless the written approval of Shire has been granted.

The owner of land upon which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it becoming dangerous or unsightly.

Any fence erected on the common boundary shall be erected in accordance with the requirements of the Dividing Fences Act 1961.

SCHEDULES

(A) RESIDENTIAL AREAS.

(1) Materials

Fences are to be constructed of the following types of materials;

- Brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting- (other than zincalume).

(2) Height of Fences

Fences shall not exceed the following heights without the written approval of Shire;

- Side and rear fences (i.e. Not within the Street Setback Area) - 1800mm.
- Front fences or any fence within the Street Setback Area - 1800mm providing that: -
 - it is visually permeable above 1.2 metres in height and,
 - provided that it is truncated or reduced to no higher than 0.75m within 1.5m of vehicle access points where a driveway meets a public street, and where two streets intersect. (Refer to diagram). (Note this is not required where the fence is visually permeable for its full height e.g. link mesh fencing).

(B) INDUSTRIAL AREAS.

(1) Materials

Fences are to be constructed of the following types of materials;

- Brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, brushwood or metal sheeting – (other than un-painted zincalume).

(2) Height of Fences

Fences, other than those with barbed wire security strands complying with this schedule, shall not exceed the following heights without the written approval of the Shire;

- Side and rear fences (i.e. Not within six metres of a street or road boundary) – 2100mm – (except in accordance with the barbed wire provisions of this schedule).
- Front fences or any fence within six metres of the lot boundary fronting any road or street – 2100mm - providing that fences are visually permeable.

Barbed wire is permitted providing that it does not encroach beyond the property boundary and it is not nearer to the ground surface than 2100mm – NOTE - In these circumstances the height of the fence may extend to 2400mm.

(C) CHINATOWN

Fencing in the Chinatown Precinct is deemed to be development under the provisions of the Shire of Broome TPS No 4 and accordingly all fences within this precinct require planning approval to be obtained.

A development application for a fence is required to illustrate the design, materials and construction details of the proposal.

Residential developments within the Chinatown precinct are required to satisfy the requirements of the R- Codes and this fencing policy.

(D) TOURIST PRECINCTS

Fencing in Tourist Precincts is deemed to be development under the provisions of the Shire of Broome TPS No 4 and accordingly all fences within these precincts require planning approval to be obtained.

A development application for a fence is required to illustrate the design, materials and construction details of the proposal.

Residential developments within a Tourist Precinct are required to satisfy the requirements of the R- Codes and this fencing policy.

(E) OLD BROOME PRECINCT

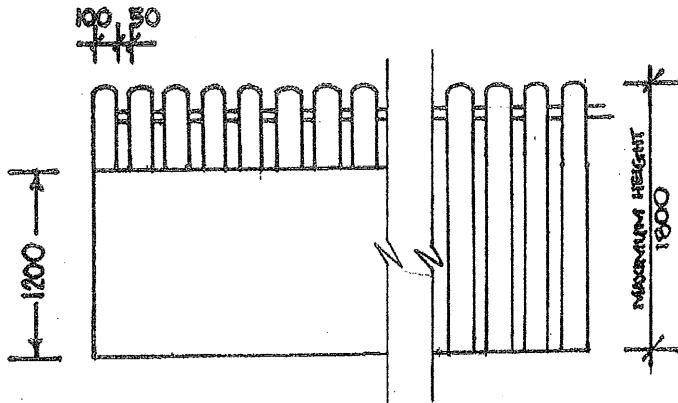
The Old Broome Precinct is that area contained within the Residential quarter of Broome bounded by Frederick St, Herbert St and Roebuck Bay. (Refer to Broome Housing Strategy).

Fences within the "Old Broome Precinct" shall comply with the provisions of the Broome Housing Strategy. Details of fencing proposal within this precinct need to be discussed with officers from the Shire's Planning Department to ensure any proposal is in accordance with this strategy.

