

Fencing & Retaining Walls

What you need to know before you build

THE SHORT VERSION

Some fences do not require a Building Permit, but they can still be subject to planning, local-law and safety requirements. Retaining walls over 500 mm generally require a Building Permit, and some retaining walls require a permit regardless of height.

YOUR APPLICATION IN 5 SIMPLE STEPS

1	2	3	4	5
Check the rules	Check planning	Check the permit	Prepare plans	Build correctly
Fence, retaining wall or both?	Front setbacks, sightlines and heritage may matter.	Some work is exempt, other work needs a permit.	Show boundaries, heights, levels and details.	Keep the work within the applicable requirements.

What are we talking about?

A fence is a barrier, including gates and doors. A retaining wall is a structure that holds soil in place so different ground levels can exist beside one another. Both can be affected by building, planning and local-law requirements.

RETAINING WALL	MASONRY FENCE	FRONT SETBACK FENCE
500 mm	750 mm	1.2 m
Above this height, a Building Permit is required	Above this height, a Building Permit is required	Above this height, local-law/R-Codes requirements apply

Good to know

- Dividing-fence disputes and cost-sharing are generally civil matters between property owners.
- The Shire can become involved where a fence is dangerous or where planning, building, health or local-law requirements apply.
- A fence forming part of a swimming pool or spa barrier requires a Building Permit.
- A retaining wall can require a Building Permit even when it is less than 500 mm high, depending on what it supports or affects.

NOT SURE WHERE TO START?

Before building, contact the Shire if you are unsure whether your fence or retaining wall needs Planning Approval, a Building Permit or a local-law licence.

Before you build

Dividing fences, front fences, retaining walls and ground levels

1 Dividing fences between neighbours

The Dividing Fences Act 1961 sets out rights and responsibilities for dividing fences, including processes for agreements and sharing costs. The Shire's Fencing Local Law 2024 sets the local requirements for a 'sufficient fence'.

BEFORE YOU BUILD

- Talk to your neighbour first.
- Agree on location, type and cost where possible.
- Check the current sufficient-fence requirements.

IF YOU DISAGREE

- Try to resolve the matter directly.
- The Shire generally does not determine or become involved in civil dividing-fence disputes.
- Seek independent advice if agreement cannot be reached.

2 Does the fence need a Building Permit?

MANY SIMPLE FENCES ARE EXEMPT

A conventional dividing fence may not need a Building Permit where it meets the applicable exemption and local-law requirements. The exemption does not remove planning, local-law, safety or other legal requirements.

- A masonry fence or wall over 750 mm high requires a Building Permit.
- A fence forming part of a swimming pool or spa barrier requires a Building Permit.
- A retaining wall over 500 mm high requires a Building Permit.
- A fence or wall may need a permit because of its relationship to other building work or adjoining land.

3 Front fences & vehicle sightlines

- Within the front setback of a residential lot, a fence more than 1.2 m high must comply with the Residential Design Codes or have the required approval.
- At vehicle access points, fences and structures may need to be reduced to no more than 750 mm within 1.5 m of the access point, unless the fence is visually permeable or another approved arrangement applies.
- Heritage, character, estate or other planning controls and/or development conditions may impose additional requirements.
- Fences must not obstruct or restrict the flow of a watercourse.

4 Retaining walls

500 MM IS NOT THE ONLY TRIGGER

A retaining wall over 500 mm requires a Building Permit. A permit may also be required regardless of height where the wall is associated with other building work, affects adjoining land, encroaches onto another lot, affects a substantial boundary fence or wall, or supports a physical load or structure.

5 Changing ground levels

The Shire's Fencing Local Law 2024 restricts changes to Natural Ground Level (NGL) on or within 1 m of a lot boundary by more than 500 mm unless the work complies with the Residential Design Codes or has the required approval. Any change to NGL by more than 500mm may require separate Planning approval.

