

CITY OF BUNBURY

LOCAL PLANNING POLICY – **ELECTRIC FENCES**

PURPOSE:	To provide guidance to property owners, the community and Development Services staff for the processing and determination of applications for the installation of electric fencing within the Municipality of Bunbury.
OBJECTIVES:	<ol style="list-style-type: none">1 To support the processing of applications for electric fences within defined areas within the Municipality of Bunbury.2. To establish provisions whereby any proposed electric fence would not adversely affect the established level of amenity in any given situation, in terms of purely visual considerations.3. To establish guidelines to be used in association with Local Law titled “Private Property Amendment Local Law 2007” – Allowing for the installation of electric fencing within the District of the City of Bunbury subject to Council approval and conditions.
GUIDELINES:	Refer attached
COUNCIL DECISION NO/ DATE:	226/07 – 6 November 2007
SOURCE OF POLICY:	Development Services
REVIEW RESPONSIBILITY:	Development Services
REVIEW DATE:	June Annually or As Required

Disclaimer

While all care has been taken to portray an accurate depiction of the current Local Planning Policy, no responsibility shall be taken for any omissions or errors in this document.

It is advised that the City of Bunbury, Development Services be consulted in regard to an up-to-date interpretation of the Local Planning Policy.

1. GENERAL

- 1.1 Electric fences are **not** permissible in any form in the “Residential” zone and/or in the “Development Zone – Residential”. Electric fences may be considered on a purely discretionary basis, in all other zones.
- 1.2 In the case where a property subject of an electric fence application is adjacent to land zoned residential, the applicant shall submit comments from the owner(s) and/occupiers of all such residential properties.
- 1.3 In the event of any objection in respect of any application for the installation of an electric fence (including any objection in respect of any property abutting a residential property) the matter of the consideration of such application shall be referred to Council for consideration.
- 1.4 Where an Electric Fence is proposed on property adjacent to land zoned residential a suitable new property boundary fence may be required (minimum height to be 1.8 metres above ground level and in accordance with Council’s Local Fencing Laws, and irrespective of the provisions of AS 3016) by the City (at the cost of the proponent) in addition to any proposed Electric Fence.

In all other cases, the minimum height of any normal boundary fence which abuts a proposed electric fence (reference AS 30116) shall similarly be 1.8 metres, from ground level, and shall comply with Council’s Local Fencing Laws. *Note: in the case when an existing boundary fence is below 1.8 metres in height (but not less than 1.5 metres in height) the matter will be considered on an individual basis.*

- 1.5 Prior to any approval by Council of the installation of an electric fence, the applicant shall submit to Council documentary proof (in the form of industry certification) that the installation of the electric fence has been carried out in accordance with all relevant Australian Standards.
- 1.6 Council shall, on an annual basis, issue a Notice, in a form prescribed by Council from time to time, to the owner and/or occupier of premises subject of an electric fence installation, and subsequent to the issuance of such Notice, the owner and /or occupier of any premises shall submit to Council, the completed Notice, along with formal documentation to the effect that any electric fence is being inspected and maintained by an industry approved licensed installer in accordance with all relevant Australian Standards.
- 1.7 Applications for the construction and installation of an electric fence shall include all necessary drawings and details as required by the City of Bunbury to properly present the proposed development and shall not necessarily be limited to:
 - 1.7.1 A Location Plan to a scale no less than 1:500 showing the land subject of the application and it’s relationship to surrounding lots and streets;
 - 1.7.2 A site plan to a scale of 1:100 or as approved by the Manager Development Services, showing the position of all existing buildings;
 - 1.7.3 Plans and elevations to a scale no less than 1:100 or as approved by the Manager Development Services, showing the proposed position of the proposed electric fence.
 - 1.7.4 Documentation stating the required currency of the proposed facility.

1.7.5 Manufacturer's details as required.

1.8 An assessment of any application for an electric fence shall be made pursuant to the provisions of the current Town Planning Scheme and any relevant policy as determined by the Manager Development Services, and/or the approving officer.

1.9 Fees shall be as determined by Council.

2. DETERMINATION OF APPLICATIONS

2.1 In determining the suitability of any application, the Manager Development Services shall have regard to the objectives and provisions of its Town Planning Scheme, and/or any other relevant matter, and may take into account:

2.1.1 The nature of the proposed development in relation to the development either existing or proposed, on adjoining land.

2.1.2 The design and appearance of the electric fencing, and its effect upon the amenity of the existing buildings in the area generally.

2.2.3 The existing and likely future amenity of the locality within which the development is to take place in particular and the Scheme area in general.

2.2.4 Any other relevant town planning consideration, the public interest in general and the locality surrounding the proposed development in particular.

2.2.5 Compliance with other relevant Local Planning Policies.

2.2.6 Relevant provisions of the Dividing Fences Act.

3. APPROVALS

3.1 Any approval for any electric fence shall include the following conditions as a minimum, viz.,

- Fencing shall comply with AS/NZS 3016 – Electrified Fencing Standards as amended from time to time.
- Electric Fencing may be provided up to a general maximum height of 3 metres with a maximum height of 1.8 metres for boundaries adjoining residential zoned land.
- Fencing shall be rendered inoperable during normal business operating hours (hours may be stipulated).
- The applicant shall maintain all necessary public insurance(s).
- Warning signs shall be installed and maintained so as to be readable along all boundaries warning of the installation of the electric fence.
- In the case where damage is caused to any existing fence recourse to any action in respect of the repair and/or replacement of any fence is to be at the sole cost of the parties responsible for the dividing fence pursuant to the Dividing Fences Act, and there shall be no liability in any respect on Council as the approving authority.

- The approval of the electric fence shall be subject of a Section 70A Notice on the title of the affected property to the effect that a) the subject property has been wired for an electric fence, and b) to the effect that all conditions attached the relevant permit are automatically transferred to any new owner of any property at the time of sale of any property.

4. OTHER LEGISLATION

4.1 Approval of any temporary structures shall be in accordance with all relevant legislation including:

- Planning and Development Act 2005
- Building Code of Australia
- Health Act 1911
- Dividing Fences Act

4.2 Temporary facilities as required under the Worksafe Legislation for building and construction sites, are exempt from the assessment provisions of this policy.