

## LOCAL PLANNING POLICY

5.8

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| <b>TITLE:</b>                  | <b>FENCES</b>   |
| <b>ADOPTED:</b>                | OCM 9 September 2003 – Page 49 – 50 (Building Policy)   |
| <b>REVIEWED:</b>               | OCM 3 March 2004 – Page 29 – 30<br>OCM 28 October 2010 – Page 97 – 99<br>OMC 30 July 2015 – Pages 28 – 40<br>OMC 17 December 2015 – Pages 110 – 121<br>OMC 25 May 2017 – Pages 85 – 260<br>OMC 14 December 2017 – Pages 1030 – 1043<br>OMC 12 December 2019 – 213 - 221<br>OMC 30 May 2024 – Pages 10 -16 |
| <b>ASSOCIATED LEGISLATION:</b> | Planning and Development Act 2005<br>Planning and Development (Local Planning Schemes) Regulations 2015<br>Local Planning Scheme No 7   |
| <b>ASSOCIATED DOCUMENTS:</b>   | Residential Design Codes of Western Australia   |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Development Services & Community   |
| <b>DELEGATION:</b>             | Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.   |
| <b>APPLICATION</b>             | This policy applies to the LPS7 area  |

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### Objective:

- Control the style, height and location of fencing within the Shire of Broome;
  - Minimise adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity; and
  - Ensure that adequate surveillance of streets and public places is achieved, and the principles of Crime Prevention through Environmental Design are met.
  - Establish minimum standards for fencing within different zones to facilitate fences being exempt from the need to obtain planning approval.
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## Definitions:

In this Policy, the following definitions shall apply:

**“Common boundary fence”** any dividing fence that does not front a road or public place.

**“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 (2024) 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.

**“Visually Permeable”** where referred to will have the same meaning as that given to it in the R Codes.

## Policy:

### 1. General Requirements

- 1.1 Fences shall not have any sharp or jagged projections (other than as permitted for barbed wire in the ‘General Industrial’, ‘Rural’, ‘Cultural-and Natural Resource Use’, ‘Rural Residential’ and ‘Rural Smallholdings’ zones) or any metal or other material capable of inflicting injury to any person or animal and shall not be electrified by any means.

*Note: for the purpose of this provision, garrison style fencing is not considered sharp or jagged or capable of inflicting injury where the end projections of the fence are a minimum of 1.8m above Natural Ground Level.*

- 1.2 The use of breezeway fencing to facilitate the flow of cooling breezes between properties is strongly encouraged.
- 1.3 Front fence or fences fronting a public reserve shall be constructed with the supporting members (i.e. posts and rails) within the property boundary.
- 1.4 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.
- 1.5 Any fence erected on the common boundary shall be erected in accordance with the requirements of the Dividing Fences Act 1961.

## **2. Residential and Settlement zone**

- 2.1 Unless specified in adopted Design Guidelines, fences within residential and settlement zones shall comply with the following:

### (i) Materials Used

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

### (ii) Primary Street fence

- o Shall comply with the provisions of the R-Codes.
- o Shall not exceed a height of 1.8m.

## 2.2 (i) Sightlines

The following is considered to satisfy the deemed-to-comply criteria requirements of 5.2.5 *Sightlines* of the R-Codes:

Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences or other structures adjoin vehicle access points where a driveway meets a public street or where two streets intersect (refer to Figure 1), with the exception of the following:

- a) One supporting 'pier/post' for a gate or fence within each truncation, which must not exceed dimensions of 390mm (W) x 390mm (W) & 1800mm (H), or maximum diameter of 500mm;

- b) The fence and/or gate can exceed a height of 0.75m where swimming pool fencing is used or the fence and/or gate is more than 80% visually permeable.

(ii) Secondary Street fence

- o Shall comply with the provisions of the R-Codes.
- o Shall not exceed a height of 1.8m
- o Along the secondary street within the primary street setback area the fence above 1.2m is to be visually permeable replicating the design of the fence along the primary street (refer to Figure 1).
- o Along the remainder of the secondary street the fence is to be a design that contributes to an attractive streetscape for passers-by while providing adequate security and privacy to occupants of the building. If metal sheeting is to be used, it must be the same colour and profile.

(iii) Common boundary fences

- o Fences shall not exceed a height of 1.8m with the exception trellis (as set out in Local Planning Policy 5.20- Exempt Development)
- o Shall be erected in accordance with the Dividing Fences Act.
- o Where possible breezeway fencing is encouraged.