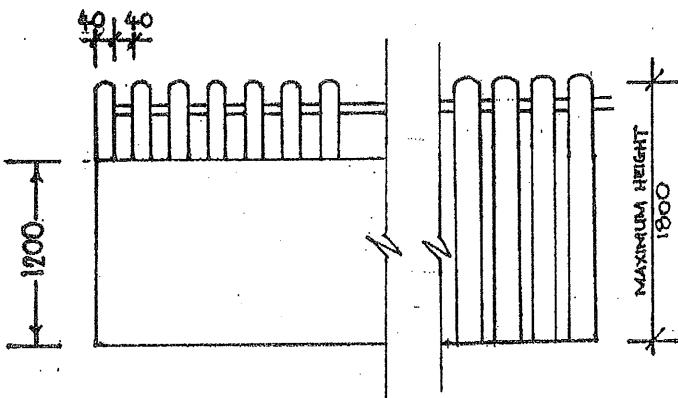
FENCING REQUIREMENTS

Visually Permeable

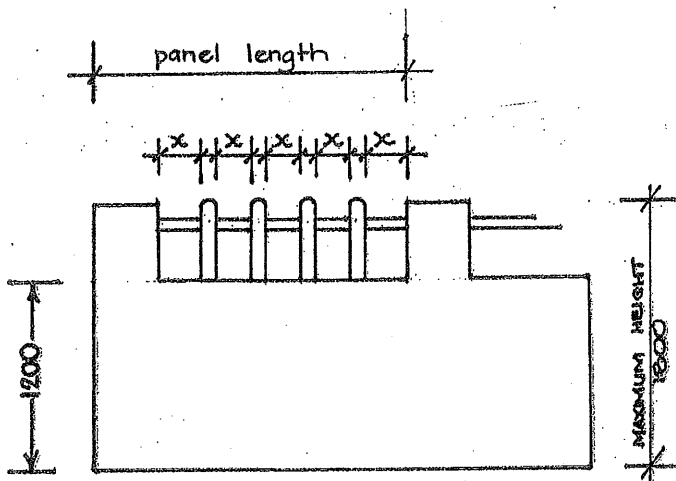
DIAGRAM B.



Example 1-
Continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate.

