

Local Planning Policy No. 7

Uniform Fencing



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1. Background

The visual impact of subdivision and uniform fencing along road reserves has the potential to negatively impact on the outcomes and aesthetic qualities of the streetscape. However, when appropriately managed, uniform fencing can be designed to provide for good quality visual and aesthetic outcomes where it adjoins the public domain including roads and areas of Public Open Space. It is imperative that any uniform fencing installed as part of a subdivision or development is visually appealing, constructed of durable materials and provides for passive surveillance opportunities, where necessary.

This Policy will provide the Council's position in regards to the criteria for fencing types and styles as set out in the Western Australian Planning Commission *Development Control Policy - Residential Subdivision (DC 2.2)* (Clause 4.7 - Provision of Screen Fencing).

2. Policy Objectives

The objectives of this Planning Policy are as follows:-

1. To state the Council's position regarding the provision of uniform fencing in new residential estates and developments in the City; and
2. To set out the Council's minimum requirements for uniform fencing.

3. Scope

- 3.1 This Policy applies to all uniform fencing constructed within the City of Kwinana.
- 3.2 Uniform fencing is required to be provided by developers and landowners where land directly abuts the public domain – Schools, Public Open Space (POS), Drainage Reserves, Pedestrian Access Ways (PAWs), Railway Reservations, Regional Roads, any other Category of Road with a 'Neighbourhood Connector A' or higher road classification, or any other public place.
- 3.3 The requirement for the construction of uniform fencing will be triggered through the development and/or subdivision of land.
- 3.4 The Council shall impose a condition on planning approvals (where applicable) requiring the applicant/owner to construct uniform fencing in accordance with this policy.
- 3.5 The Council will recommend to the Western Australian Planning Commission (WAPC) that a condition be imposed on subdivision approvals (where applicable) requiring the applicant/owner to construct uniform fencing in accordance with this policy.

- 3.6 In considering applications for structure plans, detailed engineering drawings or building permits, the Council will apply the criteria and requirements of this policy.

4. Definitions

For the purposes of this Planning Policy, the words and expressions of the policy have their normal and common meaning and as defined in the City of Kwinana Local Planning Scheme No.2, unless the context otherwise requires or as defined below.

uniform fencing means:-

- (a) fencing located between a residential lot and a road reserve where, in the interests of amenity and public safety, the residential lot is not permitted to have, or cannot achieve, direct access/frontage to the road reserve;
- (b) fencing located between a residential lot and a School, Public Open Space Reserve, Drainage Reserve or Pedestrian Access Way; and
- (c) fencing located between a residential lot and a Railway Reservation, or a Primary or Other Regional Road Reservation, or any other Category of Road with a 'Neighbourhood Connector A' or higher road classification, or any other public place.

council means:- the Council of the City of Kwinana.

city means:- the district of the City of Kwinana.

proponent means:- any owner or owners of land to which a proposed Structure Plan, Subdivision or Development relates.

post-development levels means:- the levels approved and constructed as part of the Subdivision / Development process.

5. Policy Statement

The criteria and requirements set out in this Planning Policy will be applied by the City of Kwinana in the assessment and consideration of proposed structure plans, in providing advice and recommendations to the WAPC on subdivision of land, the assessment and consideration of development applications, and in the consideration of detailed engineering drawings and building permit applications.

5.1 Subdivision Design Requirements

5.1.1 Road Reserves:

In preparing a Structure Plan, Subdivision or Development Plan, the proponent shall endeavour to prevent lots from backing onto road reserves (other than local roads) through the use of internal service roads, controlled access places and the like. The Council acknowledges that there may be instances where lots cannot be provided with an internal service road or the like. Where development abuts a Primary or Other Regional Road, or any other Category of Road with a 'Neighbourhood Connector A' or higher road classification, and direct residential access is not permitted, the Council will require the provision of uniform fencing in accordance with the requirements of this policy.

5.1.2 Public Open Space Reserves & School Sites:

In the interest of promoting visual and passive surveillance, POS reserves and School Sites should generally be bounded by streets on all frontages so that the adjacent lots overlook both the street and POS / School Site. Consideration will only be given to lots abutting POS where it can be demonstrated that the fencing adjoining the common boundary is designed to provide visual surveillance of the POS from the adjoining development.

