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DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

FENCING LOCAL LAW 2014

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LOCAL GOVERNMENT ACT 1995**

SHIRE OF MUNDARING

FENCING LOCAL LAW 2014

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring resolved on 8 July 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Mundaring Fencing Local Law 2014*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

The *Shire of Mundaring Local Law Relating to Fencing* as published in the *Government Gazette* on 16 June 2004 and as published and amended in the *Government Gazette* of 18 February 2005 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

In this local law, unless the context requires otherwise—

Act means the *Dividing Fences Act 1961*;

applicant means a person who makes an application for approval under this local law;

AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia as amended from time to time;

authorised person means a person appointed by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

commercial lot means a lot where a commercial use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or may be the predominant use of the lot;

dangerous in relation to any fence means—

- (a) an electrified fence other than a fence approved by the local government under this local law;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall from any cause;

district means the district of the local government;

dividing fence has the meaning given to it by the Act;

electrified fence means a fence carrying or designed to carry an electric charge;

fence means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare;

front setback area means the area between the building line of a lot and the front boundary of that lot;

general agriculture lot means a lot where a general agriculture use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

height in relation to a fence means the vertical distance between the top of the fence at any point and—

- (a) the ground level; or
- (b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point; or
- (c) where the fence is erected on a retaining wall approved by the local government, from the top of the retaining wall;

industrial lot means a lot where an industrial use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

licence means a licence under this local law;

local government means the Shire of Mundaring;

local government property means anything except a thoroughfare—

- (a) which belongs to the local government; or
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” under section 3.53 of the *Local Government Act 1995*;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

notice of breach means a notice referred to in clause 6.1;

owner has the meaning given to it by the Act;

residential lot means a lot where a residential use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

retaining wall means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

rural residential lot means a lot where a rural residential use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

rural small holdings lot means a lot where a rural small holdings use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

sufficient fence means a fence that satisfies clause 2.1 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.1;

uniform fence means a fence erected by a developer or subdivider in accordance with a subdivision or development approval which divides a lot from a public place such as a pedestrian access way, public open space or road reserve.

1.6 Fees and charges

All fees and charges applicable under this local law shall be determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences

(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence, unless otherwise approved or required by the local government.

(2) Subject to sub-clauses (3), (4) and (5) a sufficient fence—

- (a) on a residential lot is a dividing fence constructed and maintained in accordance with the specifications and requirements for a residential lot in Schedule 1;
- (b) on a rural residential lot is a dividing fence constructed and maintained in accordance with the specifications and requirements for a rural residential lot in Schedule 1;

- (c) on a rural small holdings lot or general agriculture lot is a dividing fence constructed and maintained in accordance with the specifications and requirements for a rural small holdings lot or general agriculture lot in Schedule 1; and
 - (d) on a commercial lot or industrial lot is a dividing fence constructed and maintained in accordance with the specifications and requirements for a commercial lot or industrial lot in Schedule 1.
- (3) Where a fence is erected on or near the boundary between—
- (a) a residential lot and an industrial lot or a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of a sufficient fence on a residential lot as specified in Schedule 1;
 - (b) a residential lot and a rural small holdings lot or a general agriculture lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of a sufficient fence on a rural small holdings lot or a general agriculture lot as specified in Schedule 1;
 - (c) a residential lot and a rural residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of a sufficient fence on a rural residential lot as specified in Schedule 1;
 - (d) a rural residential lot or a rural small holdings lot or a general agriculture lot and a commercial lot or industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of a sufficient fence on a rural residential lot or a rural small holdings lot or a general agriculture lot as specified in Schedule 1.
- (4) An application must be made to the local government for grant of consent to any variation to the specifications in Schedule 1.
- (5) On a residential lot a post and wire fence as described in Schedule 1 is only to be constructed where both owners consent.
- (6) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (2) is a dividing fence constructed and maintained in accordance with the specifications and requirements of a sufficient fence on a residential lot as specified in Schedule 1.

