

Fences

Rules for exempt and complying development

This fact sheet explains what fences can be built without the need for any approval. This sheet also explains fences built as complying development, without the need for a development application. Fences can be exempt development on land zoned for residential, rural, environment protection, business and industrial uses.

Check planning controls first

This fact sheet is for guidance only and may not contain all the information relevant to every property in NSW. You should refer to the [relevant planning controls](#) before beginning work, or seek professional advice on how the planning controls apply to your property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy). View the policy at the [Exempt and complying development policy web page](#).

Exempt development is minor building work that does not need planning or building approval. Fact sheet *Understanding exempt development* provides more information about exempt development.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier.

Exempt and complying development cannot be carried out on certain land.

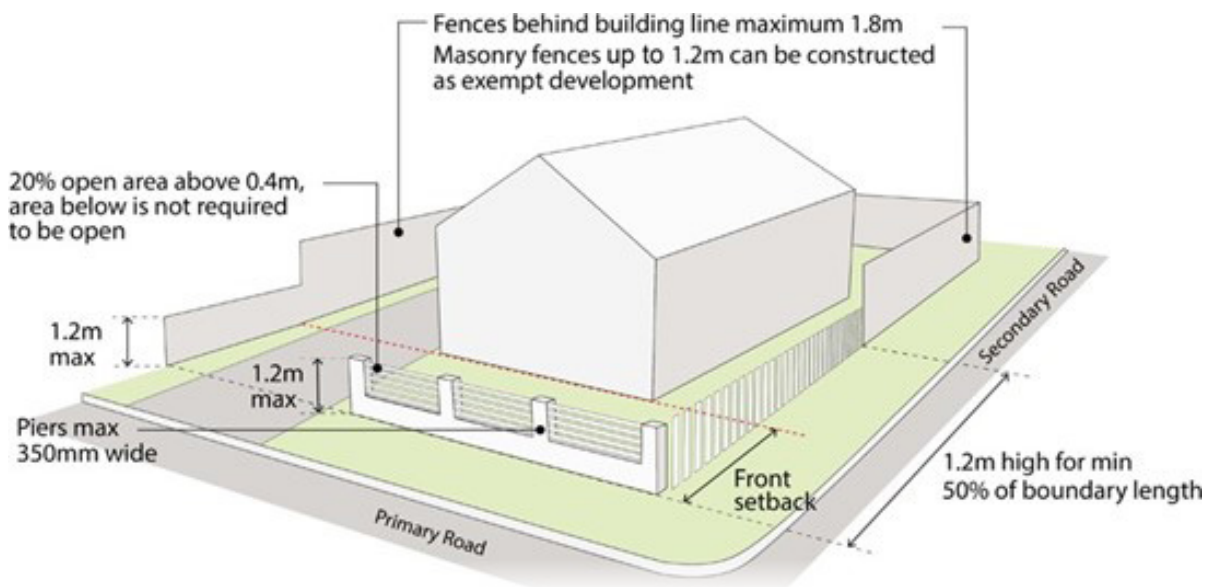


Figure 1

Fences as exempt development.

Exempt development

Fences can be constructed without the need for any planning approval in the following land-use zones:

- residential zones
- rural and environment protection zones
- business and industrial zones.

To find out what zone your lot is in, visit [the Planning Viewer website](#).

Fences cannot be built as exempt development in these circumstances:

- when on a lot, or along the boundary of a lot that has a heritage item or a draft heritage item on it
- along the boundary of, or in, the setback area¹ of a primary or secondary road in a conservation area or a draft conservation area (this only applies in residential and rural zones and environment protection zones)
- along the boundary of, or within the setback area of a primary or secondary road in business zones
- in foreshore areas and on flood-control lots (applies to commercial and industrial zones and residential zones – except zone R5).

General requirements for all exempt fences

To be exempt development, fences must comply with these requirements:

- Gates must not open outwards.
- On bushfire-prone land, fences must be constructed of non-combustible materials or hardwood.
- Any metal parts must be low reflective, factory pre-coloured materials.
- There must not be electrical fencing or barbed wire in residential, business or industrial zones – except zone R5.
- If the fence is located in a koala habitat area or movement corridor, your council may set additional controls.

In addition to the above, extra requirements apply to exempt fences in different land-use zones.

Additional standards that apply to residential zones (except zone R5)

The standards that fences must need to be built without planning or building approval in residential zones are illustrated in Figures 1 and 2.

To be exempt, fences must meet these development requirements:

- Side and rear boundary fences must not be higher than 1.8 m, or higher than 1.2 m if the fence is built from masonry.
- Fences along a boundary of, or in the setback area of, a primary or secondary road must not be taller than 1.2 m (this includes the front of the site and any side boundary on corner sites).
- Fences along the boundary with, or within the setback area to a secondary road must:
 - be at least 20% transparent, above 400 mm.
 - Not have solid piers or posts wider than 350 mm.
- Corner sites can, however, have solid fences up to 1.8 m in height along the rear 50% of the secondary frontage (see Figure 1).

