



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



**PERTH, TUESDAY, 16 OCTOBER 2012 No. 185 SPECIAL**

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

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# **SHIRE OF MURRAY**

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LOCAL GOVERNMENT ACT 1995

## **REPEAL LOCAL LAW 2012**

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DIVIDING FENCES ACT 1961

## **FENCING LOCAL LAW 2012**

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MURRAY

**REPEAL LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Murray resolved on 30 August 2012 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Murray Repeal Local Law 2012*.

**2. Commencement**

This local law will come into operation 14 days after publication in the *Government Gazette*.

**3. Repeal**

The following local laws are repealed—

- (a) *By-law Poundage Fees*, published in the *Government Gazette* on 23 October 1914;
- (b) *By-law re Jinkers and Whim*, published in the *Government Gazette* on 25 January 1924;
- (c) *Parking by-law*, published in the *Government Gazette* on 16 September 1938;
- (d) *By-law No. 1—Buildings*, published in the *Government Gazette* on 12 February 1954;
- (e) *Building Line By-law No. 2*, published in the *Government Gazette* on 19 February 1958;
- (f) *The Municipality of the Shire of Murray By-law Relating to Verandahs* published in the *Government Gazette* on 8 February 1965;
- (g) *Municipality of the Shire of Murray By-Laws—Fencing* published in the *Government Gazette* No. 206 on 31 December 1996;
- (h) *Shire of Murray Local Law No. 1 Standing Orders* published in the *Government Gazette* on 22 April 1998;

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Dated: 24 September 2012.

The Common Seal of the Shire of Murray was affixed by authority of a resolution of the Council in the presence of—

Cr WALTER BARRETT, President.  
DEAN L. UNSWORTH, Chief Executive Officer.



**LOCAL GOVERNMENT ACT 1995  
DIVIDING FENCES ACT 1961**

SHIRE OF MURRAY

**FENCING LOCAL LAW 2012**

CONTENTS

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Application
- 1.5 Interpretation
- 1.6 Fees and charges

**PART 2—FENCES**

Division 1—Sufficient fences

- 2.1 Sufficient fences

Division 2—General

- 2.2 Fences within front or rear setback areas
- 2.3 Gates in fences
- 2.4 Depositing fencing material on public place
- 2.5 Alteration of ground levels
- 2.6 Maintenance of fences
- 2.7 Fences and sight lines
- 2.8 Fences across rights-of-way, public access ways or thoroughfares
- 2.9 General discretion of the local government

Division 3—Fencing materials

- 2.10 Pre-used fencing materials
- 2.11 Barbed wire fences and spiked or jagged materials
- 2.12 Electrified and razor wire fences
- 2.13 Prohibited fencing materials

Division 4—Tennis court fencing

- 2.14 Tennis court fencing

Division 5—Estate fencing

- 2.15 Estate fencing

**PART 3—APPROVALS**

- 3.1 Application for approval
- 3.2 Decision on application for approval
- 3.3 Compliance with approval
- 3.4 Duration of approval

**PART 4—MISCELLANEOUS**

- 4.1 False or misleading statement

**PART 5—NOTICES OF BREACH**

5.1 Notices of breach

**PART 6—OFFENCES**

6.1 Offences and penalties

6.2 Modified penalties

6.3 Form of notices

**PART 7—OBJECTIONS AND REVIEW**

7.1 Objections and review

**SCHEDULE 1—PRESCRIBED OFFENCES****SCHEDULE 2—RESIDENTIAL LOT****SCHEDULE 3—COMMERCIAL LOT****SCHEDULE 3A—INDUSTRIAL LOT****SCHEDULE 4—RURAL LOT****SCHEDULE 4A—SPECIAL RURAL LOT****SCHEDULE 4B—SPECIAL USE—SINGLE RESIDENTIAL LOT****SCHEDULE 4C—ISLAND LOCATIONS****SCHEDULE 5—ELECTRIFIED FENCE LICENCE****SCHEDULE 6—RAZOR WIRE FENCE LICENCE**

**LOCAL GOVERNMENT ACT 1995  
DIVIDING FENCES ACT 1961**

SHIRE OF MURRAY

**FENCING LOCAL LAW 2012**

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Murray resolved on 30 August 2012 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Murray Fencing Local Law 2012*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette* in accordance with clause 3.14 of the Act.

