



Fences

Types of fences

Fences can include:

- front boundary fences
- side and rear boundary fences
- pool fences
- dividing fences.

Fences include all built vertical landscaping elements designed to show boundaries between one space and the next or to accommodate a change of level.

Is approval from council required?

Some fences require development consent and some don't.

1. Exempt development (no approval required)

[The State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides standards for boundary and pool fences.

Usually, to be exempt, fences at the front of a property must not be taller than 1.2 metres and side and rear fences should not be taller than 1.8 metres.

2. Development Application

If the requirements for exempt fences cannot be satisfied, a development application must be lodged with Council.

Fences must be designed in accordance with the controls provided in Chapter 2 of the Kiama Development Control Plan (DCP).

If your property adjoins a foreshore reserve, or is within 100 metres of the high water mark, a development application is required.

If you live within the Gerringong Headland area, refer to the [Gerringong Master Plan](#).

Dividing fences

A dividing fence is a fence that separates the lands of adjoining properties.

Adjoining landowners must share equally the cost of fencing work that will result in a compliant dividing fence, except:

- if an owner wants a fence that is more expensive than required for a compliant dividing fence, they must pay the additional cost



- when the existing fence is damaged, either deliberately or negligently, by the owner or by someone else with the owners permission the owner will have to pay the full cost. If the fence is damaged by a tenant, the owner must pay for the work even if they plan to claim the cost from the tenant.

It should be noted that public authorities, which includes Councils, who have control over Crown lands, parks, reserves etc do not have to contribute to fencing costs.

A sufficient dividing fence is defined as a fence which separates the properties, for example a paling fence in a residential area, or a wire and steel star post fence in a rural area.

Serving a fencing notice

An owner wanting an adjoining owner to contribute to the cost of a dividing fence must first serve a [Fencing Notice](#) on that adjoining owner (personally or by post). Owners are liable to contribute to the cost once agreement is reached. A Community Justice Centre may be able to help if adjoining owners have difficulty reaching agreement. If an agreement is not reached within one month of the Notice being served, either owner may apply to a Local Court or Local Land Board to have the matter decided.

Resolving fencing disputes

Council is not involved in settling disputes regarding dividing fences. Neighbourhood fencing issues are a civil matter.

If you are concerned about a fencing matter on a neighbouring property the best way to resolve the issue is to discuss it with your neighbour.

Your neighbour may not be aware that there is an issue and, in most cases, will be willing to help you resolve your concerns. You should clearly outline your concerns regarding the fencing issue with your neighbour and propose an option for addressing the issue.

If talking to your neighbour does not result in an agreeable solution for both parties, please contact one of the below organisations for assistance:

- the Community Justice Centre (CJC). The CJC provides a mediating service to assist you in coming to an agreement with your neighbour. It is not mandatory for your neighbour to attend the CJC, but most people are willing to discuss the issue with a neutral facilitator to resolve problems and prevent them from escalating any further. Contact 1800 990 777 between 9am and 5pm, Monday to Friday (excluding public holidays) to discuss your situation with the CJC or alternatively visit www.cjc.nsw.gov.au
- the [Legal Answers](#) website have a tool kit that has helpful information in regards to neighbourhood issues including fencing disputes. Phone 1300 888 529.

Need help?

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours, subject to availability. Council staff cannot assist in the preparation of your application or the supporting documents.

Disclaimer

This fact sheet provides a summary of fences. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with Council should be undertaken. This document is subject to change without notice.