PART 3—GENERAL

3.1 Fences within front setback areas

- (1) A person shall not, without the written consent of the local government, erect a freestanding fence greater than 1.2 metres in height within the front setback area of a residential lot within the district.
- (2) The local government may approve the erection of a fence of a height greater than 1.2 metres in the front setback area of a residential lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1.5 metres along the frontage to a distance of not less than 1.5 metres from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway to access a thoroughfare.
- (3) The provisions of subclause (2) do not apply to a fence—
- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
 - (b) that does not adjoin a footpath.

3.2 Gates in fences

A person shall not erect a gate in a fence which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence which it forms part of, when closed.

3.3 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

3.4 Fences on a rural residential lot, a rural small holdings lot or a general agriculture lot

A person shall not, without the written consent of the local government, erect a fence on a rural residential lot, a rural small holdings lot or a general agriculture lot of a height exceeding 1.5 metres.

3.5 Maintenance of fences

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

3.6 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

3.7 General discretion of the local government

- (1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or retention of the fence would have an adverse effect on—
 - (a) the safe or convenient use of the land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the locality.

PART 4—FENCING MATERIALS, SCREENING AND MAINTENANCE

4.1 Fencing materials

- (1) Subject to clause 2.1, a person shall only construct a fence from materials specified in Schedule 1 of this local law, unless otherwise approved or required by the local government.
- (2) Uniform fencing shall be constructed predominantly from masonry materials and where required by the local government incorporate visually permeable sections above 1.2 metres to the satisfaction of the local government.
- (3) Pre-used materials shall not be permitted in the construction of a fence, unless the pre-used materials are painted, treated and/or upgraded to the satisfaction of the local government.
- (4) No person shall erect a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of stormwater or a watercourse.

4.2 Screening

- (1) On a residential lot, commercial lot or industrial lot, any screening affixed to a fence shall be designed to integrate with the colours, materials and specification of that sufficient fence, to the satisfaction of the local government.
- (2) On a rural residential lot, rural small holdings lot or general agriculture lot, no person shall affix any screening to a fence.
- (3) Screening affixed to a fence shall be installed and maintained in accordance with the manufacturer's specifications and shall not undermine the structural integrity of a fence.

4.3 Barbed wire and broken glass fences

- (1) On a residential lot or a rural residential lot a person shall not erect or affix to any fence any barbed wire or other material with spiked or jagged projections.
- (2) On an industrial lot or a commercial lot a person shall not erect or affix to any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm from the face of the fence and is not less than 2 metres from the ground level.
- (3) If the posts which carry the barbed wire or other materials referred to in subclause (2) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (4) A person shall not affix any broken glass to a fence.
- (5) On a rural small holdings lot or a general agriculture lot, a person shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

4.4 Maintenance of fences

- (1) An owner shall maintain a fence in good condition and prevent it from becoming damaged, dangerous, dilapidated, unsightly or detrimental to the amenity of the locality.
- (2) An owner of a lot on which a uniform fence is erected shall not alter the fence in any way or enclose or screen any visually permeable sections of the fence.

PART 5—ELECTRIFIED AND RAZOR WIRE FENCES

5.1 Requirement for a permit

- (1) An owner of a lot other than a rural small holdings lot or general agriculture lot, must not—
 - (a) have or use an electrified fence on that lot—
 - (i) without first obtaining an electrified fence permit; and
 - (ii) except in accordance with that permit; and
 - (iii) unless the fence complies with AS/NZS 3016:2002—Electrical installations—Electrical security fences.
 - (b) construct a fence wholly or partly of razor wire on that lot—
 - (i) without first obtaining a razor wire fence permit; and
 - (ii) except in accordance with that permit.
- (2) An electrified fence permit, in respect of a lot, cannot be issued—
 - (a) if the lot is or abuts a residential lot; and

- (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot.
- (3) A razor wire fence permit cannot be issued in respect of a lot—
 - (a) if the lot is or abuts a residential lot;
 - (b) if the fence is within 3 metres of any boundary of the lot; or
 - (c) where any razor wire used in the construction of the fence is less than 2 metres or more than 2.4 metres above the ground level.

