



## **C25/293 Proposed City of Melville Fencing Local Law 2025**

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Ms K Bainbridge, Manager Development Approvals  
Ms C Newman, Head of Governance



City of  
**Melville**

## **C25/293 Proposed City of Melville Fencing Local Law 2025**

### **Background:**

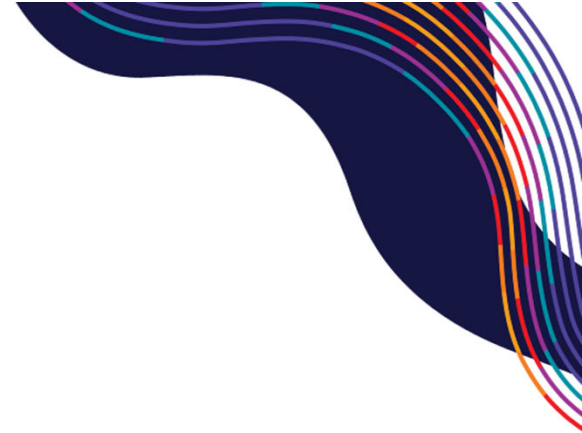
- Current By-Law adopted in February 1983 and last amended in March 2011.
- Last statutory review undertaken in 2016.
- Internal working group formed to review the By-Law.
- December 2024 - Draft Local Law endorsed for community consultation
  - 23 valid submissions
  - No feedback from Department of Local Government or Department of Energy, Mines, Industry Regulation and Safety.



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### **Key Changes:**

- Update manner and form to follow model local law format
- Changes to definitions
- Introduction of provisions to clarify other approvals under Planning and Building legislation may be required and local law does not override this legislation
- Change to have residential and non-residential fencing requirements
- Existing fence approved/compliant under previous local law compliant under new local law
- Cannot apply for approval for a non-sufficient fence
- Need for sightlines and not to have gates open into public thoroughfares
- Clarification on materials which are prohibited and those for which approval is required
- Detail of the application and compliance process
- Schedule detailing sufficient fence requirements



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Submission comment	Response
Request for a best practice guide/standard accompanying the local law that includes climate friendly and sustainable fencing materials and designs	Noted. A guide can be considered and prepared separately to the local law.
Materiality listed is prescriptive and prevents innovation and recyclable material use.	Recycled materials are permitted but need approval to ensure appropriate standard of construction.
Clarity sought around electric fencing inclusions and exclusions.	
Objections and support for the changes to the maximum height permitted	The maximum height seeks to address common circumstances of 1.8m high fence on top of 0.5m high retaining wall and also the need for compliance for swimming pool fencing requirements. In circumstances of disagreement, there is recourse through the local magistrate court.
Concerns about installation not being to manufacturers specifications	This is not able to be covered by the fencing local law. Civil or consumer law can assist in covering this issue.
Access to repair and for meter reading required	Covered under Dividing Fencing Act 1961 and Water Services Regulations 2013
Who determines what is unsightly or the condition	The city officers based on the context, professional judgement and standard of repair. Note: the city is resourced to be reactive in compliance matters.
Requirement and responsibility to erect not covered	Covered under Dividing Fencing Act 1961
Audit of existing condition and renewal strategy	City does not have responsibility for maintaining renewal programs of private assets.
Requirement to construct on the boundary	Required to be near as this is often expensive/difficult to determine accurately and may be restricted by physical feature. If there is dispute, there is avenue for dispute resolution through local magistrate court.
Clarification on sightline requirements	Only need to be truncated or reduced to 0.75m where within 1.5m of vehicle access point.

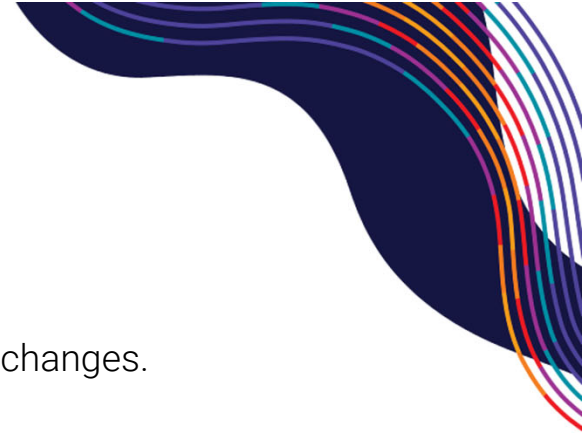
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### **Next Steps:**

- Minor modifications made as a result of community consultation – no significant changes.
- Significant Changes would require the local law making process to recommence
- Under local government reform, if the local law is not reviewed in more than 8 years it will be automatically repealed on 7 December 2026.
- Seeking Council support for officer recommendation – absolute majority required.

### **If Approved**

- Publication in Government Gazette – 14 days later comes into effect
- Copies provided to Departmental CEO DLGIRS and WA Parliamentary Joint Standing Committee on Delegated Legislation.
- Updates to Delegations in relation to this local law.





# Agenda Briefing Forum

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July 2025



City of  
**Melville**