



CITY of PERTH

Lord Mayor and Councillors,

**NOTICE IS HEREBY GIVEN** that the next meeting of the **Finance and Administration Committee** will be held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 14 July 2015 at 4.00pm.**

Yours faithfully

**GARY STEVENSON PSM**  
**CHIEF EXECUTIVE OFFICER**

9 July 2015

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**Committee Members:**

**Members:**

Cr Davidson OAM JP (Presiding Member)  
Cr Butler  
Cr Yong

**1<sup>st</sup> Deputy:**

Cr Adamos

**2<sup>nd</sup> Deputy:**

Cr Harley



Please convey apologies to Governance on 9461 3250  
or email [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au)

# EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

## BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

### ALERT ALARM

**beep beep beep**

All Wardens to respond.

Other staff and visitors should remain where they are.

## EVACUATION ALARM/PROCEDURES

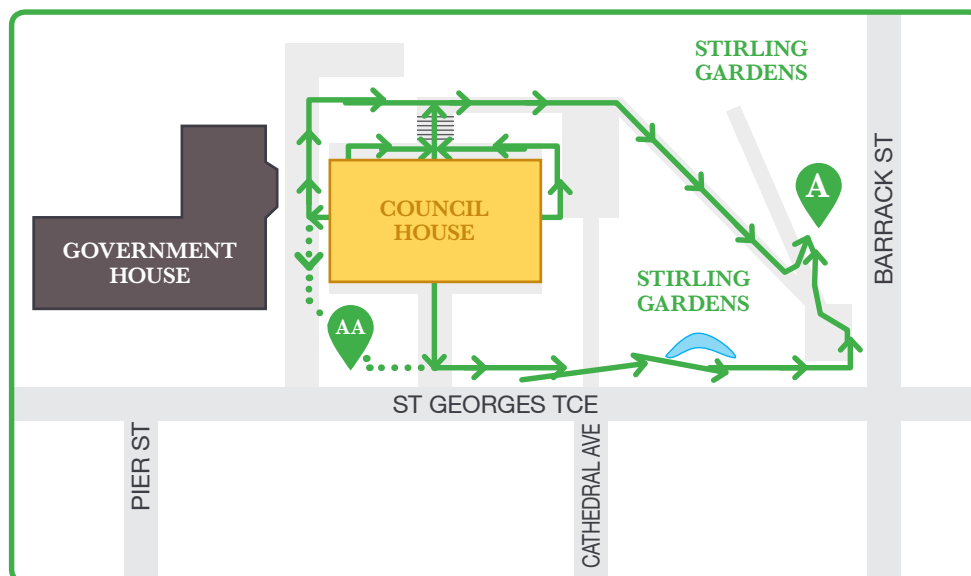
**whoop whoop whoop**

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**



### EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

# FINANCE AND ADMINISTRATION COMMITTEE

**Established:** 17 May 2005 (Members appointed 22 October 2013)

<b>Members:</b>	<b>1<sup>st</sup> Deputy:</b>	<b>2<sup>nd</sup> Deputy:</b>
Cr Davidson OAM JP (Presiding Member)	Cr Adamos	Cr Harley
Cr Butler		
Cr Yong		

**Quorum:** Two  
**Expiry:** October 2015

**TERMS OF REFERENCE:** [Adopted OCM 04/06/13]

1. To oversee and make recommendations to the Council on matters related to:
  - a. the financial management of the City including budgeting, payment of accounts, collection of debts, investment of funds and write-offs;
  - b. strategic and annual plans;
  - c. management of local government property including issues relating to the City's civic buildings (Council House, Perth Town Hall, Perth Concert Hall and the City of Perth Library);
  - d. business opportunities and proposals, including those related to parking, having the potential to achieve new income or savings for the City, which may have been initiated by other Committees of the Council;
  - e. Fees and charges levied by the City in accordance with Sections 6.16 or 6.32 of the Local Government Act 1995;
  - f. Elected Members, including protocols and procedures, benefits and allowances;
  - g. Council's policies, local laws and Register of Delegations;
  - h. the management and enforcement of permanent and temporary on-street parking proposals or restrictions and any associated fees or signage;
  - i. any other issues requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council.
2. To determine:
  - a. public art, art purchases and management of the City's art collection with the authority to purchase artworks over \$5,000 (excluding GST) and the deaccession of artworks in accordance with Policy 18.2 - Collection Management;
  - b. requests for receptions referred to the Committee by the Lord Mayor, with authority to approve or decline requests of \$5,000 or less.

**This meeting is open to members of the public.**

# INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

## Question Time for the Public

- An opportunity is available at all Committee meetings open to members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question, and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to the meeting, by:-
  - Letter: Addressed to GPO Box C120, Perth, 6839;
  - Email: [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).
- *Question Sheets are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).*

## Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Committee meeting prior to written advice on the resolution of the Council being received.

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# FINANCE AND ADMINISTRATION COMMITTEE

## 14 JULY 2015

### ORDER OF BUSINESS

1. Declaration of Opening
2. Apologies and Members on Leave of Absence
3. Question Time for the Public
4. Confirmation of Minutes – 23 June 2015
5. Correspondence
6. Disclosure of Members' Interests
7. Matters for which the Meeting may be Closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential item and schedules listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

Confidential Item / Schedule No.	Item No. and Title	Reason
Schedules 7 and 8	Item 4 – Public Art – Wall Inc. 2015	Section 5.23(2)(e)(ii)
Schedule 10	Item 5 – Tender 082-14-15 – Air Conditioning Replacement, City Station Concourse	Section 5.23(2)(e)(ii)
Schedule 12	Item 6 – Tender 083-14/15 – Switchboard Upgrade, Citiplace Car Park	Section 5.23(2)(e)(ii)
Schedules 13, 14 and 15	Item 7 – Study Perth Funding Agreement 2015/16 to 2017/18	Section 5.23(2)(e)(ii)
Item 8 and Schedule 16	Proposed Surrender of Lease and New Lease – CNR Café – Northbridge Piazza	Section 5.23(2)(e)(ii)

8. Reports
9. Motions of which Previous Notice has been Given

(Cont'd)

**10. General Business**

**10.1. Responses to General Business from a Previous Meeting**

Nil

**10.2. New General Business**

**11. Items for Consideration at a Future Meeting**

**Outstanding Reports:**

- Council Dining Room (raised FA30/09/14, updated 21/04/15).

**12. Closure**

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# ITEM NO: 1

## PAYMENTS FROM MUNICIPAL AND TRUST FUNDS – JUNE 2015

**RECOMMENDATION:**

**(APPROVAL)**

*That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 June 2015, be received and recorded in the Minutes of the Council, the summary of which is as follows:*

<b>FUND</b>	<b>PAID</b>
<b>Municipal Fund</b>	<b>\$ 21,645,586.27</b>
<b>Trust Fund</b>	<b>\$51,889.98</b>
<b>TOTAL:</b>	<b><u><u>\$ 21,697,476.25</u></u></b>

### BACKGROUND:

FILE REFERENCE: P1031101-16  
REPORTING UNIT: Finance  
RESPONSIBLE DIRECTORATE: Corporate Services  
DATE: 2 July 2015  
MAP / SCHEDULE: TRIM 109394/15

### LEGISLATION / STRATEGIC PLAN / POLICY:

<b>Legislation</b>	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.

### COMMENTS:

Payments for the month of June 2015 included the following significant items:



- \$2,235,257.38 to the Department of Fire and Emergency Services for the emergency service levy fourth quarter contribution for 2014/15.
- \$1,998,774.20 to the Metropolitan Redevelopment Authority in relation to the Wellington Street, Stage 2A, Phase 1, Northside Footpath.
- \$1,388,590.86 to Doric Contractors Pty Ltd for the May 2015 progress claim in relation to the Perth City Library and Public Plaza project.
- \$821,941.65 to the Western Australian Treasury Corporation for loan payments of \$543,456.28 for the Elder Street Carpark, \$32,922.21 for the Goderich Street Carpark and \$245,563.16 for the construction of the new Perth City Library and Public Plaza.
- There were three payroll and superannuation payments made within the month of June 2015.

## ITEM NO: 2

### REVIEW COMPLETED – CITY OF PERTH FENCING LOCAL LAW 2005 – REPEAL AND REPLACE

**RECOMMENDATION:** (APPROVAL)

***That Council:***

- 1. in accordance with Section 3.16(3) of the Local Government Act 1995, notes that no submissions were received during the public submission period in response to the statutory review of the City of Perth Fencing Local Law 2005;***
- 2. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the statutory review of the City of Perth Fencing Local Law 2005 and determines, BY AN ABSOLUTE MAJORITY, to repeal this local law;***
- 3. approves in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of State-wide public notice of the intention to make the City of Perth Fencing Local Law 2015, as detailed in Schedule 3, with the purpose and effect being:***
  - 3.1 Purpose: To prescribe a sufficient fence and the standard for the construction of fences throughout the district of the City of Perth.***
  - 3.2 Effect: To establish the requirements for fencing within the district of the City of Perth.***

**BACKGROUND:**

FILE REFERENCE: P1010030-6  
RESPONSIBLE UNIT: Governance  
RESPONSIBLE DIRECTORATE: Corporate Services Directorate  
DATE: 3 July 2014

MAP / SCHEDULE:                      Schedule 1 – *City of Perth Fencing Local Law 2005*  
Schedule 2 – Comparison  
Schedule 3 – Proposed City of Perth Fencing Local  
Law 2015

At its meeting held on **21 June 2005** (TRIM 48575/05), Council resolved to make the *City of Perth Fencing Local Law 2005* as follows:

**Purpose:**        To provide for the regulation, management and control of the installation of fences throughout the district of the City of Perth.

**Effect:**        To ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the City of Perth.

At its meeting held on **29 January 2008** (TRIM 9325/08), Council resolved to make the *City of Perth Amendment Local Law 2007* to amend various clauses in a number of the City's existing local laws including the *City of Perth Fencing Local Law 2005* as required by the Joint Standing Committee of Delegated Legislation. The subsequent amendments, together with the originally made local law, constitute the current local law.

In accordance with Section 3.16 of the *Local Government Act 1995*, a statutory review of the *City of Perth Fencing Local Law 2005* has been undertaken. A State-wide public notice was published in The West Australian newspaper on Friday, 20 March 2015, and was also displayed on the City's notice boards and website seeking public submissions.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation**                      Sections 3.12 and 3.16 of the *Local Government Act 1995*  
*City of Perth Fencing Local Law 2005*

**Integrated Planning and Reporting Framework Implications**        **Strategic Community Plan**  
Council Four Year Priorities: Living in Perth  
S2        Promote and facilitate CBD living.

Section 3.16 of the *Local Government Act 1995* states that local laws are required to be reviewed within eight years from the day they become operable. The review process is initiated by State-wide public notice calling for submissions. On finalisation of the public submission period, Council is required to consider submissions received and to finalise the review.

To finalise the review, Council is to determine if the local law is required to be amended or repealed. In the case where Council determines a local law is to be repealed, then in accordance with Section 3.12 of the *Local Government Act 1995* a new local law can be established.

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws and amending existing local laws, a summary of which is provided below:

- Council is to approve the giving of State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six week public submission period;
- As soon as the notice is given, the City is to provide a copy of the proposed local law to the Minister of Local Government and Communities, any other relevant Ministers to which the local law relates and to any person requesting a copy;
- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
  - Publish the local law in the *Government Gazette*;
  - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
  - Provide a copy of the Gazette to the Minister for Local Government and Communities and any other relevant Minister; and
  - Publish a local public notice advising the title of the local law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

### **Risk Management Implications**

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the Joint Standing Committee on Delegated Legislation (JSCDL). The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law making power of local governments.

### **DETAILS:**

At the close of submissions on Friday, 8 May 2015, no submissions from the public had been received in regards to the review of *City of Perth Fencing Local Law 2005*.

During the public consultation period an internal review of the local law was also conducted. With the *Building Act 2011* and the *Building Regulations 2012* now in operation, disparity exists within the current local law and its alignment with this legislation. A number of significant formatting issues were also identified during the internal review. Officers have therefore recommended to repeal the current local law

and to adopt a new local law that aligns with current legislation and can be applied more appropriately in the contemporary environment.

### **Significant Drafting Changes**

In the proposed City of Perth Fencing Local Law 2015 (proposed local law), clauses referring to a requirement for an application for a Building Licence and Determination and Issue of this licence (now referred to as a Building permit), have been removed. These provisions are covered in the *Building Act 2011* and Schedule 4 of the *Building Regulations 2012*. Refer to new clause 1.7 – Relationships with other laws of the proposed local law (refer to Schedule 3).

The interchangeable use of the terms “City and “local government” have been addressed within the proposed local law and will be consistently applied to future reviews of other subsequent local laws.

Drafting of the proposed local law also includes the requirements of the City of Perth in regards to the control and management of fences within its district under Section 24 of the *Dividing Fences Act 1961*. Section 24 states:

*“A local government shall, when required by the minister so to do, make a local law prescribing what constitutes a sufficient fence for the purpose of the definition of sufficient fence in section 5”.*

Section 5 Interpretation of the *Dividing Fences Act 1961* states that a “*sufficient fence, in relation to a dividing fence or a boundary fence means any fence prescribe by a local law as a sufficient fence for the part of the local government district in which the dividing fence or boundary fence is, or is to be, erected;*”.

Overall, the purpose of the proposed local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district of the City of Perth. Schedules 2 and 3 of the proposed local law (refer to Schedule 3) indicate a robust definition and requirements of a “Sufficient Fence” for both Residential and Non-Residential Lots.

A full comparison between the current and proposed local laws is provided in Schedule 2.

### **Modified Penalties**

It is recommended that the Modified Penalties detailed in the “Third Schedule” of the current local law (refer to Schedule 1) be retained and increased as detailed in “Schedule 1” of the proposed local law (refer to Schedule 3) to be applied as appropriate deterrents. This proposal comes from a comparison with the West Australian Local Government Association’s (WALGA) Fencing Model Local Law and other local governments Fencing Local Laws.

The comparison between the Modified Penalties of the proposed local law and the current local law has been provided within this report.

**Modified Penalties – Fencing Local Law 2015 comparison**

Clause No.	Offence Clauses (Description only for the purposes of this comparison)	Modified Penalties		Reason
		Current	Proposed	
14(1) <u>2.1(1)</u>	Erect a fence which is not a sufficient fence	\$100	\$250	Penalty has not increased since 2005.
16 <u>2.2</u>	Erect a fence greater than 1,200mm in height within a front setback area without the written consent of the Building Surveyor	\$100	\$250	Penalty has not increased since 2005.
22(a) <u>2.3(1)(a)</u>	Erect a gate in a fence not opening into the lot	\$100	\$200	Penalty has not increased since 2005.
22(b) <u>2.3(1)(b)</u>	Erect a gate in a fence not sliding parallel and inside a fence	\$100	\$200	Penalty has not increased since 2005.
<u>2.4</u>	Depositing of fencing materials on public place	N/A	\$250	New Penalty.
19 <u>2.5</u>	Failure to maintain a fence in good condition to prevent the fence becoming dangerous, dilapidated or unsightly	\$100	\$250	Penalty has not increased since 2005.
23 <u>2.6</u>	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without approval	\$100	\$250	Penalty increased to act as a greater deterrent and improve amenity and ensure safety. Aligns penalty with similar contraventions.

Clause No.	Offence Clauses (Description only for the purposes of this comparison)	Modified Penalties		Reason
		Current	Proposed	
<del>24</del> <u>2.10(1)</u>	Construct a dividing fence on a Residential, or Non-Residential Lot from pre-used materials without written approval	\$100	\$250	Penalty has not increased since 2005.
<del>20(2)</del> <u>2.11(1)</u>	Erect a fence using barbed wire or material with spiked or jagged projections in the fence construction without approval	\$100	\$250	Penalty increased to act as a greater deterrent and improve amenity and ensure safety. Aligns penalty with similar contraventions.
<del>25(1)(a)</del> <del>b)</del> <u>2.12(1)</u>	Construct, erect or use razor wire in a fence or electrify a fence without approval	\$100	\$250	Penalty increased to act as a greater deterrent and improve amenity and ensure safety. Aligns penalty with similar contraventions.
<del>20(1)</del> <u>2.11(4)</u>	Affix, or use, any broken glass in a fence	\$100	\$250	Penalty has not increased since 2005.
<u>3.3</u>	Failure to comply with terms or conditions of approval	N/A	\$250	New Penalty.
<del>28(1)</del> <u>5.1</u>	Failure to comply with notice of breach	\$100	\$250	Penalty has not increased since 2005.

**FINANCIAL IMPLICATIONS:**

Approximately \$2,500 will be incurred for the public notice and gazettal of the proposed local law. These costs will be met through existing operating budgets.

All amounts quoted in this report are exclusive of GST.

**COMMENTS:**

In accordance with Section 3.12(3) of the *Local Government Act 1995*, it is recommended that Council resolves to repeal the *City of Perth Fencing Local Law 2005* and in accordance with Section 3.12(3) of the *Local Government Act 1995*, give state-wide public notice of its intention to make the proposed City of Perth Fencing Local Law 2015 as detailed in Schedule 3.

The proposed *City of Perth Fencing Local Law 2015* is a refinement of the current *City of Perth Fencing Local Law 2005*, and takes into account the WALGA's Fencing Model Local Law, local laws of other local governments and previous findings of the JSCDL. It has been drafted following extensive review and consultation with the public and officers within the organisation.



(Extract from Government Gazette No 133, 14 July 2005)

*Local Government Act 1995*

**CITY OF PERTH**

**FENCING LOCAL LAW 2005**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 21 June 2005 to make the *Fencing Local Law 2005*, as set out below.

**ARRANGEMENT**

PART 1 – PRELIMINARY	Clauses 1 - 6
PART 2 – LICENCES AND APPROVALS	Clauses 7 - 13
PART 3 – FENCING - GENERAL	Clauses 14 - 24
PART 4 – ELECTRIFIED, BARBED AND RAZOR WIRE FENCES	Clause 25
PART 5 – REMEDY FOR BREACH	Clauses 26 - 27
PART 6 – OFFENCES AND PENALTIES	Clauses 28 - 32
SCHEDULES 1 - 3	

**PART 1 – PRELIMINARY**

**Title**

- 1 This local law may be cited as the *Fencing Local Law 2005*.

**Commencement**

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

**Purpose and Intent**

- 3 (1) The purpose of this local law is to provide for the regulation, management and control of the installation of fences throughout the district of the City of Perth.
- (2) The effect of this local law is to ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the City of Perth.

## Repeal

4 The following by-laws of the City of Perth:-

- (1) By-law No. 19 - Fencing as published in the *Government Gazette* – 25 October 1967 and amendments;
- (2) By-law No. 19 - Fencing as published in the *Government Gazette* – 9 November 1928 and amendments,

are repealed on the day that this local law comes into operation.

