



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

1381



PERTH, FRIDAY, 15 APRIL 2011 No. 63

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

CITY OF
KALGOORLIE-BOULDER

FENCING LOCAL LAW 2010

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**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

CITY OF KALGOORLIE-BOULDER

FENCING LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalgoorlie-Boulder resolved on 25 October 2010 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Kalgoorlie-Boulder Fencing Local Law 2010*.

1.2 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of fences within the district.
- (2) The effect of this local law is to—
 - (a) regulate, manage and control fences; and
 - (b) establish the standard of a “sufficient fence” according to land use.

1.3 Commencement

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

1.4 Repeal

The *City of Kalgoorlie-Boulder Local Law Relating to Fencing* published in the *Government Gazette* on 18 August 2000, as amended and published in the *Government Gazette* on the 23 November 2001, is repealed on the day this local law comes into operation.

1.5 Application

This local law applies throughout the district.

1.6 Interpretation

In this local law, unless the context requires otherwise—

“**Act**” means the *Local Government Act 1995*;

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

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**boundary fence**” means a fence constructed on the boundary of a lot which abuts a thoroughfare;

“**Building Surveyor**” means a Building Surveyor of the local government;

“**CEO**” means the Chief Executive Officer of the local government;

“**City**” means the City of Kalgoorlie-Boulder;

“**commercial lot**” means a lot where a commercial use is or may be permitted under the local planning scheme, and is or will 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**” means a fence constructed on the boundary of a lot which abuts a thoroughfare;
- “**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 fence**” means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;
- “**front setback area**” means the area between the building line of a lot and the front boundary of that lot;
- “**height**” in relation to a fence means the vertical distance between—
- (a) the top of the fence at any point; and
 - (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;
- “**industrial lot**” means a lot where an industrial use is or may be permitted under the local planning scheme and is or will be the predominant use of the lot;
- “**licence**” means an electrified fence licence or a razor wire fence licence;
- “**local government**” means the City of Kalgoorlie-Boulder;
- “**local government property**” means anything except a thoroughfare—
- (a) which belongs to the local government;
 - (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 Act;
- “**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*;
- “**non-sacrificial graffiti protection**” means a coating applied to a fence which is not removed in the process of removing graffiti;
- “**notice of breach**” means a notice referred to in clause 5.1;
- “**occupier**” has the meaning given to it in the Act;
- “**owner**” has the meaning given to it in the Act;
- “**residential lot**” means a lot where a residential use is or may be permitted under the local planning scheme, and 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 lot**” means a lot where a rural use—
- (a) is or may be permitted under the town planning scheme; and
 - (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; and
- “**thoroughfare**” has the meaning given to it in the Act.

1.7 Fees and charges

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

PART 2—FENCES

Division 1—Sufficient fences

2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary or dividing fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3) and (4) of this local law, a sufficient fence—
 - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of schedule 2;
 - (b) on a commercial lot or industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of schedule 3; and
 - (c) on a rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the schedule 4.

(3) Where a fence is erected on or near the boundary between a residential 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 schedule 2.

(4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of schedule 2.

(5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—

- (a) it is greater than 1800 millimetres in height; or
- (b) the Building Surveyor so requires.

(6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.

Division 2—General

2.2 Fences within front setback areas

(1) A person shall not erect a fence within the front setback area, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme.

(2) Where there is inconsistency between the standards and requirements of this local law and those specified in the local planning scheme, the standards and requirements of the local planning scheme shall prevail.

2.3 Gates in fences

(1) 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.

2.4 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.

2.5 Alteration of ground levels

(1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.

(2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.

(3) A person shall not alter the natural ground level of land on or within 1000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

2.6 Maintenance of fences

(1) 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 and unsightly to the amenity of the locality.

(2) Where in the opinion of the local government or an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, the local government or an authorised person may give a notice of breach under clause 5.1 to the owner of the lot on which the fence is erected.