5.2 Application for a permit

- (1) An owner of land may apply to the local government for an electrified fence permit or a wire fence permit.
- (2) An application for a permit must—
 - (a) be in the form determined by the local government;
 - (b) include—
 - (i) a written consent signed by the owner of the land on which the proposed fence is to be located, unless the applicant is the owner of that land; and
 - (ii) any further information which may be required by the local government; and
 - (c) be accompanied by any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

5.3 Determining an application

- (1) The local government may refuse to consider an application that does not comply with clause 5.2(2).
- (2) The local government may—
 - (a) approve an application, subject to any conditions that it considers to be appropriate; or
 - (b) refuse an application.
- (3) If the local government approves an application, it is to issue a permit in the form of—
 - (a) Schedule 2, where the application is made for an electric fence permit; or
 - (b) Schedule 3, where the application is made for a razor wire fence permit.
- (4) The local government may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

5.4 Transfer of a permit

A permit referred to in clause 5.3(3) will transfer with the land to any new owner of the lot, except where the permit has been cancelled under clause 5.5.

5.5 Cancellation of a permit

The local government may cancel a permit if—

- (a) the permit holder requests the local government to do so;
- (b) the fence to which the permit applies has been demolished and not rebuilt for a period of 6 months;
- (c) the circumstances are such that a permit could not be issued under clause 5.1(2) or (3);
- (d) the permit holder fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence; or
- (e) the permit holder fails to comply with a notice issued for a fence relevant to a permit under clause 5.3(3).

5.6 Objections and appeals

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to—

- (a) refuse an application for a permit;
- (b) impose or vary a permit condition;
- (c) cancel a permit; or
- (d) give a person a notice under clause 6.1.

PART 6—OFFENCES AND ENFORCEMENT

6.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give notice in writing to the owner of that lot.
- (2) A notice of breach issued under subclause (1) shall—
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner is required to remedy the breach within the time specified in the notice.
- (3) Should an owner fail to comply with a notice of breach within the time specified in the notice, the local government may, by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner of the lot in a court of competent jurisdiction.

(4) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry on to land will be in accordance with Part 3, Division 3 of that Act.

6.2 Offences and penalties

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5 000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

6.3 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16 of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$500.

6.4 Infringement notices

For the purpose of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1

SPECIFICATIONS FOR A SUFFICIENT FENCE

[clause 2.1]

Each of the following is a “sufficient fence” on the specified lot type—

RESIDENTIAL LOT

(1) Post and wire construction

In the case of a non-electrified fence of post and wire construction—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (b) posts shall be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (c) if timber posts are used, posts are to be cut not less than 1,800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at no more than 10 metre intervals, set minimum 600mm in the ground and 1,200mm above ground;
- (d) strainer posts, if timber, shall not be less than 2,250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1,000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

(2) Timber fence

- (a) corner posts to be 125mm x 125mm x 2,400mm and intermediate posts to be 125mm x 75mm x 2,400mm spaced at 2,400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
- (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
- (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (e) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered;
- (f) the fence to be covered with 75mm x 20mm sawn pickets, 1,800mm in height placed 75mm apart and affixed securely to each rail;
- (g) the height of the fence to be 1,800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(3) Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case with a minimum in-ground depth of 600mm;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions;
- (d) the height of the fence to be 1.8 metres except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(4) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

- (a) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar or 400mm x 400mm concrete 20MPa with minimum 1 layer 4-L11TM;
- (b) pier specifications—
 - (i) continuous fence with engaged piers or infill panels between piers maximum 2.1 metres high with No. 2 R6 galvanised rod continuous in last mortar bed joint;
 - (ii) engaged or attached piers 290mm x 290mm (for 90mm wide masonry unit) and 350mm x 350mm (for 110 wide masonry unit) with No. 1 Y12 galvanised reinforcing rod tied into footing and located centrally in pier;
 - (iii) pier core to be filled with 15MPa concrete. Piers at maximum 2.1 metre centres.
- (c) expansion joints in accordance with the manufacturer's written instructions;
- (d) a minimum height of 1.8 metres up to 2.1 metres (including screening), except within the street setback area which is subject to requirements outlined in clause 3.1; and
- (e) certified by a Structural Engineer as being appropriate for the particular site and wind terrain category.

