

PROPOSED FENCING LOCAL LAW 2026 – SUBMISSION & COMMENT

8 June 2026

Council directive as per Briefing Session held 27 May 2026

No.	Summary of submission	Admin comment relating to submission	Recommendation
1	Amend cl 2.2 Sufficient fences – generally		
1.1	- Deleted ‘, a rural residential zone’ and replace ‘Schedule 3’ with ‘Schedule 4’ from subclause (c) and move the result to subclause (d). - Insert a new subclause (c) stating” in a rural residential zone, is a dividing fence constructed and maintained in accordance with Schedule 3.” - Deleted from Schedule 3 “, rural residential” and rename the Schedule to Schedule 4 and change the clause reference to [Clause 2.2(1)(d)]. - Insert a new Schedule 3 as follows:	Dependent on whether changes as submitted are made CARE – consequential amendments elsewhere may be needed	Dependent on whether changes as submitted are made <u>Council Directive</u> – Make changes as suggested in submission, subject to any consequential changes needed
1.2	Schedule 3 – Sufficient fence for a lot in the rural residential zone [Clause 2.2(1)(c)] <i>[suggested wording]</i> - On a lot in the rural residential zone, a sufficient fence is a dividing fence of a maximum height of 1200mm and is of – - Post and wire construction with at least 5 wires but no more than 7 wires and each wire is connected to the post in all cases.	- Has the effect of – - removes option for electrified fences for stock control in rural residential areas - stipulates maximum of 7 strands. Seems superfluous when maximum height is 1,200 mm, subject to any discretionary approval under cl.2.4 - removes of requirement to prevent passage of stock.	For Council decision Recommend keep the requirement that the fence be

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	2. Where a fence is constructed in accordance with subclause (a) it is to be maintained free of vegetation. 3. The fence shall not adversely affect land or impact on – (a) The safe or convenient use of the land; (b) The safety or convenience of any person; (c) The visual amenity of the streetscape or neighbouring properties. 4. An electrified fence is not permitted with the rural residential zone.	However, refer proposed Animals, Environment and Nuisance Local Law cl.4.11 and 4.12. 2. Additional restriction suggested – but it is considered it would better in Fire Control Order. The local law deals more with the physical structure of a fence, rather than surrounding circumstances. Fencing Local Law – published once, and then rarely read by residents 3. Re-statement of identical requirements in other Schedules. 4. Refer – - cl.5.2 – existing proposed restrictions on electrified fence for animal control in rural residential areas - cl.5.3 – restrictions on electrified fences for security. If electrified fences for stock control are to be prohibited in rural residential zone, it would be appropriate to also amend clause 5.2.	adequate to prevent passage of stock <u>Council Directive</u> – Make changes as suggested in submission No change is suggested Suggest inclusion in the annual Fire Control Order, if considered appropriate Also has the effect of informing residents every year – not static <u>Council Directive</u> – Make changes as suggested in submission n/a For Council decision <u>Council Directive</u> – Make changes as suggested in submission, and amend cl.5.2 as needed

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	5. Fences are not permitted where they will prevent access to a strategic fire break.	5. If to be enforceable under the local law, sets up the need for – - defining what a strategic firebreak is, requirements for strategic fire breaks, positioning etc - standards, possibly maps, decision, register of strategic firebreaks. - who decides what a strategic firebreak is and where it should be - easiest way would be to develop a Shire wide Strategic Firebreaks Plan, to then be adopted by Council. This may be advantageous regardless of outcome of suggested amendment. Bush Fires Act – - s39(1)(c) permits the cutting or removal of a fence in emergency situations by fire control officers - s.44(1)(c) permits the same for bush fire brigade officers CARE – consequential amendment elsewhere may be needed	No change is suggested due to– - administration of strategic fire breaks - existing powers to cut or remove fences in legislation - inclusion in a Fire Control Order ensures annual review and much easier to amend if desired Could then include requirement to comply with the adopted Strategic Firebreaks Plan in the Fire Control Order Note – since acting under authority of legislation, the officer and volunteers are protected from claims for damage <u>Council Directive</u> – Retain original draft text (submitted changes not being made).
		SUMMARY – Inclusion of the suggestions (except 3) would require the draft local law to be readvertised, since the changes are considered to be significant. FINAL COMMENT 8 June 2026 – The suggested changes are considered significant as they both add and remove requirements on landholders.	