

Development Information Sheet 08

Fences and Retaining Walls

Does a fence require Development Approval?

Development Approval is required for:

- Any fence (including any lattice attachments or similar) exceeding 2.1 metres in height;
- Any masonry (brick, stone etc) fence exceeding 1 metre in height;
- Any retaining wall exceeding 1 metre in height;
- Any fence exceeding 1 metre in height within 6 metres of an intersection (measured from the property boundary) of any street (other than where a 4 m by 4 m corner cut off exists);
- A fence that is a safety barrier for a swimming pool or spa pool;
- All fences in the Heritage Conservation Area

Note: The height of the fence is the distance from the lowest adjoining finished ground level to the topmost point of the fence (including the height of any attached retaining wall or plinth).

What requirements do I have to meet for fences in the Historic Conservation Area?

Original fences and gates should be retained and reinstated where possible. Where evidence regarding the original fence is not available, a fence sympathetic to the style of the dwelling on the site should be erected.

High walling in concrete, masonry or timber is not appropriate where it is likely to obscure a dwelling from the street or disrupt the existing open landscaped character of the locality.

Can I have a brush fence?

Yes - However if a dwelling's external wall is located within 3 metres of a brush fence, the wall, including any openings, is required to be designed to be fire resistant in accordance with the Building Code of Australia (BCA).

Who can help my neighbour and I agree to a new boundary fence?

Fences on a common boundary between neighbours are subject to the *Fences Act 1975*. Council has no authority in respect to the *Fences Act* and any dealings between neighbours.

The Legal Services Commission produces a useful pamphlet "Fences and the Law" that contains the relevant information and forms required to assist in fencing negotiations and/or disputes. For your convenience, this pamphlet is available at <http://www.lsc.sa.gov.au>.

What is a retaining wall?

Most commonly a retaining wall is required between neighbours who build on sloping sites. A retaining wall is a wall that holds back or supports soil when the natural ground level has been altered.

Who is responsible for the construction of retaining walls on sloping land?

Where an owner alters the natural lie of the land, that owner is responsible for providing a retaining wall. However, where both property owners alter the land, they would be considered jointly responsible. The sharing of costs for the retaining is a civil matter that must be negotiated between neighbours.

The Legal Services Commission produces a useful pamphlet "Fences and the Law" that contains the relevant information and forms required to assist in fencing negotiations and/or disputes. For your convenience, this pamphlet is available at <http://www.lsc.sa.gov.au>.

Further Information

Council has no authority in respect to the *Fences Act 1975* and any dealings between neighbours. Further information may be sought from the following sources.

Legal Services Commission

Web: www.lsc.sa.gov.au – search for pamphlet 'Fences and the Law'

Phone: 1300 366 424

Community Mediation Service

Phone: 8243 5521

University of Adelaide

Free legal advice for minor civil claims

Web: <http://law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice/>

Phone: 8204 2444 to make an appointment

Development Information Guides are intended to help applicants to submit applications which are complete, well prepared, and can be processed efficiently. The information provided is intended as a general guide only and applicants are encouraged to refer to the Town of Walkerville Development Plan and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated in January 2018.

Access the Development Plan and current versions of information guides at <http://www.walkerville.sa.gov.au/>

Should you have any further enquiries or wish to discuss this process, please do not hesitate to contact the Planning and Environment team via:

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