

SHIRE OF MT MARSHALL

LOCAL LAW RELATING TO FENCING

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 17th day of August, 1999 to make the following Local Laws.

1. In these Local Laws unless the content otherwise requires-

"Council" means the Council of the Shire of Mt Marshall

"District" means the municipal district of the Shire of Mt Marshall

"Dangerous Fence" means a fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

"Fence" means a fence abutting a road way or street or a fence on or near the boundary line of a lot and includes any free standing wall and any retaining wall.

"Industrial or Special Zone Use Zones" means any portion of the District that is classified or zoned Industrial or Special Zone Use by a Town Planning Scheme or Local Law for the time being in force.

"Residential Zone" means any portion of the District that is classified or zoned Residential by a Town Planning Scheme or Local Law for the time being in force.

"Building Surveyor" means a building surveyor appointed by the Shire of Mt Marshall.

"Dividing Fence" means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

"Town Planning Scheme" means the Town Planning Scheme of the Shire of Mt Marshall for the time being in force under the provisions of the Town Planning and Development Act 1982 (as amended).

2. Sufficient Fences-

- a) Subject to Local Law 8 a fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a "sufficient fence" for the purpose of the Dividing Fences Act 1961 (as amended).
- b) A fence within an Industrial or Special Use Zone constructed in accordance with the specifications set out in the Second Schedule hereto is hereby prescribed as a "sufficient fence" for the purpose of the Dividing Fences Act 1961 (as amended).
- c) A fence within a Special Rural Zone constructed in accordance with the specifications set out in the Third Schedule hereto is hereby prescribed as a "sufficient fence" for the purpose of the Dividing Fences Act 1961 (as amended).

3.
 - a) Where a fence is erected on the boundary between land in a Residential Zone and land in some other zone then a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a "sufficient fence" for the Residential Zone.
 - b). Where a fence is erected on a boundary between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended).

4.
 - a) No person shall construct a fence of second hand material within the Shire of Mt Marshall townsites without first obtaining the written consent of the Council which consent the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit".
 - b) No fence shall be constructed of sheet metal unless approval has been granted by the Council.

5.
 - a) Within a Residential Zone, subject to Local Law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.

- b) A fence within a Residential Zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to -
 - (i) approval by Council; and
 - (ii) Local Law 7 being complied with.
 - c) A fence within a Residential Zone shall not, within 6 metres of the front boundary of the lot, exceed 1200mm in height, without the express approval of Council.
 - d) The Council at its discretion may upon written application approve a fence other than those permitted by these Local Laws.
6. No person shall erect any structure in front of the building line in an Industrial or Special Zone Use or Residential Zone other than a fence permitted by these Local Laws without having first made written application to and obtained the written approval of the Council.
7. No person shall erect or permit to be erected on any land owned or occupied by any person any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the natural ground level at the boundary with the carriageway within a six metre truncation of a corner lot as depicted in Appendix 1.
8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.
9. a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until that person has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the Council, engineering calculations in respect thereof and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.
- b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.
10. A fence wholly or partly of barbed wire complying with these Local Laws may only be erected -
- i) In any area that is used for Pastoral purposes.

- ii) In an Industrial or Special Zone Use if no barbed wire is used below a height of 1800mm from the ground; or
 - iii) In any other part of the Shire of Mt Marshall with the written approval of the Council.
11. a) No person shall erect or maintain a dangerous fence in the Shire of Mt Marshall without the written approval of Council.
- b) No person shall erect an electric fence in a townsite within the Shire of Mt Marshall without written approval of Council.
12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.
13. The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.
14. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which in the opinion of the Building Surveyor is in bad condition of repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these Local Laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time which to comply. Any person who fails to comply with the terms of any notice served under these Local Laws commits an offence.
15. Any person who commits a breach of these Local Laws commits an offence and shall on conviction be liable to -
- (i) a maximum penalty of \$200, and
 - (ii) in addition a maximum daily penalty of \$20 for each day during which the offence continues to occur.