**1.3 Repeal**

Part 9 of the *Shire of Murray Consolidated Local Laws* as published in the *Government Gazette* on 30 December 1999 is repealed.

**1.4 Application**

This local law applies throughout the district.

**1.5 Interpretation**

In this local law, unless the context requires otherwise—

*Act* means the *Local Government Act 1995*;

*applicant* means a person who makes an application for approval under this local law;

*AS/NZS* means an Australian Standard or New Zealand Standard published by Standards Australia;

*authorised person* means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

*boundary fence* means a fence constructed on the boundary of a lot which abuts a thoroughfare;

*Building Surveyor* means a Building Surveyor of the local government;

*CEO* means the Chief Executive Officer of the local government;

*Council* means the Council of the Shire of Murray;

*commercial lot* means a lot where a commercial use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot;

*dangerous* in relation to any fence means—

- (a) an electrified fence other than a fence approved by the local government under this local law;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

*district* means the district of the local government;

*dividing fence* has the meaning given in the *Dividing Fences Act 1961*;

*electrified fence* means a fence carrying or designed to carry an electric charge;

*estate entry statement* means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;

**estate boundary fence** means the fence erected around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;

**farmlet** has the same meaning as rural lot;

**fence** means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

**front boundary** means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

**front fence** means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;

**front setback area** means the area between the building line of a lot and the front boundary of that lot;

**height** in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

**industrial lot** means a lot where an industrial use is or may be permitted under the local planning scheme and is or will be the predominant use of the lot;

**island locations** means all residential lots located on Yunderup, Ballee and Cooleenup Islands;

**licence** means an electrified fence licence or a razor wire fence licence;

**light industrial** has the same meaning as industrial lot;

**local government** means the Shire of Murray;

**local government property** means anything—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” under section 3.53 of the Act;

**local planning scheme** means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

**lot** has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

**non-sacrificial graffiti protection** means a coating applied to a fence which is not removed in the process of removing graffiti;

**notice of breach** means a notice referred to in clause 5.1;

**occupier** has the meaning given to it in the Act;

**owner** has the meaning given to it in the Act;

**rear setback area** means the area between the building line of a lot and the rear boundary of that lot;

**residential lot** means a lot where a residential use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot excluding island locations and special use—single residential lots;

**retaining wall** means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

**rural lot** means a lot where a rural use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**Schedule** means a Schedule to this local law;

**special rural lot** means a lot where a special rural use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**special residential** has the same meaning as residential lot;

**special use—single residential** means a lot where a residential use is or may be permitted for a single house only under the local planning scheme and the land is located within a floodway as designated by the Department of Water;

**special use—kennels** means a lot where kennel establishments are the predominate use under the local planning scheme and has the same meaning as a rural lot;

**sufficient fence** means a fence that satisfies clause 2.1 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.1; and

**thoroughfare** has the meaning given to it in the Act.



## 1.6 Fees and charges

All fees and charges applicable under this local law shall be determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act.

## PART 2—FENCES

### Division 1—Sufficient fences

#### 2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5) of this local law, a sufficient fence—
  - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
  - (b) on a commercial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
  - (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
  - (d) on a rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4;
  - (e) on a special rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A;
  - (f) on a special use—single residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4B; and
  - (g) on island locations is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4C.
- (3) Where a fence is erected on or near the boundary between a residential lot and a commercial lot, industrial lot, rural lot, special rural lot or a special use—single residential lot a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.
- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2), (3) and (4) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
  - (a) it is greater than 1,800 millimetres in height; or
  - (b) the Building Surveyor so requires.
- (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.

### Division 2—General

#### 2.2 Fences within front or rear setback areas

- (1) Notwithstanding the provisions of clause 2.1, a person shall not erect a fence within the front or rear setback areas, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme or the Residential Design Codes.
- (2) Where there is inconsistency between the standards and requirements of the local planning scheme and those specified in the Residential Design Codes, the standards and requirements of the local planning scheme shall prevail to the extent of the inconsistency.

