

# Fences

This information sheet explains what fences can be built without the need for any approval (i.e. exempt development). This sheet also explains about fences built as complying development, without the need for a development application. Fences can be exempt development on land zoned for residential, rural, environment protection, business and industrial uses.

## Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)<sup>1</sup> before beginning work, or seek professional advice on how the planning controls apply to their property.

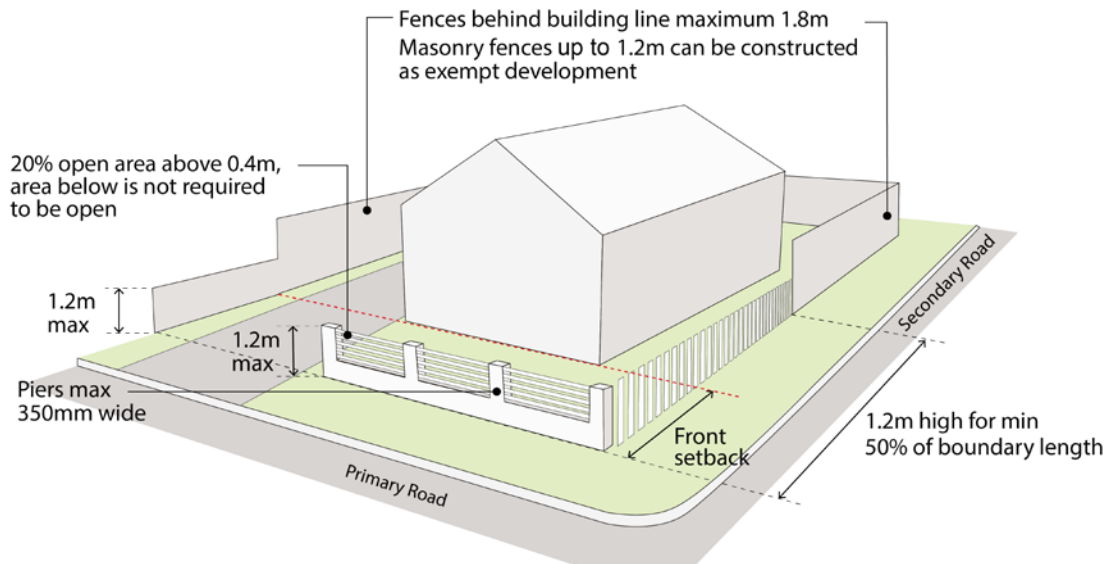
The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)<sup>2</sup>.

**Exempt development** is minor building work that does not need planning or building approval. [Information sheet 1.1](#)<sup>3</sup> provides more information about exempt development.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)<sup>4</sup> provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

Figure 1: Fences as exempt development



<sup>1</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>2</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>3</sup> [www.planning.nsw.gov.au/exemptandcomplyingoverview](http://www.planning.nsw.gov.au/exemptandcomplyingoverview)

<sup>4</sup> [www.planning.nsw.gov.au/exemptandcomplyingoverview](http://www.planning.nsw.gov.au/exemptandcomplyingoverview)

## Exempt development

Fences can be constructed without the need for any planning approval in the following land use zones:

- residential zones,
- rural and environment protection zones, and
- business and industrial zones.

To find out what zone your lot is in, visit [the Planning Viewer website](#)<sup>5</sup>.

Fences cannot be built as exempt development in the following circumstances:

- when on a lot, or along the boundary of a lot that has a heritage item or a draft heritage item on it, or
- along the boundary of or in the setback area<sup>6</sup> of a primary or secondary road in a conservation area or a draft conservation area (only applies in residential and rural zones and environment protection zones), or
- along the boundary of or in the setback area of a primary or secondary road in business zones, or
- in foreshore areas and on flood controlled lots (applies to commercial and industrial zones and residential zones – except zone R5).

## General requirements for all exempt fences

To be exempt development, fences must comply with the following requirements:

- gates must not open outwards,
- on bushfire prone land, fences must be constructed of non-combustible materials or hardwood,
- any metal parts must be low reflective, factory pre-coloured materials,

- must not be electrical fencing or barbed wire in residential zones – except zone R5 or business or industrial zones, and
- If the fence is located in a koala habitat area or movement corridor additional controls may be set by your council.

In addition to the above, extra requirements apply to exempt fences in different land uses zones.

## What additional standards apply to residential zones (except zone R5)?

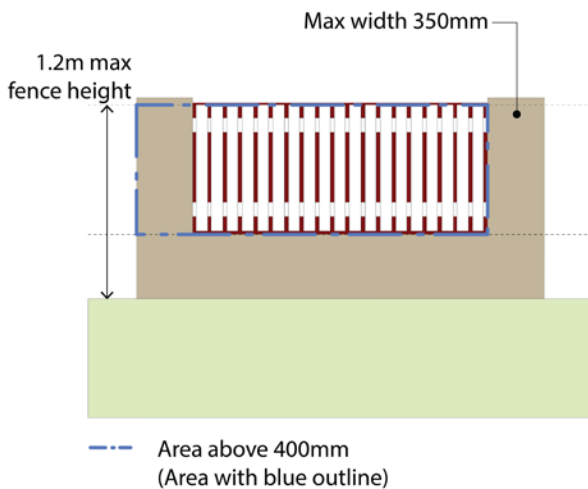
The standards that fences must meet to be built without planning or building approval in residential zones are illustrated in Figures 1 and 2.