First Schedule

SPECIFICATIONS FOR SUFFICIENT FENCE IN A RESIDENTIAL ZONE

Each of the following is a "sufficient fence" on a Residential Lot-

A. A picket fence which satisfied the following specifications-

- (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
 - (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
 - (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
 - (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
 - (e) rails to be 75mm x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
 - (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and double nailed to each rail; and
 - (g) the height of the fence to be minimum of 1800mm.
- B. A fence constructed of corrugated fibre reinforced pressed cement sheeting which satisfies the following specifications-
- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
 - (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement sheet;
 - (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
 - (d) the height of the fence to be a minimum of 1800mm.
- C. A fence constructed of brick, stone or concrete, which satisfies the following specifications-
- (a) footings of minimum 225mm x 150mm concrete 15MPA or 300mm x 175mm brick laid in cement mortar;
 - (b) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
 - (c) expansion joints in accordance with the manufacturer's written instructions; and
 - (d) the height of the fence to be a minimum of 1800mm.
- D. A composite fence which satisfies the following specifications for the brick construction-
1. (a) brick piers of minimum 230mm x 230mm at 1800mm centres bonded to a minimum height base wall of 514mm;

- (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below the ground level;
 - (c) the minimum ultimate strength of brickwork shall be 20MPA. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
 - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
 - (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; or
2. (a) brick piers of a minimum 230mm X 350mm x 2700mm centres bonded to the base wall; and
- (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.
- E. A fence constructed of colour bonded cold formed steel comprising an integrated structure of posts, rails and infill sheets which complies with manufacturer's instructions and/or satisfies the following specifications-
- (a) posts to be spaced at no greater than 2350mm centres;
 - (b) post holes to be 250mm diameter with minimum in ground depth of-
 - 300mm in rock earth;
 - 600mm in clay/firm earth
 - 900mm in sand/loose fill
 - (c) posts to be secured into the ground by filling the ground level with fully mixed wet concrete tapered above ground for approximately 50mm leaving gap to bottom rail height;
 - (d) posts and rails to be securely fastened on both side of top and bottom rails with no less than 9 16 x 16mm self-drilling screw placings per post as follows-
 - fasteners approximately 60mm from top of post at 40mm centres;
 - fence height of 1500mm - screw spacing of 250mm;
 - fence height of 1800mm - screw spacing of 300mm;
 - (e) the last two panels of an unsupported end extending beyond front of house to be tapered so that low end is $\frac{1}{2}$ height;
 - (f) bottom rail to have drain holes;
 - (g) infill panels to be set between posts, into bottom rail, lapped and secured by top rail;
 - (h) garden fill not to be built up against bottom rail;

- (i) fence shall not be used as a retaining wall;
- (j) the height of the top rail to be a minimum of 1800mm.

Second Schedule
INDUSTRIAL, SPECIAL USE ZONE

A sufficient fence shall consist of rail - less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm, supported by galvanized iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 600mm deep x 250mm diameter, or supported by termite treated timber posts of a diameter of 100mm spaced at 3 metre centres set in the ground 600mm and encased in a concrete footing having a dimension of 600mm deep by 350mm diameter.

Third Schedule
SPECIFICATIONS FOR A SUFFICIENT FENCE IN A SPECIAL RURAL ZONE

The following is a "sufficient fence" in a Special Rural Zone -

1. A lot boundary fencing shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council's Town Planning Scheme.
2. A fence shall be erected and maintained so as to securely confine all livestock within the boundaries of the property.
3. Barbed wire is permitted on fencing within this Zone.

Dated this 2nd day of September 1999.

The Common seal of the Shire of Mt Marshall was hereunto affixed by authority of a resolution of Council in the presence of-



IAN LANDSMEER, Shire President
PETER BRADBROOK, Chief Executive Officer

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APPENDIX 1 - TRUNCATION - CORNER LOTS

