

Hay Shire Council Policy



Title of Policy	Fencing Policy	
This applies to	Hay Shire Local Government Area	
Author	Jack Terblanche	Date Approved: 22 nd March 2016
Position of Author	Director of Community Development	Authorised by: Council
Legislation, Australian Standards, Code of Practice.	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Dividing Fences Act 1991</i> • <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> • <i>Environmental Planning & Assessment Act 1979</i> • <i>Environmental Planning & Assessment Regulation 2000</i> 	
Related Policies/Procedures		
Attachments		
Aim	To impose reasonable standards for construction of boundary fencing on properties within the Hay Shire.	
Version	Details	Date
Version 1	Initial Issue	23 June 1998
Version 2	Updated	22 March 2016
Superseded Policies	Fencing Policy 1998	
The Policy		

OBJECTIVE

To impose reasonable standards for construction of boundary fencing on properties in the Hay Shire, but does not include fences covered by the Swimming Pools Act 1992.

POLICY

Standards

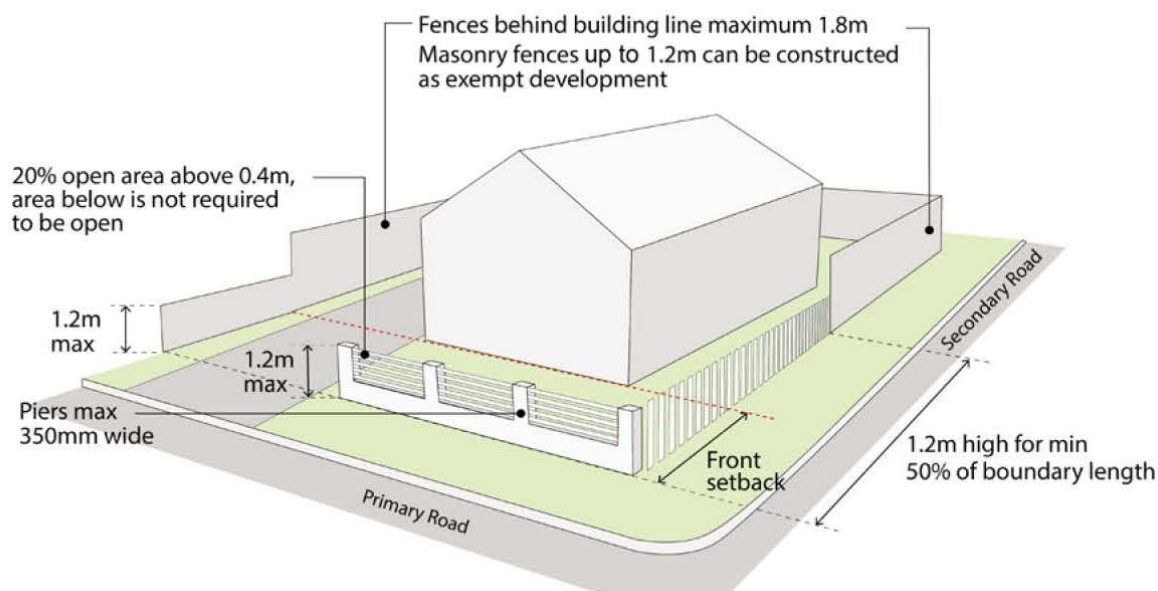
Residential – Zone RU5 (see figure 1 below)

Front fence – Maximum height	1.2m
Rear and side fences – Maximum height	1.2m from boundary to building line, one transitional panel from 1.2m to 1.8m and remainder of fence 1.8m (or 1.2m if the fence is built from masonry)

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- 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 boundaries 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.
- Must not be electrical fencing or barbed wire in residential zones.
- Fences are to be constructed of traditional fencing materials, not including barbed wire or similar man proofing materials other than in approved industrial premises not adjacent to residential premises.

Figure 1



Rural and Other - Zones E1, E2, RE1, RE2, RU1, RU3, RU4

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.
- When used, electric fencing must be constructed in accordance with AS/NZS3014:2003

Industrial – Zone IN1

Fences must not be higher than 3m, or 1.2m if the fence is built from masonry.

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- 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.
- 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.

Temporary Construction Site Fences

Scaffolding, hoardings and temporary construction site fences can be erected as exempt development if they comply with the following standards:

- The fences and/or hoarding must enclose the work area.
- Structures must be removed immediately after construction work is completed, as long as not safety issue will arise from its removal.
- 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 AS2423-2002.

General

- All fencing shall be constructed on the boundary line or on the landowners property. Where the fence is proposed to be constructed on land other than the owners, written consent shall be obtained by the relevant party.
- If the fence is a dividing fence (separating the lot from an adjoining owner's lot), the Dividing Fences Act 1991 also applies.
- Gates must not open outwards.
- The fence is constructed in such a manner that the natural flow of surface water is not obstructed.
- All fences are to be constructed adequately and in accordance with the Building Code of Australia.
- It is a requirement to keep the fence maintained in a satisfactory condition, where the condition of the fence becomes dangerous or unsightly, S124(7) of the Local Government Act can be used to have the fence rectified.

When an application is required

If the proposed fence does not meet the above standards for its zone, it will require approval from Council, this can be done by submitting a Development Application.

Approval is also required if the proposed fence falls under any of the following categories:

- When a lot, or along the boundary or a lot that has a heritage item or a draft heritage item on it; or
- Along the boundary of or in the setback area of a primary or secondary road in a conservation area or a draft conservation area (only applies in residential and rural zones and environmental 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 IN1 and RU5 zones).

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