2.7 Fences and sight lines

(1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction in height shall be provided at the property line to ensure adequate visibility, as follows—

- (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 metres x 1.5 metres, where achievable, or as a minimum a sight line truncation of 1.0 metre x 1.0 metre for low and medium peak vehicle movements, and a sight line truncation of 3.0 metres x 3.0 metres where achievable, for high peak vehicle movements;
- (b) at an intersection of two roads a minimum sight line truncation of 3.0 metres x 3.0 metres.

A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6.0 metres wide, and where appropriate signage and line marking is provided.

(2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.

(3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (2).

2.8 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.

2.9 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 any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

*Division 3—Fencing materials***2.10 Pre-used fencing materials**

(1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a commercial lot or an industrial lot from pre-used materials without the approval of the local government.

(2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

2.11 Barbed wire fences and spiked or jagged materials

(1) An owner or occupier of a residential lot, a commercial lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.

(2) Where an approval has been obtained in accordance with subclause (1), that approval shall be taken to have been issued subject to a condition that the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials are carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is setback 150 millimetres from the face of the fence, is at least 2000 millimetres above ground level and the total height shall not exceed 2400 millimetres.

2.12 Electrified and razor wire fences

(1) An owner or occupier of a lot shall not—

- (a) construct or use an electrified fence on that lot without obtaining the approval of the local government; or
- (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government.

(2) The local government shall not approve an application for the purpose of subclause (1)(a)—

- (a) in respect of a lot which is or which abuts a residential lot;
- (b) unless the fence complies with “AS/NZS3016:2002 Electrical installations— Electricity security fences”; and
- (c) 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 where it is erected.

(3) The local government shall not approve an application for the purpose of subclause (1)(b)—

- (a) if the fence is within 3000 millimetres of the boundary of the lot; or
- (b) where any razor wire used in the construction of the fence is less than 2000 millimetres or more than 2400 millimetres above the ground level.

(4) An application for approval for the purpose of subclauses (1)(a) or (1)(b) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

2.13 Prohibited fencing materials

A person shall not affix or use broken glass in the construction of any fence.

*Division 4—Tennis court fencing***2.14 Tennis court fencing**

(1) A person shall not erect a fence around or partly around a tennis court on a lot unless—

- (a) the fence is not more than 3600 millimetres in height;
- (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot; and
- (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh not more than 3600 millimetres in height, and is erected in accordance with the manufacturer’s specifications.

(2) A person shall not erect a fence around or partly around any tennis court other than in accordance with subclause (1) without the approval of the local government.

(3) In determining any application for approval for the purpose of subclause (2), where the fence will be less than 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot, the local government shall invite the owner of the adjoining lot to make submissions on the proposal, and the local government shall have regard to any such submissions in making its decision under clause 3.2.

PART 3—APPROVALS

3.1 Application for approval

(1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).

(2) An application for approval under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant and the owner of the lot;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.

(4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

3.2 Decision on application for approval

(1) The local government may—

- (a) approve an application for approval unconditionally or subject to any conditions; or
- (b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

3.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

3.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law runs with the lot to which it relates and for the avoidance of doubt, it may be relied upon by any subsequent occupier or owner of the lot, and may be enforced against them by the local government.

PART 4—MISCELLANEOUS

4.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

PART 5—NOTICES OF BREACH

5.1 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 a notice in writing to the owner of that lot (“notice of breach”).

(2) A notice of breach 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) An owner given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

5.2 Limit on liability

An owner to whom a notice of breach has been given is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government arising from anything done while they are acting under clause 5.1(3).

PART 6—OFFENCES**6.1 Offences and penalties**

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

6.2 Modified penalties

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

(2) The amount appearing in the final column of schedule 1 directly opposite a prescribed offence in that schedule is the modified penalty for that prescribed offence.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is to be in or substantially in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement/notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

PART 7—OBJECTIONS AND REVIEW**7.1 Objections and review**

When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

*Schedule 1***Prescribed offences**

[clause 6.2(2)]

