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LOCAL GOVERNMENT ACT 1995

CITY OF KWINANA

FENCING LOCAL LAW 2016

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it the Council of the City of Kwinana resolved on 25 May 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is cited as the *City of Kwinana Fencing Local Law 2016*.

1.2 Commencement

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

1.3 Application of local law

This local law applies throughout the district.

1.4 Repeal

The *City of Kwinana Fencing Local Law*, published in the *Government Gazette* on 10 January 2003, is repealed.

1.5 Definitions

In this local law, unless the context requires otherwise—

AS 2870 means Australian Standard 2870-2011—Residential slabs and footings, published by Standards Australia and amended from time to time;

AS/NZS 3016 means Australian/New Zealand Standard 3016:2002—Electrical Installations—Electricity security fences, published by Standards Australia and amended from time to time;

barbed wire means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;

boundary fence means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

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 town planning scheme; and
- (b) 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 in respect of which an approval under Part 4 of this local law has been issued and is current;
- (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 same meaning as a boundary fence;

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

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

footpath has the meaning of an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians, as given to it by the *Road Traffic Code 2000*;

front boundary means—

- (a) the boundary line between a lot and the thoroughfare upon which that lot abuts; or
- (b) in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare, as determined by the property owner and approved by the City;

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 natural ground level or, where the ground levels on each side of the fence are not the same, the higher natural ground level, immediately below that part of the fence;

industrial lot means a lot where an industrial use—

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

local government means the City of Kwinana;

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 *Local Government Act 1995*;

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

natural ground level means—

- (a) where there is no difference to the original ground level, the level of that ground; and
- (b) if the site is retained on the boundary with a retaining wall, the natural ground level is deemed to be the top of the retaining wall; or
- (c) the higher of the two levels if no retaining wall is in-situ.

notice of breach means a notice referred to in clause 6.1(1);

occupier has the meaning given to it in the *Local Government Act 1995*;

open construction means a visually permeable fence comprising of—

- (a) continuous gaps at least 50mm wide which in aggregate occupy at least one third of the length of the fence; or
- (b) continuous gaps less than 50mm wide which in aggregate occupy at least half of the length of the fence;

provided that the gaps are evenly distributed along the length of the fence.

owner has the meaning given to it in the *Local Government Act 1995*;

prescribed has the meaning given to it in the *Interpretation Act 1984*;

pedestrian access way means a portion of public land used as a means of pedestrian access between thoroughfares or other public places and for providing a corridor for public utility services;

razor wire means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

repair means to make the necessary repairs to a fence to ensure it complies with the requirements of a sufficient fence as prescribed by this local law;

residential lot means a lot where a residential use—

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

retaining wall means any structure which prevents the movement of soil 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;

setback area has the meaning given to it for the purposes of the town planning scheme;

special residential lot means a lot where a special residential use—

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

special rural lot means a lot where a special 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;

Standards Australia means Standards Australia Limited ACN 087 326 690;

Structural Engineer means a qualified engineer trained to understand and calculate the stability, strength and rigidity of built structures for buildings and non-building structures;

sufficient fence means a fence described in clause 2.1;

thoroughfare has the meaning given to it in the *Local Government Act 1995*, but does not include a private thoroughfare which is not under the management and control of the local government;

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

unsightly means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

1.6 Relationship with other laws

(1) Anything allowed under any Act, Regulation or town planning scheme, is not affected by any prohibition, requirement or restriction under this local law.

(2) In the event of any inconsistency with any Act, Regulation or town planning scheme, the provisions of those Acts, Regulations or town planning scheme are to prevail.

1.7 Approval fees and charges

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

PART 2—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 granted approval by the local government under clause 2.10.

(2) Subject to sub-clauses (3) and (4), and any provision contained in a town planning scheme, 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 the Schedule 2;
- (b) on a commercial lot or an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 3; and
- (c) on a rural lot, a special rural lot or a special residential 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) a residential lot and an industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;
- (b) a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;
- (c) a residential lot and a rural lot or a special rural lot or a special residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4;
- (d) a rural lot and an industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 3;
- (e) a rural lot and a special rural lot or a special residential lot, is a sufficient fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4; and
- (f) a special rural lot and a special residential lot, is a sufficient fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4.

(4) An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2, 3 and 4.

(5) Unless the local government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of the Schedule 2.

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

- (a) it is greater than 1200mm in height; or
- (b) the local government requires an approval.

(7) 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 for such a fence.

2.2 Fences within front setback areas

(1) A person shall not, without the written approval of the local government, erect a fence greater than 1200 millimetres 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 1200 millimetres 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 1500 millimetres along the front boundary to a distance of not less than 1500 millimetres from the front boundary in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

(3) The provision of subclause (2) shall 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 thoroughfare or footpath.