#### 2.3 Gates in fences

A person shall not erect a gate in a fence which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

#### 2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

#### 2.5 Alteration of ground levels

- (1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.
- (2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1,000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.

(3) A person shall not alter the natural ground level of land on or within 1,000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

### **2.6 Maintenance of fences**

(1) An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

### **2.7 Fences and sight lines**

(1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction in height shall be provided at the property line to ensure adequate visibility, as follows—

- (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 metres x 1.5 metres, where achievable, or as a minimum a sight line truncation of 1 metre x 1 metre for low and medium peak vehicle movements, and a sight line truncation of 3 metres x 3 metres where achievable, for high peak vehicle movements;
- (b) at an intersection of two roads a minimum sight line truncation of 3 metres x 3 metres. A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6 metres wide, and where appropriate signage and line marking is provided.

(2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.

(3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (1).

### **2.8 Fences across rights-of-way, public access ways or thoroughfares**

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

### **2.9 General discretion of the local government**

(1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.

(2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or repair of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

## **Division 3—Fencing materials**

### **2.10 Pre-used fencing materials**

(1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a commercial lot or an industrial lot from pre-used materials without the approval of the local government.

(2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

### **2.11 Barbed wire fences and spiked or jagged materials**

(1) An owner or occupier of a residential lot, a commercial lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.

(2) Where an approval has been obtained in accordance with subclause (1), the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials are carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is setback 150 millimetres from the face of the fence, is at least 2,000 millimetres above ground level and the total height shall not exceed 2,400 millimetres.

### **2.12 Electrified and razor wire fences**

(1) An owner or occupier of a lot, shall not—

- (a) except on a rural lot, construct or use an electrified fence on that lot without obtaining the approval of the local government; or
- (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government.

(2) The local government shall not approve an application for the purpose of subclause (1)(a)—

- (a) in respect of a lot which is or which abuts a residential lot;
- (b) unless the fence complies with “AS/NZS 3016:2002 Electrical installations—Electricity security fences”; and

- (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) The local government shall not approve an application for the purpose of subclause (1)(b)—
  - (a) if the fence is within 3,000 millimetres of the boundary of the lot; or
  - (b) where any razor wire used in the construction of the fence is less than 2,000 millimetres or more than 2,400 millimetres above the ground level.
- (4) An application for approval for the purpose of subclauses (1) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) Where the local government approves an application made under this clause, it shall provide a licence to the applicant in the form of—
  - (a) Schedule 5, where an application is made under subclause (1)(a); or
  - (b) Schedule 6, where an application is made under subclause (2)(b).

### **2.13 Prohibited fencing materials**

A person shall not affix or use broken glass in the construction of any fence.

#### Division 4—Tennis court fencing

### **2.14 Tennis court fencing**

- (1) A person shall not erect a fence around or partly around a tennis court on a lot unless—
  - (a) the fence is not more than 3,600 millimetres in height;
  - (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot; and
  - (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh, erected in accordance with the manufacturer's specifications.
- (2) Subclause (1) does not apply to a fence erected with the approval of the local government.
- (3) In determining any application for approval for the purpose of subclause (2), where the fence will be less than 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot, the local government shall invite the owner of the adjoining lot to make submissions on the proposal, and the local government shall have regard to any such submissions in making its decision under clause 3.2.

#### Division 5—Estate fencing

### **2.15 Estate fencing**

- (1) A person shall not construct or erect an estate entry statement or estate boundary fence without the approval of the local government.
- (2) Where an estate entry statement or estate boundary fence is constructed and contains an estate name, the entry statement or estate boundary fence shall also depict the locality name in at least equal prominence.
- (3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar materials with which it was first constructed, so as far as practicable the repaired or replaced section shall be the same as the original fence.

