



Dividing Fences - Residential

A dividing fence is usually a fence that separates two privately owned properties. It does not include a fence running along the boundary of a road and does not include a retaining wall.

A dividing fence between two properties should be erected only after consultation and agreement with adjoining property owners in accordance with the Dividing Fences Act. This includes issues such as location, height, visual permeability and materials of the proposed fence and the proportion payable by each neighbour.

Generally, the City of Gosnells does not require a building approval to construct a dividing fence using materials such as fibro-cement sheets, colorbond or timber erected in accordance with manufacturers specifications.

However, brick and masonry fences which exceed 750mm in height will require a building permit and the design should meet the requirements of a Structural Engineer for this type of structure. Primary criteria for requiring a building permit is to ensure the structural integrity and the safety of the fence.

Points to Note

- Generally neighbours are liable to evenly share the costs of installing a dividing fence
- Government bodies (including Local Government) are exempt under the Dividing Fences Act from contributing to the cost of installing a dividing fence
- Property owners are responsible for maintaining their fences so as to prevent them becoming unsightly or prejudicial to the amenity of the neighbourhood
- The City may require a property owner to repair or remove any fence that it considers dangerous, an obstruction or an encroachment outside of the lot
- All gates in fences must open into the property and not out onto streets, footpaths and verges
- Dividing fences unless designed to do so are not to be used as a retaining wall
- Barbed wire, electrified and other dangerous fencing materials are not permitted in residential areas. Some exemptions may apply in rural, commercial or industrial zones on application
- Should a person seek to alter the ground level at or near the boundary to facilitate the installation of a dividing fence, the person altering the ground level either by filling above or cutting below the natural ground level is responsible for providing a suitable retaining wall

Minimum acceptable design and height for residential dividing fences

- Suitably capped colorbond steel or fibre cement sheets to a height of 1.8m
- The City does not administer the Dividing Fences Act. An online brochure 'Dividing fences rights and responsibilities' can be obtained from the Building Commission website www.buildingcommission.wa.gov.au or by phoning the Commission on 1300 720 715 or by email contact dividingfences@bc.wa.gov.au

Dividing fence disputes between adjoining neighbours, that cannot be resolved, should be referred to a solicitor for legal advice.