(5) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (1) (a) brick piers of minimum 345mm x 345mm at 1,800mm centres bonded to a minimum height base wall of 514mm;
- (b) each pier shall be reinforced with one R10 galvanised starting rod 1,500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
- (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer;
- (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres;
- or
- (2) (a) brick piers of a minimum 345mm x 345mm x 2,700mm centres bonded to the base wall; and
- (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

RURAL RESIDENTIAL LOT**(1) Post and wire construction**

In the case of a non-electrified fence of post and wire construction—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (b) posts shall be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (c) if timber posts are used, posts are to be cut not less than 1,800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at no more than 10 metre intervals, set minimum 600mm in the ground and 1,200mm above ground;
- (d) strainer posts, if timber, shall not be less than 2,250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1,000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

(2) Electrified fence

An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence.

RURAL SMALL HOLDINGS LOT OR GENERAL AGRICULTURE LOT**(1) Post and wire construction**

In the case of a non-electrified fence of post and wire construction—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (b) posts shall be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (c) if timber posts are used, posts are to be cut not less than 1,800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at no more than 10 metre intervals, set minimum 600mm in the ground and 1,200mm above ground;
- (d) strainer posts, if timber, shall not be less than 2,250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1,000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

(2) Electrified fence

An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence.

COMMERCIAL LOT OR INDUSTRIAL LOT

(1) PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
- (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5 centres and with footings of a 225mm diameter x 600mm;
- (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
- (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
- (e) rail-less link, chain or steel mesh is to be to a height of 2 metres on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2.4 metres in accordance with clause 4.3 of this local law; and
- (f) galvanised link mesh wire to be 2 metres in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25mm tubular framework with 1 horizontal and 1 vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

(2) Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case with a minimum in-ground depth of 600mm;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions;
- (d) the height of the fence to be 1.8 metres except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(3) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

- (a) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar or 400mm x 400mm concrete 20MPa with minimum 1 layer 4-L11TM;
- (b) pier specifications—
 - (i) continuous fence with engaged piers or infill panels between piers maximum 2.1 metres high with No. 2 R6 galvanised rod continuous in last mortar bed joint;

- (ii) engaged or attached piers 290mm x 290mm (for 90mm wide masonry unit) and 350mm x 350mm (for 110 wide masonry unit) with No. 1 Y12 galvanised reinforcing rod tied into footing and located centrally in pier;
- (iii) pier core to be filled with 15MPA concrete. Piers at maximum 2.1 metre centres.
- (c) expansion joints in accordance with the manufacturer's written instructions;
- (d) a minimum height of 1.8 metres up to 2.1 metres (including screening), except within the street setback area which is subject to requirements outlined in clause 3.1; and
- (e) certified by a Structural Engineer as being appropriate for the particular site and wind terrain category.

Schedule 2

ELECTRIFIED FENCE PERMIT

[clause 5.3]

This is to certify that
of
has a permit, subject to the conditions set out below, to have and use an electrified fence on
.....
..... (address)
from20.... and until this permit is transferred or cancelled.
Dated this day of20....

.....
Chief Executive Officer
Shire of Mundaring

Conditions of Permit

The holder of this permit must—

- (a) display the permit in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) produce this permit upon request of an authorised person;
- (c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (d) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the permit has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (e) comply with AS/NZS 3016:2002—Electrical installations—Electric security fences.

Schedule 3

RAZOR WIRE FENCE PERMIT

[clause 5.3]

This is to certify that
of
has a permit, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on
.....
..... (address)
from20.... and until this permit is transferred or cancelled.
Dated this day of20....

.....
Chief Executive Officer
Shire of Mundaring

Conditions of Permit

The holder of this permit must—

- (a) display the permit in a prominent position on the land or premises on which the razor wire fence has been constructed;
- (b) produce this permit upon request of an authorised person;
- (c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the razor wire fence;

- (d) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the permit has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes.

Dated: 9 July 2014.

The Common Seal of the Shire of Mundaring was affixed by authority of a resolution of the Council in the presence of—

Cr HELEN DULLARD, Shire President.
JONATHAN THROSSELL, Chief Executive Officer