2.3 Gates in fences

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

- (a) open into the lot, if the gate is providing access to a thoroughfare; 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 without the approval of the local government.

2.5 Fences on a rural lot or special rural lot

A person shall not without the written consent of the local government, erect a fence on a rural lot or a special rural lot, within 7.5 metres of a thoroughfare of a height exceeding 1500 mm.

2.6 Fences on a residential lot

A person shall not without the written consent of the local government, erect a fence on a residential lot of a height exceeding 1800 mm. For the erection of a fence in the front setback area, see clause 2.2.

2.7 Fences within the district

All fences within the district must comply with the provisions of the town planning scheme and its policies.

2.8 Maintenance of fences

- (1) An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.
- (2) A person shall not fill or excavate behind a fence so as to undermine the structural integrity of the fence.

2.9 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.

2.10 General discretion of the local government

- (1) Notwithstanding clause 2.1, the local government may approve the erection or repair of a 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 that purpose.
- (2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on—
 - (a) the safe, secure or convenient use of any land;
 - (b) the safety, security or convenience of any person; or
 - (c) the amenity of the locality.

PART 3—FENCING MATERIALS

3.1 General fencing materials

(1) A person shall only construct a fence on a residential lot from brick, stone, concrete, wrought iron, tubular steel framed, timber, corrugated fibre reinforced cement sheeting, pre-painted steel sheeting, or a material approved by the local government and only of new materials unless in accordance with subclause (3).

(2) A person shall only construct a fence on a commercial lot or an industrial lot from brick, stone, concrete, wrought iron, tubular steel framed, timber, plastic coated or galvanised link mesh, corrugated fibre reinforced cement sheeting, pre-painted steel sheeting or a material approved by the local government and only of new materials unless in accordance with subclause (3).

(3) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) or (2), that approval shall be conditional on the pre-used materials being in keeping with the general amenity of the area and if required by the local government, the applicant painting or treating the pre-used material as directed by the local government.

3.2 Barbed wire and spiked or jagged materials

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a residential lot or a commercial lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- (3) An owner or occupier of an industrial lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless the bottom row of wire or other materials is not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) 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.
- (5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.
- (6) An owner or occupier of a rural lot, a special rural lot or a special residential lot, shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

3.3 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) On a rural lot or industrial lot, an electrified fence shall—
 - (a) comply with AS/NZS 3016—Electrical Installations—Electric Security Fences (as amended from time to time);
 - (b) comply with any requirements of Western Power;
 - (c) be inoperable during hours of business; and
 - (d) be designed to integrate with the colours, materials and specification of a sufficient fence.
- (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.

3.4 Prohibited fencing materials

- (1) A person shall not—
 - (a) use broken glass in the construction of any fence; or
 - (b) make repairs to a fence using, or reusing, any materials that contain asbestos whether from the existing fence or sourced from another location, unless in accordance with the *Health (Asbestos) Regulations 1992*.
- (2) Failure to comply with sub-clause (1)(b) may constitute a breach of the *Health (Asbestos) Regulations 1992*.

3.5 Disposal of asbestos materials

- (1) The disposal of asbestos fencing materials is to comply with the requirements of the *Health (Asbestos) Regulations 1992* and *Environmental Protection (Controlled Waste) Regulations 2004*.
- (2) Failure to comply with sub-clause (1) may constitute a breach of the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

PART 4—APPROVALS

4.1 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 section 6.19 of the *Local Government Act 1995*.
- (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).

4.2 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).

4.3 Compliance with approval

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

4.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law—

- (a) runs with the lot to which it relates;
- (b) may be relied upon by any subsequent occupier or owner of the lot; and
- (c) may be enforced by the local government against a subsequent occupier or owner of the lot.

4.5 Cancellation of an approval

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel an approval issued under this Part if—

- (a) the fence no longer satisfies the required specifications; or
- (b) the owner or occupier breaches any condition upon which the approval has been issued.

PART 5—MISCELLANEOUS

5.1 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 6—NOTICES OF BREACH

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 a notice in writing to the owner or occupier 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 or occupier of the lot 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, 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.

PART 7—OFFENCES

7.1 Offences and penalties

(1) An owner or occupier who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, 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 to a maximum penalty of not less than \$100 and not exceeding \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

7.2 Modified penalties

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

(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.

7.3 Form of notices

For the purposes of this local law—

- (a) an infringement notice issued under this local law referred to in section 9.17 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time;
- (b) a notice referred to in section 9.20 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time.

