



# Young Shire Council

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## PLANNING, ENVIRONMENT & STRATEGIC SERVICES DEPARTMENT

### FACT SHEET 8

## FENCES

### INTRODUCTION

Depending upon the design and construction materials, the erection of a fence may comply with the Codes SEPP for Exempt Development. Exempt Development covers a range of minor developments that can proceed without Council approval, subject to specified limits and requirements.

If your proposal does not comply with **all** items in the following Checklists you may still be able to gain Council approval erect the type and style of fence you would like through the lodgement of a Development Application. Application forms are available from the Customer Services Area at Council's Offices or on Young Shire Council's website at [www.young.nsw.gov.au](http://www.young.nsw.gov.au) - go to Council Forms - Planning & Environment.

### EXEMPT DEVELOPMENT

#### **RURAL FENCES CHECKLIST**

- The fence is being constructed or installed on land in Zones RU1, RU2, RU3 or RU4
- The fence is not being constructed or installed on or in, or in relation to, a heritage item or a draft heritage item, or in a heritage conservation area or a draft heritage conservation area.
- must not be higher than 1.8m above existing ground level,
- if it is a boundary fence that has a frontage to a public road - be constructed using post and wire or post and rail,
- if it is electrical fencing - be constructed in accordance with *AS/NZS 3014:2003, Electrical installations - electric fences*,
- if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road - not extend more than 3m from either side of the gate,
- if it is a sloping site and stepped to accommodate the fall of the land - be not higher than 2.2m above existing ground level at each step,
- not direct the flow of surface water onto adjoining property,
- if constructed or installed on a flood control lot - not redirect or interrupt the flow of surface water on that lot.

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A staff member from the Planning, Environment and Strategic Services Department is available for consultation at the Customer Service area between 8.30am and 11am weekdays. At other times Staff (and in particular other professional staff like Building Surveyors, Planners & Engineers) are available via phone or by appointment (02) 6380 1203.

## NON RURAL FENCES CHECKLISTS

### FORWARD OF THE BUILDING LINE

- The fence is not being constructed or installed:
  - On or in, or in relation to, a heritage item or a draft heritage item, or a heritage conservation area or draft heritage conservation area, or a flood control lot,
  - in Zones RU1, RU2, RU3 or RU4
- be not higher than 1.2m above ground level (existing),
- be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm,
- not be solid metal panels or chain wire fencing,
- not be an electrical fence or use barbed wire,
- if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 1.5m above ground level (existing) at each step,
- not redirect the flow of surface water onto an adjoining property,
- if it is an entrance gate—not swing open over council property,
- if it is located in core Koala habitat—be constructed or installed in accordance with any relevant council policy,
- if it is located on bush fire prone land—be constructed of non-combustible material or hard wood.

### BEHIND THE BUILDING LINE

- The fence is being constructed or installed behind the building line of the primary road frontage.
- The fence is not being constructed or installed:
  - On or in, or in relation to, a heritage item or a draft heritage item,
  - on land in a foreshore area,
  - on a flood control lot,
  - in Zones RU1, RU2, RU3 or RU4
- if it is constructed of timber, metal or light weight materials - be not higher than existing ground level,
- if it is constructed of masonry materials or chain wire be not higher than 1m above existing ground level for domestic purposes, or in any other case not higher than 1.8m above existing ground level,
- to the extent it is comprised of metal components - be constructed of low reflective, factory pre-coloured materials,
- not be an electrical fence or use barb wire,
- if it is a sloping site and stepped to accommodate the fall of the land - be not higher than 2.2m above existing ground level,
- not direct the flow of surface water onto adjoining property,
- if located in a core Koala habitat - be constructed or installed in accordance with any relevant Council policy,
- if it is located on bush fire prone land - be constructed of non-combustible material or hard wood,
- if constructed or installed on a secondary road frontage, it may be constructed up to a point that is level with the building line for the primary road frontage,

### DIVIDING FENCES

The Land & Property Management Authority (LPMA) is the authority charged with the administration of the Dividing Fences Act 1991. see [www.lands.nsw.gov.au/crown\\_land/dividing\\_fences](http://www.lands.nsw.gov.au/crown_land/dividing_fences)

Each owner is equally responsible for dividing fences unless a swimming pool is involved or the neighbouring land is owned by Council or the Crown. If the dividing fence forms part of a swimming pool fence then the Swimming Pools Act 1992 overrides the Dividing Fences Act 1991.

**Note: Council does not adjudicate disputed between neighbours**

*Young Shire Council – Delivering quality services*