## Application

5 This local law applies throughout the district of the City of Perth.

## Definitions

6 In this local law unless the context requires otherwise:-

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

“AS/NZS” means an Australian/New Zealand Standard published by the Standards Association of Australia;

“authorised person” means the CEO and any other person authorised by the City 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 erected on the common boundary of a lot and land under the care, control or management of the City or on a line other than the common boundary but does not include a dividing fence or a front fence;

“Building Code” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including any explanatory information published with that Code;

“building licence” means a building licence issued under this local law and pursuant to the *Local Government (Miscellaneous Provisions) Act 1960*;

“building licence fee” means the fee prescribed for the purposes of clause 13 of this local law by the Council from time to time in its Schedule of Fees and Charges in the City’s annual budget;

“CEO” means the Chief Executive Officer of the City;

“City” means the local government of the City of Perth;

“city planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district that has been made by the City under the *Town Planning and Development Act 1928*;

“dangerous” in relation to any fence means:-

- (a) an electrified fence other than a fence in respect of which a building licence under Part 4 of this local law has been issued;
- (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 during or after its construction, 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 City of Perth;

“dividing fence” has the meaning given to it in and for the purposes of the *Dividing Fences Act 1961* but does not include a boundary fence or front fence;

**Note:**

*Section 5 of the Dividing Fences Act 1961 defines “dividing fence” to mean “a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary”.*

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

“existing fence” means a fence erected prior to the gazettal of the *Fencing Local Law 2005*;

“fence” means any structure, including a retaining wall less than 450mm in height and 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 primary thoroughfare upon which that lot abuts;

“front fence” means a fence erected on the front boundary of a lot or on a line other than the front boundary;

“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;

“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

“non-residential lot” means any lot situated in the district that is not defined as a residential lot under this local law;

“occupier” has the same meaning as in the Act;

“owner” has the same meaning as in the Act;

“person” means any person, company, employer and includes an owner, occupier and licensee;

“planning approval” means an approval given under a relevant town planning scheme operating in the district from time to time;

“primary thoroughfare” means the sole or principal thoroughfare that provides the main pedestrian access into the lot;

“residential lot” means any lot situated within a residential scheme use area as classified by the city planning scheme and includes land predominantly used for residential purposes;

“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;

“sufficient fence” means a fence described in clause 15 but does not include a retaining wall;

“thoroughfare” means any road, street, way or place that is designed and used for the passage of vehicles and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

## **PART 2 – LICENCING AND APPROVALS**

### **Building Licence Requirements**

- 7 Where in accordance with this local law or any other written law, a building licence is required to enable the lawful building or erecting of a fence, a valid building licence must first be obtained before any work is commenced.

**8 Deleted.**Amd  
GG No 36  
29.02.08**Planning and Other Approvals**

- 9 Where under any written law operating within the district, the erection and maintenance of a fence requires planning approval or other approval, the requirement of such approval shall be additional to the requirement for a building licence under this local law.

**Application for Building Licence**

- 10 A person seeking the issue of a building licence must make application on the form provided and used for the purpose and must forward the application to the City together with:-
- (a) where required, a copy of planning approval issued by the City under the city planning scheme;
  - (b) two copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and the method of construction of the proposed fence;
  - (c) the relevant building licence fee; and
  - (d) such other information as may be required by the City to assist in determining the application.

**Determination of Application**

- 11 (1) The City may refuse to accept an application for a building licence that does not comply with the requirements of clause 10, and in any event, shall refuse to accept an application for a building licence where planning approval is required and has not first been obtained under the city planning scheme.
- (2) The City may, in respect of an application for a building licence:-
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it considers appropriate.

### **Building Licence Issue**

- 12 (1) A building licence shall be issued to the person whose name appears on the application for the building licence and is the owner or acting on behalf of the owner.
- (2) A building licence shall be issued in the form prescribed or provided by the City for that purpose.

### **Licence Fees and Charges**

- 13 All building licence fees and charges applicable under this local law shall be as determined by the City from time to time in accordance with section 6.16 of the Act.

## **PART 3 - FENCING - GENERAL**

### **Dividing and Boundary Fences**

- 14 (1) A person must not erect a dividing fence or boundary fence on a lot that does not meet the minimum requirements for a sufficient fence as detailed under clause 15.
- (2) If by the agreement between the owners of adjoining lots and subject to a building licence being issued under this local law, a person may erect a dividing fence on a lot that exceeds the requirements of a sufficient fence as detailed under clause 15.

### **Sufficient Fence**

- 15 (1) Pursuant to the *Dividing Fences Act 1961* and subject to subclauses 15(2) and 15(3), the minimum requirement for 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 First Schedule;
- (b) on a non-residential lot, is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule.
- (2) Where a fence is erected on or near the boundary between a residential lot and a non-residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule.

- (3) Unless an authorised person specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause 15(2) is a dividing fence constructed in accordance with the specifications and requirements of the Second Schedule.

### Front Fences

- 16 A person must not erect a front fence without first obtaining a valid building licence.

### Fences and Sightlines

- 17 (1) Front fences or boundary fences that are adjacent to a vehicle access point or a thoroughfare shall be truncated with the minimum dimension of the truncation being 1.5 metres or the fence reduced in height to no more than 0.75 metres, unless-
- (a) the fence is an open fence that does not obscure the lines of vision of a motorist using the vehicle access point or thoroughfare;  
or
- (b) there is a distance of 3.5 metres between the fence and a carriageway or footpath.
- (2) Where a dividing fence is closer than 2000mm from a vehicle access point and connects to a thoroughfare, the dividing fence shall be reduced to 750mm in height for the first 2000mm from the thoroughfare back into the lot.
- (3) 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.

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### General discretion of the City

- 18 (1) The City may approve the erection of a fence that does not comply with the requirements of this local law.
- (2) In determining whether to approve the erection of a fence, the City 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 safety and convenience of any person; and
- (b) the safe or convenient use of any land.

### **Maintenance of Fences**

- 19 An owner 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 prejudicial to the amenity of the locality.

### **Prohibited Fencing Materials**

- 20 (1) A person must not use broken glass in the construction of any fence.
- (2) A person must not use material with spiked or jagged projections in the construction of any fence that is not the subject of a building licence or otherwise in accordance with this local law.

### **Secondhand Materials**

- 21 Secondhand materials shall not be used in the construction of fences without the City's prior approval and if approved, such material shall be painted or treated as directed by the City or an authorised person.

### **Gates in Fences**

- 22 A person must not erect or maintain a gate in a boundary fence or a front fence, which does not:-
- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, of which it forms part of, when closed.

### **Fences Across Right-Of-Ways, Public Access Ways or Road Reserves**

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

### **Building Code**

- 24 (1) Subject to subclauses (2) and (3), a fence shall be constructed in accordance with the relevant provisions of the Building Code.
- (2) Where there is inconsistency between the standards or requirements of this local law and those specified in the Building Code, the standards and requirements of the Building Code shall prevail.



- (3) Subclause (1) shall not apply to an existing fence, except where the existing fence is demolished, pulled down or removed and re-erected, or in some substantial way structurally altered or amended, in which case subclause (1) shall apply to the re-erection, alteration or amendment.

#### **PART 4 – ELECTRIFIED, BARBED AND RAZOR WIRE FENCES**

##### **Requirement for a Licence**

- 25 (1) An owner or occupier of a lot must not:-
- (a) construct and use an electrified fence on that lot without first obtaining a building licence under subclause 25(2); or
  - (b) construct a fence wholly or partly of barbed wire or razor wire on that lot without first obtaining a building licence under subclause 25(4).
- (2) A building licence to construct and use an electrified fence shall not be issued:-
- (a) in respect of a lot which is or which abuts a residential lot;
  - (b) unless the fence complies with AS/NZS 3016 as amended from time to time; 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) A building licence to have a fence constructed wholly or partly of barbed wire or razor wire shall not be issued where any barbed wire or razor wire used in the construction of the fence is less than 2000mm above the ground level or projects on or above any thoroughfare.
- (4) An application for a building licence referred to in sub-clauses (2) or (3) 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.

## PART 5 – REMEDY OF BREACH

### Works on Private Property

- 26 (1) Where an owner fails to maintain a boundary fence or a front fence in accordance with clause 19, the City may give notice in writing to the owner of that property:-
- (a) advising details of the breach of the local law;
  - (b) advising the owner that the breach is to be remedied within the time specified in the notice; and
  - (c) advising that where the owner fails to comply with the requirements of the notice within the time specified, the City may enter the property and do the required work.
- (2) Where the owner of the property fails to comply with the requirements of the notice, the City may by its employees, agents or contractors in accordance with the provisions of Part 3, Division 3, Subdivision 3 of the Act, enter upon the property and carry out all works and do all things necessary to comply with the requirements of the notice.
- (3) The City may recover the expenses incurred in carrying out the works in accordance with subclause 27(2) from the owner of the property in a court of competent jurisdiction.

### Limit on Liability

- 27 A person, owner or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, City employee, City appointed sub-contractor or other person authorised by the City, to enter the land and carry out all or part of the works and do all things necessary that the owner or holder of a licence was required to do to comply with this local law.

## PART 6 – OFFENCES AND PENALTIES

### Offences

- 28 (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) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day which the offence has continued.

### Infringement Notices and Infringement Withdrawal Notices

- 29 For the purposes of this local law:-
- (a) an infringement notice served under section 9.16 of the Act in respect of a prescribed offence under this local law shall be in accordance with Form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) a notice sent under section 9.20(1) of the Act withdrawing an infringement notice served in respect of an offence alleged to have been committed against this local law shall be in accordance with Form 3 of First Schedule of the *Local Government (Functions and General) Regulations 1996*.

### Offence Description and Modified Penalty

- 30 The amount appearing in the final column of the table in the Third Schedule of this local law is the modified penalty prescribed for the purposes of section 9.17 of the Act for the offence directly opposite that penalty in the table.

### Prosecution for Offences

- 31 (1) A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in the Magistrates Court.
- (2) **deleted.**

## Objections and Appeals

32 When the City makes a decision as to whether it will-

- (a) grant a person a licence or approval under this local law; or
- (b) renew, vary, or cancel a licence or approval that a person has under this local law,

the appeal provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

**FIRST SCHEDULE****CITY OF PERTH****FENCING LOCAL LAW 2005****SPECIFICATION FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT**

1 The following is a “sufficient fence” on a residential lot:-

- (1) A fence constructed of corrugated fibre reinforced pressed cement sheeting or steel sheeting 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 a fence adjoining a vehicle access point or thoroughfare, is subject to clause 17.

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**SECOND SCHEDULE****CITY OF PERTH****FENCING LOCAL LAW 2005****SPECIFICATION FOR A SUFFICIENT FENCE ON A NON-RESIDENTIAL LOT**

A “sufficient fence” on a non-residential lot shall be a Type 1 – Rail-less security fence, consisting of Class 2 (medium/light quality) piping, 3.15mm (heavy duty) chain link fabric wire that is galvanized / zinc / aluminium alloy coated or PVC or PE coated, which does not exceed 2400mm in height, constructed in accordance with Australian Standard AS1725 as amended from time to time.

**THIRD SCHEDULE**  
**CITY OF PERTH**  
**FENCING LOCAL LAW 2005**  
**OFFENCES AND MODIFIED PENALTIES**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	14(1)	Erect a dividing fence or boundary fence on a lot that does not meet the minimum requirements for a sufficient fence	100
2	16	Erect a front boundary fence without obtaining a valid building licence	100
4	19	Failure to maintain a fence in good condition/prevent fence from becoming dangerous, dilapidated	100
5	20(1)	Erect a fence using broken glass	100
6	20(2)	Use a material with spiked or jagged projections in fence construction without approval or building licence	100
7	21	Use secondhand materials in the construction of a fence without approval	100
8	22(a)	Erect or maintain a gate in a fence not opening into the lot	100
9	22(b)	Erect or maintain a gate in a fence not sliding parallel and in inside of fence	100
10	23	Erect or maintain a fence/obstruction temporary or permanent across a right-of-way, public accessway or road reserve without consent	100
11	25(1)(a)	Construct or use an electrified fence without a building licence	100
12	25(1)(b)	Construct a barbed wire or razor wire fence without a building licence	100
13	28(1)	Failure to comply with requirements of notice	100
14		Other offences not specified	100

Dated this 1st day of July 2005.

The Common Seal of the )  
City of Perth was )  
hereunto affixed in the )  
presence of- )

\_\_\_\_\_  
DR. PETER NATTRASS  
The Rt Hon the Lord Mayor.

\_\_\_\_\_  
FRANK EDWARDS  
Chief Executive Officer.



## SCHEDULE 2

### Comparison with *Fencing Local Law 2005* and Proposed Fencing Local Law 2015

**Note:** The comparison table below is consistent with the numbering order of the proposed Fencing Local Law 2015. (The clauses within the current local law have been compared correspondingly).

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses</i></b> <i>(italics)</i>	<b>Reason/s</b>
<b>Title</b> <b>FENCING LOCAL LAW 2005</b>	<b>Title</b> <b>FENCING LOCAL LAW 2015</b>	
<b>Enacting Provision</b> Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 21 June 2005 to make the <i>Fencing Local Law 2005</i> , as set out below.	<b>Enacting Provision</b> Under the powers conferred by the <i>Local Government Act 1995</i> , and under all other powers enabling it, the Council of the City of Perth resolved on <i>(Insert Council Meeting Date)</i> to make the <i>following local law</i> .	Newly enacting provision will include the date the proposed local law is made by Council and align with current drafting practices.
<b>ARRANGEMENT</b>		Deleted. Arrangements are considered operational and have no effect at law. This is a drafting standard in all City of Perth local laws.
<b>PART 1 – PRELIMINARY</b>	<b>PART 1 – PRELIMINARY</b>	
<b>Title</b>  1 This local law may be cited as the <i>Fencing Local Law 2005</i> .	<b><u>1.1 Citation</u></b>  This local law may be cited as the <i>City of Perth Fencing Local Law 2015</i> .	New Clause. The word “Title” has been replaced with <i>Citation</i> , to ensure a standard consistency with the City’s local laws.
<b>Commencement</b>  2 This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	<b><u>1.2 Commencement</u></b>  This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	
<b>Purpose and Intent</b>  3 (1) The purpose of this local law is to provide for the regulation, management and control of the installation of fences throughout the district of the City of Perth.  (2) The effect of this local law is to ensure that fences are constructed and maintained to a satisfactory structural and aesthetic standard throughout the district of the City of Perth.	<b><u>1.3 Purpose and Effect</u></b>  (1) <i>The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district of the City of Perth.</i>  (2) <i>The effect of this local law is to establish the requirements for fencing within the district of the City of Perth.</i>	New Purpose and Effect. The word <i>Intent</i> changed to <i>Effect</i> to ensure standard consistency with the City’s local laws and in accordance with section 3.12(2) of the <i>Local Government Act 1995</i> .
<b>Application</b>  5 This local law applies throughout the district of the City of Perth.	<b><u>1.4 Application</u></b>  This local law applies throughout the district of the City of Perth.	

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (<i>italics</i>)</b>	<b>Reason/s</b>
<p><b>Repeal</b></p> <p>4 The following by-laws of the City of Perth:-            (1) By-law No. 19 - Fencing as published in the <i>Government Gazette</i> – 25 October 1967 and amendments;            (2) By-law No. 19 - Fencing as published in the <i>Government Gazette</i> – 9 November 1928 and amendments, are repealed on the day that this local law comes into operation.</p>	<p><b><u>1.5 Repeal</u></b></p> <p><i>The City of Perth Fencing Local Law 2005 published in the Government Gazette on 14 July 2005, and as amended on 29 February 2008, is repealed.</i></p>	<p>New clause. Includes details of the repeal the of <i>Fencing Local Law 2005</i>. Which the proposed local law supersedes.</p>
<p><b>Definitions</b></p> <p>6 In this local law unless the context requires otherwise:-</p>	<p><b><u>1.6 Definitions</u></b></p> <p>In this local law unless the context requires otherwise—</p>	
<p>“Act” means the <i>Local Government Act 1995</i>;</p>		<p>Deleted. The <i>Local Government Act 1995</i> and other applicable legislation are written in full in the proposed local law to avoid misinterpretation and confusion.</p>
	<p><b><u>“Applicant”</u></b> means a person who makes an application for approval under this local law;</p>	<p>New definition. “Applicant” is referenced throughout the proposed local law.</p>
<p>“AS/NZS” means an Australian/New Zealand Standard published by the Standards Association of Australia;</p>	<p><b><u>“AS or AS/NZS”</u></b> means an Australian or Australian/New Zealand Standard as published by Standards Australia <u>as amended from time to time</u></p>	<p>New definition. Includes safeguards when Australia Standards are amended.</p>
<p>“authorised person” means the CEO and any other person authorised by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;</p>	<p><b><u>“authorised person”</u></b> means a person appointed by the City <u>of Perth</u> under section 9.10 of the <i>Local Government Act 1995</i> to perform any of the functions of an authorised person under this local law;</p>	<p>New definition. <i>Local Government Act 1995</i> and City of Perth are written in full to align with definition changes and ensure better interpretation.</p>
	<p><b><u>“barbed wire fence”</u></b> means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;</p>	<p>New definition. Currently incorporated within the definition “dangerous” of the current local law, this is stand-alone to include provisions of a permit in the proposed local law.</p>
<p>“boundary fence” means a fence erected on the common boundary of a lot and land under the care, control or management of the City or on a line other than the common boundary but does not include a dividing fence or a front fence;</p>	<p><b><u>“boundary fence”</u></b> means a fence, <u>other than a dividing fence, that separates private land from land that is local government property of a thoroughfare;</u></p>	<p>New definition. Ensure consistency with the definition in WALGA’s Fencing Model Local Law.</p>

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses</i></b> <b><i>(italics)</i></b>	<b>Reason/s</b>
"Building Code" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including any explanatory information published with that Code;	<b><u>"Building Code"</u></b> means the latest edition of the Building Code of Australia published from time to time by or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including any explanatory information published with that Code;	
"building licence" means a building licence issued under this local law and pursuant to the <i>Local Government (Miscellaneous Provisions) Act 1960</i> ;	<b><u>"building permit"</u></b> has the meaning given to it in the <i>Building Act 2011</i> ;	New definition. "Building permit" under the <i>Building Act 2011</i> supersedes the "Building licence" as defined in the <i>Local Government (Miscellaneous Provisions) Act 1960</i> .
"building licence fee" means the fee prescribed for the purposes of clause 13 of this local law by the Council from time to time in its Schedule of Fees and Charges in the City's annual budget;		Deleted. "building licence fee" is not applicable in the proposed local law.
	<b><u>"Building Surveyor"</u></b> means a <i>Building Surveyor of the local government</i> ;	New definition. "Building Surveyor" is referenced throughout the proposed local law.
"CEO" means the Chief Executive Officer of the City;	<b><u>"CEO"</u></b> means the Chief Executive Officer of the <i>local government</i> ;	New definition. To align with new definition of "local government"
	<b><u>"Council"</u></b> means the <i>Council of the local government</i> ;	New definition. Referenced in proposed local law and to distinguish Council between the local government.
"City" means the local government of the City of Perth;		Deleted. Referenced as "local government" in the proposed local law.
"dangerous" in relation to any fence means:-  (a) an electrified fence other than a fence in respect of which a building licence under Part 4 of this local law has been issued;  (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 during or after its construction, is likely to collapse or fall, or part of which is likely to collapse or fall,	<b><u>"dangerous"</u></b> in relation to any fence means, with the exception of electrified, barbed and razor wire fences as separately specified under this local law—  (a) <u>a fence containing exposed broken glass, asbestos fibre or any other potentially harmful projection or material; or</u>  (b) <u>a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;</u>	New definition. The references "electrified, barbed and razor wire fences" under dangerous have been removed and defined individually in the proposed local law.

