

Chris Steel MLA

Minister for Planning
Minister for Skills and Training
Minister for Transport
Special Minister of State

Member for Murrumbidgee

RESPONSE TO QUESTION ON NOTICE
Questions on Notice Paper No 39
9 February 2024
Question No. 1558

MS LAWDER MLA - To ask the Minister for Planning:

- (1) In relation to fences on the front boundary on residential areas, what legislative instruments govern the rules for front fences.
- (2) Under what circumstances are fences in front yards permitted.
- (3) Does the ACT Government have guidelines, in plain English, regarding the rules for front fences.

MS STEPHEN-SMITH MLA - The answer to the Member's question is as follows:

- (1) Generally, most fences in residential areas are exempt from development approval as per sections 1.48 and 1.49 of the Planning (Exempt Development) Regulations 2023 (the Regulation). However, there are some fences, forward of the building line, that require a development application (DA). A DA for a front fence in a residential area is assessed against the requirements of the Territory Plan 2023, in particular, the Planning (Residential Zones) Technical Specifications 2023.
- (2) The legislative requirements allow for a front fence to be erected in certain circumstances, such as where it is temporary of nature, is on a corner block, has previously been approved, or has been added as a design element as part of an estate development plan. Temporary fencing may be erected along from boundaries to support landscaping including hedges, as per 1.37 of the Regulation. Section 1.49 of the Regulation also lists exemption criteria for basic open space boundary fences which is in place to address fences to open space/unleased Territory land. If a front fence cannot be considered exempt under these criteria, development approval is usually required.



In newer suburbs of Canberra, front fencing may be permitted on some blocks where they were considered appropriate as part of an estate development plan process. In this instance, these are identified by relevant district policies. It is noted that the general requirements and exemptions also apply in this instance.

- (3) There are no specific guidelines for front fences in the ACT as the requirements depend on the specific circumstances of each development. However, the Territory Planning Authority (the Authority) dedicates officers who provide planning advice on each individual matter.

Information about general fencing requirements is available via the Authority's website. It explains in plain English the rules for maintaining, building, and repairing fences in the ACT. It can be accessed at <https://www.planning.act.gov.au/applications-and-assessments/assessment-approvals/fences>.

Approved for circulation to the Member and incorporation into Hansard.



Rachel Stephen-Smith MLA

Acting Minister for Planning

Date:.....11 / 3 / 24.....

This response required 2hrs 20mins to complete, at an approximate cost of \$164.90.