



## D15 Fences and Retaining Walls

### Does a fence require Development Approval?

**Yes** - Development Approval is required for:

- Any fence (including any lattice attachments or similar) exceeding 2.1 metres in height;
- Any masonry (brick, stone etc) fence exceeding 1 metre in height;
- Any retaining wall exceeding 1 metre in height;
- Any fence exceeding 1 metre in height within 6 metres of an intersection (measured from the property boundary) of any street (other than where a 4 m by 4 m corner cut off exists);
- All fences in Policy Areas 18 and 19 of the Residential Zone;
- All fences in the Residential Character Zone captured within the Historic Conservation Area;
- All fences in the Historic Conservation Area;
- A fence that is a safety barrier for a swimming pool or spa pool.

**Note:** *The height of the fence is the distance from the lowest adjoining finished ground level to the topmost point of the fence (including the height of any attached retaining wall or plinth).*

### What requirements do I have to meet for fences in the Residential Character Zone?

- Original fences and gates should be retained and reinstated where possible. Where evidence regarding the original fence is not available, a fence sympathetic to the style of the dwelling on the site should be erected.
- High walling in concrete, masonry or timber is not appropriate where it is likely to obscure a dwelling from the street or disrupt the existing open landscaped character of the locality.

Examples of typical traditional types of fences for house periods can be found in Table 4 – Development Guidelines for Residential Character Zone and Local Heritage Places in the [Charles Sturt Council Development Plan](#).

Advice specific to your property can be sought from Council's Heritage Advisor who can be contacted on 8408 1111 for an appointment on Fridays.

### Can I have a brush fence?

**Yes** - However if a dwelling's external wall is located within 3 metres of a brush fence, the wall, including any openings, is required to be fire resisting in accordance with the Building Code of Australia.

### **Who can help my neighbour and I agree to a new boundary fence?**

Council has no authority in respect to the *Fences Act* and any dealings between neighbours. Fences on a common boundary between neighbours are subject to the *Fences Act 1975*.

The Legal Services Commission produces a useful pamphlet "Fences and the Law" that contains the relevant information and forms required to assist in fencing negotiations and/or disputes. For your convenience, this pamphlet is available at <http://www.lsc.sa.gov.au>.

### **What is a retaining wall?**

Most commonly a retaining wall is required between neighbours who build on sloping sites. A retaining wall is a wall that holds back or supports soil when the natural ground level has been altered.

### **Who is responsible for the construction of retaining walls on sloping land?**

Where an owner alters the natural lie of the land, that owner is responsible for providing a retaining wall. However, where both property owners alter the land, they would be considered jointly responsible. The sharing of costs for the retaining is a civil matter that must be negotiated between neighbours. The Legal Services Commission produces a useful pamphlet "Fences and the Law" that contains the relevant information and forms required to assist in fencing negotiations and/or disputes. For your convenience, this pamphlet is available at <http://www.lsc.sa.gov.au>.

### **Further Information**

#### **Legal Services Commission**

Web: [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au) – search for pamphlet 'Fences and the Law'

Phone: 1300 366 424

#### **Community Mediation Service**

Phone: 8243 5521

#### **University of Adelaide**

Free legal advice for minor civil claims

Web: <https://law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice-service>

Phone: 8204 2444 to make an appointment