



The purpose of this fact sheet is to provide some general information regarding fences and when a building application is required. For information specifically about swimming pool and pool safety barriers please refer to Council's website.

Building a fence between neighbours

Disputes regarding dividing fences is generally considered a civil matter and should be solved directly between neighbours. This matter is under the jurisdiction of the Neighbourhood Disputes Act and details the correct process to approach your neighbour, your rights and how to resolve disputes.



Building a fence on a boundary adjoining land owned by Government authorities

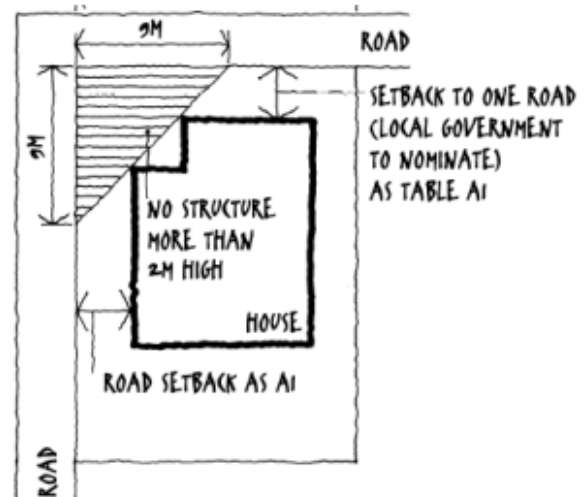
The local, State and Commonwealth Governments are not bound by the Neighbourhood Disputes Act. Refer to Council's policies to confirm if provision is made in this regard.

Fencing Heights and Siting Requirements

The siting and permissible height of a boundary fence (excluding swimming pool fence) is governed by the Queensland Development Code (QDC) (either Part 1.1 or 1.2). A summary of the Codes is detailed below:

- Between adjoining properties – maximum 2 metres high
- On the boundary fronting a roadway which is not on a corner boundary – max 2 metres high
- On the corner boundary facing into the road junction and where the corner is not truncated (ie is not curved) – maximum 1 metre within truncation made by three equal chords of a 6 metre radius curve at the corner of the two road frontages (see Figure 6 for QDC 1.2, and Figure 7 for QDC 1.1)

- On the truncated (curved) corner boundary facing into the road junction the fence height may be a maximum of 2m high along the truncated section



Fences on a retaining wall

Where a fence is constructed on a retaining wall.:

- If the wall is constructed on the natural ground surface and the structure is not located within the 6m truncation zone then the height of the combined structure is not to exceed 2 metres.
- If the wall is retaining natural ground so the fence will be constructed on the natural ground, then the height requirements as per i) to iv) above are applicable.

Related Websites and Information

Livingstone Shire Council's Planning Scheme

<https://www.livingstone.qld.gov.au>

Queensland Building and Construction Commission

<https://www.qbcc.qld.gov.au>

Queensland Development Code

<https://www.business.qld.gov.au>

Neighbourhood Disputes Resolution

<https://www.legislation.qld.gov.au>



Types of construction of a fence

Barbed

This matter is referred to within Schedule 4, Prescribed requirements for community safety hazards within the Subordinate Local Law No. 3 (Community and Environmental Management) 2011 as follows:

- Fencing is not to be installed along a boundary adjoining a public park;

Barbed wire to be used in urban areas only in a security fence within the barbed wire to be more than two metres off the ground.

Electric

This matter is referred to within Schedule 4, Prescribed requirements for community safety hazards within the Subordinate Local Law No. 3 (Community and Environmental Management) 2011 as follows:

- Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of five metres and fixed at five metre intervals along the fence.
- Fencing installed in an urban area must be situated at least 1500mm from the fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000mm in height;
- Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;

Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.

Block or Brick

- If the fence height complies with Schedule 1 of the Building Regulations 2006 and the Queensland Development Code MP1.1 or MP1.2, then no permit is required for construction of these types of fences.
- If the fence exceeds the permitted height stated in the Queensland Development Code, then a concurrence application is required before a development permit for building work can be obtained.

Due to the cyclonic zone of the Council Region, construction must comply with the manufacturer's specification. Any variation to the specifications should be referred to a structural engineer.

Standard Fencing

- Is the common type of fencing constructed in the area, timber or corrugated metal sheeting? Owners should be aware of the cyclone wind rating of their property and construct the fence accordingly.
- If the fence exceeds the permitted height stated in the Queensland Development Code, then a concurrence application is required before a development permit for building work can be obtained.