

Building Fact Sheet

Front or Dividing Fences, Boundary Walls, Screens Walls, Barriers or the like – Class 10b

- **Application for Building Permit – Certified - Form BA1 and**
- **Application for Building Permit – Uncertified - Form BA2**

For more information on building a fence or retaining wall, visit our [Building a Fence or Retaining Wall](#) page on our website.

Definitions

A Front Fence is any wall, fence, screen, barrier or the like abutting a street boundary or located within the front setback area.

A Dividing Fence is any wall, fence, screen, barrier or the like, irrespective of material content, that separates the lands of different owners whether the fence is on common boundary of adjoining lands or on a line other than the common boundary, but does not include any retaining wall structure. Dividing fences are covered by the [Dividing Fences Act 1961](#).

A Fence is a wall, screen barrier or the like placed on or adjacent to boundaries of an allotment to define that boundary enclosure of open areas to maintain privacy and or security, or to define that boundary.

The [National Construction Code](#) (NCC) classifies these as being of Class 10b.

Frequently Asked Questions

Where can I find information relating to Dividing Fences?

Fencing between properties is a civil matter under the [Dividing Fences Act 1961](#).

The [Dividing Fences Act 1961](#) is an act relating to the construction and repair of dividing fences between certain lands and for incidental and other purposes.

Additional information regarding dividing fences can be obtained from the [Department of Mines, Industry Regulation and Safety](#).

An information booklet can be downloaded from the Department of Mines, Industry Regulation and Safety titled "[Dividing fences – a guide](#)" that outlines processes for neighbours to agree on the fence that divides their properties, to determine boundaries and to share the cost of construction and maintenance. The Act also enables the courts to deal with disputes that may arise over dividing fences.

What if my front or dividing fence forms part of my swimming pool barrier, what are the requirements?

Your fence will need to comply with AS1926.1 - 2012 swimming pool safety. Please also refer to the City's Building Fact Sheet - Building a New Swimming Pool, Spa and Isolation Barrier and Fence – Class 10b.

Is a Building Permit required for a dividing fence?

Generally no, a Building Permit approval is not required to be obtained prior to construction commencing on a dividing or boundary fence using material such as fibro-cement sheets, colorbond or timber, except where the proposed fence forms part of a private swimming pool or spa barrier.

Is a Building Permit required for a front fence?

You need to obtain a building permit if your proposed front fence is masonry (limestone, brick or similar) and is higher than 750mm above ground level.

If a proposed front fence forms part of a mandatory swimming pool safety barrier, it must be 1.8m high. This is to comply with Australian Standard 1926.1 – 2012 (Safety Barriers for Swimming Pools).

The Department of Mines, Industry Regulation and Safety (DMIRS), has established that certain Building Works are exempt from requiring a Building Permit.

Building work for which a Building Permit is not required is stated in Schedule 4 clause 2 of the [Building Regulations 2012](#).

A Building Permit is NOT required for a the Construction, erection, assembly or placement of a fence, screen or similar structure, other than a fence forming part of a barrier to a private swimming pool, if —

- (a) the fence, screen or similar structure is constructed in accordance with a local law made under the *Local Government Act 1995* section 9.60 that applies to the construction of the fence, screen or similar structure in the district in which the fence, screen or similar structure is, or is to be, located; or
- (b) the fence, screen or similar structure is, or is to be, located in a district in which there is no local law of a type referred to in paragraph (a) and the fence, screen or similar structure —
 - (i) if constructed of masonry, is no more than 0.75 m in height; and
 - (ii) if constructed of a material other than masonry, is no more than 1.8 m in height; and
 - (iii) is not located in wind region C or D as defined in AS 1170.2.

Please refer to the [Building Regulations 2012](#).

Is Planning Approval (Development Approval) required for a front fence?

A Planning / Development Approval is required for development that does not comply with the Residential Design Codes or the City's Local Planning Policies.

If you would like to clarify whether a proposal would require Development Approval you can contact the City's Planning Services by calling the City on 9364 0666 and asking to speak with the duty Planning Officer.

Alternatively if you would prefer a response in writing you can apply for Written Planning Advice to confirm if your development requires a Planning Approval or not.

For more information on whether or not you require a Development Approval, or for more information on Written Planning Advice please visit the City's website [here](#).

Is there anyone else who I should consult with?

