

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the City’s response to each comment.

Comments Received	Officer Technical Comment:
<p>Dividing Fences Act</p> <p>It is suggested that the reference to the <i>Dividing Fences Act 1961</i> be removed from the enacting provision as this reference is unnecessary. The Department has been advised that while the Dividing Fences Act refers to local laws, it does not provide any power to make local laws. Fencing local laws are made entirely under the powers conferred by the <i>Local Government Act 1995</i>.</p>	<p>The Department’s suggested modifications are considered acceptable and will ensure that the correct legal references are provided in the amended Local Law.</p>
<p>Renumbering clauses</p> <p>Suggest removing all renumbering clauses. When State legislation is amended by Parliament, the remaining clauses are usually not renumbered. This avoids the need to update existing cross references which may end up inaccurate if the numbering has changed. While renumbering may be desirable in some circumstances, it is not legally necessary. The City has the option of retaining the current numbering in the principal local law.</p>	<p>The Department’s suggested modifications are considered acceptable as they will ensure a logical flow of clauses, and make any future changes to the Local Law easier to implement.</p>
<p>Clause 17 – Schedule 1 amended</p> <p>Clause 17 deletes and inserts a new Schedule 1.</p> <p>The following amendments are suggested for the inserted Schedule 1:</p> <ul style="list-style-type: none"> a) Remove the reference to the “Local Government Act 1995”. b) Insert a clause reference below the “PRESCRIBED OFFENCES” title as follows: <p style="text-align: center;">SCHEDULE 1 PRESCRIBED OFFENCES (Clause 6.2)</p> <ul style="list-style-type: none"> c) The City may like to consider inserting an item column to the left of the “Clause No.” column. It is not required but will assist with referencing specific offences in the Schedule. d) In the “nature of offence” for clause 2.3(a), delete “fence” and insert “boundary fence”. e) In the “nature of offence” for clause 2.3(b), delete “fence” and insert “boundary fence”. f) In the “nature of offence” for clause 2.9(1), delete “dividing fence” and insert “boundary fence”. g) The “modified penalty \$” for clause 5.1(3) is currently blank. The City may like to insert an amount to enable the City to apply a modified penalty to this offence. 	<p>The Department’s suggested modifications are considered acceptable and will ensure that the correct legal references are provided in the amended Local Law.</p>

Summary of Submissions:

Comments Received	Officer Technical Comment:
<p>Clause 18 – Schedule 2 redrafting</p> <p>a) Incorrect clause reference: in clause 18, delete “<i>Schedule 1</i>” and insert “<i>Schedule 2</i>”.</p> <p>b) It is recommended that paragraph A of Schedule 2 is re-drafted as follows:</p> <p style="text-align: center;">SCHEDULE 2</p> <p style="text-align: center;">SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT</p> <p>Each of the following is a sufficient fence on a Residential Lot:</p> <p>A. A fully enclosed timber boundary fence or dividing fence built in accordance with established construction techniques, and –</p> <p style="padding-left: 20px;">i) the height of the dividing fence is to be 1800 millimetres except with respect to the front setback area;</p> <p style="padding-left: 20px;">ii) the height of the boundary fence is not to exceed 1800 millimetres.</p> <p>c) In Part C of the inserted Schedule 2, delete “Fences” in paragraph (b) and insert “fences”.</p> <p>d) In Part C of the inserted Schedule 2, it is recommended that the second sentence in paragraph (d) should be moved to a new line and designated as paragraph “(e)”. The first sentence in paragraph (d) relates to dividing fences, whilst the second sentence relates to boundary fences.</p>	
<p>Minor edits</p> <ol style="list-style-type: none"> 1. Remove quotation marks from the definitions, definitions should be bold and italicised only. 2. In the enabling clause, delete the colon and insert a full stop. 3. Clause 6 to 16: delete the semicolon at the end of the clause and insert a full stop. 4. Clause 8: in the inserted clause 2.2(1)(b), place “Building Regulations 2012” in italics. <p>The City should insert the City’s common seal at the end of the local law and remove the sentence “***Insert common seal***”.</p>	<p>The Department’s suggested modifications are considered acceptable as they ensure that the text of the Local Law reads correctly in terms of grammar and punctuation from a legal drafting perspective.</p>