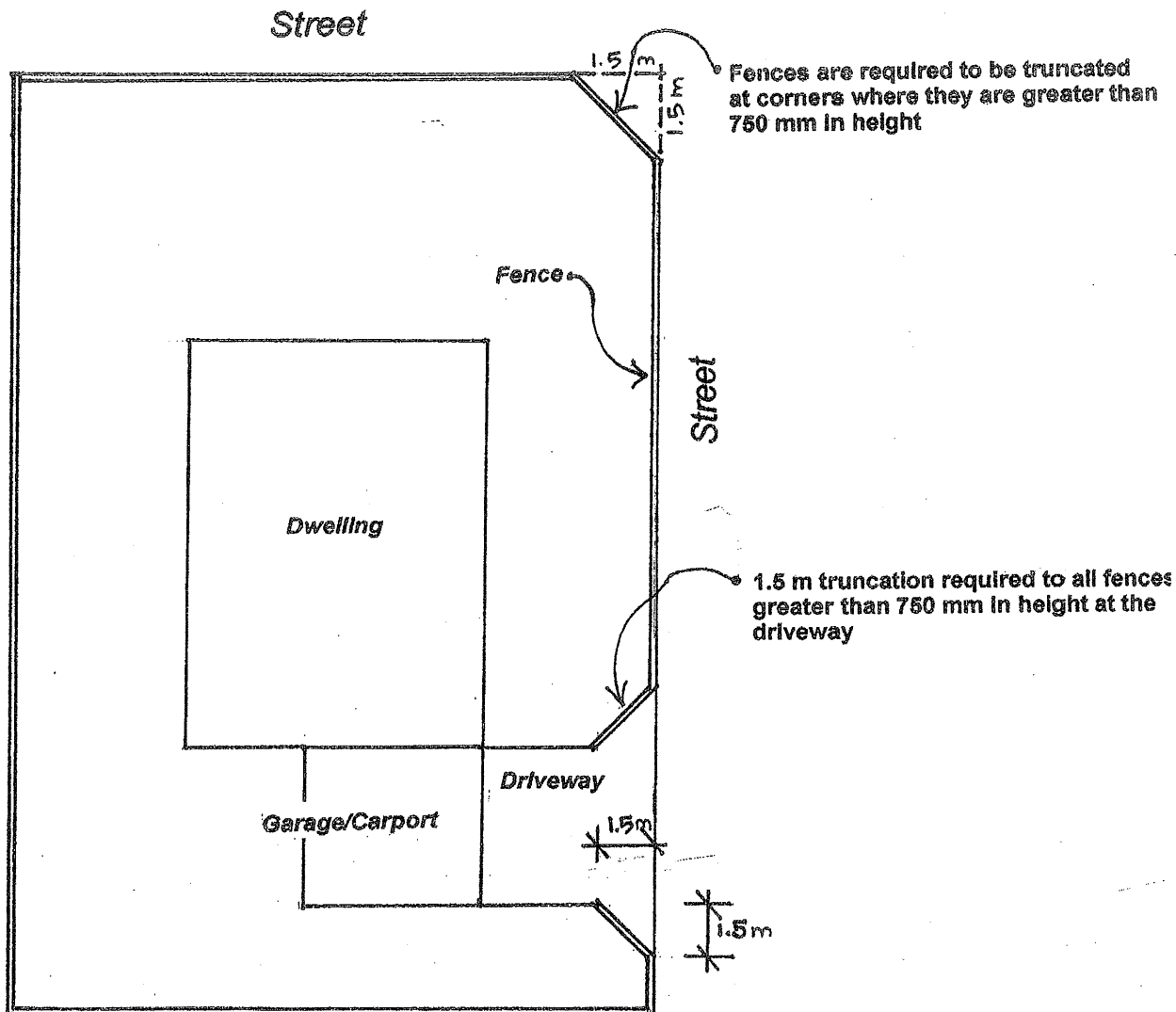


Example 2-
Where gaps are less than 50mm the vertical members shall not exceed the width of the gap.



Example 3-
The sum of "x" when measured over a panel length is equal to or greater than the area of the solid members. This will result in that panel offering "an equal or lesser obstruction to view".

FRONT FENCE TRUNCATIONS



SHIRE OF BROOME TOWN PLANNING SCHEME No.4 (TPS4)-LOCAL PLANNING POLICIES
 This Policy is a Local Planning Policy adopted under the provisions of Clause 2.5 of TPS4. TPS4 is administered by the Council of the Shire of Broome as the responsible authority under the Scheme. TPS4 was gazetted and came into operation on the 21st December 1999.
 Planning policies adopted under TPS4 may only be amended or rescinded after the procedures set out in Clause 2.5 and 2.6 have been completed.

LOCAL PLANNING POLICY Attachment 2

TITLE: FENCES WITHIN THE TOWNSITE OF BROOME

ADOPTED: OCM 9 September 2003 – Page 49 – 50 (Building Policy)

REVIEWED: OCM 3 March 2004 – Page 29 – 30

ASSOCIATED LEGISLATION: Town planning Scheme No4

ASSOCIATED DOCUMENTS:

REVIEW RESPONSIBILITY: Manager Planning Services.

DELEGATION:

Previous Policy Number 4.3.4

Objective:

- to control the style, height and location of fencing within the town site of Broome;
- minimize adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity;
- To provide a procedure for approval of non-standard fencing.
- To facilitate the erection of desirable fencing without the need for Council approval.

This policy applies to the town site area only.

Definitions:

In this Policy, the following definitions shall apply:

- "Fence" is any barrier, railing, wall or other upright structure intended to enclose an area of land, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property but does not include any privacy screen, trellis or the like.
- "Breezeway Fencing" refers to any form of fencing, complying with this policy that has not less than 10% of its surface area open, provided that this minimum area is uniformly provided throughout the length and height of the fence.
- "Height" in relation to a fence shall be the height at any given point between that side which has the highest ground level, whether natural or retained, and the highest point of the fence immediately above that point.
- "Land" shall have the same meaning as that contained in the Interpretations Act 1918.