PART 8—OBJECTIONS AND REVIEW**8.1 Objections and review**

When the local government makes a decision as to whether it will grant a person an approval or renew, vary or cancel an approval under this local law, the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General Regulations) 1996* shall apply to that decision.

SCHEDULE 1**Offences and modified penalties**

[clause 7 2(2)]

Item	Clause No.	Nature of offence	Modified penalties \$
1	2.1(1)	Erect a fence which is not a sufficient fence without approval of the local government	200
2	2.2(1)	Erect a fence greater than 1200mm in height within a front setback area of a residential lot without approval of the local government	200
3	2.3(1)(a)	Erect a gate in a fence not opening into the lot, if the gate is providing access to a thoroughfare	100
4	2.3(1)(b)	Erect a gate in a fence not sliding parallel and inside a fence	100
5	2.5	Erect a fence on a rural or special rural lot, within 7.5 metres of a thoroughfare of a height exceeding 1500mm without approval of the local government	100
6	2.6	Erect a fence on a residential lot or special residential lot of a height exceeding 1800mm without approval of the local government	100
7	2.8(1)	Failure to maintain a fence in good condition to prevent the fence becoming dangerous, dilapidated or unsightly	100
8	2.8(2)	Filling or excavating behind a fence so as to undermine the structural integrity of the fence	100
9	2.9	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without approval of the local government	200
10	3.1(2)	Construct a dividing fence on a residential lot from pre-used materials without approval of the local government	150
11	3.1(3)	Construct a dividing fence on a commercial or an industrial lot from pre-used materials without approval of the local government	150
12	3.2(2)	Erect or affix to a fence using barbed wire or material with spiked or jagged projections in the fence construction without approval of the local government	200
13	3.2(3)	On an industrial lot, erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections, in which the bottom row of wire or other materials is nearer than 2000mm from the ground level	200
14	3.2(5)	Affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass	200
15	3.3(1)(a)	Electrify a fence without approval of the local government	200
16	3.3(1)(b)	Construct, erect or use razor wire in a fence without approval of the local government	200
17	4.3	Failure to comply with terms or conditions of approval	200
18	7.1(1)	Failure to comply with notice of breach	250

SCHEDULE 2**Specifications for a sufficient boundary fence on a residential lot**

[clause 2.1(2)(a)]

Each of the identified categories in this Schedule is a sufficient fence on a residential lot—

1. Timber fence

- (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
- (c) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (d) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered;
- (e) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
- (f) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

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 shall have 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 manufacturers written instructions; and
- (d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

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 AS 2870, as amended from time to time;
- (b) the footing is to be designed in accordance with AS 2870, as amended from time to time;
- (c) expansion joints in accordance with the manufacturer's written instructions; and
- (d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

4. Composite fence

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

- (a) brick piers of minimum 345mm x 345mm at either 1800mm or 2700mm centres, bonded to a minimum height base wall of 540mm;
- (b) each pier shall be reinforced with R10 galvanised starting rod (one rod for 1800mm centred brick piers, two for 2700mm brick piers), 1500mm high with a 250mm horizontal leg bedded into a 500mm x 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; and
- (f) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

SCHEDULE 3**Specifications for a sufficient boundary fence on a commercial lot on an industrial lot**

[Clause 2.1(2)(b)]

Each of the following is a sufficient fence on a commercial lot and an industrial lot—

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 50mm nominal 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 3500mm 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 2 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 2 or more 3.15mm wires twisted together or single 4mm wire;
- (e) non-rail link, chain or steel mesh is to be to a height of 2000mm on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2400mm in accordance with the requirements and standards of the town planning scheme; and
- (f) galvanised link mesh wire to be 2000mm 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 3.6m 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. Other fences

- (a) a fence of cement sheet or steel sheeting constructed to the minimum specifications referred to in Schedule 2 (2) Corrugated fence;
- (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 1800mm but no greater than 2400mm; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 (3) Brick, stone or concrete fence.

SCHEDULE 4

Specifications for a sufficient boundary fence on a rural lot, special rural lot and a special residential

[Clause 2.1(2)(c)]

Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a rural lot, a special rural lot and a special residential lot—

1. Non-electrified fence

- (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) cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn timber;
- (d) posts to be set minimum 600mm in the ground and 1200mm above the ground; and
- (e) strainer posts shall be not less than 2250mm 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 1000mm in the ground.

2. Electrified fence

An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence and the requirements of clause 3.3.

Dated: 25 May 2016.

The Common Seal of the City of Kwinana was hereunto affixed in the presence of—

CAROL ADAMS, Mayor.
CASEY MIHOVILOVICH, Acting Chief Executive Officer.
