

What are the rules?

A fence may not need planning approval (known as exempt development) if the proposed fence meets all the relevant development standards set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP).

Where do these rules apply?

The construction or installation of a fence on land within Zone R1, R2, R3, R4 or RU5 is development specified by the SEPP if it is not constructed or installed:

- on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item; or
- along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area; or
- on a flood control lot; or
- on land that is identified as being in a foreshore area.

How to find out if your property is zoned for exempt development

Council's website includes the ePlanning Portal. The Portal allows anyone to search land within the Liverpool Council area to confirm land zoning and other related planning matters. The ePlanning Portal provides a number of search options. To find out the zoning of land, choose the search option 'online maps'.

Requirements for Fences as exempt development

A front fence (including a corner site) is considered exempt development if it complies with the standard controls below and:

- If of a masonry construction, it does not exceed a height of 1.2m above ground level (existing);
- The fence is open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm (see figure 2);
- A fence on a secondary street (corner site) is exempt only if it is constructed using masonry, metal or timber not exceeding a height of 1.2m above ground level (existing) for first 50% of the length of the secondary boundary (measured from the corner), with the remaining to a maximum height of 1.8m (see figure 1); and

A side/rear boundary fence (not including a corner site) is exempt development if the fence does not exceed 1.8m in height above ground level (existing) and the design complies with the standard controls below.

Standard Controls:

- not be of masonry construction to a height that is more than 1.2m above ground level (existing);
- if it includes an entrance gate—not have a gate that opens outwards;
- if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood; and
- if it is constructed of metal components—be of low reflective, factory pre-coloured materials; and
- Not be an electrical fence or use barbed wire;
- For a full list of development standards that apply to fences in residential zones as exempt development, please refer to these provisions of the State Environmental Planning Policy (Exempt and Complying Codes) 2008.

(<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div1/subdiv17>)

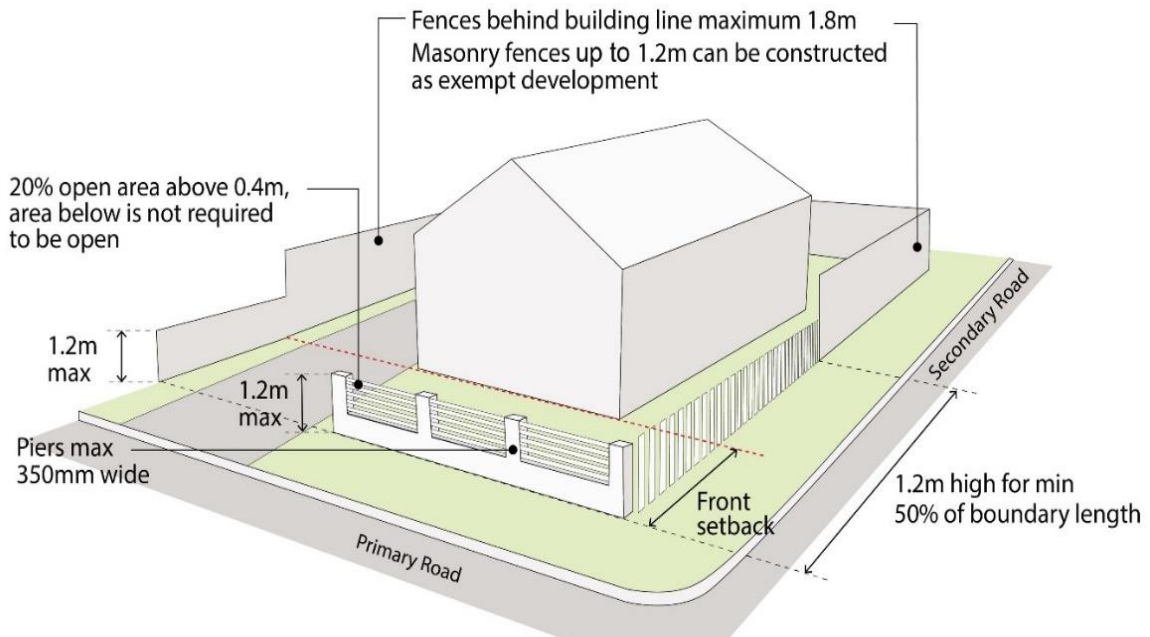


Figure 1: Diagram to help illustrate exempt fence

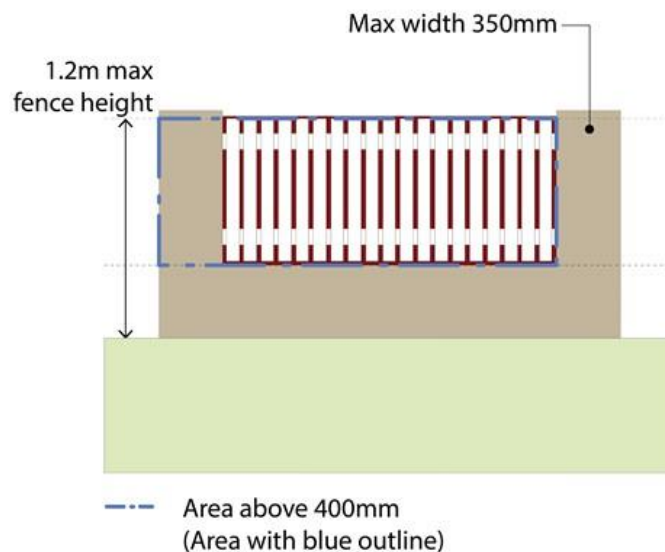


Figure 2: Setback area of primary or secondary roads

Council Approval Required

In the event your proposal does not comply with the above planning controls, you will need to submit a Development Application to Council for determination. Our application form is available to download from our website along with our Development Control Plans and provide fence controls.

Please Note: A lattice extension to an existing or proposed dividing fence behind the front building setback that results in a total height exceeding 1.8 is not exempt and requires planning approval. In addition, Council has no role in fencing disputes as this is a matter between land owners.

If you would like to further discuss fences feel free to come into council office between the hours of 8.30am to 12pm daily or you can call 1300 362 170 and ask to speak with the Duty Planner.