Your application checklist

Tick these off if your project needs a Building Permit

Everyone needs these

- ☐ Completed BA1 (Certified) or BA2 (Uncertified) Building Permit application, signed as required.
- ☐ Accurate estimated value of the building work, including GST.
- ☐ Planning Approval, or confirmation/evidence that Planning Approval is not required, where applicable.
- ☐ Clear site plan showing property boundaries, existing structures and the proposed fence/retaining wall.
- ☐ Proposed heights, ground levels and setbacks.
- ☐ Construction details sufficient to demonstrate compliance.
- ☐ Applicable Building Permit fees and State Government levies.

You may also need these

- ☐ Structural engineering and site-specific footing/construction details for retaining walls over 500 mm.
- ☐ Engineering for masonry fences or walls where required.
- ☐ Site classification, soil information or wind information where required by the design.
- ☐ BA20 / BA20A notice and consent where the work may encroach on or adversely affect other land, or access to the adjoining property is required.
- ☐ Pool barrier information where the fence forms part of a swimming pool or spa barrier.
- ☐ Other planning, heritage, estate or local-law approvals/licenses where applicable.

IMPORTANT

The Building Permit application requirements depend on what you are proposing. The Shire may request additional information where the design, site conditions or adjoining land create additional risks.

What your site plan should show

SITE PLAN

- Property boundaries and dimensions
- Existing buildings and structures
- Proposed fence and/or retaining wall
- Setbacks to boundaries and buildings
- Street and access points
- North point

PROJECT DETAILS

- Existing and proposed ground levels
- Retaining heights
- Fence heights and materials
- Pool/spa barrier, if relevant
- Stormwater/drainage locations, if relevant
- Easements and site constraints

Plan scales: You must submit professionally drawn, legible plans. As a guide, site plans should generally be at 1:200 and elevations at 1:100 @ A3. Larger scales may be needed where more detail is required.

CURRENT BUILDING PERMIT FEES

Where a Building Permit is required, the application fee and Building Services Levy apply. Check the Shire's current Schedule of Fees and Charges because statutory fees and levies can change.

Key building requirements

The simple version of the rules that matter most

Dividing fences Follow the Dividing Fences Act 1961 and Shire of Denmark Fencing Local Law 2024.	Pool barriers A fence forming part of a pool/spa barrier requires a Building Permit and applicable pool-safety compliance.
Front fences Check R-Codes, front-setback rules, sightlines and planning/heritage controls.	Engineering Retaining walls and some fences require site-specific structural design.
Retaining walls Over 500 mm requires a Building Permit; other circumstances can trigger one regardless of height.	Watercourses Do not build an impervious fence where it obstructs or restricts a watercourse.
Ground levels Check planning and local-law requirements before changing levels near a boundary.	Safety Fences and walls must be maintained so they do not become dangerous or unstable.
Masonry A masonry fence or wall over 750 mm requires a Building Permit.	Materials Broken glass, asbestos, razor wire and other dangerous materials are restricted/prohibited by the Fencing Local Law.

Don't forget the small things

- A fence on or near a boundary can affect your neighbour's land, drainage, access and existing structures.
- If a retaining wall supports a fence, building, driveway or other load, the structural design needs to account for that load.
- Fences across rights-of-way, public access ways or thoroughfares require the appropriate approval.
- Pre-used fencing materials require a licence under the Shire's Fencing Local Law 2024.
- Some rural, estate, landscape protection and conservation properties have additional fencing restrictions. Check with Planning before proceeding.

ONE IMPORTANT RULE

A fence or retaining wall that does not need a Building Permit is not automatically exempt from all approvals. Planning, local-law, safety, boundary, environmental and other requirements may still apply.

Need more help?

For Building and Planning Approval and/or application questions, please contact the Shire's Development Services Team.

Shire of Denmark • (08) 9848 0300 • info@denmark.wa.gov.au

Useful links

[Shire of Denmark – Fencing Information 2025](#)

[Shire of Denmark – Fencing Local Law 2024](#)

[WA Building Commission – Building approvals](#)

GUIDE ONLY This information sheet is intended as a plain-English guide only. Requirements depend on the site, proposed work and current legislation. Additional information may be requested during assessment. The owner/applicant remains responsible for obtaining all required approvals, permits, licences, consents and certificates.