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
from any cause;		
“district” means the district of the City of Perth;	<b><u>“district”</u></b> means the district of the <u>local government</u> ;	New definition. To align with the definition “local government” in the proposed local law.
“city planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district that has been made by the City under the <i>Town Planning and Development Act 1928</i> ;	<b><u>“district planning scheme”</u></b> means a <u>local planning scheme of the local government made under the Planning and Development Act 2005</u> ;	New definition. Indicates the current legislation <i>Planning and Development Act 2005</i> .
“dividing fence” has the meaning given to it in and for the purposes of the <i>Dividing Fences Act 1961</i> but does not include a boundary fence or front fence;	<b><u>“dividing fence”</u></b> has the meaning given to it by the <i>Dividing Fences Act 1961</i> ;	
<b>Note:</b> <i>Section 5 of the Dividing Fences Act 1961 defines “dividing fence” to mean “a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary”.</i>		Deleted. Eliminates the risk of inconsistencies with the proposed local law and the <i>Dividing Fences Act 1961</i> when amended.
“electrified fence” means a fence carrying or designed to carry an electric charge;	<b><u>“electrified fence”</u></b> means a fence carrying or designed to carry an electric charge;	
“existing fence” means a fence erected prior to the gazettal of the <i>Fencing Local Law 2005</i> ;		Deleted. “existing fence” is not applicable in the proposed local law.
“fence” means any structure, including a retaining wall less than 450mm in height and used or functioning as a barrier, irrespective of where it is located and includes any gate.	<b><u>“fence”</u></b> means <u>any structure, not including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate</u> ;	New definition. Does not include a “retaining wall” which is defined individually in the proposed local law.
“front boundary” means the boundary line between a lot and the primary thoroughfare upon which that lot abuts;	<b><u>“front boundary”</u></b> means the boundary line between a lot and the thoroughfare upon which that lot abuts, <u>or in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare</u> ;	New definition. Consistency with the definition in WALGA’s Fencing Model Local Law.
“front fence” means a fence erected on the front boundary of a lot or on a line other than the front boundary;	<b><u>“front fence”</u></b> means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;	
	<b><u>“front setback area”</u></b> means the <u>area between the building line of a lot and the front boundary of that lot</u> ;	New definition. Referenced throughout the proposed local law.
“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	<b><u>“height”</u></b> 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	

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
levels on each side of the fence are not the same, the higher ground level immediately below that point;	levels on each side of the fence are not the same, the higher ground level, immediately below that point;	
	<b><u><i>“local government” means the local government of the City of Perth;</i></u></b>	New definition. Replaces the definition “City” as referenced in the current local law.
	<b><u><i>“local government property” means anything except a thoroughfare—</i></u>  <b><u><i>(a) which belongs to the local government;</i></u></b> <b><u><i>(b) of which the local government is the management body under the Land Administration Act 1997; or</i></u></b> <b><u><i>(c) which is an “otherwise unvested facility” under section 3.53 of the Local Government Act 1995;</i></u></b></b>	New definition. Referenced throughout the proposed local law.
“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;	<b><u><i>“lot” has the meaning given to it and for the purposes of the Planning and Development Act 2005;</i></u></b>	New definition. Aligns with the meaning of “lot” as defined in the <i>Planning and Development Act 2005</i> .
“non-residential lot” means any lot situated in the district that is not defined as a residential lot under this local law;	<b><u><i>“Non-Residential Lot” means any lot situated in the district that is not defined as a residential lot under this local law;</i></u></b>	
	<b><u><i>“notice of breach” means a notice referred to in clause 5.1 of this local law;</i></u></b>	New definition. Referenced throughout the proposed local law.
“occupier” has the same meaning as in the Act;	<b><u><i>“occupier” has the meaning given to it in the Local Government Act 1995;</i></u></b>	New definition. <i>Local Government Act 1995</i> and other applicable legislation are written in full in the proposed local law.
“owner” has the same meaning as in the Act;	<b><u><i>“owner” has the meaning given to it in the Local Government Act 1995;</i></u></b>	New definition. <i>Local Government Act 1995</i> and other applicable legislation are written in full in the proposed local law.
“person” means any person, company, employer and includes an owner, occupier and licensee;	<b><u><i>“person” means any person, company, employer and includes an owner, occupier and licensee;</i></u></b>	
“planning approval” means an approval given under a relevant town planning scheme operating in the district from time to time;		Deleted. Not applicable in the proposed local law.
“primary thoroughfare” means the sole or principal thoroughfare that provides the main pedestrian access into the lot;		Deleted. Not applicable in the proposed local law
	<b><u><i>“razor wire fence” means a coiled strong wire with pieces of sharp cutting edges set across it at closes intervals;</i></u></b>	New definition. Currently incorporated within the definition “dangerous” of

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
		the current local law, this is stand-alone to include provisions of a permit in proposed local law.
“residential lot” means any lot situated within a residential scheme use area as classified by the city planning scheme and includes land predominantly used for residential purposes;	<b><i>“Residential Lot”</i></b> means <i>a lot where a residential use—</i> <i>(a) is or may be permitted under the district planning scheme; and</i> <i>(b) is or will be the predominant use of the lot;</i>	New definition. Consistency with WALGA’s Fencing Model Local Law.
“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;	<b><i>“retaining wall”</i></b> 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;	
	<b><i>“Schedule”</i></b> means <i>a Schedule to this local law;</i>	New definition. Referenced throughout the proposed local law.
“sufficient fence” means a fence described in clause 15 but does not include a retaining wall	<b><i>“sufficient fence”</i></b> means a fence described in <i>clause 2.1</i> but does not include a retaining wall;	New definition. Clause number updated in accordance with the numbering within the proposed local law.
“thoroughfare” means any road, street, way or place that is designed and used for the passage of vehicles and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.	<b><i>“thoroughfare”</i></b> <i>has the meaning given to it by the Local Government Act 1995, but does not include a private thoroughfare which is not under the management or control of the local government.</i>	New definition. “thoroughfare” defined in accordance with the <i>Local Government Act 1995</i> .
<p><b>PART 2 – LICENCING AND APPROVALS</b></p> <p><b>Building Licence Requirements</b></p> <p>7 Where in accordance with this local law or any other written law, a building licence is required to enable the lawful building or erecting of a fence, a valid building licence must first be obtained before any work is commenced.</p> <p>8 <b>Deleted.</b>                      Amd    GG No 36    29.02.08</p> <p><b>Planning and Other Approvals</b></p> <p>9 Where under any written law operating within the district, the erection and maintenance of a fence requires planning approval or other approval, the requirement of such approval shall be</p>		<p>Deleted part 2 and clauses 7 – 12. Not applicable in the proposed local law due to the <i>Building Act 2011</i> and <i>Schedule 4 of the Building Regulations 2012</i> becoming operable.</p> <p>Refer to part 3 and clause 1.7 of the proposed local law.</p>

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
<p>additional to the requirement for a building licence under this local law</p> <p><b>Application for Building Licence</b>            10 A person seeking the issue of a building licence must make application on the form provided and used for the purpose and must forward the application to the City together with:-</p> <ul style="list-style-type: none"> <li>(a) where required, a copy of planning approval issued by the City under the city planning scheme;</li> <li>(b) two copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and the method of construction of the proposed fence;</li> <li>(c) the relevant building licence fee; and</li> <li>(d) such other information as may be required by the City to assist in determining the application.</li> </ul> <p><b>Determination of Application</b>            11 (1) The City may refuse to accept an application for a building licence that does not comply with the requirements of clause 10, and in any event, shall refuse to accept an application for a building licence where planning approval is required and has not first been obtained under the city planning scheme.</p> <p>(2) The City may, in respect of an application for a building licence:-</p> <ul style="list-style-type: none"> <li>(a) refuse the application; or</li> <li>(b) approve the application on such terms and conditions</li> </ul> <p><b>Building Licence Issue</b>            12            (1) A building licence shall be issued to the person whose name appears on the application for the building licence and is the owner or acting on behalf of the owner.</p> <p>A building licence shall be issued in the form prescribed or provided by the City for that purpose.</p>		

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</b>	<b>Reason/s</b>
	<p><b><u>1.7 Relationship with other laws</u></b>  <u>(1) In the event of any inconsistency between the provisions of a district planning scheme and the provisions of this local law, the provisions of the district planning scheme are to prevail.</u></p> <p><u>(2) Nothing in this local law affects the need for compliance, in respect of a fence, with—</u>  <u>(a) any relevant provisions of a district planning scheme; and</u>  <u>(b) any relevant provisions that apply if a building permit is required for that fence under the Building Act 2011 or Building Regulations 2012.</u></p>	New clause. Replaces part 2 of the current local law.
<p><b>Licence Fees and Charges</b></p> <p>13 All building licence fees and charges applicable under this local law shall be as determined by the City from time to time in accordance with section 6.16 of the Act.</p>	<p><b><u>1.8 Licence fees and charges</u></b></p> <p>All licence fees and charges applicable under this local law shall be determined by the <u>local government</u> from time to time in accordance with section 6.16 of the <u>Local Government Act 1995</u>.</p>	New clause. To align with definition changes.
<p align="center"><b>PART 3 - FENCING - GENERAL</b></p>	<p align="center"><b><u>PART 2 – FENCES</u></b>  <b><u>Division 1 – Sufficient Fences</u></b></p>	New part and division in the proposed local law.
<p><b>Dividing and Boundary Fences</b> 14</p> <p>(1) A person must not erect a dividing fence or boundary fence on a lot that does not meet the minimum requirements for a sufficient fence as detailed under clause 15.</p> <p>(2) If by the agreement between the owners of adjoining lots and subject to a building licence being issued under this local law, a person may erect a dividing fence on a lot that exceeds the requirements of a sufficient fence as detailed under clause 15.</p>		Deleted. Refer to clause 2.1 in the proposed local law.



<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</b>	<b>Reason/s</b>
<p><b>Sufficient Fence</b> 15</p> <p>(1) Pursuant to the <i>Dividing Fences Act 1961</i> and subject to subclauses 15(2) and 15(3), the minimum requirement for a sufficient fence:-</p> <p>(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 First Schedule;</p> <p>(b) on a non-residential lot, is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule.</p> <p>(2) Where a fence is erected on or near the boundary between a residential lot and a non-residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule.</p> <p>(3) Unless an authorised person specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause 15(2) is a dividing fence constructed in accordance with the specifications and requirements of the Second Schedule.</p>	<p><b>2.1 Sufficient fences</b></p> <p><b>2.1 Meaning of “sufficient fence”</b></p> <p>(1) <u><i>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.</i></u></p> <p>(2) <u><i>Subject to subclause (3) and (4), a sufficient fence—</i></u></p> <p>(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 <u>2</u>;</p> <p>(b) on a Non-Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule <u>3</u>;</p> <p>(3) <u><i>An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2 and 3.</i></u></p> <p>(4) Unless an authorised person <u><i>determines</i></u> otherwise, a sufficient fence on a boundary between lots other than those specified in subclause <u>(3)</u> is a dividing fence constructed in accordance with the specifications and requirements of Schedule <u>2</u>.</p> <p>(5) <u><i>Notwithstanding any other provision 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 professional engineer and constructed in accordance with that design where—</i></u></p> <p><u><i>(a) it is greater than 750 millimetres in height; or</i></u></p> <p><u><i>(b) the Building Surveyor so requires.</i></u></p> <p>(6) <u><i>Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1,800 millimetres height unless the approval of the local government has been obtained for such a fence.</i></u></p>	<p>New clause. The requirements for a sufficient fence have been updated and reflected in Schedules 2 and 3 of the proposed local law, which specifies materials and ensures consistency over fencing requirements.</p> <p>New subclause (3) includes an application provision to make any variations to the specifications of a sufficient fence.</p> <p>New subclause (5) specifies the design requirements for fences constructed of masonry, stone or concrete.</p>
	<p><b><u>Division 2 – General</u></b></p>	<p>New division in proposed local law.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</b>	<b>Reason/s</b>
<p><b>Front Fences</b></p> <p>16 A person must not erect a front fence without first obtaining a valid building licence.</p>	<p><b><u>2.2 Fences within front setback areas</u></b></p> <p><i>(1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1,200 millimetres in height, within the front setback area of a Residential Lot within the district.</i></p> <p><i>(2) The Building Surveyor may approve the erection of a fence of a height greater than 1,200 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 1,500 millimetres along the frontage to a distance of not less than 1,500 millimetres from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.</i></p> <p><i>(3) The provision of subclause (2) shall not apply to a fence—</i></p> <p><i>(a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or</i></p> <p><i>(b) that does not adjoin a footpath</i></p>	<p>New clause. Excludes the reference to a “building licence” as not applicable in the proposed local law.</p> <p>New clause specifies the requirements for fences within front setback areas.</p>
<p><b>Gates in Fences</b></p> <p>22 A person must not erect or maintain a gate in a boundary fence or a front fence, which does not:-</p> <p>(a) open into the lot; or</p> <p>(b) open by sliding parallel and on the inside of the fence, of which it forms part of, when closed.</p>	<p><b>2.3 Gates in fences</b></p> <p><i>(1) A person shall not erect a gate in a fence which does not—</i></p> <p><i>(a) open into the lot; or</i></p> <p><i>(b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.</i></p>	<p>New clause. Includes the reference to all fences.</p>
	<p><b><u>2.4 Depositing fencing material on public place</u></b></p> <p><i>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.</i></p>	<p>New clause. Enables the City to control fencing materials being deposited on thoroughfares, public places or local government property.</p>