The City's Building and Engineering Services, and the Water Corporation, should be consulted prior to commencing any works to ensure that the proposed development does not require a Building Permit, and to ensure that there is no affect on the Water Corporation existing sewer line and the City's existing stormwater drainage lines.

Where a Building Permit is not required, the building or incidental structure must still comply with the building standards, local laws and planning policies that apply during the period of construction. If it is anticipated that standards may change during the construction period, the owner can apply for a Building Permit to fix the standards to the date of application.

Can I build or alter a front or dividing fence as an Owner-Builder?

Yes. An Owner-Builder can construct a front or dividing fence. A registered builder is not required to undertake the construction of a fence as it is exempt. Further clarification can be obtained from the Department of Mines, Industry Regulation and Safety (DMIRS) "[Do I need to be a registered builder?](#)".

Do I need a Structural Engineer's certification for the proposed front or dividing fence?

A front or dividing fence constructed using material such as fibro-cement sheets, colorbond or timber does not require structural engineers' certification.

You will need to have the proposed front or dividing fence designed, checked, certified and signed by a practicing, professional Structural Engineer if constructed of brick, concrete, limestone or similar type materials that are of a structural nature.

Who can lodge the Building application?

The property owner or the Builder / Agent can lodge the Building Permit application. The Builder and all owners must always sign the application for a Building Permit.

Please Note: If you are the owner of the property and sign the application form as the builder, you will be the responsible person for all of the building work.

How long will my building application take to process?

There are two types of building permit applications – certified and uncertified. Certified Applications (BA1 Form) have had the plans, specifications and technical documents assessed by a registered private building surveyor and have been issued a Certificate of Design Compliance (BA3). Uncertified Applications (BA2 Form) haven't been assessed by a private building surveyor and will need to be assessed by the City's Building Surveyors.

- **Certified Applications** must be processed within 10 working days of it being lodged with the City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City then has the balance of the remaining 10 working days in which to provide a determination.
- **Uncertified Applications** must be processed within 25 working days of it being lodged with the City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City then has the balance of the remaining 25 working days in which to provide a determination.

What plans and specifications do I need to lodge with a certified application for a Building Permit?

A completed Application form for a Building Permit – Certified (Form [BA1](#)) along with:

- A Certificate of Design Compliance (**BA3**) that has been signed by the registered Building Surveyor;
- Copies of all the approved plans, specifications and technical documents as stated in the Certificate of Design Compliance;
- Housing Indemnity Insurance Certificate;
- Any other approvals required.

What are the fees for a Building Permit application?

For application fees, please refer to the “Building Permit Fee Schedule” on the City’s [website](#).

Do I need to pay for all of the fees when I lodge?

Customers must have all information required to lodge (refer to the building or planning application checklists), including full payment. Split invoices cannot be issued, however, part payment can be made by credit card (or CC authorisation form) and a cheque (this may apply for Verge Bond payments).

Can I provide large paper copy plans when I’m lodging?

When lodging in person or via post, the City does not accept more than 10 copies of plans that are larger than A3 in size. Any more than 10 are required to be on a pen-drive or usb for downloading.

What drawings, plans, and specification do I need to lodge with a certified or uncertified application for a Building Permit?

Note: The following is a list of the minimum requirements to lodge for a **Certified Building Permit Application “BA1”** or for an **Uncertified Building Permit Application “BA2”** to successfully pass the City’s validation process.

Please also use the Checklist provided to help you lodge your application.

You may later be asked for a formal request for additional further information by a Building Surveyor, in which you will have 21 calendar days to provide, to facilitate the audit process.

By providing this information you will enable the City’s Building Services to process your application in a timely and efficient manner.

1. **Application for Building Permit – Certified - Form BA1** – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba1-application-building-permit-certified>

OR

Application for Building Permit – Uncertified - Form BA2 – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba1-application-building-permit-certified>

Application forms are required when submitting your application online as well as over the Planning and Building Counter or via the Post.