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of offence	Modified penalties \$
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2	Erect a fence within the front setback area which does not comply with the local planning scheme.	250
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside of fence	200
5	2.6(1)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated or unsightly	250
6	2.7(3)	Erect a fence without the required sight line truncation or height reduction	250
7	2.8	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of-way, public access way or thoroughfare without approval	250
8	2.10(1)	Construct a dividing fence on a residential, commercial or industrial lot from pre-used materials without written approval	250
9	2.11(1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without approval	250

Item No.	Clause No.	Nature of offence	Modified penalties \$
10	2.12(1)	Construct, erect or use razor wire in a fence or electrify a fence without approval	250
11	2.13	Affix, or use, any broken glass in a fence	250
12	2.14(1)(a)	Erect a tennis court fence higher than 3600 millimetres without approval	200
13	2.14(1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without approval	200
14	2.14(1)(c)	Erect a link mesh fence higher than 3600 millimetres or not in accordance with manufacturer's specification without approval	200
15	3.3	Failure to comply with terms or conditions of approval	250
16	5.1(3)	Failure to comply with notice of breach	250

Schedule 2
Residential lot

[cl. 2.1(2)(a)]

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

1. Each of the identified category in this schedule, with minimum and maximum specifications where stated, is a "sufficient fence" on a Residential lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.

(1) Timber fence

A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.

Height: 1800 mm except with respect to the front setback;

Minimum height: subject to requirements and standards of local planning schemes.

(2) Corrugated fence

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

(a) length: Minimum in-ground length of 25 per cent of the total length of the sheet;

Depth: Minimum in-ground depth of 600 mm;

(b) total height and depth of fence to consist of a single continuous fibre-reinforced cement of steel sheet;

(c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and

(d) height: 1800 mm except with respect to the front setback;

Minimum height: subject to requirements and standards of local planning schemes.

(3) Brick, stone or concrete fence

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

(a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;

(b) the footing is to be designed in accordance with AS2870-1996 as amended;

(c) fences to be offset at a minimum of 200 mm and at maximum 3000 mm centres; or 225 mm x 100 mm engaged piers to be provided at: maximum 3000 mm centres;

(d) expansion joints in accordance with the manufacturer's written instructions; and

(e) height of the fence to be 1800 mm, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme.

(4) Composite fence

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

(a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;

(b) the footing is to be designed in accordance with AS2870-1996 as amended;

- (c) height: maximum overall height of 1800 mm;
except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1200 mm shall have brick piers of minimum of 230 mm x 230 mm x 1800 mm centres;
bonded to a maximum height base wall of 514 mm;
or
brick fence of height exceeding 1200 mm shall have brick piers of minimum of 230 mm x 230 mm x 1800 mm centres;
bonded to a maximum height base wall of 514 mm;
- (e) each pier shall be reinforced with,
one R10 galvanised starting rod for 230 mm x 230 mm piers; and
two R10 galvanised starting rods for 345 mm x 345 mm x 345 mm piers, each rod being 1500 mm high with a 250 mm horizontal leg bedded into the concrete footing;
set 65 mm above the base of the footing and
the top of the footing shall be 1 course (85 mm) below ground level;
- (f) cavity to brick piers to be filled with 20 MPa concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPa,
mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 mm and checked with a standard falling weight penetrometer; and
- (i) control joints in brickwork shall be provided at piers at a maximum of 6 metre centres.
- (5) Brick fence with base wall
A brick fence which satisfies the following specifications for the brick construction—
- (a) height not exceeding 1200 mm having brick piers of—
minimum of 230 mm x 230 mm x 2700 mm centres
bonded to the base wall; and
each pier shall be reinforced with one R10 galvanised starting rod as previously specified;
or
- (b) height exceeding 1200 mm having brick piers of—
minimum 345 mm x 345 mm x 2700 mm centres bonded to base wall; and
each pier shall be reinforced with two R10 galvanised starting rods as previously specified.
- (6) Brick fence with no base wall
A brick fence which satisfies the following specifications for the brick construction—
- (a) height not exceeding 1200 mm having brick piers
minimum 230 mm x 230 mm x 2700 mm centres
with no brick base wall; and
each pier shall be reinforced with one R10 galvanised starting rod as previously specified;
or
- (b) height exceeding 1200 mm having brick piers
minimum 345 mm x 345 mm x 2700 mm centres
with no brick base wall; and
each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

Schedule 3

Commercial lot or an Industrial lot

[clause 2.1(2)(b)]

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT OR AN INDUSTRIAL LOT

1. Each of the identified category in this schedule, with minimum and maximum specifications where stated, is a “sufficient fence” on a commercial or an industrial lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.