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
<p><b>Maintenance of Fences</b></p> <p>19 An owner 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 prejudicial to the amenity of the locality.</p>	<p><b><u>2.5</u> Maintenance of fences</b></p> <p>An owner of a lot <i>or any person undertaking work on a lot on which a</i> fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, or <i>unsightly</i> to the amenity of the locality.</p>	<p>New clause. Reference changed to <i>unsightly</i> to ensure better interpretation and included provision of any other person to cover contractors or agents erecting fences on behalf of the owners.</p>
<p><b>Fences Across Right-Of-Ways, Public Access Ways or Road Reserves</b></p> <p>23 A person must not, without the written consent of the City, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or road reserve so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.</p>	<p><b><u>2.6</u> Fences across rights-of-ways, public access ways or thoroughfares</b></p> <p>A person must not, without the approval of the <i>local government</i>, 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.</p>	<p>New clause. “local government” reference to align with definition changes.</p>
<p><b>Fences and Sightlines</b></p> <p>17</p> <p>(1) Front fences or boundary fences that are adjacent to a vehicle access point or a thoroughfare shall be truncated with the minimum dimension of the truncation being 1.5 metres or the fence reduced in height to no more than 0.75 metres, unless-</p> <p>(a) the fence is an open fence that does not obscure the lines of vision of a motorist using the vehicle access point or thoroughfare; or</p> <p>(b) there is a distance of 3.5 metres between the fence and a carriageway or footpath.</p> <p>(2) Where a dividing fence is closer than 2000mm from a vehicle access point and connects to a thoroughfare, the dividing fence shall be reduced to 750mm in height for the first 2000mm from the thoroughfare back into the lot.</p> <p>(3) 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.</p>	<p><b><u>2.7</u> Fences and Sightlines</b></p> <p>(1) Front fences or boundary fences that are adjacent to a vehicle access point or a thoroughfare shall be truncated with the minimum dimension of the truncation being <i>2,000 millimetres</i> or the fence reduced in height to no more than <i>750 millimetres</i>, unless—</p> <p>(a) the fence is an open fence that does not obscure the lines of vision of a motorist using the vehicle access point or thoroughfare; or</p> <p>(b) there is a distance of <i>3,500 millimetres</i> between the fence and a carriageway or footpath.</p> <p>(2) Where a dividing fence is closer than <i>2,000 millimetres</i> from a vehicle access point and connects to a thoroughfare, the dividing fence shall be reduced to <i>750 millimetres</i> in height for the first <i>2,000 millimetres</i> from the thoroughfare back into the lot.</p> <p><i>(3) A corner Lot without the standard street corner truncation, with a front fence height that exceeds 750 millimetres in height of solid material is not permitted within the 6,000 millimetres by 6,000 millimetres corner sightline area.</i></p> <p><i>(4) Where two right of ways or laneways</i></p>	<p>New clause. Unit of measure has been amended to the appropriate unit used by engineers.</p> <p>New clause includes provision for sightline dimensions to be varied where approved by the local government.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses</b> <b><i>(italics)</i></b>	<b>Reason/s</b>
	<p><i>intersect, a 3,000 millimetres by 3,000 millimetres sightline is required so that a fence height that exceeds 750mm in height of solid material is not permitted.</i></p> <p><i>Or unless otherwise approved by the local government.</i></p>	
<p><b>General discretion of the City</b> 18</p> <p>(1) The City may approve the erection of a fence that does not comply with the requirements of this local law.</p> <p>(2) In determining whether to approve the erection of a fence, the City 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:-</p> <p>(a) the safety and convenience of any person; and</p> <p>(b) the safe or convenient use of any land.</p>	<p><b><u>2.8 Dividing Fences</u></b></p> <p>(1) <i>Notwithstanding the provisions of clause 2.1, an authorised person 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.</i></p> <p>(2) In determining whether to approve the erection of a fence, an authorised person may consider, in addition to any other matter that it is authorised to consider, where the erection or retention of the fence would have an adverse effect on—</p> <p>(a) the safe or convenient use of any land;</p> <p>(b) the safety or convenience of any person; or</p> <p>(c) <i>the visual amenity of the locality.</i></p>	<p>New clause. Ensures the requirement of all owners making an application for approval.</p> <p>As determination of this is discretionary, an authorised person is the required to be appointed on behalf of the local government.</p>
	<p><b><u>Division 3 - Fencing Materials</u></b></p>	<p>New division 3 in the proposed local law.</p>
	<p><b><u>2.9 Fencing Designs</u></b></p> <p><i>Where required by the, fencing designs are to be certified by a professional engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions - General principles.</i></p>	<p>New clause. Ensures control over the fencing designs within the local government.</p>
<p><b>Secondhand Materials</b></p> <p>21 Secondhand materials shall not be used in the construction of fences without the City's prior approval and if approved, such material shall be painted or treated as directed by the City or an authorised person.</p>	<p><b><u>2.10 Pre-used fencing materials</u></b></p> <p>(1) <i>Notwithstanding clause 2.1, a person shall not construct a fence on a Residential Lot or a Non-Residential Lot from pre-used materials without the approval of the local government.</i></p> <p>(2) <i>Where the local government approves the use of pre-used materials in the</i></p>	<p>New clause. Title changed to "Pre-used fencing materials" from current local law.</p> <p>Includes provision of an applicant to paint or treat the pre-used materials as determined by a Building Surveyor.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses</b> <b><i>(italics)</i></b>	<b>Reason/s</b>
	<u>construction of a fence under subclause (1), that approval shall be conditional on the applicant painting or treating the pre-used material as directed by the Building Surveyor.</u>	
<p><b>PART 4 – ELECTRIFIED, BARBED AND RAZOR WIRE FENCES</b></p> <p><b>Requirement for a Licence</b></p> <p>25</p> <p>(1) An owner or occupier of a lot must not:-</p> <p>(a) construct and use an electrified fence on that lot without first obtaining a building licence under subclause 25(2); or</p> <p>(b) construct a fence wholly or partly of barbed wire or razor wire on that lot without first obtaining a building licence under subclause 25(4).</p> <p>(2) A building licence to construct and use an electrified fence shall not be issued:-</p> <p>(a) in respect of a lot which is or which abuts a residential lot;</p> <p>(b) unless the fence complies with AS/NZS 3016 as amended from time to time; and</p> <p>(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.</p> <p>(3) A building licence to have a fence constructed wholly or partly of barbed wire or razor wire shall not be issued where any barbed wire or razor wire used in the construction of the fence is less than 2000mm above the ground level or projects on or above any thoroughfare.</p> <p>(4) An application for a building licence referred to in sub-clauses (2) or (3) 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.</p>	<p><b><u>2.11 Barbed wire fences and spiked or jagged materials</u></b></p> <p>(1) <u>An owner or occupier of a Residential Lot or a Non-Residential Lot shall not erect, affix or allow to remain on 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.</u></p> <p>(2) <u>Any fence bounding a lot that has barbed wire or other materials with spiked or jagged projections affixed to it may only be approved if the wire or other materials are carried on posts at an angle of 45 degrees, with the bottom row being a minimum of 2,000 millimetres from the ground level.</u></p> <p>(3) <u>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.</u></p> <p>(4) <u>An owner or occupier of a lot shall not erect, affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.</u></p>	<p>New clause. Replaces part 4 of the current Local law.</p> <p>Reference to obtaining a building licence is removed as this is covered in the <i>Building Act 2011</i>.</p> <p>Indicates clear specifications for erecting a barbed wire fence.</p>
	<p><b><u>2.12 Electrified and razor wire fences</u></b></p> <p>(1) <u>An owner or occupier of a lot shall</u></p>	<p>New clause. Replaces part 4 of the current local law.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (<i>italics</i>)</b>	<b>Reason/s</b>
	<p><del>not—</del></p> <p><u>(a) construct or use an electrified fence on that lot without obtaining the approval of the local government in the form prescribed in Schedule 4; or</u></p> <p><u>(b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government in the form prescribed in Schedule 5.</u></p> <p><u>(2) The local government shall not approve an application for the purpose of subclause (1)(a)—</u></p> <p><u>(a) in respect of a lot which is or which abuts a Residential Lot;</u></p> <p><u>(b) unless the prohibited fence complies with “AS/NZS 3016:2002 Electrical installations—Electricity security fences”; and</u></p> <p><u>(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.</u></p> <p><u>(3) The local government shall not approve an application for the purpose of subclause (1)(b)—</u></p> <p><u>(a) if the fence is within 3,000 millimetres of the boundary of the lot; or</u></p> <p><u>(b) where any razor wire used in the construction of the fence is less than 2,000 millimetres or more than 2,400 millimetres above the ground level.</u></p> <p><u>(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.</u></p>	<p>Includes provisions of a permit to erect electrified or razor wire fences indicated in Schedule 4 and Schedule 5 of the proposed local law.</p>
<p><b>Prohibited Fencing Materials</b> 20</p> <p>(1) A person must not use broken glass in the construction of any fence.</p> <p>(4) A person must not use material with spiked or jagged projections in the construction of any fence that is not the subject of a building licence or otherwise in accordance with this local law.</p>	<p><b><u>2.13 Prohibited fencing materials</u></b></p> <p><u>(1) In constructing a fence a person must not use—</u></p> <p><u>(a) broken glass or any other potentially harmful projections or material;</u></p> <p><u>(b) asbestos fibre;</u></p> <p><u>(c) material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;</u></p> <p><u>(d) pre-used materials unless the material is painted or treated to the</u></p>	<p>New Clause. Includes provisions for asbestos fibre, material that is likely to collapse or any pre-used materials ensuring safety measures for the City.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (<i>italics</i>)</b>	<b>Reason/s</b>
	<u><i>satisfaction of an authorised person.</i></u>	
<p><b>Building Code</b> 24</p> <p>(1) Subject to subclauses (2) and (3), a fence shall be constructed in accordance with the relevant provisions of the Building Code.</p> <p>(2) Where there is inconsistency between the standards or requirements of this local law and those specified in the Building Code, the standards and requirements of the Building Code shall prevail.</p> <p>(3) Subclause (1) shall not apply to an existing fence, except where the existing fence is demolished, pulled down or removed and re-erected, or in some substantial way structurally altered or amended, in which case subclause (1) shall apply to the re-erection, alteration or amendment.</p>	<p><b><u>2.14 Building Code</u></b></p> <p>(1) Subject to subclauses (2) and (3), a fence shall be constructed in accordance with the relevant provisions of the Building Code.</p> <p>(2) Where there is inconsistency between the standards or requirements of this local law and those specified in the building Code, the standards and requirements of the Building Code shall prevail.</p> <p>(3) Subclause (1) shall not apply to an existing fence, except where the existing fence is demolished, pulled down or removed and re-erected, or in some substantial way structurally altered or amended, in which case subclause (1) shall apply to the re-erection, alteration or amendment.</p>	
	<b><u>PART 3—APPROVALS</u></b>	New part 3 in proposed local law. Replaces part 2 – Licencing and Approvals of current local law.
	<p><b><u>3.1 Application for approval</u></b></p> <p>(1) <u><i>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).</i></u></p> <p>(2) <u><i>An application for approval under this local law shall—</i></u></p> <p><u><i>(a) be in the form determined by the local government;</i></u></p> <p><u><i>(b) be signed by the applicant and the owner of the lot;</i></u></p> <p><u><i>(c) provide the information required by the form; and</i></u></p> <p><u><i>(d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.19 of the Local Government Act 1995.</i></u></p> <p>(3) <u><i>An authorised person may require an applicant to provide additional</i></u></p>	<p>New clause. Replaces part 2 of the current local law.</p> <p>Subclauses (3) and (4) determination of these subclauses is discretionary, an authorised person is required to be appointed on behalf of the local government.</p>

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses</b> <b><i>(italics)</i></b>	<b>Reason/s</b>
	<p><u>information reasonably related to an application before an application is considered for approval.</u></p> <p><u>(4) An authorised person may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).</u></p>	
	<p><b><u>3.2 Decision on application for approval</u></b></p> <p><u>(1) The local government may—</u>  <u>(a) approve an application for approval unconditionally or subject to any conditions; or</u>  <u>(b) refuse to approve an application for approval.</u></p> <p><u>(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.</u></p> <p><u>(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.</u></p> <p><u>(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).</u></p>	<p>New clause. Replaces clause 11 in current local law.</p>
	<p><b><u>3.3 Compliance with approval</u></b></p> <p><u>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.</u></p>	<p>New clause. Ensures compliance with terms and conditions of approval. This clause has been established as a new penalty in the proposed local law.</p>
	<p><b><u>3.4 Duration of approval</u></b></p> <p><u>Unless otherwise stated in the form of approval, an approval granted under this local law—</u></p> <p><u>(a) runs with the lot to which it relates;</u>  <u>(b) may be relied upon by any subsequent occupier or owner of the lot; and</u>  <u>(c) may be enforced by the local government against a subsequent occupier or owner of the lot.</u></p>	<p>New clause. Included as a precautionary measure to control the duration of approvals.</p>



<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</b>	<b>Reason/s</b>
	<b><u>PART 4—MISCELLANEOUS</u></b>	New part 4 in proposed local law.
	<b><u>4.1 False or misleading statement</u></b> <i>A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.</i>	New clause. Ensures control of misleading information from applicants.
<b>PART 5 – REMEDY OF BREACH</b>	<b>PART 5— <u>NOTICES OF BREACH</u></b>	New part 5 in proposed local law.
<b>Works on Private Property</b> 26 (1) Where an owner fails to maintain a boundary fence or a front fence in accordance with clause 19, the City may give notice in writing to the owner of that property:-  (a) advising details of the breach of the local law;  (b) advising the owner that the breach is to be remedied within the time specified in the notice; and  (c) advising that where the owner fails to comply with the requirements of the notice within the time specified, the City may enter the property and do the required work.  (2) Where the owner of the property fails to comply with the requirements of the notice, the City may by its employees, agents or contractors in accordance with the provisions of Part 3, Division 3, Subdivision 3 of the Act, enter upon the property and carry out all works and do all things necessary to comply with the requirements of the notice.  (3) The City may recover the expenses incurred in carrying out the works in accordance with subclause 27(2) from the owner of the property in a court of competent jurisdiction.	<b><u>5.1 Notices of breach</u></b> <i>(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice in writing to the owner of that lot.</i>  <i>(2) A notice of breach shall—</i>  <i>(a) specify the provision of this local law which has been breached;</i>  <i>(b) specify the particulars of the breach; and</i>  <i>(c) state that the owner is required to remedy the breach within the time specified in the notice.</i>  <i>(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.</i>  <i>(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.</i>	New clause. Included as a provision from WALGA's Fencing Model Local Law.
<b>Limit on Liability</b> 27 A person, owner or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, City employee, City appointed sub-contractor or other person authorised by the City, to enter the land and carry out all or part of the works and do all things necessary that the owner or holder of a licence was		Deleted. Not applicable in proposed local law as is covered under public liability insurance.

Comparison with *Fencing Local Law 2005* and *Proposed Fencing Local Law 2015*

<b><i>Fencing Local Law 2005</i></b>	<b><i>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</i></b>	<b>Reason/s</b>
required to do to comply with this local law.		
<b>PART 6 – OFFENCES AND PENALTIES</b>	<b>PART 6—<u>OFFENCES</u></b>	New part 6 in proposed local law.
<b>Offences</b> 28 (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) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.  (3) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day which the offence has continued.	<b><u>6.1 Offences and penalties</u></b>  <u>(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty as prescribed in Schedule 1 and if the offence is a continuing offence, to a maximum daily penalty as prescribed in Schedule 1.</u>  <u>(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 as prescribed in Schedule 1 and if the offence is a continuing offence, to a maximum daily penalty as prescribed in Schedule 1.</u>	New clause. Penalty amounts referenced to Schedule 1 - Modified Penalties to ensure these clauses don't need to be amended when penalties have increased in future reviews.
<b>Offence Description and Modified Penalty</b>  30 The amount appearing in the final column of the table in the Third Schedule of this local law is the modified penalty prescribed for the purposes of section 9.17 of the Act for the offence directly opposite that penalty in the table.	<b><u>6.2 Modified penalties</u></b>  <u>(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.</u>  <u>(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.</u>  <u>(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—</u> <u>(a) commission of the prescribed offence is a relatively minor matter;</u> <u>and</u> <u>(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.</u>	New clause. Legislation written in full to align with definition changes.  Subclause (3) provides further guidance and clarity with relation to infringement notices.
<b>Infringement Notices and Infringement Withdrawal Notices</b>  29 For the purposes of this local law:- (a) an infringement notice served	<b><u>6.3 Form of notices</u></b>  For the purposes of this local law—  <u>(a) the form of the infringement notice referred to in sections 9.16 and 9.17 of</u>	New clause. Legislation written in full to align with definition changes.

<b>Fencing Local Law 2005</b>	<b>Proposed Fencing Local Law 2015 – Changes / New Clauses (italics)</b>	<b>Reason/s</b>
<p>under section 9.16 of the Act in respect of a prescribed offence under this local law shall be in accordance with Form 2 in the First Schedule of the <i>Local Government (Functions and General) Regulations 1996</i>; and</p> <p>(b) a notice sent under section 9.20(1) of the Act withdrawing an infringement notice served in respect of an offence alleged to have been committed against this local law shall be in accordance with Form 3 of First Schedule of the <i>Local Government (Functions and General) Regulations 1996</i>.</p>	<p><u>the Local Government Act 1995 is to be in the form of Form 2 of Schedule 1 of the Local Government (Functions and General) Regulations 1996; and</u></p> <p><u>(b) the form of the withdrawal of infringement notice referred to in section 9.20 of the Local Government Act 1995 is to be in the form of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.</u></p>	
<p><b>Prosecution for Offences</b> 31</p> <p>(1) A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in the Magistrates Court.</p> <p>(2) <b>deleted.</b></p>		<p>Deleted. Refer to clause 6.2(1) in the proposed local law.</p>
	<p><b><u>PART 7—OBJECTIONS AND REVIEW</u></b></p>	<p>New part 7 in the proposed local law.</p>
<p><b>Objections and Appeals</b></p> <p>32 When the City makes a decision as to whether it will-</p> <p>(a) grant a person a licence or approval under this local law; or</p> <p>(b) renew, vary, or cancel a licence or approval that a person has under this local law,</p> <p>the appeal provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the <i>Local Government (Functions and General) Regulations 1996</i> apply to that decision.</p>	<p><b><u>7.1 Objections and review</u></b></p> <p><u>When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Local Government Act 1995, and regulation 33 of the Local Government (Functions and General) Regulations 1996, apply to that decision.</u></p>	<p>New clause. Legislation written in full to align with definition changes.</p>
<p><b>SCHEDULES</b></p>	<p><b>SCHEDULES</b></p>	<p>Refer to the local laws for the comparison on Schedules, the report provides a further comparison of the proposed increases to the modified penalties.</p>

# SCHEDULE 3

## *Local Government Act 1995*

### CITY OF PERTH

#### FENCING LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Perth resolved on (Insert Council Meeting Date) to make the following local law.

#### PART 1 – PRELIMINARY

##### 1.1 Citation

This local law may be cited as the *City of Perth Fencing Local Law 2015*.

##### 1.2 Commencement

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

##### 1.3 Purpose and Effect

- (1) The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district of the City of Perth.
- (2) The effect of this local law is to establish the requirements for fencing within the district of the City of Perth.

##### 1.4 Application

This local law applies throughout the district of the City of Perth.

##### 1.5 Repeal

The *City of Perth Fencing Local Law 2005* as published in the *Government Gazette* on 14 July 2005, and as amended on 29 February 2008, is repealed.

##### 1.6 Definitions

In this local law unless the context requires otherwise—

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

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

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

**“barbed wire fence”** 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, other than a dividing fence, that separates private land from land that is local government property of a thoroughfare;

**“Building Code”** means the latest edition of the Building Code of Australia published from time to time by or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including any explanatory information published with that Code;

**“building permit”** has the meaning given to it in the *Building Act 2011*;

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

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

**“Council”** means the Council of the local government;

**“dangerous”** in relation to any fence means, with the exception of electrified, barbed and razor wire fences as separately specified under this local law—

- (a) a fence containing exposed broken glass, asbestos fibre or any other potentially harmful projection or material; or
- (b) 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;

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

**“dividing fence”** has the meaning given to it by the *Dividing Fences Act 1961*;

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

**“fence”** means any structure, not including a retaining wall, 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;

**“local government”** means the local government of the City of Perth;

**“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 and for the purposes of the *Planning and Development Act 2005*;

**“Non-Residential Lot”** means any lot situated in the district that is not defined as a residential lot under this local law;

**“notice of breach”** means a notice referred to in clause 5.1 of this local law;

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

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

**“person”** means any person, company, employer and includes an owner, occupier and licensee;

**“razor wire fence”** means a coiled strong wire with pieces of sharp cutting edges set across it at closes intervals;

**“Residential Lot”** means a lot where a residential use—

- (a) is or may be permitted under the district 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 or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

**“Schedule”** means a Schedule to this local law;

**“sufficient fence”** means a fence described in clause 2.1 of this local law, but does not include a retaining wall;

**“thoroughfare”** has the meaning given to it by the *Local Government Act 1995*, but does not include a private thoroughfare which is not under the management or control of the local government.

## **1.7 Relationship with other laws**

- (1) In the event of any inconsistency between the provisions of a district planning scheme and the provisions of this local law, the provisions of the district planning scheme are to prevail.
- (2) Nothing in this local law affects the need for compliance, in respect of a fence, with—
  - (a) any relevant provisions of a district planning scheme; and
  - (b) any relevant provisions that apply if a building permit is required for that fence under the *Building Act 2011* or *Building Regulations 2012*.

## **1.8 Licence fees and charges**

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

## **PART 2 – FENCES**

### **Division 1 – Sufficient Fences**

#### **2.1 Sufficient fences**

##### **2.1 Meaning of “sufficient fence”**

- (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 subclause (3) and (4), 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 Non-Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
- (3) An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2 and 3.
- (4) Unless an authorised person determines 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 Schedule 2.
- (5) Notwithstanding any other provision 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 professional engineer and constructed in accordance with that design where—
  - (a) it is greater than 750 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 1,800 millimetres height unless the approval of the local government has been obtained for such a fence.

### **Division 2 – General**

#### **2.2 Fences within front setback areas**

- (1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1,200 millimetres in height, within the front set-



back area of a Residential Lot within the district.

- (2) The Building Surveyor may approve the erection of a fence of a height greater than 1,200 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 1,500 millimetres along the frontage to a distance of not less than 1,500 millimetres from the frontage 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 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; or
  - (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

without first obtaining the written approval of the local government.

### **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 Maintenance of fences**

An owner of a lot or any person undertaking work on 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.