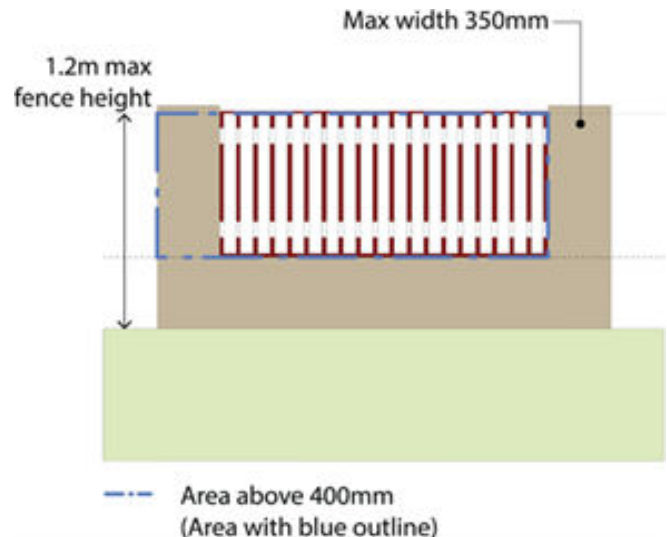


Figure 2

Fences in the setback area of primary or secondary roads.

¹ A 'setback' area is the area between the external façade of a building and the relevant lot boundary



Additional standards that apply in rural and environmental protection zones (and zone R5)

- Fences must not be higher than 1.8 m.
- Fences must be constructed using post and wire or post and rail.
- Masonry materials can be used within 3 m either side of the entrance to the property from the primary road.
- When used, electric fencing must be constructed in accordance with AS/NZS 3014:2003, *Electrical installations - Electric fences*.

Standards that apply on sloping sites

Fences that are on sloping sites can be stepped to accommodate the fall in the land (See Figure 3).

In residential zones:

- Fences with a maximum height limit of 1.2 m must not exceed 1.5 m at each step
- Fences with a maximum height limit of 1.8 m must not exceed 2.2 m at each step.

In rural and environmental protection zones and zone R5, fences must not exceed 2.2 m at each step (see Figure 3).

Standards that apply in business and industrial zones

- Fences must not be higher than 3 m or 1.2 m if the fence is built from masonry.
- When the lot is adjacent to a residential zone, at least 75% of the part of the fence that is above 1.8 m in height must be transparent.
- When the fence is along the boundary with or in the setback area of a road, at least 75% of the part of the fence that is above 1.2 m in height must be transparent.

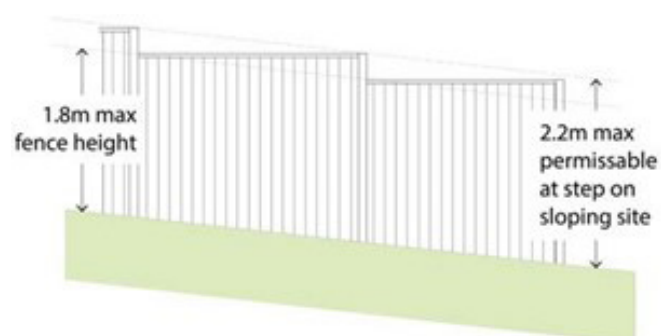


Figure 3
Fences on sloping sites.

Complying development

If your proposed fence does not meet the required standards for exempt development, you may be able to build it as complying development. To do this, you will need to get a complying development certificate from your local council or a private certifier.

To build a fence as complying development on land zoned R1, R2, R3, R4 and rural zone RU5, both the proposed fence and existing structures must comply with all the development standards in the General Housing Code (Part 3 of the policy).

For development in commercial and industrial zones, proposed fences and existing structures must comply with all the development standards in the Commercial and Industrial Alterations Code (Parts 5 and 5A of the policy).

Note: The General Housing Code does not extend to the R5 zone.

If you plan to build a fence as complying development, we recommend that you contact your council or an accredited certifier to discuss your options.

Standards that apply to temporary construction site fences

Scaffolding, hoardings and temporary construction site fences can be erected as exempt development (without the need for planning approval) (clauses 2.109 & 2.110 of the policy).

To be exempt development, all scaffolding, hoardings and temporary construction site fencing must comply with the following standards:

- Fences and/or hoardings must enclose the work area.
- Structures must be removed immediately after construction work is completed, as long as removing them will not create a safety hazard.
- Temporary construction site fences adjoining a public place must be designed and installed in accordance with Australian Standard AS 4687—2007, *Temporary fencing and hoardings*.

Note: You must also comply with requirements for scaffolds, hoardings and other temporary structures included in the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*.

Other requirements you need to consider

- Check with your council before pruning or removing any existing trees or vegetation. You may need council approval.
- If the fence is a dividing fence (separating the lot from an adjoining owner's lot), the *Dividing Fences Act 1991* also applies.
- Any structures that would be located on public land, or on or over a public road (including temporary structures), require separate approval from the relevant council or Roads and Maritime Services under the *Roads Act 1993* and the *Local Government Act 1993*.

If your proposed fence does not meet the required standards for either exempt or complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email codes@planning.nsw.gov.au.

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The information contained in this publication is based on knowledge and understanding at the time of writing (January 2022). However, because of advances in knowledge, users should ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate departmental officer or the user's independent adviser.