Where lots are proposed abutting POS or School Sites, uniform fencing shall be provided with visually permeable infill panels subject to Clause 5.2.4 and Clause 5.5 to promote passive and visual surveillance of the POS / School.

5.1.3 Pedestrian Access Ways and Drainage Reserves:

Where pedestrian links between roadways are required and unavoidable, the design of the PAW should limit the opportunities for anti-social behaviour. In addition, where residential lots adjoin or abut drainage reserves, opportunities for passive surveillance should be provided. In this regard, the Council will require PAW and Drainage Reserve fencing to be constructed to a uniform standard.

5.2 Uniform Fencing Standards

The Uniform Fencing Standards outlined in this Clause apply to all uniform fencing within the City. Specific requirements outlined in Clauses 5.3 – 5.6 will apply in addition to these standards where appropriate to the development and design being considered.

- 5.2.1 Uniform fencing shall generally be a minimum height of 1800mm to a maximum height of 2400mm above natural ground level. This does not include retaining walls. Uniform fencing below 1800mm in height may be considered appropriate for specific locations, including where it is required to be installed above a retaining wall. Where uniform fencing is constructed above a retaining wall, the maximum combined height should generally not exceed 3 metres above post-development levels. The Council may support combined retaining walls and uniform fencing heights in excess of 3 metres where it can be demonstrated that the subdivision / development necessitates a higher wall for engineering or design purposes.
- 5.2.2 Uniform fencing shall be constructed of limestone, brick, masonry or other durable materials approved by the City. Uniform fencing using modular construction may be considered provided that the wall presents a rendered or similar finish and it can be demonstrated that the repair and maintenance requirements of such a wall is satisfactory to the Council.
- 5.2.3 Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are not acceptable materials where uniform fencing is required.
- 5.2.4 Uniform fencing, where visually permeable infill panels are required shall be constructed of wrought iron, steel, aluminium or other similar durable material to the satisfaction of the Council. Timber infill panels are generally not supported due to its high maintenance and low durability compared to metal products. Infill panels shall be constructed above 900mm in height above natural ground level and shall be visually permeable in accordance with the definition contained in the Residential Design Codes of Western Australia (R-Codes). Where uniform fencing is required on a corner lot, such fencing shall also be provided on the lot truncation, and shall be visually permeable for the truncation and for a length extending 3 metres along the adjoining side boundary.
- 5.2.5 Approval for the subsequent removal and/or modification of uniform fencing will not be granted unless it is demonstrated by the proponent that the alternative maintains Council's objectives of achieving a high level of visual amenity, high durability and adequate passive surveillance, where appropriate.

- 5.2.6 All solid portions of uniform fencing shall be treated with non-sacrificial graffiti protection which is to be applied to the manufacturer's specifications to the City's satisfaction.
- 5.2.7 Complementary landscaping is to be provided by the proponent / land owner adjacent to uniform fencing and the adjoining road reserve where it is considered appropriate by the City.
- 5.2.8 Uniform fencing is to be located entirely on the private property which abuts the adjoining Road Reserve, POS or Railways Reserve.
- 5.2.9 Where more than one proponent is undertaking subdivision or development on adjoining lots, the Council will require that any uniform fencing be constructed in a coordinated manner of the same materials, colours and finishes to achieve a consistent streetscape. The Council will have regard to existing uniform fencing when assessing subsequent fencing applications.
- 5.2.10 Development or subdivision estate branding or logos will not be permitted to be affixed or attached to any portions of uniform fencing.

5.3 Uniform Fencing adjoining Primary & Other Regional Roads, Railway Reserves, or any Road subject to assessment under *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*

- 5.3.1 A proponent required to provide uniform fencing adjoining Regional Roads, Railway Reserves, or any other category of Road subject to assessment under *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (SPP 5.4), will be required to submit to the Council, for approval, an Acoustic Assessment Report prepared by a suitably qualified and experienced Acoustic Consultant demonstrating compliance with SPP 5.4. Uniform fencing shall be installed in accordance with the recommendations of the approved Acoustic Assessment Report.
- 5.3.2 Uniform fencing adjoining Regional Roads and Railway Reserves should generally be of solid construction without visually permeable infill panels.
- 5.3.3 Large or extensive portions of solid fencing shall be suitably broken up through the use of different materials, textures, patterns and landscaping to provide visual relief. Public art pieces may be incorporated and considered under special circumstances in accordance with the City's Art Collection Policy.