### **2.6 Fences across rights-of-ways, 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.

## **2.7 Fences and Sightlines**

- (1) Front fences or boundary fences that are adjacent to a vehicle access point or a thoroughfare shall be truncated with the minimum dimension of the truncation being 2,000 millimetres or the fence reduced in height to no more than 750 millimetres, unless—
  - (a) the fence is an open fence that does not obscure the lines of vision of a motorist using the vehicle access point or thoroughfare; or
  - (b) there is a distance of 3,500 millimetres between the fence and a carriageway or footpath.
- (2) Where a dividing fence is closer than 2,000 millimetres from a vehicle access point and connects to a thoroughfare, the dividing fence shall be reduced to 750 millimetres in height for the first 2,000 millimetres from the thoroughfare back into the lot.
- (3) A corner Lot without the standard street corner truncation, with a front fence height that exceeds 750 millimetres in height of solid material is not permitted within the 6,000 millimetres by 6,000 millimetres corner sightline area.
- (4) Where two right of ways or laneways intersect, a 3,000 millimetres by 3,000 millimetres sightline is required so that a fence height that exceeds 750mm in height of solid material is not permitted.

Or unless otherwise approved by the local government.

## **2.8 Dividing Fences**

- (1) Notwithstanding the provisions of clause 2.1, an authorised person 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 approval under subclause (1), an authorised person may consider, in addition to any other matter they are authorised to consider, where 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**

### **2.9 Fencing Designs**

Where required by the, fencing designs are to be certified by a professional engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions – General principles.

### **2.10 Pre-used fencing materials**

- (1) Notwithstanding clause 2.1, a person shall not construct a fence on a Residential Lot or a Non-Residential 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 directed by the Building Surveyor.

### **2.11 Barbed wire fences and spiked or jagged materials**

- (1) An owner or occupier of a Residential Lot or a Non-Residential Lot shall not erect, affix or allow to remain on 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.
- (2) Any fence bounding a lot that has barbed wire or other materials with spiked or jagged projections affixed to it may only be approved if the wire or other materials are carried on posts at an angle of 45 degrees, with the bottom row being a minimum of 2,000 millimetres 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) An owner or occupier of a lot shall not erect, affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.

### **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 in the form prescribed in Schedule 4; or
  - (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government in the form prescribed in Schedule 5.

- (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 prohibited fence complies with “AS/NZS 3016:2002 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 3,000 millimetres of the boundary of the lot; or
  - (b) where any razor wire used in the construction of the fence is less than 2,000 millimetres or more than 2,400 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**

- (1) In constructing a fence a person must not use—
  - (a) broken glass or any other potentially harmful projections or material;
  - (b) asbestos fibre;
  - (b) material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause; and
  - (d) pre-used materials unless the material is painted or treated to the satisfaction of an authorised person.

### **2.14 Building Code**

- (1) Subject to subclauses (2) and (3), a fence shall be constructed in accordance with the relevant provisions of the Building Code.
- (2) Where there is inconsistency between the standards or requirements of this local law and those specified in the Building Code, the standards and requirements of the Building Code shall prevail.
- (3) Subclause (1) shall not apply to an existing fence, except where the existing fence is demolished, pulled down or removed and re-erected, or in some

substantial way structurally altered or amended, in which case subclause (1) shall apply to the re-erection, alteration or amendment.

## **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 local government 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) An authorised person may require an applicant to provide additional information reasonably related to an application before an application is considered for approval.
- (4) An authorised person 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 or 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—

- (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.

## **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, an authorised person may give a notice in writing to the owner of that lot.
- (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) 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 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 as prescribed in Schedule 1 and if the offence is a continuing offence, to a maximum daily penalty as prescribed in Schedule 1.
- (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 as prescribed in Schedule 1 and if the offence is a continuing offence, to a maximum daily penalty as prescribed in Schedule 1.

### **6.2 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.
- (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 *Local Government Act 1995* is to be in the form of Form 2 of 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 *Local Government Act 1995* is to be 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 *Local Government Act 1995*, and regulation 33 of the *Local Government (Functions and General) Regulations 1996*, apply to that decision.

---



## SCHEDULE 1

### OFFENCES AND MODIFIED PENALTIES

[Clause 6.2(2)]

<b>Item No.</b>	<b>Clause No.</b>	<b>Modified penalties \$</b>
<b>1</b>	2.1(1)	<b>250</b>
<b>2</b>	2.2	<b>250</b>
<b>3</b>	2.3(a)	<b>200</b>
<b>4</b>	2.3(b)	<b>200</b>
<b>5</b>	2.4	<b>250</b>
<b>6</b>	2.5	<b>250</b>
<b>7</b>	2.6	<b>250</b>
<b>8</b>	2.10(1)	<b>250</b>
<b>9</b>	2.11(1)	<b>250</b>
<b>10</b>	2.11(4)	<b>250</b>
<b>11</b>	2.12(1)	<b>250</b>
<b>12</b>	3.3	<b>250</b>
<b>13</b>	5.1	<b>250</b>

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## SCHEDULE 2

### SPECIFICATIONS FOR A SUFFICIENT FENCE ON OR ABUTTING A LOT DEVELOPED FOR RESIDENTIAL USES

[Clause 2.1(2)(a)]

Each of the identified categories in this Schedule is a sufficient fence on a Residential Lot and the fence design being certified by a professional engineer.

#### **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;
- (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, 1 800mm in height placed 75mm apart and affixed securely to each rail; and
- (f) 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 2.2.

#### **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 1,800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.2.

#### **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 and the footing is to be designed in accordance with AS 2870-2011 Residential slabs and footings as amended;
- (b) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;

- (c) fences to be offset a minimum of 200mm at maximum 3,000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3,000mm centres;
- (d) expansion joints in accordance with the manufacturer's written instructions; and
- (e) 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 2.2.

### **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; and
  - (e) control joints in brickwork shall be provided with double piers at a maximum of 6,000mm 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.
-

### **SCHEDULE 3**

#### **SPECIFICATIONS FOR A SUFFICIENT FENCE ON OR A LOT DEVELOPED FOR NON-RESIDENTIAL USES**

[Clause 2.1(2)(b)]

Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a Non-Residential Lot and the fence design being certified by a professional engineer.

#### **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 3,500mm 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 2,000mm on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2,400mm in accordance with the requirements and standards of the local planning schemes; and
- (f) galvanised link mesh wire to be 2,000mm 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.

#### **Other fences**

- (a) a fence of cement sheet or steel sheeting constructed to the minimum specifications referred to in 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 1,800mm but no greater than 2,400mm; or
  - (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2.
-

**SCHEDULE 4**  
**ELECTRIFIED FENCE PERMIT**

[Clause 2.12(1)(a)]

This is to certify that:

\_\_\_\_\_

[Name] of [Address]

\_\_\_\_\_

is permitted, subject to the conditions set out below, to have and use an electrified fence on:

\_\_\_\_\_

[Address]

\_\_\_\_\_

from \_\_\_\_\_ 20 \_\_\_\_\_ and until this permit is transferred or cancelled.

**Approved By:**

Name: \_\_\_\_\_

Position \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Conditions of Permit—**

The holder of the permit must—

- (b) display the permit in a prominent position on the land or premises on which the electrified fence has been erected;
- (c) upon the request of a Building Surveyor produce to him or her the permit;
- (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 CEO in writing of the details of that change or those changes;
- (e) 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; and
- (f) comply with AS/NZS 3016:2002 Electrical installations – Electric security fences.

**Transfer by Endorsement**

This permit is transferred to [Name] of [Address]

\_\_\_\_\_

\_\_\_\_\_

from and including the date of this endorsement.

**Approved By:**

Name: \_\_\_\_\_

Position \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**SCHEDULE 5  
RAZOR WIRE FENCE PERMIT**

[Clause 2.12(1)(b)]

This is to certify that

\_\_\_\_\_

[Name] of [Address]

\_\_\_\_\_

Is permitted, 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 permit is transferred or cancelled.

**Approved By:**

Name: \_\_\_\_\_

Position \_\_\_\_\_

Date: \_\_\_ / \_\_\_ / \_\_\_

**Conditions of Permit—**

- (a) display the permit in a prominent position on the land or premises on which the fence has been erected;
- (b) upon the request of a Building Surveyor produce to him or her the permit;
- (c) 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 CEO in writing of the details of that change or those changes; and
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

**Transfer by Endorsement**

This permit is transferred to [Name] of [Address]

\_\_\_\_\_

[Name] of [Address]

\_\_\_\_\_

from and including the date of this endorsement.

**Approved By**

Name: \_\_\_\_\_

Position \_\_\_\_\_

Date: \_\_\_ / \_\_\_ / \_\_\_

## ITEM NO: 3

### 2016 CITY OF PERTH PHOTOGRAPHIC COMMISSIONS

**RECOMMENDATION:** (APPROVAL)

***That Council:***

- 1. notes the increase in commission fees for two Photographic Commissions to \$15,000 per commission depicting the city to be undertaken in 2015/16 and continuing thereafter every three to five years;***
- 2. approves the themes for the Photographic Commissions as detailed in this report;***
- 3. nominates Elected Member \_\_\_\_\_ to represent Council on the selection panel for the 2016 Photographic Commission.***

#### **BACKGROUND:**

FILE REFERENCE: P1031593P  
REPORTING UNIT: Community Facilities  
RESPONSIBLE DIRECTORATE: Community and Commercial Services  
DATE: 3 July 2015  
MAP / SCHEDULE: Schedule 4 – 2016 Photographic Commissions Briefs

At its meeting held on **7 October 2008**, the Council approved a Photography Commission at a cost of \$10,000 depicting the city to be undertaken in 2008/09 and thereafter every three to five years.

At its meeting held **17 February 2009**, Council approved an Applied Photography Commission at a cost of \$10,000 depicting the architectural elements of the city and an Artistic Photography Commission at a cost of \$10,000 interpreting the social and architectural elements of the city both to be undertaken in 2008/09.

The City of Perth Photographic Commissions has been running since 2009 when the City commissioned photographers Max Pam and Simon Westlake to document the built and social elements and Perth. The resulting works form a photographic survey of the city at a particular moment in time and are now an important part of the City of Perth Art Collection. The Council decision which lead to the Photographic Commissions being carried out included that they would recur every three to five years.

The second Photographic Commissions were held in 2012 and carried out by photographers Toni Wilkinson and Simon Westlake. The third commission in this series is due to occur in the 2015/16 year and has been budgeted accordingly.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

### **Integrated Planning and Reporting Framework Implications**

### **Strategic Community Plan**

Council Four Year Priorities: Healthy and Active in Perth  
S15 Reflect and celebrate the diversity of Perth

### **Policy**

Policy No and Name: 18.2 – Collection Management

## **DETAILS:**

The Photographic Commissions provide an opportunity to document the development and changes of the city through artistic processes on a regular basis.

The City carries out concurrently two different yet complementary Photographic Commissions; one Artistic and one Architectural. Each commission will result in a series of ten single edition images as a photographic essay of Perth depicting the various aspects and viewpoints of the city at the current time portraying a sense of the city's development, ambience, activities, built space and social life.

### **Commission Budget**

The fee has been increased to \$15,000 per commission since the previous two commissions held in 2009 and 2012. This increase was calculated based on current market value for works of similar scale by established WA photographers. Most WA photographers who exhibit through reputable galleries are selling works in editions of eight to ten for between \$900 and \$4,600 per print. The price varies depending on the scale of the work and the number of the print within the edition. The City of Perth Photographic Commissions are for 10 unique prints in an edition of one which increases the value of these items. Considering that the City is commissioning 10 new and original works, which will average at \$1,500 per print, a total commission fee of \$15,000 per artist is appropriate.

### **Commission Themes**

The aim for the Artistic Photographic Commission is that the commissioned artist fulfils, as much as possible, their own artistic vision in relation to photographing the city while addressing one or more of the following themes:

- Working, Residential and/or Social Life
- Global City



- Boundaries
- Built Environment
- Reconciliation
- Resource Boom
- Heritage
- Relationship with the River

The aim of the Architectural Photographic Commission is that the commissioned artist fulfils, as much as possible, their own artistic vision in relation to photographing the built environment city while addressing one or more of the following themes:

- Working, Residential and/or Social Spaces
- Global City
- Change and Development
- Reconciliation
- Boundaries
- Resource Boom
- Heritage
- Relationship with the River

The Art Curator will discuss with the selected artist for the Architectural Photographic Commission specific areas of current and future change to the built landscape of Perth as it applies to the artist's response to the brief.

### **Selection and Commission Process**

For previous Photographic Commissions, the Art Curator devised a list of photographers who were invited to submit a proposal in response to the commission brief (refer to Schedule 4). A selection panel was formed which included representatives from the Elected Members, relevant industry professionals and the City of Perth Arts and Culture team. The submissions were then assessed by the selection panel and resulted in one photographer for each commissioned engaged to carry out the project.

The selection panel for the 2016 Photographic Commissions will operate in the same capacity as previous commissions. It will be made up of the City of Perth Art Curator, two external arts and photography industry professionals, and it is recommended that the Council nominates an Elected Member to represent Council on the selection panel.

Once the selection panel has selected the photographers to carry out the commissions the Art Curator will be their point of contact with the City and will guide them through the commission process as required. As detailed in the commission briefs the photographers are required to submit 15 to 25 images to the City of Perth. The selection panel will meet after the photographs have been submitted and select

10 photographs per commission. These 10 photographs form the commission outcome and will become a part of the City of Perth Art Collection.

### **Exhibition and Catalogue**

As per previous Photographic Commissions, the resulting commissioned works will be exhibited in the foyer of Council House and included in an exhibition catalogue.

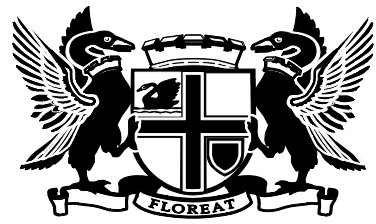
### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CW1836900
BUDGET ITEM:	Recreation and Culture – Other Culture – Photographic Commission
BUDGET PAGE NUMBER:	TBA
BUDGETED AMOUNT:	\$30,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$30,000
BALANCE:	\$30,000

This amount is included in the 2015/16 budget. All figures quoted in this report are exclusive of GST.

### **COMMENTS:**

The commissioning of photographic essays of Perth created by acknowledged art photographers provide an important historic, as well as artistic, record of the city at particular moments in time. The 2016 Photographic Commissions will allow the City to continue to document the development and changes of Perth through artistic processes further developing an important cultural asset for current and future generations to appreciate.



**CITY of PERTH**

**CITY OF PERTH**

**2016 Architectural Photographic Commission  
Project Brief**

# THE CITY OF PERTH

## 2012 Architectural Photographic Commission

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## **1. SUMMARY**

The City of Perth is inviting Expressions of Interest from photographers to commission two complementary approaches to documenting Perth; an Architectural Photographic Commission (\$15,000 excl. GST) and an Artistic Photographic Commission (\$15,000 excl. GST).

The Architectural Photographic Commission aims to document the changing built environment of the city.

**The Architectural Photographic Commission will result in a series of photographs by an acknowledged photographer to provide an important artistic and historical record of the built environment of the city at this moment in time.**

This document provides information and guidelines to artists who would like to express interest in pursuing the commission.

## **2. THE CLIENT**

The City of Perth, as the capital city of Western Australia, aims to demonstrate leadership in showcasing the City's vitality, innovation and cultural diversity, through its distinctive Western Australian cultural expression.

The City of Perth recognises that arts and culture help create an international and nationally recognisable identity for the State's capital city and endeavours to preserve, protect and promote the unique social and cultural heritage of the city.

## **3. ARCHITECTURAL PHOTOGRAPHIC COMMISSION INFORMATION**

The City of Perth Photographic Commissions has been running since 2009 with the 2016 Commissions being the third undertaken by the City. The Photographic Commissions provide an opportunity to document the development and changes of the city through artistic processes on a regular basis and it is projected that they continue to be undertaken every three to five years.

The Architectural Photographic Commission will result in a series of ten single edition images as a photographic essay of Perth depicting the various aspects and viewpoints of the city at the current time and portray a sense of the city's development, ambience and activities through its built environment.

The aim of the Architectural Photographic Commission is that the commissioned artist fulfils, as much as possible, their own artistic vision in relation to photographing the built environment city while addressing one or more of the following themes:

- Working, Residential and/or Social Spaces

## Schedule X – 2016 Photographic Commissions Briefs

- Global City
- Change and Development
- Reconciliation
- Boundaries
- Resource Boom
- Heritage
- Relationship with the River

The Art Curator will discuss with the selected artist specific areas of current and future change to the built landscape of Perth as it applies to the artist's response to the brief.

It is anticipated that the resulting works will be exhibited in Council House in October 2016 with an accompanying exhibition catalogue to be produced by the City of Perth.

The size and format of the final prints is negotiable, however it should be noted that the preferable finished paper size should be between A3 (297mm x 420mm) and A1 (594mm x 841mm) paper size.

Framing and presentation costs will be paid for by the City of Perth.

### **4. BUDGET**

#### **4.1 Artist Fee:**

The total value for the completed Architectural Photographic Commission is \$15,000 excl. GST. This covers all costs associated with the practical application of the project to deliver a set of ten single edition archival quality prints and the associated negatives and/or digital files.

#### **4.2 Payment Schedule:**

50% of the total project fee will be paid upon signing of the contract and presentation of an invoice to Council.

The remaining 50% of the project fee will be paid upon completion of the project, delivery of the photographic works of art and the associated negatives and/or digital files to the City of Perth and presentation of an invoice to Council.

The payment terms for the City of Perth are that payment will be made 30 days from the end of the month in which the invoice is received.

### **5. ADMINISTRATIVE MATTERS**

#### **5.1 Indicative Timeframe**

##### Expression of Interest

- Applications close **4:00pm Friday 28 August 2015**

#### Selection Panel Meeting

- Thursday 3 September 2015

#### To City of Perth Finance and Administration Committee Meeting

- Tuesday 15 September 2015

#### Appointment of Artist

- Thursday 17 September 2015

#### Artist to Submit Progress Report on Images

- Tuesday 23 February 2016

#### Artist to Submit Proofs of 15 to 25 Images for Selection

- Thursday 31 March 2016

#### Artist Informed of Selection of 10 Commission Images

- Thursday 7 April 2016

#### Completion of Project

- 10 single edition photographic works of art and associated negatives or digital files to be delivered to City of Perth by 5:00pm Thursday 5 May 2016.

## **5.2 Ownership and Copyright**

The commissioned set of ten single edition archival quality prints will become a part of the City of Perth Art Collection. A joint copyright agreement for the photographs will be negotiated as a part of the contract between the artist and the City of Perth. The associated negatives and/or digital files for the ten commissioned works will form a part of the records for and be utilised in the management of the works; they may also be utilised for future publication in line with the copyright agreement.

## **5.3 Contact Person**

All enquiries must be referred to:

Isobel Wise

Art Curator

City of Perth

Tel: 08 9461 3209

Email: [isobel.wise@cityofperth.wa.gov.au](mailto:isobel.wise@cityofperth.wa.gov.au)

## **6. INFORMATION FOR APPLICANTS**

## 6.1 Expressions of Interest

Expressions of Interest are to comprise in the following order:

- A **letter of interest** in the project with the artist's contact details and ABN. [Maximum one A4 page].
- An **artist's statement** in response to the brief and in consideration of the selection criteria (detailed below) outlining the approach to the project, visual concepts and proposed materials. Outline relevant experience and technical capabilities, including other projects and commissions that the artist has completed. [Maximum three A4 pages].
- A current **curriculum vitae** [Maximum three A4 pages].
- **Six images** on CD, thumb drive or supplied electronically (presented in jpeg format and titled to correspond with image list) demonstrating the quality of previous artwork relevant to this commission.
- An **image list** detailing: number of image, title of artwork, medium, date created.

