



Shire of
Peppermint Grove

Local Planning Policy 12 – Residential Fences

Shire of Peppermint Grove

Statutory Authority

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

The local policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Planning Objective

- *To provide design guidelines for street walls and fences that vary the deemed-to-comply provisions of the Residential Design Codes of Western Australia (R-Codes) while maintaining an open visual aspect between houses and the street for the purpose of passive surveillance.*
- *To provide design guidelines for dividing fences and fences that abut rights-of-way that vary from a 'sufficient fence' as defined under the Fencing Local Law 2021.*
- *To provide design guidelines for tennis court fencing.*
- *To provide design guidelines for vehicular and pedestrian access gates.*
- *To encourage a high-quality standard of fencing within the Shire of Peppermint Grove that allows houses to visually contribute to the streetscape including when viewed from communal streets.*
- *To ensure street walls and fences to heritage places is of a complementary design, scale and materiality.*

- *To encourage the introduction of deemed-to-comply sightlines for pedestrians and vehicles for existing non-compliant fencing and that sightlines are achieved for proposed fencing.*

Statutory Basis

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary provisions relating to street walls and fences and to augment the R-Codes through a local planning policy.

If there is a conflict between the local policy and the Shire's Fencing Local Law 2021, then this local policy shall prevail.

Context

The Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes. Peppermint Grove is principally a neighbourhood of single detached houses with large front gardens and predominantly open views between houses and with the street. This quality contributes to the residential character of our suburb.

Furthermore, a number of streets have several (adjoining) houses which have been placed on the heritage list, and their co-relationship and collective value is enhanced due to their:

- Open views between the street and houses;
- Front garden landscaping of lawns, bedding and trees; and
- Ability to view and read the architectural form from the public realm.

Recent residential development trends have promoted high and impermeable fencing for security and privacy. This type of fencing whilst considered necessary by the home occupant, may also lead to a confinement of view along a street or a right-of-way or an interruption to the green corridor of front gardens and is contrary to the principles of crime prevention through environmental design (CPTED).

In the case of Peppermint Grove and given the value for heritage and green landscaped front gardens, street walls and fences including to communal streets is therefore something to be carefully considered on merit and to be justified with regard to the cumulative impact on streetscape.

Historically, unobstructed sightlines to ensure safety and visibility and visual permeability have not been provided in accordance with the deemed-to-comply requirements contained in the R-Codes. Proposals for replacement houses, significant alterations or additions, or where an existing street wall or fence is proposed to be modified are encouraged to retrospectively address any such non-compliance.

This Shire policy will identify the circumstances and parameters whereby fencing is able to be approved without causing detriment to the streetscape of the character of the neighbourhood or to neighbours, or the loss of visibility of valued properties from the public realm.

Policy Provisions

With the exception of places on the Shire's Heritage List; a fence, wall or gate that meets the following policy provisions are exempt from requiring development approval. A building permit may however be required.

Applicable Standards for All Residential Fences

1. Unless otherwise altered by this policy fencing materials shall comply with Schedule 1 of the Shire's Fencing Local Law 2021 (timber, corrugated fibre reinforced pressed cement or steel sheeting, or brick, stone or concrete).
2. Compliance with the deemed-to-comply requirements for sightlines contained in the R-Codes.
3. Where a site boundary slopes fences can be 'stepped' and fence height averaged provided it does not exceed 200mm above the specified maximum height at any point.
4. The requirement for pool barrier fencing to comply with AS 1926.1-2012 and associated privacy considerations does not set any policy requirement for open aspect fencing.

Primary and Communal Street Fences (within the Primary or Communal Street Setback Area)

1. Where the lower portion of the wall is solid, the height shall not exceed 900mm.
2. Columns, piers or posts forming the structural support shall:
 - a. Not exceed 2.1 metres in height above the natural ground level measured from the street side of the fence;
 - b. Not exceed 600mm in either depth or width; and
 - c. Not be less than 1.8 metres clear of any other column, pier or post.
3. Infill panels (where necessary above the lower wall and between any columns, piers or posts) shall be designed for permeability of at least 50% open view with a minimum gap of 50mm between pickets and shall not exceed the column height.
4. Blade fencing where the depth of the infill picket is proportionally more than the profile section facing the street shall be of a sufficient width so that views to the house are not obscured. This can be achieved where the gap between blades is a minimum of twice the depth. For instance, 25mm deep blades shall be spaced 50mm apart.
5. Breeze block walls shall be designed for permeability of at least 50% open view.

Secondary Street and Right-of-Way Fences

1. Fencing shall not exceed 2.1metres in height measured from the street or right-of-way side of the fence.

Dividing Fences

1. Subject to the written consent of the abutting landowner, a dividing fence is permissible to a height of 2.1 metres measured from the higher side of the fence.

Gates in Boundary Walls and Fences

1. All gates within a fence must either open entirely into the lot or slide parallel along the inside of the fence to complete the fence alignment when closed.
2. For grouped dwellings, multiple dwellings and mixed-use development communal driveway access gates shall be sufficiently recessed within the lot to ensure a Class 1 vehicle (car, light van) does not obstruct a footpath or carriageway.

Game Court Fences

1. Court fencing shall not exceed 3.6m in height and shall be visually permeable above 2.1 metres.
2. Where also a dividing fence and subject to the written consent of the abutting landowner, court fencing is permissible to a height of 3.8 metres measured from the higher side of the fence.
3. Where abutting a right-of-way, court fencing is permissible to a height of 3.8 metres measured from the right-of-way side of the fence.
4. Chain mesh sections are permissible and are encouraged to be PVC coated to reduce reflectivity.
5. Where courts are located in the front setback area the policy provisions for primary and communal street fences shall prevail.

Heritage Places

Compatible front fencing is an important design element that frames a place of cultural heritage significance.

When new or replacement fences are proposed, a development application will be required for either a new or replacement front fence. Where there is no evidence of any original fencing with the Local History Collection, designs typical of the era in which the house was built and being complementary in terms of materials, will be supported by Council.

Variations to this Policy

A lesser distance than 1.8-metres between columns and/or piers may be considered on merit by Council given the particulars of a site.

Council may also consider permitting a section solid to 2.1-metres for part of a front wall for the provision of utility meters.

Policy Reference	Formal Description	Service Line
LPP 12	Residential Fences	Development Services
Implementation:		
Adoption and Modification	October 2023	
Review Date	October 2025	