2. **Construction Trust Fund Levy Form (CTF) or CTF receipt** – The Construction Trust Fund (CTF) is only required to be paid for applications with a contract value that is over \$20,000 (cost of construction including GST). You may pay directly to CTF and provide a receipt as proof of the payment. CTF forms are available from CTF <https://ctf.wa.gov.au/>

3. **Certificate of Title and Diagram of Survey** – A copy of the Certificate of Title and Diagram of Survey is required for all applications. This is to include a copy of any Plan or Diagram depicting any easement on the property and must be no older than 12 months.
4. **Checklist for Building a New Front or Dividing Fence - Class 10b** – Attach a signed copy of the Checklist when lodging the application as proof that you have provided all the required information.
5. **Building Permit Application Fee** - The fees payable are based on the estimated value of the building work / contract price (including GST). The value of the works must include all material costs, labour costs, necessary services, fees payable, overheads, and profit margin (as stated in the *Building Regulations 2012 Schedule 1 and 2*). Building Permit Fee Schedule <https://www.melvillecity.com.au/planning-and-building/lodge-and-track-planning-and-building-applications>
6. **Verge Bond Fee** – This fee payable is for Building Permit applications over \$20,000. The Verge Bond is required to be payable for all swimming pool and Demolition applications regardless of the value.
7. **Planning / Development Approval** – Planning Approval or Written Advice issued by the City of Melville’s Statutory Planning Services for the proposed development (if applicable).
8. **BA20**
 - a) Completed BA20 from the owners of the adjoining properties if the proposed building work adversely affects the land beyond the boundaries. This is to ensure that there is compliance with s 77 and 77 of the *Building Act 2011*.

AND / OR**BA20A**
 - b) Completed BA20A if building work affects a party wall, removal of fences and gates or access adjoining land to do the work in compliance with s 78, 79, 80, 81, 84 and s 85 of the *Building Act 2011*.
9. **Certificate of Design Compliance “BA3” for Certified BA1 Applications**
 - **Certified Application** - Provide a Certificate of Design Compliance (CDC) BA3 that is signed by a registered Building Surveyor specifying the relevant Drawings, Specifications and Technical Documents for each proposed structure and confirming compliance with the National Construction Code (NCC) / Building Code of Australia (BCA) and all referenced standards. Ensure that all documents stated on the Certificate of Design Compliance, (Drawings, Specifications and Technical Certificates) are attached in order as stated on the CDC and lodged with the application. The CDC will need to accompany the application for a Building Permit Certified Form BA1.

OR
 - **Uncertified Application** – An uncertified application is where your application is made directly to the City who will undertake the assessment for compliance with the Building Code of Australia and issue a Certificate of Design Compliance BA3. An uncertified application must be made with a BA2 form. A Certificate of Design Compliance BA3 is not required for an uncertified building application.
10. **Architectural Plans / Drawings (with scale)** – The plans to be submitted must be legible and to an architectural / draftsman standard. Plans are to include the following:

- a) **Site Plan** with levels (minimum scale 1:200);
- b) **Floor Plans** (minimum scale 1:100);
- c) **Elevations** (minimum scale 1:100); and
- d) **Cross Sectional View** (minimum scale 1:50).

The plans are required to be at scales of 1:50 or 1:100 (1:200 for site plans) and not less than A4 sheet in size.

Please do not re-submit stamped Planning / Development Approvals plans for Building Permit Applications. A new, matching set of plans are to be provided.

11. Specifications – A proforma or a list describing the materials and methods of construction, indicating that the structure will be constructed in accordance with the specifications provided and comply with the NCC / BCA and relevant Australian Standards.

12. Structural Engineers Plans and Details (with scale) – A copy of the plans designed and endorsed (certified / signed) are to be provided from a practicing Structural Engineer.

These Engineer's plans are to include the following:

- a) **Footing Details** (minimum scale 1:50);
- b) **Holding Down Details** (minimum scale 1:50);
- c) **Retaining Walls Details** (if applicable) (minimum scale 1:50);
- d) **Underpinning, Sheet Piling and Grout Injections to Existing Buildings** (if applicable).

Please also use the Checklist to help you lodge your application.

For further information, please contact the City's Building Services and as to speak to a duty Building Surveyor on 9364 0666.

For further information please access the [City of Melville's](#) website or the [Department of Mines, Industry Regulation and Safety](#) website.

Disclaimer

This fact sheet is provided as generalised information and advisory in nature with all due care as to its accuracy. However, the City does not warrant or represent that it is free from error or omission. While the aim is to keep the content of this document current and accurate, the City of Melville accepts no responsibility or warranties for actions based on the information provided. The City of Melville encourages you to seek professional advice before acting on any information contained in this document. The City may make changes to the information at any time and without notice. Further information for the application may be required as part of the audit / assessment process and may be requested once the application has been lodged with the City. Please contact the City of Melville if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.

This fact sheet is considered to be correct as at September 2020.