

# LOCAL GOVERNMENT ACT 1995

## SHIRE OF NAREMBEEN

### FENCING AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narembeen resolved on ???? to make the following local law.

#### PART 1—PRELIMINARY

##### 1. Citation

This local law may be cited as the *Shire of Narembeen Fencing Amendment Local Law 2021*.

##### 2. Commencement

The local law comes into operation on the day it is published in the Government Gazette.

##### 3. Principal local law

This local law amends the *Shire of Narembeen Fencing Local Law 2020* as published in the *Government Gazette* on 16 June 2020

##### 4. Clause 1.5 Amended

In clause 1.5-

(1) Include in the definitions-

'**secondary setback area** means the area between the building line of a lot and a side boundary of that lot which adjoins a thoroughfare.'

(2) Amend the following definition-

**AS or AS/NZS**- replace 'the Shire of Morawa' with 'Shire of Narembeen'

##### 5. Clause 4.4 Amended

In clause 4.4 delete sub-clause (2) and replace it with-

'(2) Screening is not to be affixed to a fence so that the maximum combined height of the fence and screening exceeds 2100mm.'

##### 6. Clause 5.2(3)(b) Amended

In clause 5.2(3)(b) delete '3m' and replace it with '3000mm'

##### 7. Clause 7.1 Amended

In clause 7.1 replace the words 'Where an authorised person exercises a discretion pursuant to this local law, an affected person has a right of objection and appeal under Division 1 of Part 9 of the Local Government Act 1995' with 'Where the local government or an authorised person makes a decision whether to grant, renew, vary or cancel any licence, permit, approval or other means of authorisation under this local law, the provisions of Part 9 Division I of the *Local Government Act 1995*, and regulation 33 of the *Local Government (Functions and General) Regulations 1996*, apply to that decision.'

#### **8. Clause 8.3 Amended**

In clause 8.3-

(1) Number the current clause as '(1)'.  
(2) Include the following additional clause-

(2) Include the following additional clause-

'(2) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act.'

#### **9. Schedule 4 Amended**

In Item 12 of schedule 4 replace '2.1m' in column 3 with '2100mm'.

Dated ????

The Common Seal of the Shire of Narembreen was affixed by authority of a resolution of Council in the presence of -

Rhonda Cole  
Shire President

Scott Wildgoose  
Acting Chief Executive Officer