To be exempt development requirements for fences are:

- side and rear boundary fences must not be higher than 1.8m, or 1.2m if the fence is built from masonry,
- fences along a boundary of, or in the setback area of a primary or secondary road must not be taller than 1.2m (this includes the front of the site and any side boundary on corner sites),
- fences along the boundary with, or within the setback area to, a secondary road must:
  - be at least 20% transparent, above 400mm, and
  - not have solid piers or posts wider than 350mm.
- corner sites can however have solid fences up to 1.8m in height along the rear 50% of the secondary frontage (see Figure 1).

<sup>5</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>6</sup> A 'setback' area is the area between the external façade of a building and the relevant lot boundary.



**Figure 2: Fences in the setback area of primary or secondary roads**

The part of the fence that exceeds 400mm in height must be at least 20% transparent.

### What additional standards apply in rural and environmental protection zones (and zone R5)?

- Fences must not be higher than 1.8m,
- Fences must be constructed using post and wire or post and rail,
- Masonry materials can be used within 3m either side of the entrance to the property from the primary road, and
- When used, electric fencing must be constructed in accordance with AS/NZS 3014:2003.

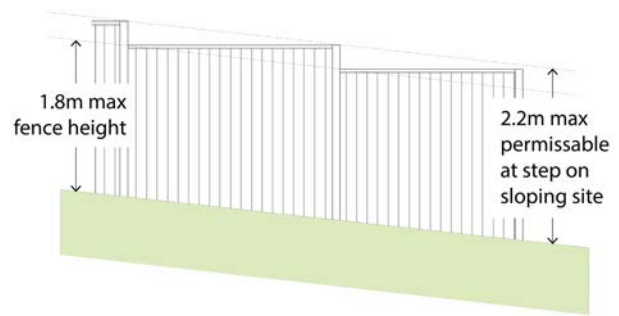
### What standards apply on sloping sites?

Fences that are on sloping sites can be stepped to accommodate the fall in the land (See Figure 3).

In residential zones:

- fences with a maximum height limit of 1.2m must not exceed 1.5m at each step, and
- fences with a maximum height limit of 1.8m must not exceed 2.2m at each step.

In rural and environmental protection zones and zone R5, fences must not exceed 2.2m at each step (see Figure 3).



**Figure 3: Fences on sloping sites**

### What standards apply in business and industrial zones?

- Fences must not be higher than 3m, or 1.2m if the fence is built from masonry,
- When the lot is adjacent to a residential zone, at least 75% of the part of the fence that is above 1.8m in height, must be transparent, and
- When the fence is along the boundary with or in the setback area of a road, at least 75% of the part of the fence that is above 1.2m in height must be transparent.

### Complying development

If your proposed fence does not meet the required standards for exempt development, you may be able to build the fence as complying development. To do this you will need to obtain a complying development certificate from your local council or a private certifier.

To build a fence as complying development on land zoned R1, R2, R3, R4 and rural zone RU5, both the proposed fence and existing structures must comply with all of the development standards in the General Housing Code (Part 3 of the policy).

For development in commercial and industrial zones proposed fences and existing structures must comply with all the development standards in the Commercial and Industrial Alterations Code (Parts 5 and 5A of the policy).

Note: The General Housing Code does not extend to the R5 Zone.

If you plan to build a fence as complying development it is recommended that you contact council or an accredited certifier to discuss your options.

### What standards apply to temporary construction site fences?

Scaffolding, hoardings and temporary construction site fences can be erected as exempt development (without the need for planning approval) (clauses 2.109 & 2.110 of the policy).

To be exempt development, all scaffolding, hoardings and temporary construction site fencing must comply with the following standards:

- the fences and/or hoardings must enclose the work area,
- structures must be removed immediately after construction work is completed, as long as no safety issue will arise from its removal, and
- temporary construction site fences adjoining a public place must be covered in chain wire mesh that is designed and installed in accordance with Australian Standard AS 2423—2002.

Note: The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 also contain provisions relating to scaffolds, hoardings and other temporary structures.

### What other requirements do I need to consider?

- If you propose to remove or prune any existing trees or vegetation, you should contact your council first to make sure you don't need approval for this.
- If the fence is a dividing fence (separating the lot from an adjoining owner's lot), the Dividing Fences Act 1991 also applies.
- Any structures that would be located on public land or on or over a public road (including temporary structures) require separate approval from the relevant council or Roads and Maritime Services under the Roads Act 1993 and the Local Government Act 1993.

If your proposed fence does not meet the required standards for either exempt or complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

### Further Information

For more information visit the [Exempt and Complying Development Policy website](#)<sup>7</sup> or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)<sup>8</sup>.

### Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)<sup>9</sup> to find out if it is used by your local council or for more details.

<sup>7</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>8</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>9</sup> [www.electronichousingcode.com.au/](http://www.electronichousingcode.com.au/)