(1) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50 mm nominal bore x 3.5 mm footings of a 225 mm diameter x 900 mm;
- (b) intermediate posts to be minimum 37 mm nominal bore x 3.15 mm; maximum 3.5 m centres; and footings of 225 mm diameter x 600 mm;
- (c) struts to be minimum 30 mm nominal bore x 3.15 mm fitted at each gate; two at each corner post; and footings 225 mm x 600 mm;
- (d) cables to be affixed to the top centre and bottom of all posts; and consists of two or more 3.15 mm wires twisted together; or single 4 mm wire;
- (e) non-rail link, chain or steel mesh is to be a height of 2000 mm on top; and three strands of barbed wire carrying the fence to a height of 2400 mm in accordance with requirements and standards of local planning schemes;
- (f) galvanised link mesh wire to be 2000 mm in height; constructed of 50 mm mesh 2.5 mm galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables.
- (g) vehicle entry gates shall provide an opening not less than 3.6 m constructed of 25 mm tubular framework; one horizontal and one vertical stay constructed of 20 mm piping; and shall be covered with 50 mm x 2.5 mm galvanised link mesh strained to framework.

(2) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred to in Item (b) of Schedule 2;
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800 mm but no greater than 2400 mm; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2.

Schedule 4
Rural lot

[clause 2.1(2)(c)]

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT

1. Each of the identified category in this schedule, with minimum and maximum specifications where stated is a “sufficient fence” on a rural lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.

(1) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 mm;
- (b) minimum of 5 wires are to 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;
- (c) posts are to 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;
- (d) posts are to be placed at not more than 10 metre intervals, set minimum 600 mm in the ground and 1200 mm above the ground;
- (e) if timber posts are used, posts are to be cut not less than 1800 mm long x 50 mm diameter at small end if round, or 125 mm x 60 mm if split or sawn; and

- (f) if strainer posts are to be not less than 2250 mm long and 150 mm diameter at the small end (tubular steel to be 50 mm in diameter) these strainer posts shall be placed a minimum of 1000 mm 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 that is constructed generally in accordance with a non-electrified fence.

—————
Schedule 5
Electrified fence licence

[clause 2.12(1)(a)]

LICENCE FOR APPROVED ELECTRIFIED FENCE

This is to certify that
of
is licensed, subject to the conditions set out below, to have and use an electrified fence on.....
.....

(address)

from20.....and until this licence is transferred or cancelled.

Dated.....20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Conditions of licence

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) upon the request of the City produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (e) comply with AS/NZS 3016:2002 Electrical installations; and
- (f) following construction of the fence, lodge with Synergy a certificate of installation from a qualified electrician and comply with any requirements of Synergy regarding the construction of the fence.

Transfer by endorsement

This licence is transferred to

of

from and including the date of this endorsement.

Dated.....20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

—————

**Schedule 6
Razor wire fence licence**

[clause 2.12(1)(b)]

LICENCE FOR APPROVED RAZOR WIRE FENCE LICENCE

This is to certify that
of
is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of
razor wire on.
.....
.....
(address)
from 20..... and until this licence is transferred or cancelled.
Dated..... 20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Conditions of licence

The holder of the licence must—

- (a) display this licence in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the City, produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

Transfer by endorsement

This licence is transferred to

.....
of
.....
from and including the date of this endorsement.
Dated..... 20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Dated 25 October 2010.

The Common Seal of the City of Kalgoorlie-Boulder was affixed by authority of a resolution of the Council in the presence of—

R. S. YURYEVICH, RFD, AM, Mayor.
D. S. BURNETT, Chief Executive Officer.