### **3. Industrial zones**

- 3.1 Fences within the 'Light Industry' and 'General Industry' zones and Port Reserve are to comply with the following:

(i) Materials Used

- o Acceptable materials include brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting – (other than unpainted zincalume).
- o Barbed wire strands are permitted provided it is contained within the property boundary and located a minimum of 2.1m from the natural ground level.
- o Not permitted materials- razor wire or electric fences.

(ii) Height

- o Side and rear fences (that do not contain barbed wire) on the boundary or within six metres of a street or road boundary – maximum height 2.1m
- o Front fences or any fence on the boundary or within six metres of a street or road boundary (that do not contain barbed wire) - maximum height 2.1m.
- o A fence that incorporates barbed wire - maximum height 2.4m.

(iii) Visual permeability

- o Front fences or any fence forward of the building setback line and the street or road boundary is to be visually permeable.

#### 4. **Cultural and Natural Resource Use, Rural Residential and Rural Smallholdings zones**

4.1 Fences within the 'Cultural and Natural Resource Use,' 'Rural Residential' and 'Rural Smallholdings zone are to comply with the following:

(i) **Materials Used**

- o Acceptable materials include timber, wrought iron, tubular steel, link mesh, wire or metal sheeting.
- o Barbed wire and electric fences strands are permitted provided it is contained within the property boundary.
- o Not permitted materials – razor wire.

(ii) **Height**

- o Any fencing fronting a road and between the building setback line and any boundary to a road and any common boundary fence is to be a maximum height of 1.2m.
- o With the exception of areas mentioned above, the maximum height of a fence is 1.8m

(iii) **Visual permeability**

- o Any fencing fronting a road and between the building setback line and any boundary to a road and any common boundary fence is to be visually permeable.

4.2 In the event a fence is proposed which exceeds the height and visually permeability requirements specified under 4.1 above, development approval will be required and may be approved if the following criteria is met:

- (i) The fence is required to support a permitted or approved land use undertaken on the property;
- (ii) The rural and general amenity of the locality will not be impacted; and
- (iii) Views from any public place to the property will not be restricted.

#### 5. **All other zones**

5.1 Fencing in all other zones is deemed to be development under the provisions LPS7 and accordingly require development approval.

5.2 Residential development within all other zones is required to satisfy the requirements of the R Codes and this fencing policy and any fencing standards prescribed in an adopted Design Guideline.

### SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.

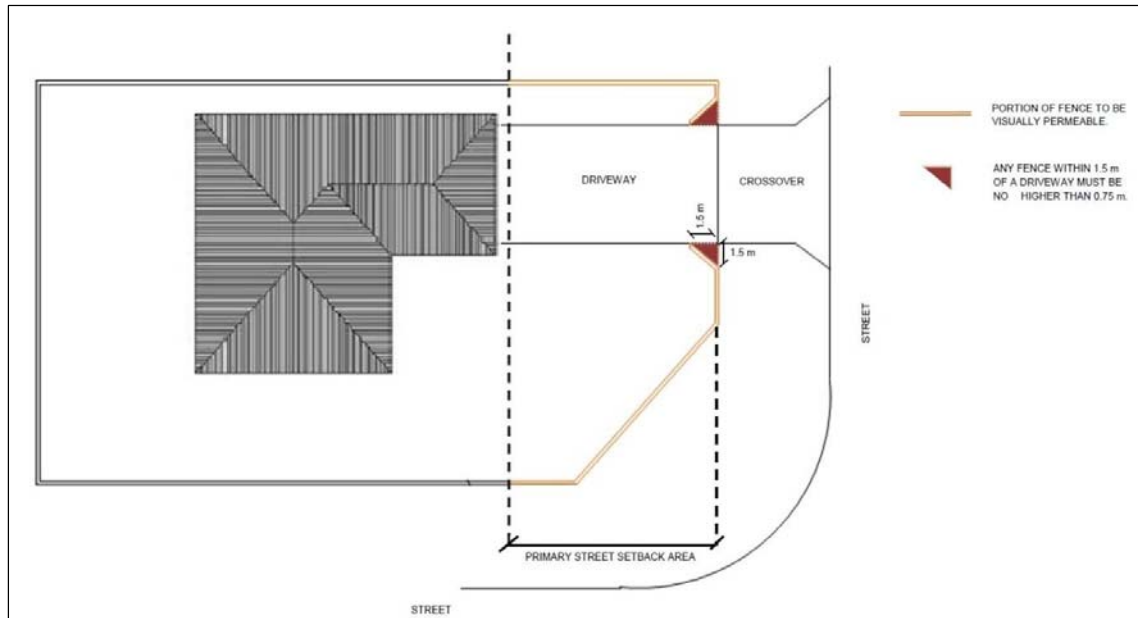


Figure 1