



FACT SHEET— BACK YARD FENCES IN RESIDENTIAL AREAS

General Requirements

For residential-allied development such as the erection of back yard fences, the NSW Planning system adopts three primary approval paths subject to certain pre-determined criteria being met, as follows:

Exempt Development: where no approvals are required by Council;

Complying Development: essentially a 'fast track' system for low impact, small scale types of development. Approval can generally be provided in 7-10 days by Council or an accredited private building certifier;

Local Development: applies to developments that don't fit into the above two categories which require a more detailed assessment, and on some occasions, notification of neighbours.

How do I know what approvals path applies to my development?

Council has developed a series of Fact Sheets to assist you in determining what approvals path applies to your development. Establishing what particular category of approval depends largely on the requirements of the overarching legislation (which applies state wide) known as State Environmental Planning Policy—Exempt & Complying Development Codes 2008 (the 'Codes SEPP'). Under the Codes SEPP, a range of site specific issues require consideration including, but not limited to:

- The zoning of the land;
- The size of the property;
- Distances to boundaries;
- Whether the land is flood prone, bush fire prone or has a heritage item on it;
- Any easements located on the land; and
- The existing siting, size and coverage of existing structures on the land.

How do I find out more about these issues?

Much of the required information is contained in a section 149(2) Planning Certificate—application forms are available from the Planning and Development section of the LPSC website www.lpsc.nsw.gov.au. Alternately, you can make an **appointment** with one of Council's qualified and experienced staff members to discuss your project, or, an accredited private certifier.

Other Important Resources

Refer to *Fact Sheet No. 2—Dividing Fences* for further information about dividing fences and your rights and obligations as a landholder.

Important: it is essential that prior to making an appointment with Council staff, you conduct some research on your project in addition to completing the self-assessment checklist located overleaf.

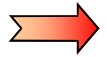


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FENCES LOCATED BEHIND THE BUILDING LINE IN RESIDENTIAL AREAS ('BACKYARD' FENCES)...

Exempt & complying development self-assessment checklist

1. Exempt Development (No approvals required)	2. Complying Development (Apply for a Complying Development Certificate)	3. Local Development (Submit a Development Application & Construction Cert.)
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PLANNING & DEVELOPMENT FACT SHEET No. 20

1. EXEMPT Development Standard	Yes ✓	No ✗	2. COMPLYING Development Standard	Yes ✓	No ✗
Please use checklist only for fences to be located BEHIND THE BUILDING LINE ie fences to be built in your 'back yard' (for front fences please use the separate 'Front Yard Fences' Fact Sheet)					
Will the fence be built on land in a R1 General Residential or a RU5 Village zone?	<input type="checkbox"/>	<input type="checkbox"/>	<i>See separate fact sheet on rural fences if your land is not in a residential zone</i>	N/A	N/A
The fence will not be built on, or adjacent to, a heritage item?	<input type="checkbox"/>	<input type="checkbox"/>	<i>Contact Council or an accredited private certifier for further information on heritage</i>	N/A	N/A
The fence will not be built on land that is flood affected?	<input type="checkbox"/>	<input type="checkbox"/>	<i>Contact Council or an accredited private certifier for further information on building fences on flood affected lots</i>	N/A	N/A
Will the fence be built from timber, metal or other lightweight materials?	<input type="checkbox"/>	<input type="checkbox"/>	Will the fence be built from timber, metal or other lightweight materials?	<input type="checkbox"/>	<input type="checkbox"/>
Will the fence be less than 1.8m in height? <i>(Note: measure from ground level)</i>	<input type="checkbox"/>	<input type="checkbox"/>	Will the fence be less than 1.8m in height? <i>(Note: measure from ground level)</i>	<input type="checkbox"/>	<input type="checkbox"/>
If to be built on a sloping block and stepped to the fall, the fence will not be more than 2.2m above existing ground level at each step?	<input type="checkbox"/>	<input type="checkbox"/>	If to be built on a sloping block and stepped to the fall, the fence will not be more than 2.2m above existing ground level at each step?	<input type="checkbox"/>	<input type="checkbox"/>
If to be built on bushfire prone land, the fence will be built of non-combustible material or hardwood?	<input type="checkbox"/>	<input type="checkbox"/>	If to be built on bushfire prone land, the fence will be built of non-combustible material or hardwood?	<input type="checkbox"/>	<input type="checkbox"/>
If it is built from metal, will it be low reflective or factory pre-coloured (eg 'colorbond')?	<input type="checkbox"/>	<input type="checkbox"/>	If it is built from metal, will it be low reflective or factory pre-coloured (eg 'colorbond')?	<input type="checkbox"/>	<input type="checkbox"/>
The fence will not redirect the flow of surface water onto a neighbouring property?	<input type="checkbox"/>	<input type="checkbox"/>	The fence will not redirect the flow of surface water onto a neighbouring property?	<input type="checkbox"/>	<input type="checkbox"/>
The fence is not an electric fence or uses barbed wire?	<input type="checkbox"/>	<input type="checkbox"/>	The fence is not an electric fence, or, uses barbed wire?	<input type="checkbox"/>	<input type="checkbox"/>
If the fence is built of masonry materials or chain wire, & for residential purposes, will it be less than 1m high?	<input type="checkbox"/>	<input type="checkbox"/>	<i>Contact Council or an accredited private certifier for further information if your masonry fence is >1m high</i>	N/A	N/A
If the fence is within a R5 Large Lot Residential zone, is it to be built using post & wire, or, post & rail?	<input type="checkbox"/>	<input type="checkbox"/>	<i>Contact Council or an accredited private certifier for further information if you are not intending to build a post & wire, or, a post & rail fence</i>	N/A	N/A
If the fence is to be built on a secondary road frontage, will it be constructed in such a manner that it does not extend past the building line to the main road frontage?	<input type="checkbox"/>	<input type="checkbox"/>	<i>See separate LPSC Fact Sheet on 'Front Yard Fences' (for fences to be built forward of the building line)</i>	N/A	N/A

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Important Note: The Codes SEPP is under continuous review and therefore, the most current version of the SEPP takes precedence over the fact sheets should any discrepancies be identified.