## 6.2 Selection Criteria

All expressions of interest will be evaluated by the selection panel on the basis of the following four selection criteria:

1. Artistic Excellence - 50%	The EOI submission should: <ul style="list-style-type: none"> <li>• Propose unique and engaging works, delivering something new and relevant to the City of Perth;</li> <li>• Propose striking or innovative works that extend the artists practice and future development;</li> <li>• Demonstrate excellence in previous art practice.</li> </ul>
2. Response to the Brief – 20%	The EOI submission should: <ul style="list-style-type: none"> <li>• Provide all information as requested;</li> <li>• Clearly and creatively address the themes and purposes outlined in the brief;</li> <li>• Provide evidence that the broader context of the work has been considered.</li> </ul>
3. Material Quality and Risk – 15%	The EOI submission should: <ul style="list-style-type: none"> <li>• Show that the artist has an understanding of their obligations when photographing in the public realm and where appropriate, on or capturing private property;</li> <li>• Demonstrate that works will be executed to achieve excellence and archival standard in print quality.</li> </ul>
4. Demonstration of Capacity – 15%	Does the EOI submission: <ul style="list-style-type: none"> <li>• Demonstrate the artist's capacity to professionally execute the project on time and on budget.</li> </ul>



### **6.3 Selection Process**

Four artists have been shortlisted to be invited to submit an Expression of Interest for the Architectural Photographic Commission.

The Expressions of Interest will be reviewed and assessed by a Selection Panel with reference to the Architectural Photographic Commission Brief and selection criteria (detailed above).

The Selection Panel will consist of the City of Perth Art Curator, an Elected Member and two external art consultants.

The selection will be reported to the City of Perth Finance and Administration Committee.

On the basis of the recommendations of the Selection Panel and the City of Perth Finance and Administration Committee the City of Perth reserves the right to determine the suitability of the Expressions of Interest and may elect not to proceed with the commission if criteria outlined in the brief are not met to its satisfaction.

The artist displaying the highest standards of excellence in their submission in relation to the brief will be commissioned to complete the project.

The City of Perth will contract the successful artist to carry out the Architectural Photographic Commission for a fixed fee of \$15,000 (excl. GST) to be paid for the photographic works of art created by the artist.

### **6.4 Lodgements of Expressions of Interest**

Expressions of Interest must be received by the City of Perth no later than **4:00pm Friday 28 August 2015**.

Expressions of Interest shall be submitted electronically by email to [isobel.wise@cityofperth.wa.gov.au](mailto:isobel.wise@cityofperth.wa.gov.au) or delivered in a sealed envelope, clearly marked:

Art Curator  
City of Perth  
COUNCIL HOUSE

Street Address: 27 ST GEORGES TCE PERTH WA 6000  
Postal Address: GPO BOX C120, PERTH WA 6839



CITY *of* PERTH

**2016 City of Perth  
Artistic Photographic Commission  
Project Brief**

# THE CITY OF PERTH

## 2016 Artistic Photographic Commission

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#### **4. SUMMARY**

The City of Perth is inviting Expressions of Interest from photographers to commission two complementary approaches to documenting Perth; an Architectural Photographic Commission (\$15,000 excl. GST) and an Artistic Photographic Commission (\$15,000 excl. GST).

The Artistic Photographic Commission aims to provide a broad and interpretive project capturing the social elements of the city as well as its built environment.

**The Artistic Photographic Commission will result in a series of photographs by an acknowledged art photographer to provide an important artistic and historical record of the city at this moment in time.**

This document provides information and guidelines to artists who would like to express interest in pursuing the commission.

#### **5. THE CLIENT**

The City of Perth, as the capital city of Western Australia, aims to demonstrate leadership in showcasing the City's vitality, innovation and cultural diversity, through its distinctive Western Australian cultural expression.

The City of Perth recognises that arts and culture help create an international and nationally recognisable identity for the State's capital city and endeavours to preserve, protect and promote the unique social and cultural heritage of the city.

#### **6. ARTISTIC PHOTOGRAPHIC COMMISSION INFORMATION**

The City of Perth Photographic Commissions has been running since 2009 with the 2016 Commissions being the third undertaken by the City. The Photographic Commissions provide an opportunity to document the development and changes of the city through artistic processes on a regular basis and it is projected that they continue to be undertaken every three to five years.

The Artistic Photographic Commission will result in a series of ten single edition images as a photographic essay of Perth depicting the various aspects and viewpoints of the city at the current time portraying a sense of the city's development, ambience, activities and social life.

The aim for the Artistic Photographic Commission is that the commissioned artist fulfils, as much as possible, their own artistic vision in relation to photographing the city while addressing one or more of the following themes:

- Working, Residential and/or Social Life
- Global City
- Boundaries

## Schedule X – 2016 Photographic Commissions Briefs

- Built Environment
- Reconciliation
- Resource Boom
- Heritage
- Relationship with the River

It is anticipated that the resulting works will be exhibited in Council House in October 2016 with an accompanying exhibition catalogue to be produced by the City of Perth.

The size and format of the final prints is negotiable, however it should be noted that the preferable finished paper size should be between A3 (297mm x 420mm) and A1 (594mm x 841mm) paper size.

Framing and presentation costs will be paid for by the City of Perth.

### **4. BUDGET**

#### **4.1 Artist Fee:**

The total value for the completed Artistic Photographic Commission is \$15,000 excl. GST. This covers all costs associated with the practical application of the project to deliver a set of ten single edition archival quality prints and the associated negatives and/or digital files.

#### **4.2 Payment Schedule:**

50% of the total project fee will be paid upon signing of the contract and presentation of an invoice to Council.

The remaining 50% of the project fee will be paid upon completion of the project, delivery of the photographic works of art and the associated negatives and/or digital files to the City of Perth and presentation of an invoice to Council.

The payment terms for the City of Perth are that payment will be made 30 days from the end of the month in which the invoice is received.

### **5. ADMINISTRATIVE MATTERS**

#### **5.1 Indicative Timeframe**

##### Expression of Interest

- Applications close **4:00pm Friday 28 August 2015**

##### Selection Panel Meeting

- Thursday 3 September 2015

##### To City of Perth Finance and Administration Committee Meeting

- Tuesday 15 September 2015

#### Appointment of Artist

- Thursday 17 September 2015

#### Artist to Submit Progress Report on Images

- Tuesday 23 February 2016

#### Artist to Submit Proofs of 15 to 25 Images for Selection

- Thursday 31 March 2016

#### Artist Informed of Selection of 10 Commission Images

- Thursday 7 April 2016

#### Completion of Project

- 10 single edition photographic works of art and associated negatives or digital files to be delivered to City of Perth by 5:00pm Thursday 5 May 2016.

## **5.2 Ownership and Copyright**

The commissioned set of ten single edition archival quality prints will become a part of the City of Perth Art Collection. A joint copyright agreement for the photographs will be negotiated as a part of the contract between the artist and the City of Perth. The associated negatives and/or digital files for the ten commissioned works will form a part of the records for and be utilised in the management of the works; they may also be utilised for future publication in line with the copyright agreement.

## **5.3 Contact Person**

All enquiries must be referred to:

Isobel Wise

Art Curator

City of Perth

Tel: 08 9461 3209

Email: [isobel.wise@cityofperth.wa.gov.au](mailto:isobel.wise@cityofperth.wa.gov.au)

## **6. INFORMATION FOR APPLICANTS**

### **6.1 Expressions of Interest**

Expressions of Interest are to comprise in the following order:

- A **letter of interest** in the project with the artist's contact details and ABN. [Maximum one A4 page].
- An **artist's statement** in response to the brief and in consideration of the

selection criteria (detailed below) outlining the approach to the project, visual concepts and proposed materials. Outline relevant experience and technical capabilities, including other projects and commissions that the artist has completed. [Maximum three A4 pages].

- A current **curriculum vitae** [Maximum three A4 pages].
- **Six images** on CD, thumb drive or supplied electronically (presented in jpeg format and titled to correspond with image list) demonstrating the quality of previous artwork relevant to this commission.
- An **image list** detailing: number of image, title of artwork, medium, date created.

## 6.2 Selection Criteria

All expressions of interest will be evaluated by the selection panel on the basis of the following four selection criteria:

1. Artistic Excellence - 50%	The EOI submission should: <ul style="list-style-type: none"> <li>• Propose unique and engaging works, delivering something new and relevant to the City of Perth;</li> <li>• Propose striking or innovative works that extend the artists practice and future development;</li> <li>• Demonstrate excellence in previous art practice.</li> </ul>
2. Response to the Brief – 20%	The EOI submission should: <ul style="list-style-type: none"> <li>• Provide all information as requested;</li> <li>• Clearly and creatively address the themes and purposes outlined in the brief;</li> <li>• Provide evidence that the broader context of the work has been considered.</li> </ul>
3. Material Quality and Risk – 15%	The EOI submission should: <ul style="list-style-type: none"> <li>• Show that the artist has an understanding of their obligations when photographing in the public realm and where appropriate, on or capturing private property;</li> <li>• Demonstrate that works will be executed to achieve excellence and archival standard in print quality.</li> </ul>
4. Demonstration of Capacity – 15%	Does the EOI submission: <ul style="list-style-type: none"> <li>• Demonstrate the artist’s capacity to professionally execute the project on time and on budget.</li> </ul>

## 6.3 Selection Process

Four artists have been shortlisted to be invited to submit an Expression of Interest for the Artistic Photographic Commission.

The Expressions of Interest will be reviewed and assessed by a Selection Panel with reference to the Artistic Photographic Commission Brief and selection criteria (detailed above).

The Selection Panel will consist of the City of Perth Art Curator, an Elected Member and two external art consultants.

The selection will be reported to the City of Perth Finance and Administration Committee.

On the basis of the recommendations of the Selection Panel and the City of Perth Finance and Administration Committee the City of Perth reserves the right to determine the suitability of the Expressions of Interest and may elect not to proceed with the commission if criteria outlined in the brief are not met to its satisfaction.

The artist displaying the highest standards of excellence in their submission in relation to the brief will be commissioned to complete the project.

The City of Perth will contract the successful artist to carry out the Artistic Photographic Commission for a fixed fee of \$15,000 (excl. GST) to be paid for the photographic works of art created by the artist.

#### **6.4 Lodgements of Expressions of Interest**

Expressions of Interest must be received by the City of Perth no later than **4:00pm Friday 28 August 2015**.

Expressions of Interest shall be submitted electronically by email to [isobel.wise@cityofperth.wa.gov.au](mailto:isobel.wise@cityofperth.wa.gov.au) or delivered in a sealed envelope, clearly marked:

Art Curator  
City of Perth  
COUNCIL HOUSE

Street Address: 27 ST GEORGES TCE PERTH WA 6000  
Postal Address: GPO BOX C120, PERTH WA 6839



## ITEM NO: 4

### PUBLIC ART – WALL INC. 2015

**RECOMMENDATION:**

**(APPROVAL)**

***That Council approves:***

- 1. the north facing wall of 456 Hay Street, adjacent to the Fire Station Carpark in close proximity to the City's new pocket park, for the 2015 Wall Inc. commission.***
- 2. the commissioning of curator Jurek Wybraniec, and artists Darryn Ansted and Julianne Clifford, members of the AC4CA group, to execute their proposed mural on the wall of 456 Hay Street for the Wall Inc 2015 program.***

### **BACKGROUND:**

FILE REFERENCE:	P1026831-2
REPORTING OFFICER:	Ashleigh Whyte
REPORTING UNIT:	Community Facilities
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	1 July 2015
MAP / SCHEDULE:	Schedule 5 – Site Layout Schedule 6 – Wall Inc 2015 Project Brief Confidential Schedule 7 – Wall Inc Evaluation Matrix and Selection Panel Meeting Notes Confidential Schedule 8 – Concept drawings

At its meeting held on 16 February 2010, Council approved the City's Public Art Mural Program. Wall Inc. is a public art initiative that was developed in respect of this decision and has been running since 2011. The Wall Inc. program invites established Western Australian artists to consider new mural projects that extend on artists' studio practices and respond to the City of Perth's spaces, creating a network of murals throughout the urban environment. The program aims to support local creativity, innovation and excellence, while creating unique and vibrant places and encouraging a sense of ownership amongst the community.

The Wall Inc. program is aligned with Strategic Objective 4 of the City's recently adopted Public Art Strategy:

*“Invite more people into the City of Perth by developing and supporting dynamic art interventions programs to create surprising and exciting experiences in the City’s public spaces.”*

The development of minor urban interventions in the East End (Hay and Murray Streets) was approved by the Works and Urban Development Committee at its meeting held on 25 November 2014. A pocket park is currently under construction adjacent to the Fire Station Car Park on Hay Street as a part of this initiative. The wall of 456 Hay Street, which faces onto the Fire Station Car Park and forms a backdrop to the new pocket park, was nominated as the site for Wall Inc. 2015. It is considered that a work of art on the large brick wall facing onto the car park would complement the pocket park and enhance the streetscape.

The building at 456 Hay Street is owned by the Roman Catholic Archdiocese, who have agreed to the implementation of a mural on the North West side of the building.

Due to the large scale of the selected wall, which is approximately 8.5 metres high and 27.3 metres in length (refer to page 10 of Schedule 6), proposals were sought from arts professionals interested in developing a curatorial response, and commissioning two or more professional West Australian artists to execute a collaborative work or series of works on the selected wall. The engaged arts professional will be the Principal Contractor for this project, and will be responsible for establishing timelines, overseeing work and regularly reporting to the City of Perth on progress of the commission. This person will also be required to manage sub-contractual arrangements with artists and trades people, including payment of all engaged parties.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Integrated Planning  
and Reporting  
Framework  
Implications**

**Strategic Community Plan**  
Council Four Year Priorities: Perth as a Capital City  
S5 Increased place activation and use of  
under-utilised space

#### **DETAILS:**

City of Perth Officer assessment of the submissions is detailed in Schedule 7.

Of the six submissions received, the panel considered a proposal from the Australian Centre for Concrete Art (AC4CA) to be the strongest submission and the most appropriate response to the brief in alignment with the stated aims of the program.

AC4CA is a group of artists with a long history of wall painting in Western Australia, though their work is not yet represented in public space in the City of Perth. Recently the group were recognised for their steadfast commitment to enriching the physical environment with contemporary art, with an exhibition at the Perth Institute of

Contemporary Art (15 November to 21 December 2014), which was opened by the Lord Mayor.

Jurek Wybraniec, a long standing member of the group, is a highly qualified senior artist in Western Australia, who teaches art at TAFE. Jurek Wybraniec possesses leadership and management skills as well as artistic expertise and will coordinate the commission as the curator.

The AC4CA group's work is minimal, bold and unpretentious. For this project, two highly qualified and experienced members of the group, Darryn Ansted and Julianne Clifford have combined designs that they have independently generated for this site. The unique spatial geometry of the site is mapped with dynamic diagonal lines that run around the wall. The lines 'fold' like an origami style envelope or pocket around a central dark shape, which references the black square of the bitmap and echoes the pocket park concept. Dark colours are located lower down to deter graffiti.

The design (refer to Schedule 8) goes beyond paint to include a reflective square sheet of stainless steel 70cm x 70cm that sits flat to the wall, inserting the viewer into the design and encouraging people to engage with the wall on site and by taking selfies and posting them on social networks.

#### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL 15852000
BUDGET ITEM:	Recreation and Culture – Other Culture – Community Arts Program
BUDGET PAGE NUMBER:	TBA
BUDGETED AMOUNT:	\$83,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$49,287
BALANCE:	\$33,713

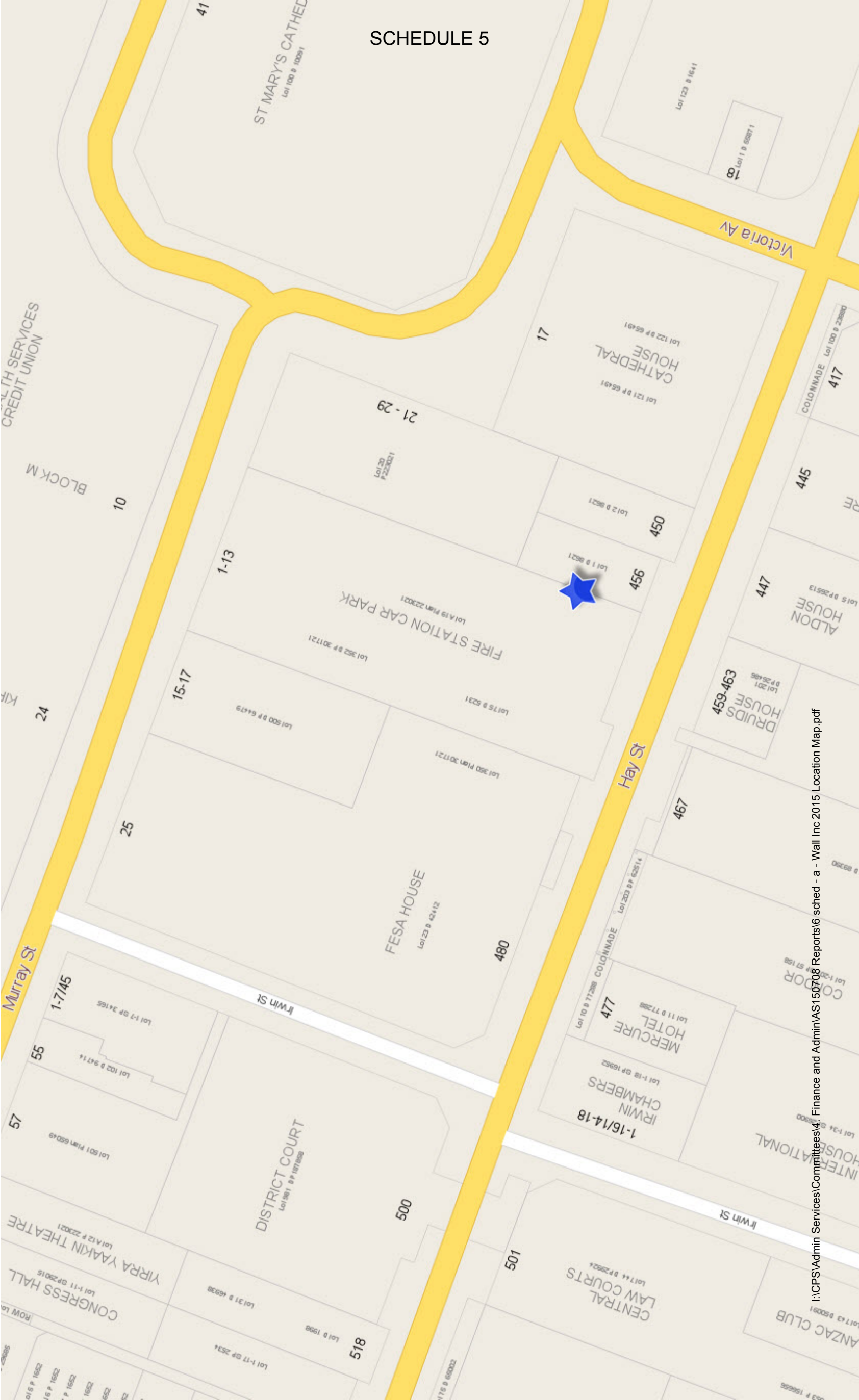
All figures quoted in this report are exclusive of GST.