- "R Codes" means the Residential Design Codes of Western Australia (2008) as amended from time to time.
- "Sharp or Jagged" means having an edge able to cut or pierce without the exertion of significant force.
- "Street Setback Area" refers to that area of land between the street alignment and the street setback line as set out, or established, under the Residential Design Codes of Western Australia.
- "Town Planning Scheme" means the Shire of Broome Town Planning Scheme No. 4 (referred to as TPS 4) as amended from time to time.
- "Visually Permeable" where referred to will have the same meaning as that given to it in the R Codes.

Policy:

Approval of Council.

Fences in residential areas do not require approval if they are constructed and located in accordance with the provisions of this policy and the R Codes.

All other fences are required to submit an application for planning approval

When submitting an application for planning approval the following required;

- A letter requesting approval
- A site plan illustrating the proposed location
- Construction and height details
- Adjoining owner comments where the fence is situated on or within 1.0metre of an adjoining boundary.

Exemptions:

This policy does not apply to: –

- Any fence approved and erected as part of a development approval currently in force;
- Any government authority, corporation or body exempt from the provisions of Councils Town planning Scheme.

General Requirements:

- Fences shall not have any sharp or jagged projections (other than as permitted for barbed wire in the 'Industrial' zone) or any metal or other material capable of inflicting injury to any person or animal and shall not be electrified by any means.
- The use of breezeway fencing to facilitate the flow of cooling breezes between properties is strongly encouraged.
- Front fence or fences fronting a public reserve shall be constructed with the supporting members (i.e. posts and rails) within the property side of the fence.
- No person shall permit the storage of any materials whatsoever, used in conjunction with the erection of any fence, to remain on any public reserve,

public place or land vested in or under the care, control and management of the Shire without the approval of Council.

- o No person shall construct or repair a fence using second hand material without the approval of Council.
- o The owner of land upon which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it becoming dangerous or unsightly.
- o Any fence erected on the common boundary shall be erected in accordance with the requirements of the Dividing Fences Act 1961.

Residential areas

Fences within residential areas shall comply with the following:

Materials Used

- o Suitable materials include brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting- (other than zincalume).
- o Not permitted materials – include electric, barbed wire or similar sharp or jagged projections

Primary Street fence

- o Shall comply with the provisions of the R Codes .
- o Shall not exceed a height of 1.8m without the approval of the Council.

Secondary Street fence

- o Shall comply with the provisions of the R Codes
- o Shall not exceed a height of 1.8m without the approval of the Council.
- o Along the secondary street and within the primary street setback area the fence above 1.2 m is to be visually permeable replicating the design of the fence along the primary street
- o Along the remainder of the secondary street the fence is to be a design that contribute to an attractive streetscape for passers-by while providing adequate security and privacy to occupants of the building (refer Attachment 1)
Figure 1.

Common boundary fences

- o Fences shall not exceed a height of 1.8m without the approval of the Council.
- o Shall be erected in accordance with the Dividing Fences Act.
- o Where possible breezeway fencing is encouraged.



Industrial zones.

Fences within the 'Light & Service Industrial' and 'Industrial' zones are to comply with the following

Materials Used

- o Suitable materials include brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting – (other than un-painted zincalume).
- o Barbed wire strands are permitted provided it is contained within the property boundary and located 2100mm from the ground surface
- o Not permitted materials include – razor wire or electric fences

Height

- o Side and rear fences (that do not contain barbed wire) up to within six metres of a street or road boundary – maximum height 2100mm
- o Front fences or any fence within six metres of a street or road boundary (that do not contain barbed wire) - maximum height 2100mm
- o A fence that incorporates barbed wire - maximum height 2400mm.

Visual permeability

- o Front fences or any fence within six metres of a street or road boundary is to be visually permeable

'Town Centre - Chinatown' zone

Fencing in Chinatown is deemed development under the provisions of the Shire of Broome TPS No 4 and accordingly all fences within this precinct require planning approval to be obtained.

Residential developments within the Chinatown precinct are required to satisfy the requirements of the R- Codes and this fencing policy.

All other zones

Fencing in all other zones is deemed to be development under the provisions of the Shire of Broome TPS No 4 and accordingly require an application for planning approval.

Residential development within all other zones are required to satisfy the requirements of the R Codes and this fencing policy.