## **PART 3—APPROVALS**

### **3.1 Application for approval**

- (1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).
- (2) An application for approval under this local law shall—
  - (a) be in the form determined by the local government;
  - (b) be signed by the applicant and the owner of the lot;
  - (c) provide the information required by the form; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.
- (4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

### **3.2 Decision on application for approval**

- (1) The local government may—
  - (a) approve an application for approval unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

### **3.3 Compliance with approval**

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

### **3.4 Duration of approval**

Unless otherwise stated in the form of approval, an approval granted under this local law runs with the lot to which it relates and may be relied upon by any subsequent occupier or owner of the lot and may be enforced against them by the local government.

## **PART 4—MISCELLANEOUS**

### **4.1 False or misleading statement**

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

## **PART 5—NOTICES OF BREACH**

### **5.1 Notices of breach**

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice of breach in writing to the owner of that lot.

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner is required to remedy the breach within the time specified in the notice.

(3) An owner given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

(4) Should an owner fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

(5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Act and any entry on to land will be in accordance with Part 3, Division 3 of the Act.

## **PART 6—OFFENCES**

### **6.1 Offences and penalties**

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

### **6.2 Modified penalties**

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount appearing in the final column of Schedule 1 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

### **6.3 Form of notices**

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is to be in or substantially in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**PART 7—OBJECTIONS AND REVIEW****7.1 Objections and review**

When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

*Schedule 1***PRESCRIBED OFFENCES**

[clause 6.2(2)]

**OFFENCES AND MODIFIED PENALTIES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified penalties \$</b>
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2	Erect a fence within the front or rear setback areas which does not comply with the local planning scheme	200
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside of fence	200
5	2.15 (1)	Construct or erect an estate entry statement or estate boundary fence without the written approval of the local government	250
6	2.6(1)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated or unsightly	250
7	2.7(3)	Erect a fence without the required sight line truncation or height reduction	250
8	2.8	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without written approval	250
9	2.10(1)	Construct a dividing fence on a residential, commercial or industrial lot from pre-used materials without written approval	250
10	2.11(1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without written approval	250
11	2.12(1)	Construct, erect or use razor wire in a fence or electrify a fence without written approval	250
12	2.13	Affix, or use, any broken glass in a fence	250
13	2.14(1)(a)	Erect a tennis court fence higher than 3,600 millimetres without written approval	200
14	2.14(1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without written approval	200
15	2.14(1)(c)	Erect a link mesh fence higher than 3,600 millimetres or not in accordance with manufacturer's specification without written approval	200
16	3.3	Failure to comply with terms or conditions of approval	250
17	5.1(3)	Failure to comply with notice of breach	250

*Schedule 2***RESIDENTIAL LOT**

[clause 2.1(2)(a)]

**Specifications for a sufficient fence on a residential lot**

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a residential lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(1) Height: 1,800 millimetres except with respect to the front or rear setbacks;

Minimum height: subject to requirements and standards of local planning scheme;

(A) Timber fence

A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.

## (B) Corrugated fence

A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—

- (a) length: minimum in-ground length of 25 percent of the total length of the sheet;  
depth: minimum in-ground depth of 600 millimetres;
- (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement of steel sheet;
- (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
- (d) height: 1,800 millimetres except with respect to the front setback;  
minimum height: subject to requirements and standards of local planning schemes.

## (C) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete which satisfies the following requirements and specifications—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended;
- (c) fences to be offset at a minimum of 200 millimetres and at maximum 3,000 millimetres centres; or 225 millimetres x 100 millimetres engaged piers to be provided at: maximum 3,000 millimetres centres;
- (d) expansion joints in accordance with the manufacturer's written instructions; and
- (e) height of the fence to be 1,800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme.

## (D) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended;
- (c) height: maximum overall height of 1,800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1,200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1,800 millimetres centres;  
bonded to a maximum height base wall of 514 millimetres; or,  
brick fence of height exceeding 1,200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1,800 millimetres centres;  
bonded to a maximum height base wall of 514 millimetres;
- (e) each pier shall be reinforced with,  
one R10 galvanised starting rod for 230 millimetres x 230 millimetres piers; and,  
two R10 galvanised starting rods for 345 millimetres x 345 millimetres x 345 millimetres piers, each rod being 1,500 millimetres high with a 250 millimetres horizontal leg bedded into the concrete footing;  
set 65 millimetres above the base of the footing and the top of the footing shall be 1 course (85 millimetres) below ground level;
- (f) cavity to brick piers to be filled with 20 MPa concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPa, mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 millimetres and checked with a standard falling weight penetrometer; and
- (i) control joints in brickwork shall be provided at piers at a maximum of 6-metre centres.

