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FENCING GUIDELINE

Is a Building Permit required?

A Building Permit is required to construct a fence or alter an existing fence in accordance with the following table:

Fence Type	Is a Building Permit required?
• A side or rear boundary fence or any other fence more than 2.0m in height.	Yes
• A fence constructed out of masonry, concrete or the like and exceeds a height of 1.2m when it is to be located within 3.0m of a street alignment.	Yes
• A fence constructed out of timber, metal or the like and exceeds a height of 1.5m when it is to be located within 3.0m of a street alignment.	Yes
• Construction of a fence that is more than 1.0m high above the footpath when within 9.0m of a point of intersection of street alignments.	Yes
• A fence having barbed wire or the like adjacent to a street alignment.	Yes
• A fence forming part of a safety barrier for a swimming pool or a fence forming part of a children's service outdoor play space.	Yes
• A chain wire fence surrounding a tennis court	No

Siting requirements: Report and Consent for siting controls

Fences that require a Building Permit are also required to comply with siting controls under the Building Regulations 2018. These controls restrict the height and length of fences along boundaries, locations of fences adjoining habitable room windows, fence heights on corner intersections and fences that overshadow neighbours' recreational private open space.

These controls are addressed as part of the Building Permit application by the drafts person and are assessed by the Relevant Building Surveyor. For further information please visit our website at www.brimbank.vic.gov.au and follow the links to Building & Planning, Permits, and then to Apply for a Council Report and Consent.

Boundary fences

Boundary fences are those that adjoin another property and may be constructed without a Building Permit providing the fence does not exceed 2.0m in height or 1.5m in height when within 3.0m of the street alignment.

Note: If the fence forms part of a swimming pool barrier then a Building Permit is required regardless of the height of the fence.

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The height of the fence includes any trellis or screen attached to a new or existing fence; where the total height exceeds the limits above, a Building Permit is required.

The construction or replacement of a boundary fence is governed under the Fencing Act 1968 which is viewable on line at http://www.austlii.edu.au/au/legis/vic/consol_act/fa196867/. Generally the replacement or construction of a boundary fence is an agreement between the two property owners; this is in the form of a 'Notice to Fence'.

The Notice to Fence contains all details relating to the length, location, construction materials and type of the fence, and includes the owners details and the cost each owner must pay. Time limits apply in responding to the 'Notice to Fence'. Please refer to the Fencing Act for further information.

Replacement or construction of boundary fencing is a civil matter and any disagreement or resolution process is undertaken by the respective owners through mediation or legal advice engaged by the parties involved; Council does not administer or have any jurisdiction in these matters.

Brimbank City Council provides a Building Permit service to assist you in your building project. Please contact us on 9249 4603 or visit our website for more information.