#### **COMMENTS:**

The proposed wall was identified as an outstanding opportunity for the Wall Inc. program to commission work that will complement and enhance the experience and attraction of the pocket park currently being constructed at the site by the City of Perth. The proposal from artists of the AC4CA group offers a strong and well considered response to the brief, and demonstrates the capacity of the nominated curator and artist to successfully deliver work of a high standard. It is recommended that Council approve the selected site for the proposed mural, and approve the commissioning of curator Jurek Wybraniec, and artists Darryn Ansted and Julianne Clifford, to execute their mural at this location as detailed in their proposal submission.

All necessary permits and approvals will be sought prior to commencement of this project.

SCHEDULE 5



# SCHEDULE 6

## WALL INC 2015

### PROJECT BRIEF

The City of Perth is seeking curatorial proposals from suitably experienced and qualified arts professionals for its Wall Inc 2015 program.

The purpose of this brief is to provide information and guidelines to arts professionals interested in engaging Western Australian artists to develop and execute a creative and collaborative response for a large and prominent wall located in the central area of the city of Perth.

### CITY OF PERTH

The City of Perth recognises that public art has a key role to play in supporting a healthy and active community, reflecting and celebrating our city's diversity through a range of initiatives that make it possible for people to be involved and to access art in the city. Public art in our capital city is a powerful vehicle for making communities and their stories visible, and reflects and communicates our unique identity.

In 2015 public art in Perth will be entering a new and exciting phase of growth and activity. The City of Perth is working towards the delivery of its new Public Art Strategy in early 2015, and there will also be a large number of new public artworks delivered in new developments across the city. Wall Inc in 2015 is intended to be one of the flagship projects in a new chapter of public art commissioned by the City of Perth.

### BACKGROUND

Wall Inc is a public art initiative of the City of Perth that has been running since 2011. The fundamental vision for the Wall Inc program is that established Western Australian artists be invited to consider a project that fulfils, as much as possible, their own artistic vision in relation to the City. The program aims to support local creativity, innovation and excellence, while creating unique and vibrant places and encouraging a sense of ownership amongst the community.

Wall Inc aims to bring diverse practices and aesthetic styles to the attention of the general public. It is not intended to showcase graffiti/urban art, rather to present a range of different artistic styles and establish visual diversity.

It is envisioned that the murals remain in place for the foreseeable future, however it is important to note that each project which forms part of the overall Wall Inc program is temporary in nature. The works are professionally documented and published, and artists are required to use durable materials, able to withstand the elements for a minimum of five years, i.e. heavy duty, exterior quality paints.

The major objectives of the Wall Inc program are:

- To enhance the attractiveness of the City, bringing a broader aesthetic approach and visual diversity into City streets.
- To bring the work of professional, practicing West Australian artists into a public space.
- To support local creativity, innovation and excellence.
- To contribute to and expand upon the existing network of art walls, ensuring Perth is recognised as a vibrant cultural centre.

## **PROJECT STRUCTURE**

### **The Commission**

In 2015, the City of Perth is seeking proposals from arts professionals interested in developing a curatorial response, and commissioning two or more professional West Australian artists to execute a work, or works, for the selected wall. The site that has been selected for the 2015 project is of a large scale and suitable for either a large collaborative work or a curated series of works by two or more artists.

The engaged arts professional will manage all aspects of the development and execution of the work and the proposal must demonstrate clear curatorial direction and written commitment to the project from the artists to be engaged by the curator for the project. Where a participating artist is leading the curatorial direction for the project, the proposal should make this leadership clear and demonstrate that this individual can execute artistic work of a high standard whilst assuming overall responsibility for the management of the project. Support material should provide evidence that this person has successfully managed and delivered a public art project of similar nature and scale.

The engaged arts professional (Curator/Team Leader) will be the Principal Contractor for this project, and will be responsible for establishing timelines, overseeing work and regularly reporting to the City of Perth on progress of the commission. This person will also be required to manage sub-contractual arrangements with artists and trades people, including payment of all engaged parties.

The Curator/Team Leader's responsibilities are inclusive of, but not limited to, the following:

#### *Design development and planning:*

- Identification and development of an appropriate curatorial response to the site, in consultation with the City of Perth.
- Presentation of detailed design documentation to the satisfaction of the City of Perth and the Building Owner by 30 June 2015, including drawings of visual concepts and written rationale.
- Providing a comprehensive schedule/timeline, scope of works and risk management plan. The dates within the schedule should be specific, including

date and time for the City of Perth to prepare the wall and complete the anti-graffiti coating;

- Engaging in sub-contractual arrangements with two or more individual Western Australian artists whose complementary work or ways of working would allow for collaboration or the independent development of creative work, delivering an aesthetically coherent response to the site;
- Finalising agreements with sub-contracted artists and ensuring agreements are signed and in place prior to commencement of work;
- Payment of sub-contracted artists in accordance with payment schedule;
- Reporting on the progress of the commission to the City of Perth on a regular basis as negotiated at the commencement of the contract;
- Providing the names of any assistants or trade persons engaged to work on the mural and ensuring they hold all relevant OHS certificates;
- Managing the project schedule and communicating with the City of Perth regarding access to the site and obtaining any necessary permits (any permit requirements need to be identified at the start of the project so that there is sufficient lead time to ensure the installation goes smoothly).

*Implementation of the mural:*

- Ensuring the wall is suitable for painting before work commences;
- Ensuring paints or other materials used are suitable for external use in all weather conditions for a minimum of five (5) years;
- Hiring all equipment, such as ladders or scaffolding and ensuring they meet appropriate safety standards, and that individuals operating equipment are licensed to do so;
- Ensuring all artists/assistants and trades persons have adequate public liability and accident insurance for the duration of time taken to execute the project.
- Providing an OSH induction to all artists and trades persons on site prior to the commencement of any work. The City can provide an OSH handbook to assist with this process.
- Overseeing painting of the wall with the design approved by the City of Perth and Building Owners;
- Performing regular site visits to oversee the progress of the work.
- Being available to resolve any issues on site in a timely fashion while the work is being executed.
- Providing a visual record of the project from start to finish in high resolution Jpegs on a disc;
- Providing the City of Perth with any additional information required for project publicity and project records. This may include speaking with journalists contacted by the City of Perth Communications/Media department.
- Ensuring the timely delivery of the project as outlined within the project schedule submitted to the City of Perth or as negotiated.

## **Assistance from the City of Perth**

The City of Perth will assist artists by cleaning existing graffiti and painting the wall. However, the City will only do this once and on the date stated within the concept proposal, or as negotiated and agreed.

If the wall is vandalised after the City has prepared the wall and before the artists begin work, then the Curator/Team Leader is responsible for the removal of the graffiti. To avoid this occurrence on such a large expanse of wall it is recommended that artists work across the whole of the site simultaneously, where possible.

The City will apply an anti-graffiti coating to the mural once completed. It should be noted that this takes seven days to apply and dry properly. To assist the City, this must be noted in the project schedule.

The cost of preparing walls and applying the anti-graffiti coating is not part of the Curator/Team Leader's budget. These costs will be borne by the City of Perth.

## **Timeline**

Detailed design documentation is required by 30 June 2015.

The expectation is that the project be completed as early in the new financial year (2015/16) as possible, the latest date for completion being 31 August 2015.

## **THE BRIEF**

### **Concept**

The Wall Inc. program is seen as an outside exhibition presented to the public. The intention is to provide the general public with a small snapshot of different art styles practiced with excellence in Western Australia.

Selected artists will show confidence and maturity in their art practice and visual enquiry.

There is no set theme for the project, although the Curator/Artist Team is asked to respond to:

- A sense of optimism for the City of Perth and Western Australia as a whole;
- The physicality of the wall on which they are painting.

Additional requirements to be considered:

- The artwork's resistance to vandalism of all kinds.
- The potential to incorporate materials other than paint.
- Use of durable materials – heavy duty, exterior quality paints should be used. All materials must be able to withstand the elements for a minimum of five years.



- Appropriateness of content/context (must be 'G-rated')
- Safety – (i.e. any protruding elements should be placed at an appropriate height).

In order to discourage graffiti, artwork concepts should not include large areas of block colour, many light colours or overly delicate designs. The mural should be robust and detailed in concept and execution.

## **Location**

The location for the 2015 Wall Inc project has been selected and approved by the building owners. The selected work is to occupy a minimum of 70% of the surface of the North West facing wall, facing onto the Fire Station Car Park, 456 Hay Street, Perth. The wall is approximately 8.5 metres high and 27.3 metres in length, with a cream brick surface. Please see Appendix A for images of wall.

The City of Perth's City Design Unit is creating a 'pocket park' at this site, to be situated between the existing Fire Station Car Park and Hay Street. This pocket park will consist of multi-level seating and planting, and will be the first installation of a number of minor urban interventions designed to add an extra dimension to the experience of the city – providing moments of inspiration, reflection and humour in public spaces. Please see Appendix B for artist's impression of the proposed pocket park.

## **ELIGIBILITY**

### Criteria for Curator/Arts Professional

It is acknowledged that the term 'curator' is self-referencing. For the purposes of this commission, a curator or suitable arts professional is expected to be able to meet at least two of the following criteria:

- A person who regularly curates exhibitions and/or projects;
- A person who has secured work, commissions or consultancies on the basis of their curatorial expertise;
- A person who has previously secured residencies, teaching or lecturing;
- A person who is eligible to apply for or who has been awarded government grants as a curator;
- A person who has achieved industry or peer recognition through published works, critical texts or media profile; or
- A person who is professionally qualified and/or has demonstrated curatorial experience gained within a gallery, cultural institution or museum.

### Criteria for Artists

It is acknowledged that the term 'artist' is self-referencing. For the purposes of this commission, artists are expected to be able meet at least two of the following criteria:

- A person who has completed a university degree or a diploma in a relevant arts field (i.e. visual arts, multi-media, fine arts) as appropriate to the public art commission brief;
- A person who evidences the sale of their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional artists;
- A person who has had artwork purchased by major public collections;
- A person who evidences their experience in implementing successful public art projects; or
- A person who earns the majority of their income from arts-related activities, including; teaching, selling artwork, or undertaking public art commissions.

Artists must be residents of Western Australia and have resided in WA for at least 12 months prior to commencement of the project. Artists must have a unique art practice which suits the location (selected in light of the successful marriage of style and location).

## **BUDGET**

The maximum total commission amount for Wall Inc. 2015 is \$60,000 excluding GST.

Following signing of agreements, the Curator or Team Leader will be paid the amount as outlined in their budget in three lump sums: 40% on signing of the Agreement and approval of the artwork concept/design, 50% on completion of the mural and sign off by the City of Perth and 10% on receipt of project close-out report and documentation. This fee covers all costs associated with the practical application of the project including:

- research and design development
- artist fees
- materials
- hire of equipment
- installation
- written material (artwork concept, artist biographies)
- project acquittal report

The Curator/Team Leader will be responsible for payment of all engaged parties, including sub-contracted artists.

The curator/team leader is required to provide the City of Perth with payment details, including their ABN. Please note that payment is 30 days from the end of the month in which the invoice is dated.

## WHAT TO INCLUDE IN YOUR PROPOSAL SUBMISSION

Proposals are to comprise:

1. A letter expressing interest in the project stating the curator/team leader's contact details and ABN. [No more than one A4 page]
2. A response to the selection criteria below. [No more than one A4 page]
3. Indicative outline of your proposal for Wall Inc 2015 including a description, sketch, dimensions, method of execution, schedule/timeline and budget indicating how the commission funds will be utilised.
4. Project descriptions of two previously completed projects relevant to this proposed public artwork. [No more than one A4 page]
5. A current Curriculum Vitae for the Curator/Team Leader and all participating artists. [No more than two A4 pages each]
6. Six high resolution jpeg images on CD demonstrating the quality of participating artists' previous artwork relevant to this proposed public artwork.
7. An image list detailing: number of image, title of artwork, location, size, medium, date completed, name of commissioning body, artwork budget, and names of any collaborators who worked with the artist on the project.

Please provide the proposal with all written material bound together in the following order:

- Letter
- Response to Selection Criteria
- Project description for Wall Inc 2015, including budget
- Descriptions of previous projects
- Curriculum Vitae
- Image list to accompany CD

## SELECTION CRITERIA

All expressions of interest will be evaluated by the selection panel on the basis of the following four selection criteria (indicative questions are provided in the table below):

<p>1. Response to the Brief</p> <p>25%</p>	<p>Does the EOI submission:</p> <ul style="list-style-type: none"> <li>• Provide all information as requested?</li> <li>• Clearly and creatively address the themes and purposes outlined in the brief?</li> <li>• Provide evidence that the greater context of the work</li> </ul>
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	has been considered?
2. Artistic Excellence  25%	Does the EOI submission: <ul style="list-style-type: none"> <li>• Propose unique and engaging work/s, delivering something new in Perth?</li> <li>• Propose work/s with striking or innovative features that extend artistic practices and possibilities?</li> <li>• Demonstrate that work/s will be executed to achieve excellence at scale and on site?</li> </ul>
3. Durability and Safety  25%	Does the EOI submission: <ul style="list-style-type: none"> <li>• Show that the Curator/Team Leader has investigated site specific conditions, considering public safety, durability and maintenance?</li> <li>• Address site specific conditions through material selection, placement and design to reduce risk?</li> <li>• Identify risks that cannot be mitigated through design and consider strategies for managing them?</li> </ul>
4. Demonstration of Capacity  25%	Does the EOI submission: <ul style="list-style-type: none"> <li>• Show that the Curator/Artist Team have produced work/s of a consistently high standard?</li> <li>• Show that the Curator/Team Leader can successfully manage and deliver a public art project of similar nature and scale?</li> <li>• Provide a realistic appraisal of the nature and scope of the project, evidenced by a detailed budget and schedule?</li> </ul>

On a single A4 page, the Curator/Team Leader should briefly outline how their proposal addresses these four criteria. All supporting material supplied with proposal submissions, will be considered by a selection panel with reference to these criteria.

## **POST-SELECTION**

The Curator/Team Leader will be required to liaise with the Public Art Projects Officer to develop a comprehensive schedule, scope of works and risk management plan.

The design concept will require approval from the City of Perth and the building owners. All required approvals and permits must be obtained and collated prior to commencement of work.

The Curator/Team Leader will be required to complete an online Occupational Health and Safety induction at a cost of \$33. This is to be included in the project budget.

It is highly recommended that all artists complete the online OSH training in conjunction with an onsite OSH induction conducted by the Curator/Team Leader.

## **INSURANCE**

The curator and artists will need to supply evidence of a suitable public liability insurance policy if they receive the commission. [Artsource 'Max'](#), [Form 'Practitioner'](#) and [NAVA 'Premium Plus'](#) memberships will provide this cover and may be tax deductible.

## **DOCUMENTATION**

The City of Perth will employ a photographer to document the completed project.

A small colour publication will be managed and published by the City of Perth. The costs of this publication will be borne by the City of Perth, not the curator/team leader. 50 copies of the publication will be delivered to the curator/team leader for their records and/or distribution.

## **PROJECT CLOSE OUT**

At the completion of the project, the Curator/team leader is required to submit a Project Completion Report, consisting of an acquittal of the project budget, maintenance schedule and visual record of the project from start to finish.

## **PROJECT MANAGER**

All enquiries should be referred to:

**Name:** Ashleigh Whyte, Public Art Projects Officer, City of Perth

**Telephone:** 08 9461 3181

**Email:** [ashleigh.whyte@cityofperth.wa.gov.au](mailto:ashleigh.whyte@cityofperth.wa.gov.au)

## **PROPOSAL SUBMISSIONS**

Submissions must be received by the City of Perth by 2.00pm on Tuesday 26 May 2015. All applications received after this date will not be accepted.

## Appendix A

Selected wall for Wall Inc 2015 commission.



## Appendix B

### Hay Street Pocket Park – Artist's Impression



CONFIDENTIAL SCHEDULES 7 AND 8  
ITEM 4 – PUBLIC ART – WALL INC. 2015

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

14 JULY 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER  
SEPARATE COVER



## ITEM NO: 5

### TENDER 082-14/15 – AIR CONDITIONING REPLACEMENT, CITY STATION CONCOURSE

**RECOMMENDATION:** (APPROVAL)

***That Council:-***

- 1. accepts the most suitable tender, being that submitted by Australian HVAC Services, to replace the air conditioning systems to various tenancies at the City Station Concourse, at a total cost of \$972,355 (excluding GST);***
- 2. notes that the cost in Part 1 can be partly funded from the 2015/16 Capital Works budget item “Replace Air Conditioning, City Station Concourse; and***
- 3. approves by an ABSOLUTE MAJORITY the additional funding of \$330,000 excluding GST to fund the remaining amounts from the Asset Enhancement Reserves.***

#### **BACKGROUND:**

FILE REFERENCE: P1031373  
REPORTING UNIT: Properties  
RESPONSIBLE DIRECTORATE: Community and Commercial Services  
DATE: 2 July 2015  
MAP / SCHEDULE: Schedule 9 – Whole of life costing  
Confidential Schedule 10 – Tender 082-14/15 – Evaluation Matrix

The City Station Concourse houses a number of City of Perth operated facilities and a number of tenanted shops. Over the last few summer periods, many of the air conditioning units have experienced regular failures. This has left some tenancies with no air conditioning which has become an unacceptable situation.

Furthermore, the current maintenance provider has advised that the Concourse have installations in excess of 15 years old. These are past the end of their serviceable life and are now obsolete. Many units are also suffering from corrosion and hail damage which affect their performance.

Additionally, some units run on R22 refrigerant gas which is to be phased out of production in Australia by 2016 in accordance with the Montreal Protocol. These units also require replacement.

Officers engaged an independent mechanical engineer to provide a condition report on the systems following the observations from the maintenance provider and the recommendation to undertake a more comprehensive replacement program in a shorter time frame was proposed.