## (E) Brick fence with base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1,200 millimetres having brick piers of—  
minimum of 230 millimetres x 230 millimetres x 2,700 millimetres centres bonded to the base wall; and  
each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
- (b) height exceeding 1,200 millimetres having brick piers of—  
minimum 345 millimetres x 345 millimetres x 2,700 millimetres centres bonded to base wall; and  
each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

## (F) Brick fence with no base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1,200 millimetres having brick piers minimum 230 millimetres x 230 millimetres x 2,700 millimetres centres with no brick base wall; and, each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
- (b) height exceeding 1,200 millimetres having brick piers minimum 345 millimetres x 345 millimetres x 2,700 millimetres centres with no brick base wall; and, each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

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*Schedule 3*

**COMMERCIAL LOT**

[clause 2.1(2)(b)]

**Specifications for a sufficient fence on a commercial lot**

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a commercial lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

## (A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres, footings of a 225 millimetres diameter x 900 millimetres;
- (b) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3,500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (c) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; 2 at each corner post; and footings 225 millimetres x 600 millimetres;
- (d) cables to be affixed to the top centre and bottom of all posts; and consists of 2 or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;
- (e) non-rail link, chain or steel mesh is to be a height of 2,000 millimetres on top; and 3 strands of barbed wire carrying the fence to a height of 2,400 millimetres in accordance with requirements and standards of local planning scheme;
- (f) galvanised link mesh wire to be 2,000 millimetres in height; constructed of 50 millimetres mesh, 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (g) vehicle entry gates shall provide an opening not less than 3,600 millimetres constructed of 25 millimetres tubular framework; one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

## (B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred to in Schedule 2 and no greater than 2,000 millimetres in height; or
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and no greater than 2,000 millimetres in height; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 and no greater than 2,000 millimetres in height.

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*Schedule 3A*

**INDUSTRIAL LOT**

[clause 2.1(2)(c)]

**Specifications for a sufficient fence on an industrial lot**

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on an industrial lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) maximum height 2,400 millimetres;
- (b) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres footings of a 225 millimetres diameter x 900 millimetres;
- (c) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3,500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (d) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; 2 at each corner post; and footings 225 millimetres x 600 millimetres;
- (e) cables to be affixed to the top centre and bottom of all posts; and consists of two or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;
- (f) non-rail link, chain or steel mesh is to be a height of 2,000 millimetres on top; and 3 strands of barbed wire carrying the fence to a height of 2,400 millimetres in accordance with requirements and standards of local planning scheme;
- (g) galvanised link mesh wire to be 2,000 millimetres in height; constructed of 50 millimetres mesh 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (h) vehicle entry gates shall provide an opening not less than 3,600 millimetres constructed of 25 millimetres tubular framework;
- (i) one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

(B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred in Schedule 2, of a minimum height of 1,800 millimetres but no greater than 2,400 millimetres;
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1,800 millimetres but no greater than 2,400 millimetres; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 of a minimum height of 1,800 millimetres but no greater than 2,400 millimetres.

**Schedule 4**  
**RURAL LOT**

[Clause 2.1(2)(d)]

**Specifications for a Sufficient Fence on a Rural Lot**

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a rural lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 millimetres;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases; or
- (c) minimum 5 line ringlock type fencing fixed to the manufactures specifications;
- (d) posts are to be of indigenous timber or other suitable material including—
  - (i) timber impregnated with a termite and fungicidal preservative;
  - (ii) standard iron star pickets; or
  - (iii) concrete;
- (e) posts are to be placed at not more than 5,000 millimetres intervals, set minimum 600 millimetres in the ground and 1,200 millimetres above the ground;
- (f) if timber posts are used, posts are to be cut not less than 1,800 millimetres long x 50 millimetres diameter at small end if round, or 125 millimetres x 60 millimetres if split or sawn;



- (g) if strainer posts are to be not less than 2,250 millimetres long and 150 millimetres diameter at the small end (tubular steel to be 50 millimetres in diameter) these strainer posts shall be placed a minimum of 1,000 millimetres in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart; and
  - (h) barbed wire may be used to replace a maximum of 2 wires. Where a fence adjoins a thoroughfare barbed wire is to be affixed to the inside of the fence.
- (B) Electrified fence  
An electrified fence having 4 wires is a sufficient fence that is constructed generally in accordance with a non-electrified fence.

