

A dividing fence is usually a fence that separates the land of different owners. It does not include a retaining wall.

The issue of erection, repair, placement and cost of dividing fences is a civil matter between adjoining land owners under the Dividing Fences Act 1961 (Act), which the City does not administer. As such you are advised to liaise with your neighbour in the first instance, in relation to the repair or replacement of the dividing fence, in line with the Act.

The Building Commission website [www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au) contains a brochure 'Dividing fences – a guide' which provides information on entering into negotiations with your neighbour. This publication can also be obtained by phoning the Commission on 1300 489 099 or by emailing [bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au).

Generally, the City of Canning does not require a building approval to construct a dividing fence using materials such as cement-fibre sheets, colorbond or timber erected in accordance with manufacturers specifications. However; brick and masonry fences which exceed 0.75m in height do require a building permit.

#### Please note

- Generally neighbours are liable to evenly share the costs of installing a dividing fence
- The City may require a property owner to repair or remove any fence that it considers dangerous, an obstruction, an encroachment outside of the lot or in any way insufficient
- Barbed wire, electrified and other dangerous fencing materials are not permitted in residential areas. Some exemptions may apply in rural, commercial or industrial zones.
- Property owners are responsible for maintaining their fences so as to prevent them becoming dangerous, unsightly or prejudicial to the amenity of the neighbourhood
- Government bodies (including Local Government) are exempt under the Act from contributing to the cost of installing a dividing fence
- All gates in fences must open into the property and not out onto streets, footpaths and verges
- Dividing fences; unless designed to do so, are not to be used as a retaining wall
- Should a person seek to alter the ground level at or near the boundary to facilitate the installation of a dividing fence, the person altering the ground level either by filling above or cutting below the natural ground level is responsible for providing a suitable retaining wall

#### Minimum acceptable design and height for a sufficient residential dividing fence

- Suitably capped fibre cement sheets or colorbond steel to a height of 1.8m.

Dividing fence disputes between adjoining neighbours, that cannot be resolved, should be referred to a solicitor for legal advice.

Should you require any further information regarding this matter please contact the City of Canning.

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