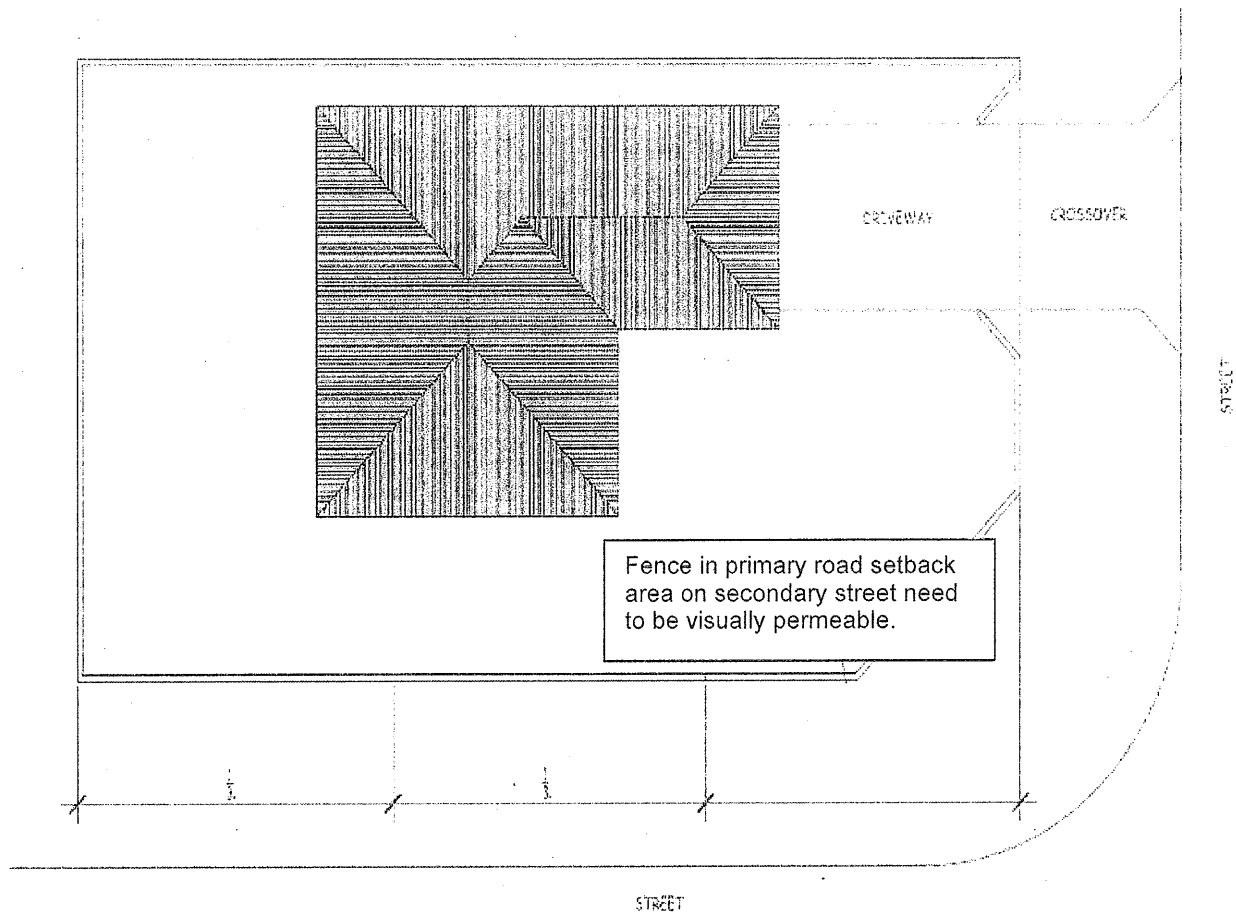


Figure 1

SHIRE OF BROOME TOWN PLANNING SCHEME No.4 (TPS4)-LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted under the provisions of Clause 2.5 of TPS4. TPS4 is administered by the Council of the Shire of Broome as the responsible authority under the Scheme. TPS4 was gazetted and came into operation on the 21st December 1999. Planning policies adopted under TPS4 may only be amended or rescinded after the procedures set out in Clause 2.5 and 2.6 have been completed.