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***Schedule 4A***

**SPECIAL RURAL LOT**

[Clause 2.1(2)(e)]

**Specifications for a sufficient fence on a special rural lot**

As provided in Schedule 4, except an electric fence is not permitted unless approved by the local government.

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***Schedule 4B***

**SPECIAL USE—SINGLE RESIDENTIAL LOT**

[Clause 2.1(2)(f)]

**Specifications for a sufficient fence in a special use—single residential lot**

As provided in Schedule 4, except that all fences shall have openings of at least 300 millimetres between the existing ground level and the lowest portion of the fence to allow the unimpeded flow of water in a flood event.

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***Schedule 4C***

**ISLAND LOCATIONS**

[Clause 2.1(2)(g)]

**Specifications for a sufficient fence on island locations**

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a lot within a specified area.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 millimetres;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases, or
- (c) minimum 5-line ringlock type fencing fixed to the manufactures specifications;
- (d) posts are to be of indigenous timber or other suitable material including—
  - (i) timber impregnated with a termite and fungicidal preservative;
  - (ii) standard iron star pickets; or
  - (iii) concrete;
- (e) posts are to be placed at not more than 5,000 millimetres intervals, set minimum 600 millimetres in the ground and 1,200 millimetres above the ground;
- (f) if timber posts are used, posts are to be cut not less than 1,800 millimetres long x 50 millimetres diameter at small end if round, or 125 millimetres x 60 millimetres if split or sawn; and
- (g) if strainer posts are to be not less than 2,250 millimetres long and 150 millimetres diameter at the small end (tubular steel to be 50 millimetres in diameter) these strainer posts shall be placed a minimum of 1,000 millimetres in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

**Schedule 5**  
**ELECTRIFIED FENCE LICENCE**

[clause 2.12(1)(a)]

**Licence for approved electrified fence**

This is to certify that .....  
of .....  
is licensed, subject to the conditions set out below, to have and use an electrified fence  
on .....  
.....  
(address)  
from .....20.....and until this licence is transferred or cancelled.  
Dated.....20.....  
Chief Executive Officer  
Shire of Murray

**Conditions of licence**

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) upon the request of an authorised officer produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (e) comply with AS/NZS 3016:2002 Electrical installations; and
- (f) following construction of the fence, lodge with Synergy a certificate of installation from a qualified electrician and comply with any requirements of Synergy regarding the construction of the fence.

**Transfer by endorsement**

This licence is transferred to

.....  
of .....  
from and including the date of this endorsement.  
Dated.....20.....  
Chief Executive Officer  
Shire of Murray

**Schedule 6**  
**RAZOR WIRE FENCE LICENCE**

[clause 2.12(1)(b)]

**Licence for approved razor wire fence licence**

This is to certify that .....  
of .....  
is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of  
razor wire on .....  
.....  
(address)  
from ..... 20.....and until this licence is transferred or cancelled.  
Dated.....20.....  
Chief Executive Officer  
Shire of Murray

**Conditions of licence**

The holder of the licence must—

- (a) display this licence in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the local government, produce to him or her this licence;

- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the Shire prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

**Transfer by endorsement**

This licence is transferred to

.....  
of .....

.....  
from and including the date of this endorsement.

Dated.....20.....

Chief Executive Officer  
Shire of Murray

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Dated 24 September 2012.

The Common Seal of the Shire of Murray was affixed by authority of a resolution of the Council in the presence of—

Cr WALTER BARRETT, President.  
DEAN L. UNSWORTH, Chief Executive Officer.

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