The invitation seeking tenders to replace air conditioning systems to various tenancies at the City Station Concourse was advertised in The West Australian newspaper on Saturday, 21 March 2015.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Section 3.57 of the <i>Local Government Act 1995</i> Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> Council Four Year Priorities: Major Strategic Investments S2 Optimise the commercial and community outcomes within the property portfolio.
<b>Policy</b>	
Policy No and Name:	9.7 – Purchasing Policy

#### **DETAILS:**

Twenty five sets of tender documents were collected or downloaded during the tender period and a non-mandatory site briefing was conducted on Thursday, 26 March 2015.

The tender closed at 2.00pm on Thursday, 30 April 2015 and two submissions were received as follows:

<b>Tenderer</b>	<b>Lump Sum (excluding GST)</b>
Airmaster Australia	\$835,000
Australian HVAC	\$972,355

Both tenderers attended the non-mandatory site briefing.

#### **Evaluation**

Tenders were assessed against the following criteria:

- Compliance with the specification

- Appreciation / methodology of the work
- Experience – key personnel and similar work
- Quality control procedures

The tender evaluation matrix and costings table is attached as Confidential Schedule 10.

Airmaster Australia's submission did not address two out of the four criteria. Its tender submission was also subject to a range of changes to contract conditions and pricing reviews. The submission was deemed to be non-confirming and as a result, the company was not considered further.

Australian HVAC provided a conforming submission and demonstrated a good understanding of the scope of works required. The company provided a satisfactory address of all criteria and received a good score in the qualitative assessment matrix as a result.

### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CW 1622
BUDGET ITEM:	Community Amenities – Other Community Amenities – Replace Air Conditioning – City Station Concourse
BUDGET PAGE NUMBER:	18
BUDGETED AMOUNT:	\$ 770,000
AMOUNT SPENT TO DATE:	\$ 63,383
PROPOSED COST:	\$ 972,355
CONTINGENCY:	\$ 64,262
BALANCE:	\$ (330,000)
ANNUAL MAINTENANCE:	\$ 8,637
ESTIMATED WHOLE OF LIFE COST:	\$2,064,558

All figures quoted in this report are excluding GST.

The project will provide a savings of \$270,000 excluding GST should it be undertaken within one financial year, rather than being undertaken over several years as originally planned.

The additional funding of \$330,000 (excluding GST) can be accommodated from the Asset Enhancement Reserves which may be reimbursed in the next budget review should there be surplus funds identified.

### **COMMENTS:**

Australian HVAC is currently on the City's mechanical services maintenance panel and provided a well detailed tender submission, demonstrating a clear understanding of the works involved.

Due to the urgency of the works and the occupational safety and health risks it poses to the occupants and visitors to the tenancies, it is recommended that the tender submitted by Australian HVAC for the replacement of air conditioning systems to the City Station Concourse be accepted at a total cost of \$972,355 (excluding GST).

**Life Cycle Costing – submitted by Australian HVAC**  
**Tender 082-14/15 Air Conditioning Replacement, City Station Concourse**

Tenderer	Total Lifecycle Costs	New Plant Consumption kWh p.a	Consumption Savings (compared to existing)	New Plant Running Costs	Annual Savings (compared to existing costs)	Simple Payback in Years
Australian HVAC	\$2,271,014.00	199,630.00	8.91%	\$59,889.00	\$5,858.40	182.57

The payback period is quite high as the systems are being replaced like for like. This can be considered as a life cycle replacement rather than a sustainability upgrade. The new systems would be slightly more efficient due to advances in compressor and heat exchange technology. The improvement over the current systems is typically around 10%, which is reflected in the submission provided by Australian HVAC.

Prices quoted are for total costs and are inclusive of GST.

CONFIDENTIAL SCHEDULE 10  
ITEM 5 – TENDER 082-14/15 – AIR CONDITIONING  
REPLACEMENT, CITY STATION CONCOURSE

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

14 JULY 2015

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## ITEM NO: 6

### TENDER 083-14/15 – SWITCHBOARD UPGRADE, CITIPLACE CAR PARK

**RECOMMENDATION:** (APPROVAL)

***That Council:-***

- 1. accepts the tender submitted by Downer EDI Engineering Electrical Pty Ltd to upgrade three switchboards and provide new metering to these switchboards located at the City Station Concourse and level one of the Citiplace Car Park (Tender 083-14/15) at a total cost of \$206,382 (excluding GST);***
- 2. notes that the cost in Part 1 can be partly funded from the 2015/16 capital works budget item “Switchboard Upgrade, Citiplace Car Park”; and***
- 3. approves by an ABSOLUTE MAJORITY the additional expenditure of \$90,000 excluding GST to fund the remaining amounts from the Asset Enhancement Reserves.***

#### **BACKGROUND:**

FILE REFERENCE: P1031372  
REPORTING UNIT: Properties  
RESPONSIBLE DIRECTORATE: Community and Commercial Services  
DATE: 2 July 2015  
MAP / SCHEDULE: Schedule 11 – Whole of Life Costing  
Confidential Schedule 12 – Tender Evaluation Matrix for Tender 083-14/15

The Western Power substation located on the eastern end of the Australind Platform at the Perth Station was constructed and installed in the late 1980s. It serves as the site main switchboard for a section of the Public Transport Authority (PTA) facilities and for all of the City’s facilities located on the Concourse above.

There are sub-mains running from the main switchboard that supply power to individual retail tenancies on the Concourse level, the pedestrian walkway surrounding the tenancies, lifts and mechanical services and the Citiplace Car Park.

Over the years, there have been numerous modifications made to the car park switchboard that have not been documented. This has caused difficulties in fault finding and has highlighted non-compliance issues with the switchboard.

An independent electrical engineering consultant was appointed to provide a condition report of the car park sub-mains and switchboard, and provide recommendations for its upgrade in alignment with the City's 2013 Corporate Energy Plan. More specifically, the report was to focus on the car park's switchboards located in an electrical riser within the lift/stair core on the concourse level and the level directly above.

The report confirmed the safety issues with the switchboards and recommended they be upgraded.

Tender 083-14/15 – Switchboard Upgrade, Citiplace Car Park, was advertised in The West Australian newspaper on Wednesday, 18 March 2015. A non-mandatory pre-tender site inspection was held on Thursday, 26 March 2015 with five prospective tenderers in attendance. Tenders closed at 2pm on Thursday, 16 April 2015, with the following tender received:

<b>Tenderer</b>	<b>Lump Sum (excluding GST)</b>
Downer EDI Engineering Electrical Pty Ltd	\$ 206,382.00

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** Section 3.57 of the *Local Government Act 1995*  
Part 4 of the *Local Government (Functions and General) Regulations 1996*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
Council Four Year Priorities: Major Strategic Investment  
S2 Optimise the commercial and community outcomes within the property portfolio

**Policy**  
Policy No and Name: 9.7 – Purchasing Policy

#### **DETAILS:**

The tenders were assessed against the following criteria:

- Compliance with the specification.
- Appreciation / Methodology of the work.
- Experience – Key Personnel and similar works
- Quality Control Procedures.



Downer EDI Engineering Electrical Pty Ltd attended the pre-tender site briefing and provided a conforming submission. The company demonstrated a full understanding of the works required and satisfied all selection criteria requirements.

### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	1668
BUDGET ITEM:	Transport – Parking Facilities – Switchboard Upgrade, Citiplace Car Park
BUDGET PAGE NUMBER:	21
BUDGETED AMOUNT:	\$ 160,000
AMOUNT SPENT TO DATE:	\$ 12,054
PROPOSED COST:	\$ 202,382
CONTINGENCY:	\$ 35,564
BALANCE:	\$ (90,000)
ANNUAL MAINTENANCE:	\$ 10,000
ESTIMATED WHOLE OF LIFE COST:	\$ 684,860

All figures quoted in this report are exclusive of GST.

Additional funding of \$90,000 (excluding GST) is required in order to progress the works. This can be accommodated from the Asset Enhancement Reserve which may be reimbursed in the next budget review should there be surplus funds identified.

### **COMMENTS:**

Downer EDI Engineering Electrical Pty Ltd has demonstrated a full understanding of, and has the capacity to undertake the works involved. It is therefore recommended that Downer EDI Engineering Electrical Pty Ltd be appointed to upgrade three switchboards and provide new metering to these switchboards located at the City Station Concourse and level one of the Citiplace Car Park, at a total cost of \$206,382 (excluding GST).

The complex nature of the project at the platform level of the Perth Station, together with the PTA requirements, is a contributing factor to the low number of tender submissions received. This is also reflected in the price, which has come in considerably higher than the consultant estimate of \$145,500 (excluding GST).

SCHEDULE 11

**Estimated Whole of Life Cost - Switchboard Upgrade**

**Annual Maintenance Calculation**

<u>Project Costs</u>	Unit	Rate	Amount	Cost	Avg CPI	Years
Installation Cost			\$ 202,382.00	\$ 10,000.00	3.00%	25
Consultancy / Superintendent			\$ 20,875.00			1 \$ 12,200.00
Administration (months)	12	\$ 150.00	\$ 1,800.00			2 \$ 10,300.00
			<u>\$ 225,057.00</u>			3 \$ 10,609.00
						4 \$ 10,927.27
Useful Life (years)	25					5 \$ 11,255.09
						6 \$ 11,592.74
						7 \$ 11,940.52
<u>Annual Maintenance over useful life</u>						8 \$ 12,298.74
<u>*based on average CPI of 3%</u>			<u>\$ 366,792.64</u>			9 \$ 12,667.70
						10 \$ 13,047.73
<u>Other Replacement Costs over useful life</u>						11 \$ 13,439.16
Meters	5	\$ 3,000.00	\$ 15,000.00			12 \$ 13,842.34
			\$ -			13 \$ 14,257.61
			\$ -			14 \$ 14,685.34
			\$ -			15 \$ 15,125.90
			\$ -			16 \$ 15,579.67
			<u>\$ 15,000.00</u>			17 \$ 16,047.06
						18 \$ 16,528.48
						19 \$ 17,024.33
						20 \$ 17,535.06
						21 \$ 18,061.11
						22 \$ 18,602.95
						23 \$ 19,161.03
						24 \$ 19,735.87
						25 \$ 20,327.94
<b>TOTAL</b>			<u>\$ 606,849.64</u>			<u>\$ 366,792.64</u>

CONFIDENTIAL SCHEDULE 12  
ITEM 6 – TENDER 083-14/15 – SWITCHBOARD UPGRADE,  
CITIPLACE CAR PARK

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

14 JULY 2015

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## ITEM NO: 7

### STUDY PERTH FUNDING AGREEMENT – 2015/16 – 2017/18

**RECOMMENDATION:**

**(APPROVAL)**

***That Council authorises the Chief Executive Officer to negotiate and execute a funding agreement with StudyPerth for approximately \$500,000 over a term of three years (2015/16 to 2017/18 inclusive) to assist in the promotion of Perth as a leading destination for international education.***

**BACKGROUND:**

FILE REFERENCE:	P1026453
REPORTING UNIT:	Economic Development
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	12 June 2015
MAP / SCHEDULE:	Confidential Schedule 13 – Comparison of capital city funding to interstate competitors Confidential Schedule 14 – StudyPerth funding sources Confidential Schedule 15 – StudyPerth proposed initiatives

StudyPerth, formerly known as Perth Education City (PEC) was created in 1987 and became a registered association with its own permanent and independent secretariat in 1996. The organisation was formed out of an acknowledged need for a coordinated approach regarding the international education market from Western Australian education and training institutions.

StudyPerth's members include education and training institutions from both the public and private sectors including WA's five universities, numerous vocational education providers, English language colleges as well as primary and secondary schools.

Of the approximately 47,000 international students studying in Perth, 97 per cent of these students are studying at one of StudyPerth's member institutions.

Historically, the City of Perth has been supportive of StudyPerth's efforts and activities in promoting Perth as a destination of choice for international education and prospective students.

The City of Perth provides funding for student exchange programs, known as the "Picture Yourself in Perth" program in several of the City's sister cities (Chengdu,

Nanjing, Seocho and Kagoshima). This program is a way of introducing international students to Perth as a tertiary education destination.

The City of Perth also provides funding to sponsor StudyPerth's International Student Festival (\$10,000 in 2013/14 and 2014/15) and has the naming rights for the event.

Additionally, the City of Perth hosts numerous courtesy calls for international student and education agent delegations at the request of StudyPerth. The Lord Mayor has also accompanied StudyPerth representatives on overseas trade missions to assist in its promotional activities.

In January 2015, StudyPerth's Executive Director provided a briefing to Elected Members regarding the international education market, its value to the local economy, and the work that StudyPerth undertakes, both locally and overseas.

As part of this briefing, Elected Members were provided with examples of the financial support provided to StudyPerth's competitors in other states. On a comparative basis, StudyPerth receive less funding than their counterparts from other States, in terms of support from both the relevant Capital City Local Governments and State Governments (refer to Confidential Schedule 13).

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Section 9.49a of the <i>Local Government Act 1995</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> Council Four Year Priorities: Perth as a Capital City S6 Maintain a strong profile and reputation for Perth as a city that is attractive for investment.
	<b>Organisational Development Plan:</b> G10 Administrative Efficiency G13 Stakeholder Relations G15 Sponsorship, Grants and Events

## **Policy**

Policy No and Name: 18.8 - Provision of Sponsorship and Donations

## **DETAILS:**

StudyPerth is currently funded primarily by the Western Australian Government, through the Department of State Development and the Department of Education Services. Funds are also raised through membership fees paid by the organisation's member institutions (refer to Confidential Schedule 14).

Rather than continue with current ad-hoc funding arrangements, StudyPerth has formally requested a three-year funding commitment from the City to assist with its ongoing work promoting Perth as a destination of choice for international education

and to assist in attracting international students to study in Perth. StudyPerth plans to use the funding to expand some of its current activities and undertake new activities.

This proposed funding agreement will allow StudyPerth certainty in relation to the funding that it will receive over the period of the agreement and will allow for appropriate planning of projects and initiatives in the various markets StudyPerth operate in. It will also provide financial certainty for the City of Perth in terms of the funding that is being allocated to StudyPerth. It will also provide clear visibility of the total financial support that is provided and the activities that are being undertaken. Refer to Confidential Schedule 15 for details of proposed initiatives to be undertaken over the period of the funding agreement.

If authorised by Council, the Chief Executive Officer, will enter into negotiations with StudyPerth regarding the details of the proposed funding agreement including:

- the total amount of funding that will be provided by the City to StudyPerth (approximately \$500,000 in total) and the breakdown of the funding over the three years of the agreement;
- the activities that will be funded through the City's financial contribution;
- the recognition the City will receive from StudyPerth and how the City may be acknowledged or promoted in light of the increased financial contribution; and
- the acquittal process StudyPerth will undertake in regards to the funding, including the method of communicating initiatives that have been undertaken over a given year and providing information including key metrics back to the City and Council within agreed timeframes.

#### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	43C45000 (Education)
BUDGET ITEM:	Economic Services - Other Economic Services - Economic Development
BUDGET PAGE NUMBER:	TBA
BUDGETED AMOUNT:	\$147,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$137,000
BALANCE:	\$10,000

All figures quoted in this report are exclusive of GST.

\$137,000 from the Economic Development Unit's 2015/16 budget has been allocated in sponsorship and donation towards various StudyPerth initiatives. This funding will cover the first year of the proposed funding agreement.

The total quantum of funding, including its breakdown over years two and three will form part of the agreement between the City and StudyPerth to be included in the 2016/17 and 2017/18 budgets for Council's consideration and endorsement.

## COMMENTS:

International education is Australia's fourth largest export product and is of major economic benefit to the national and local economy. The growing importance of the international education sector to the local economy has been recognised by the City of Perth's International Engagement Strategy and its recently updated Economic Development Strategy.

According to data at year ending December 2014 there were 40,350 international education visitors accounting for 3,944,556 visitor nights in Western Australia. This equated to approximately \$488 million spent by international students or, an average spend of \$10,514 per visitor. This compares to an average spend of \$2,850 for an international tourist.

An international student who chooses to live and study in Perth will directly contribute approximately \$48,000 per year to Perth's economy via tuition fees, purchase of study materials, accommodation, meals, travel and entertainment.

Furthermore data indicates that, for every 100 international students in Perth, there are 50 visitors to Perth e.g. parents, siblings and friends, which is a substantial driver of tourism in Western Australia.

At its meeting held in October 2014, the Council of Capital City Lord Mayors (CCCLM) considered the unique role that capital cities play in the support and promotion of Australian capital cities as attractive international education destinations. The CCCLM developed a discussion paper and action plan that recommends for capital cities and their Lord Mayors to take a more active role in promoting and assisting the international education sector and in attracting students to Australia.

In a report considered by the Marketing, Sponsorship and International Relations Committee on **20 January 2015**, Officers foreshadowed the intention to propose a funding agreement with StudyPerth rather than continue the practice of assessing and administering multiple individual sponsorships for various programs.

The move to a funding agreement will provide each organisation funding certainty over the period and reduce the administrative workload for both StudyPerth and the City of Perth by covering all activities that are currently subject to individual sponsorship applications and subsequent reports, into a single but multifaceted funding agreement.

This approach will also improve the acquittal and reporting process, by which StudyPerth will provide the City of Perth with information regarding its activities and performance in relation to specified targets and goals. Performance and targets will be reported to Council on an annual basis.

CONFIDENTIAL SCHEDULES 13, 14 AND 15  
ITEM 7 – STUDYPERTH FUNDING AGREEMENT 2015/16  
TO 2017/18

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

14 JULY 2015

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## **CONFIDENTIAL ITEM NO: 8**

### **PROPOSED SURRENDER OF LEASE AND NEW LEASE – CNR CAFÉ – NORTHBRIDGE PIAZZA**

**RECOMMENDATION:** (APPROVAL)

***That Council:***

- 1. accepts the offer from The Place Enterprises Pty Ltd and agrees to the surrender of the lease over CNR Café located at the Piazza Northbridge;***
- 2. approves the advertising of a new lease to the existing lessee, The Place Enterprises Pty Ltd under the terms and conditions as contained in Confidential Schedule 16;***
- 3. notes that, in the event that no submissions are received, in accordance with Delegation 1.10 – Disposing of Property, the Chief Executive Officer has the authority to finalise the disposition without further consideration by the Council.***

#### **BACKGROUND:**

FILE REFERENCE: P1024921  
REPORTING UNIT: Properties  
RESPONSIBLE DIRECTORATE: Community and Commercial Services  
DATE: 2 July 2015  
MAP / SCHEDULE: Confidential Schedule 16 – CNR Café Proposed Lease Terms

**In accordance with Section 5.23(2)(e)(ii) of the *Local Government Act 1995*, this item is confidential and will be distributed to the Elected Members under separate cover.**

CONFIDENTIAL SCHEDULE 16  
CONFIDENTIAL ITEM 8 – PROPOSED SURRENDER OF  
LEASE AND NEW LEASE – CNR CAFÉ – NORTHBRIDGE  
PIAZZA

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

14 JULY 2015

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