



ACT Planning &
Land Authority

Residential Boundary Fences General Code

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Introduction

Application of this code

This General Code applies to boundary fences in the Residential Zones, being RZ1 – Suburban Zone, RZ2 – Suburban Core Zone, RZ3 Urban Residential Zone, RZ4 Medium Density Residential Zone and RZ5 High Density Residential Zone. The objective of the code is to:

- a) Retain our city's garden city character, valued streetscape amenity; provide the opportunity for passive surveillance of the public realm;
- b) Foster high quality living environments which contribute to the landscape character of the Territory;
- c) Create and maintain high quality living environments and residential amenity in residential development;
- d) Ensure that suburban street verges continue to merge with private front yards giving Canberra's streets an open, tree lined character.

Purpose of codes

Codes provide additional planning, design and environmental controls to support the zone objectives and assessable uses in the development tables.

The Codes are used by the Authority to assess development applications. The Codes therefore also provide guidance to intending applicants in designing their developments and preparing their development applications.

Each Code's controls are expressed as either **rules**, which are generally quantitative, or as qualitative **criteria**.

- Proposals in the **code track** must comply with all rules relevant to the development.
- Proposals in the **merit track** and **impact track** have the option to comply with the rules or criteria, unless the rule is mandatory. Where it is proposed to meet the criteria, the onus is on the applicant to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the criteria and therefore the intent of the element.
- Proposals in the **impact track** also have the option to justify any non-compliance with the rules and the criteria, unless the rule is mandatory. Where it is proposed to not meet the rules and the criteria, the onus is on the applicant to justify the non-compliance by demonstrating that the proposed development is consistent with the relevant principles of the Statement of Strategic Directions. Supporting plans and written documentation, providing consideration of the relevant Intents of the Code and the Zone objectives, are to accompany the development application.

Structure of codes

The Residential Boundary Fences General Code has one Part:

Part A –General Development Controls provide general controls that are applicable to all boundary fences within the Residential Zones.

Care is needed to check whether any specific controls apply to individual sites.

The Code is divided into sections referred to as **Elements**, although each Part may not include provisions for every Element. The Elements describe the various issues for consideration:

1. Restrictions on Use
2. Building and Site Controls
3. Built Form
4. Parking and Site Access
5. Amenity
6. Environment

Each Element consists of Intents and Items under which are Rules and Criteria.

Intent describes the purpose of the development controls

Rules provide the quantitative, or definitive, controls for development

Criteria provide the qualitative controls for development

In some instances, there are rules that are mandatory. For clarity of use, the mandatory rules are emphasised by the following words: “**This is a mandatory requirement. There is no applicable criterion**”. Non-compliance with these provisions will result in the refusal of a development application. Conversely, the words “**There is no applicable rule**” is used when controls cannot be quantitative or definitive and only criteria exist.

Any application of a any other **General Codes** to a development proposal, is identified as part of the relevant rule or criteria.

Where more than one type of Code applies to a development, the order of precedence when there is inconsistency of provisions between Codes, as defined by the Act, is **Precinct Code**, then **Development Code**, and then **General Code**.

Further information

Please refer to the Development Application Guide, for more information on preparing applications under the Territory Plan, including the use of assessment codes.

Definitions

Transparent fence: a fence that is see through when viewed from most angles, for example rural style, pool or mesh (tennis court) types. Fences with a significant solid component, such as spaced palings, are not considered transparent.

Height: The height of fences, hedges, posts or gates is always measured in relation to the adjacent natural ground levels on the public side of the boundary and is inclusive of base walls.

Part A – General Controls

Element 2: Building and Site Controls

Intent:

- a) To encourage development that reflects the Territory's valued streetscape amenity
- b) To provide opportunities for passive surveillance of the public realm from private residences
- c) To promote an attractive interlinked environment for pedestrians
- d) To provide drivers of motor vehicles and cyclists with adequate sight lines to footpaths and the public realm

Rules	Criteria
2.1 Front Fences – All Blocks	
<p>R1</p> <p>Front boundary walls or fencing are not permitted forward of the building line except as provided for in:</p> <ul style="list-style-type: none">a) Accordance with the Residential Zone Development Code in the case of a courtyard wall;b) A previous approval as part of an Estate Development Plan (EDP);c) An approved fencing plan;d) Development conditions released prior to the issue of the leasee) Items 1.2 – 1.7 of this Code. <p>AND</p> <ul style="list-style-type: none">f) fences are constructed so that the front fence faces Territory land	<p>This is a mandatory requirement. There are no merit criteria.</p>