5.4 Uniform Fencing adjoining all other Road Categories

- 5.4.1 Uniform fencing is required to be constructed by the proponent for all residential properties with any boundary that abuts any road with a 'Neighbourhood Connector A' or higher classification and direct vehicle access is not permitted or achievable. Where laneway lots are proposed, uniform fencing shall be provided on the primary street boundary. Such fencing shall be of masonry construction and may in certain circumstances be required to provide visually permeable infill panels depending on the location and traffic volumes associated with the road, and the boundary to which the uniform fencing is required.

5.5 Uniform Fencing adjoining Public Open Space

- 5.5.1 Uniform fencing adjoining POS shall be designed to incorporate visually permeable infill panels to provide for passive surveillance.
- 5.5.2 Minor portions of solid uniform / subdivision fencing may be permitted to screen some areas of residential land including drying areas.
- 5.5.3 Pedestrian access gates (and stairs where required) should be constructed to integrate as part of the uniform / subdivision fencing between residential lots and POS to encourage use of the adjoining POS by the adjoining residents.

5.6 Uniform Fencing adjoining Pedestrian Access Ways (PAWs) and Drainage Reserves

- 5.6.1 Uniform fencing adjoining PAWs and Drainage Reserves shall be constructed to include visually permeable infill panels to provide for passive surveillance of the PAW / Drainage Reserve.
- 5.6.2 Minor portions of solid fencing may be permitted to screen some areas of the residential land including clothes drying areas.

6. Implementation

- 6.1 At the Structure Plan assessment stage, the Council will require that the proponent suitably addresses the criteria and requirements of this policy.
- 6.2 Where uniform fencing is considered necessary, the Council will recommend to the WAPC that, as a condition of its subdivision approval, the proponent is required to submit detailed engineering drawings of the proposed fencing in accordance with this policy for Council approval.
- 6.3 Where uniform fencing is considered necessary, the Council will require as a condition of development approval that the proponent submit detailed plans of the proposed fencing in accordance with this policy for Council approval.
- 6.4 Where uniform fencing is considered necessary, a Building Permit application will be required prior to construction commencing.

7. Maintenance

- 7.1 Uniform fencing is the responsibility of the landowner of the lot once constructed. In this regard, the landowner is responsible for maintaining the fence in a good condition and so as to not allow the fence to fall into a dangerous, dilapidated or unsightly state.
- 7.2 Where a uniform fence has become damaged, dilapidated or in need of repair, the owner shall repair or replace it with the same materials with which it was first constructed (and approved).
- 7.3 A uniform fence shall not be altered or replaced with materials other than with which it was first constructed, without the prior approval of Council.
- 7.4 Where non sacrificial graffiti protection has been applied to a uniform fence and it is required to be repaired or replaced, the landowner must treat it with the same non sacrificial graffiti protection as part of the repair or replacement.

8. Deferment of Construction

The Council accepts that in some circumstances it may be beneficial and or practical to defer the construction of uniform fencing adjacent to certain reserves. In those cases, the Council will require the proponent to demonstrate why the deferral of construction is warranted and to execute an agreement with the Council to guarantee construction (at an agreed future date).

9. References

Name of Policy	Local Planning Policy No. 7 – Uniform Fencing
Date of Adoption and resolution No	25 July 2018 Resolution No. #231
Review dates and resolution No #	
Legal Authority	Division 2 – Local Planning Policies of Part 2 – Deemed provisions for local planning schemes of Planning and Development (Local Planning Schemes) Regulations 2015
Directorate	City Regulation
Department	Statutory Planning Department
Related documents	Acts/Regulations Western Australian Planning Commission - <i>Development Control Policy 2.2 — Residential Subdivision</i> (DC 2.2).