



7. BUILDING POLICIES

7.2 OTHER BUILDING

7.2.13 Fencing

Citation

1. This Policy applies to all zones as defined under the Town Planning Scheme.

Interpretation

2. In this Policy unless the context otherwise requires:

“**Council**” means the Council of the Shire of Manjimup.

“**District**” means the municipal district of the Shire of Manjimup.

“**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 level, or any other cause or causes.

“**Fence**” means a Fence abutting a roadway 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, Commercial Residential, Special Residential Special Rural Zone and Rural Zone**” means any portion of the District that is pursuant to the Town Planning Scheme.

“**Building Surveyor**” means a building surveyor appointed by the Shire of Manjimup.

“**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 Manjimup for the time being in force under the provisions of the Town Planning and Development Act, 1928 (as amended).

Sufficient Fence

3. Subject to Clauses 4 and 5:
 - (a) A Fence within Residential Zone constructed in accordance with the specifications set out in the second schedule hereto is hereby prescribed as a “sufficient Fence” for the purposes of the Dividing Fences Act, 1961 (as amended).
 - (b) A Fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the second schedule hereto is hereby prescribed as a “sufficient Fence” for the purposes of the Dividing Fences Act, 1961 (as amended).
 - (c) A Fence within a Special Residential, Rural or 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 purposes of the Dividing Fences Act, 1961 (as amended).

Fences on Boundaries

4. 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 Fence Act, 1961 (as amended) shall be that prescribed as a “sufficient fence” for the other zone.
5. Where a Fence is erected on a boundary line 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 Fence Act, 1961 (as amended).

Fencing Material

6. No person shall construct a fence of second hand material within the district under any circumstances, and in any other case without the written consent of the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.
7. No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.

Fence Height

8. Within a Residential Zone, subject to clause 13 a front boundary fence not exceeding 1200 mm in height may be constructed along the full width of the frontage of a lot.
9. A fence within a Residential Zone in excess of 1200 mm and not exceeding 1800 mm in height may be constructed along the front boundary of a lot subject to:
 - a) Approval by Council; and
 - b) Clause 13 being complied with.
 - c) The length of that Fence on the boundary line does not exceed 75% of the total length of that boundary and the remaining 25% of the Fence is setback a minimum of 450 mm from the boundary;
 - d) The Fence is on both sides of every driveway angled into the lot for a distance of not less than 1,500 mm along the frontage to a distance of not less than 2,000 mm from the frontage to provide splayed lines of sight.
10. A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 750 mm in height, without the express approval of Council.
11. The Council at its discretion may upon written application approve a fence other than those permitted by this policy.
12. No person shall erect any structure in front of the building line in an Industrial, Commercial or Residential Zone other than a fence permitted by this policy without having first made written application too and obtained the written approval of the Council.
13. No person shall erect or permit to be erected on any land owned or occupied by that person, any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750 mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or right-of-way boundary from the point of intersection of the streets, roads or right-of-way or from the point of intersection of a prolongation of the said boundaries except that this policy shall not apply to intersections or junctions having the standard truncation of 8.0 metres or more.

14. No person shall erect a dividing fence greater than 1800 mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.

Council Approval

15. No person shall:
- (a) Commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000 mm 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.
 - (c) Erect a fence of a type not otherwise specified, unless approval is obtained from Council.

Fence Condition and Dangerous Fences

16. A fence wholly or partly of barbed wire complying with this Policy may only be erected:
- (a) In any Rural or Special Rural area.
 - (b) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800 mm from the ground; or
 - (c) In any other part of the Shire of Manjimup with the written approval of the Council.
 - (d) Any Electric Fence shall be in accordance with Australian Standard AS 3129/1981 and shall only be used for the purpose of stock control.
17. No person shall:
- (a) Erect or maintain a dangerous fence in the District without the written approval of Council.
 - (b) No person shall erect an electric fence in Residential and Special Residential Zones without the written approval of Council.

18. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.
19. The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it from being dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.
20. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or fence which is in the opinion of the Building Surveyor in bad condition or 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 in which to comply.
21. A gate in a fence shall not open outwards onto a street or right of way unless the gate opens within the property boundary, unless otherwise approved by Council.

FIRST SCHEDULE
Residential Zone

A sufficient fence shall be a freestanding type of construction, which should be timber, fibro cement, or non-reflective metal fence having specifications as follows:

- (a) A height of 1500 mm;
- (b) An in-ground depth of 25% of the total length of the sheet with a minimum in-ground length of 600 mm;
- (c) The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement or metal sheet:
- (d) Fibre reinforced cement or metal sheets are to be lapped and capped with extruded "snapfit" type capping in accordance with the manufacturer's specifications.

SECOND SCHEDULE
Industrial and Commercial Zone

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800 mm on top of which are three strands of barbed wire carrying the fence to a height of 2100 mm supported by galvanised iron posts of a diameter of 50

mm spaced at three (3) metre centres and sunk in the ground 600 mm and encased in a concrete footing having a dimension of 160 mm x 160 mm.

THIRD SCHEDULE

Special Residential, Special Rural and Rural Zone

The fence, if required, shall be of suitable construction to retain animals and may consist of but not limited to standard pickets, sawn, split or round wooden posts. Where required strainer posts shall be set at corners, gateways and fence line angles.

The fence posts may be covered with a proprietary link type fence or similar or horizontal rails as required. An Electric fence may be used in Special Rural and Rural areas without express permission from Council.

Where steel strainer posts are used they shall be driven into the ground and secured as required.

**REVIEWED AND ADOPTED 27 MARCH 2003
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NEXT DUE FOR REVIEW JULY 2013

The Administration of this Policy is by Statutory Services Division.