2.2 Corner Blocks – where the residence faces the corner (both street frontages)	
There is no rule applicable.	<p>C2</p> <p>Where a residence faces the corner of a block, and the original intent of the subdivision pattern was for no front fencing, a front fence forward of the building line on one side of the residence can be considered subject to the fence being:</p> <ul style="list-style-type: none"> a) Of transparent construction b) A maximum height of 1.5m above natural ground level c) Visually mitigated with planting grown as a hedge that is located wholly within the property boundary when grown
There is no rule applicable.	<p>C3</p> <p>The location of the fence does not adversely affect the streetscape qualities.</p>
2.3 Corner Blocks – where the Residence is Setback from a secondary street frontage	
There is no rule applicable.	<p>C4</p> <p>Where a residence has a secondary frontage to a street and the residence is setback, a fence forward of the building line can be considered subject to the fence being:</p> <ul style="list-style-type: none"> a) Transparent type b) A maximum height of 1.5m above natural ground level c) Visually mitigated with planting grown as a hedge that is located wholly within the property boundary when grown
There is no rule applicable.	<p>C5</p> <p>The location of the fence does not adversely affect the streetscape qualities.</p>
2.4 Corner blocks where the Residence has a Zero Setback to a secondary street frontage	
There is no rule applicable.	<p>C6</p> <p>Where a residence has a secondary frontage with a zero setback, a fence abutting the residence can be considered subject to the fence being:</p> <ul style="list-style-type: none"> a) A maximum height of 1.8m.

There is no rule applicable.	<p>C7</p> <p>The location of the fence does not adversely affect the streetscape qualities.</p>
2.5 Battle-axe Blocks and Blocks with frontages to Open Space (including public walkways > 6m wide)	
There is no rule applicable.	<p>C8</p> <p>Where a residence has a frontage to open space or is a battle-axe block, a fence forward of the building line can be considered subject to the fence being:</p> <ul style="list-style-type: none"> a) Constructed of visually harmonious materials, colours and finishes with the surrounding area b) Transparent type c) A maximum height of 1.8m above natural ground level d) Visually mitigated with planting grown as a hedge that is located wholly within the property boundary when grown
2.6 Fences Beside Major Roads	
<p>R9</p> <p>Fences beside major roads are permitted where allowed in Lease and Development Conditions or previously approved in an EDP or Precinct Code.</p>	<p>C9</p> <p>Fencing beside major roads to a height greater than 1.8m, but not exceeding 2.4m above natural ground level and other materials can be considered provided that:</p> <ul style="list-style-type: none"> a) Justification of need for visual privacy to private open space is provided b) No long lengths (more than one block width) are proposed c) The fence contains consistency of material, colour, style and height d) Variation is achieved through repeat patterns or subtle change in colour or texture e) The proposal is designed with site specific responses to slope, follow contours, except in the case of steep slopes in which case the fence should be stepped.

2.7 Diplomatic Residences and Chancelleries	
There is no rule applicable.	<p>C10</p> <p>Where the lease permits a diplomatic residence or chancellery, fences can be located on the front boundary for security purposes when:</p> <ul style="list-style-type: none"> a) Fences do not exceed a height of 1.8m above natural ground level b) The selection of fence materials and plants ensure existing streetscape and neighbourhood character and context is retained c) Fences are constructed of transparent fence types.

Element 3: Built Form

Intent:

- a) To ensure building materials used are safe and minimize or reduce hazards to residence.
- b) To allow flexibility in design and use of materials while ensuring high quality, visually harmonious and attractive outcomes.

Rules	Criteria
3.1 Building Materials	
<p>R11</p> <p>Building materials that are not permitted for fences adjoining unleased Territory land because of fire and safety risks include:</p> <ul style="list-style-type: none"> a) Tea tree and brush fencing b) Bamboo c) Pine and other softwoods d) Copper chrome arsenate (CCA) treated timber 	<p>This is a mandatory requirement. There are no merit criteria.</p>

<p>R12</p> <p>Fences are constructed of materials identified in an approved fencing plan or development conditions released prior to the issue of the lease.</p>	<p>C12</p> <p>Other fencing materials such as timber (plantation grown hardwood) and metal (wire or tubular steel such as swimming pool or mesh) may be considered where:</p> <ul style="list-style-type: none"> a) Written justification of the requested material is provided with the application; b) Visual mitigation is provided with planting grown as a hedge that is located wholly within the property boundary when grown; and c) The proposal ensures the existing character and context are considered
<p>There is no rule applicable.</p>	<p>C13</p> <p>Solid fences (including sheet metal, masonry and hardwood lapped and capped) may be considered but only where the block is adjacent to an urban edge, which has been classified under the Bushfire Hazard Map as either a 'primary' or 'secondary' edge, in terms of potential bushfire risk.</p>

Element 6: Environment

Intent:

- a) To identify and mitigate potential on site and off site environmental impacts of development and incorporate alternative design options where necessary.
- b) Fences are to be designed to provide for the retention of existing significant vegetation and minimise impact on landform.
- c) To ensure preservation of areas, or items, of heritage significance that are valued by the community.

Rules	Criteria
<p>6.1 Heritage</p>	
<p>R14</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for developments on land or buildings subject to interim or full heritage registration are to be accompanied by a advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004</p>	<p>C14</p> <p>If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

6.2 Trees

R15

In accordance with section 148 of the *Planning and Development Act 2007*, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application is accompanied by a Tree Management Plan approved under the *Tree Protection Act 2005*.

Note: "Protected tree" is defined under the Tree Protection Act 2005.

C15

If an approved Tree Management Plan is required, but not provided, then a draft Tree Management Plan is to accompany the application. The draft Tree Management Plan will be referred to the relevant agency in accordance with the requirements of the *Planning and Development Act 2007*.