

EXPLANATORY MEMORANDUM

Local Government Act 1995

Shire of East Pilbara Fencing Amendment Local Law 2026

Purpose of the Local Law

The purpose of the *Shire of East Pilbara Fencing Amendment Local Law 2026* is to enable the local government to approve the erection or repair of a barbed wire fence or other materials with spiked or jagged projections on an Industrial Lot in circumstances where the applicant seeks approval and compliance with clause 2.10(3) or (4) of the principal local law is impractical or undesirable.

Effect of the Local Law

The effect of the local law is to introduce a limited discretion into clause 2.8 of the *Shire of East Pilbara Fencing Local Law 2011*, allowing the local government to grant approval for a barbed wire fence or other materials with spiked or jagged projections on an Industrial Lot despite the requirements in clause 2.10(3) and (4), provided that varying those requirements would not negatively affect:

- the safe or convenient use of any land;
- the safety or convenience of any person; or
- the visual amenity of the locality.

All other requirements of the principal local law remain unchanged.

3. Reason for the Local Law

Clause 2.10 of the principal local law contains height and configuration restrictions on the use of barbed wire or other materials with spiked or jagged projections. In some industrial settings, strict application of these provisions may not be appropriate or may impose unnecessary constraints.

The amendment provides a narrow and clearly defined discretion to the local government to consider alternative configurations where justified, while ensuring that public safety, amenity and land-use impacts are appropriately managed.

Consultation

The local law will be advertised in accordance with section 3.12(3) of the *Local Government Act 1995*, including local public notice and a minimum six-week submission period.

Legislative Authority

The local law is made under section 3.5 and 3.1 of the *Local Government Act 1995*, which empower local governments to make laws for the good governance of persons in the district.

Relationship with Existing Law

This amendment modifies clause 2.8 of the *Shire of East Pilbara Fencing Local Law 2011* and interacts only with clause 2.10(3) and (4).

No other clauses of the principal local law are affected.

The amendment is consistent with the *Dividing Fences Act 1961* and does not duplicate or contradict State legislation.

Anticipated Impact

The amendment is expected to:

- improve flexibility in assessing barbed wire fencing proposals for industrial land;
- allow context-sensitive decision-making;
- ensure safety and amenity remain protected; and
- reduce the need for exemptions or ad hoc interpretation.