



Fences & Retaining Walls

Fact Sheet

OVERVIEW

Fences and retaining walls are used to both identify and separate properties and should improve the amenity and safety for residents while retaining the differences in property levels.

DO I NEED APPROVAL?

Development approval is always required from Council if the land is associated with a Local or State Heritage Place or Area or located in the Hills Face Zone or Flood Plain.

The following also require development approval;

- A fence exceeding 2.1 metres in height, measured from the lower side;
- A combined fence and retaining wall exceeding 2.1m in height;
- A masonry fence exceeding 1 metre in height, including pillar and plinth;
- A wall retaining a difference in ground level exceeding 1 metre in height at any point;*
- A fence on a corner allotment that exceeds 1 metre in height within 6 metres of the intersection or where a 4 x 4 metre corner cut-off has not been provided;
- Swimming pool safety fencing in conjunction with an application for a pool/spa or where being constructed in relation to a pool/spa approved on or after 1 July 1993; and
- A brush fence within 3 metres of a dwelling or other habitable building.

*Earthworks and associated retaining regardless of quantity or height when in association with building work require approval i.e. construction of a residential dwelling or domestic outbuilding.

ADJOINING LAND AND SHARED BOUNDARIES

If you are planning any building works including fencing or a retaining wall on a shared boundary, it is important that any plans to undertake work are communicated with your neighbour. The Council strongly encourages collaborative communication between neighbours even if it is not required by law, in order to avoid conflict and maintain positive community relationships.

It is also essential that you know where the boundary is before undertaking work. Having a survey done is the only way to confirm where the true boundary is, as an existing fence may not be located on the true boundary.

There are some circumstances where you *must* consult with your neighbour. For example, if you are proposing to alter, remove or construct a fence, there are procedures that must be followed under the Fences Act. The Council has no role in relation to these procedures. For further information you can refer to the Legal Services Commission of South Australia website www.lsc.sa.gov.au (search for "Fences and the Law" booklet) or phone the Legal Services Commission of South Australia on 1300 366 424, they can also provide information about a community mediation service should you require it.

If you are proposing to undertake works that may affect the structural stability of adjoining land, you must provide your neighbour with notice at least 28 days before building work is commenced. You must also take precautions to protect adjoining land, possibly including shoring up any excavation or underpinning the foundations of a building.

CHECKLIST OF REQUIRED INFORMATION SHOULD A DEVELOPMENT APPLICATION BE REQUIRED

- Completed and signed development application form including the Office of the Technical Regulator Powerline Declaration (ensure you fill in all sections); and
- Completed and signed development application checklist; and
- Receipt of the separate Construction Industry Training Levy (where the development exceeds \$40,000 in value). Can be paid on-line at CITB.
- Site Plan drawn to a metric scale of not less than 1:500 showing;
 - The boundaries and dimensions of the site and any relevant easements; and
 - The positions and dimensions of the proposed fence and/or retaining wall and their distance to the boundaries of the site and any other buildings or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed; and
 - The purpose for which any existing building on the site is used; and
 - The levels of the site and of the proposed fence and/or retaining wall in relation to any street drainage channel or council drain; and
 - The method of drainage and services proposed to be used; and
 - The location of any regulated tree on the site or on adjoining land; and
 - The approximate north point; and
 - Location of any existing or proposed effluent disposal area/s and septic tank/main sewer/CWMS connection points and underground pipes to ensure that the proposed development does not interfere with these services.
- Elevations and sections of the proposed fence and/or retaining wall, at a scale of not less than 1:100;
- The sizes and locations of footings and other structural components; and
- Engineering specifications (to a scale of not less than 1:20) describing materials and standards of work, and other such information as may necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the *Development Act (1993)* and provide satisfactory levels of safety on or about the site; and
- Engineering calculations or reports showing that the building work will, if performed in accordance with the calculations and reports, comply with Building Code of Australia; and
- Written details of any foundation investigations that have been carried out; and
- Development application fees; and
- Completed checklist.

NOTES:

1. If you do not know if a heritage listing applies or the zoning/flood mapping for the property contact the duty planner.
2. Plans may be provided at a smaller scale if an enlargement drawing is also provided that shows the development location in greater detail.

PLEASE NOTE

The information provided in this Fact Sheet is only intended to be a summary. All applications are considered on their individual merits and therefore situations may vary.

Contact details

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Further information

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