

Fencing

This fact sheet has been designed to provide general information about fences. It excludes fences that surround a regulated swimming pool. For more information about swimming pool fencing, please refer to our Factsheet on Swimming Pools and Fencing.

Fencing Explained

All building work requires a building permit, unless it is exempt under the Building Regulations 2006, Schedules 1 and 2. Schedule 1 of the Building Regulations 2006 states that if a fence is no higher than 2 meters above the fence's natural ground surface and it's not for a regulated pool, it is considered accepted development (exempt)

The fencing between adjoining properties provides the demarcation and separation of properties. A common boundary fence is in joint ownership of the abutting property owners. The cost of constructing and maintaining appropriate fencing is the responsibility of the owners of the properties.

Owners usually share the cost of a standard fence. The Neighbourhood Disputes (Dividing Fences and Trees) Act sets out that neighbouring property owners must contribute equally to the costs of building and maintaining a dividing fence, unless otherwise arranged. Where a fence is located inside the common boundary on one property, it is the property owner's responsibility.

Building a fence between neighbours (rights, procedure, Disagreements etc.)

This matter is under the jurisdiction of the Neighbourhood Disputes (Dividing Fences and Trees) Act. Neighbours should discuss the fence, how it will be built, and estimated costs for each party, and arrange an agreement.

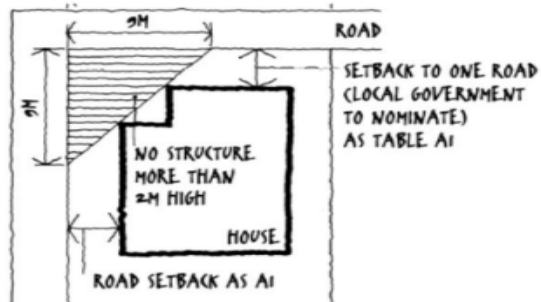
Disputes regarding dividing fences should be solved directly between neighbours. Where this is not possible, you may wish to seek legal advice or mediation through dispute resolution.

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

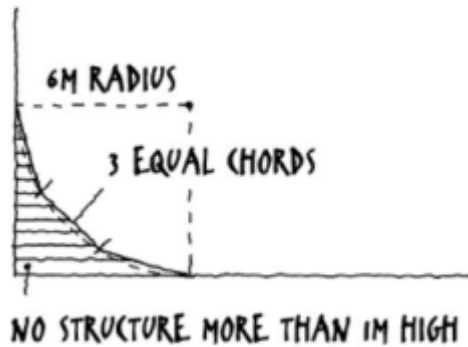
The local, state and commonwealth governments are not bound by the Neighbourhood Disputes (Dividing Fences and Trees) Act, however residents are encouraged to contact Council to discuss further.

Fencing requirements

- The maximum acceptable height is 2 meters for dividing fences and fences located on a road boundary.
- For corner allotments:
On the 9 meter truncated corner boundary facing into the road junction, the fence height may be a maximum of 2 meters high along the truncated section only (see diagram below)



- On the 6 meter radius curve of the corner, the fence must not be more than 1 meter in height (see diagram below)



- Where a fence is constructed on a retaining wall:
A fence, screen or retaining wall, or the combination of these is not to be more than 2 meters in height from natural ground height.

What if I need to lodge an application?

An application for a Development Permit for Building Work will apply if the fencing being constructed is higher than 2 meters above the fence's natural ground surface or if a regulated pool is being fenced. Your application can be lodged as per the following methods:

Email:

If your application is for a property located to the south of El Arish and Bingil Bay (inclusive) please email it to buildingsouth@ccrc.qld.gov.au. If your application is for a property located to the north of Silkwood and Kurrimine Beach (inclusive) please email it to buildingnorth@ccrc.qld.gov.au.

Post :

PO Box 887
INNISFAIL QLD 4860

In Person:

Innisfail Shire Hall (Rankin Street entrance)
Level 3, 70 Rankin Street
INNISFAIL QLD 4860

Tully Civic Centre (Level 2),
38-40 Bryant Street
TULLY QLD 4854

What fees and charges will apply?

To view Council's fees and charges for visit www.cassowarycoast.qld.gov/fees-charges.

Further Information

For further information contact Council at 1300 763 903 or email enquiries@cassowarycoast.qld.gov.au