

LG301

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
CEMETERIES ACT 1986
DOG ACT 1976

Shire of Morawa

AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Bush Fires Act 1954*, *Cemeteries Act 1986*, *Dog Act 1976*, *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Morawa resolved on 19 September 2019 to adopt the following local law.

1. Citation

This local law may be cited as the *Shire of Morawa Amendment Local Law 2019*.

2. Commencement

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

3. Amenity Local Law 2018 amended

The *Shire of Morawa Amenity Local Law 2018* published in the *Government Gazette* on 13 November 2018 is amended—

- (a) in clause 2.3 delete clause 2.3(2) and replace with—
 - (2) An owner or occupier of land who keeps a miniature horse shall only keep a sterilised miniature horse, and retain written proof of its sterilisation.
- (b) in clause 2.4 delete clause 2.4(2) and replace with—
 - (2) An owner or occupier of land where a miniature pig is kept shall—
 - (a) only keep a sterilised miniature pig and retain written proof of its sterilisation; and
 - (b) maintain documentary evidence that the miniature pig's veterinary treatment against roundworm and tapeworm is current.
- (c) in clause 2.6 delete clause 2.6(4) and replace with—
 - (4) A person approved under subclause (2) who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice—Pigeon Keeping, subject to the provisions of this local law.
- (d) in clause 2.7 delete clause 2.7(b) and replace with—
 - (b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a minimum 2% gradient to the front of the aviary or cage;
- (e) in clause 4.7 delete clause 4.7(4) and replace with—
 - (4) A sea container used in accordance with subclause (3)—
 - (a) shall not be on the land for more than 6 consecutive months nor for more than 6 months within any 12 month period, without the approval of the local government; and
 - (b) shall be removed within five working days of—
 - (i) completion of works;
 - (ii) expiry of 6 consecutive months; or
 - (iii) such other time as approved by the local government.
- (f) in clause 5.1 delete clause 5.1(2)(a) and replace with—
 - (a) use floodlights or other exterior lights only during the hours specified in the notice;

4. Bush Fire Brigades Local Law 2018 amended

In clause 3.5 of the *Shire of Morawa Bush Fire Brigades Local Law 2018* published in the *Government Gazette* on 6 August 2018 delete clause 3.5(e) and replace with—

- (e) to report annually to the local government the office bearers of the bush fire brigade in the form of Form 12 of the *Bush Fires Regulations 1954*; and

5. Cemeteries Local Law 2018 amended

The *Shire of Morawa Cemeteries Local Law 2018* published in the *Government Gazette* on 13 November 2018 is amended—

- (a) in clause 1.5 delete the definitions for ***grant of right of burial*** and ***pre-need certificate***;
- (b) delete clause 2.3;
- (c) delete clause 2.4;

- (d) delete clause 2.5 and replace with—

2.5 Board may enter into an agreement for maintenance

The Board may enter into an agreement with the holder of a grant of right of burial under clause 2.3 for the maintenance of an area of a cemetery at the expense of the holder.

- (e) delete clause 3.5(2);
- (f) in clause 5.4 delete clause 5.4(2)(a) and replace with—
- (a) placed within the perimeter of an authorised gravesite at a depth of at least 600 millimetres;
- (g) in clause 9.12 delete clause 9.12(1) and replace with—
- (1) A person shall not allow or cause to be displayed any offensive materials, wording, symbols or images of any kind, whether as a sign, on a memorial or otherwise visible.

6. Dogs Local Law 2018 amended

In Schedule 1 of the *Shire of Morawa Dogs Local Law 2018* published in the *Government Gazette* on 13 November 2018 delete clause 5(e) and replace with—

- (e) if the person in item (d) is not the applicant, written evidence that the person is a person in charge of the dogs.

7. Extractive Industries Local Law 2018 amended

The *Shire of Morawa Extractive Industries Local Law 2018* published in the *Government Gazette* on 6 August 2018 is amended—

- (a) in clause 3.2—
- (i) delete clause 3.2(2)(f) and replace with—
- (f) evidence that the requirements of clause 3.1(1) and (4) have been carried out;
- (ii) delete clause 3.2(2)(j) and replace with—
- (j) evidence that an application for a clearing permit has been lodged with the Department of Water and Environmental Regulation if that is required under section 51C(a) of the *Environmental Protection Act 1986*; and
- (b) in clause 4.1 delete clause 4.1(b) and replace with—
- (b) the applicant has made an application for licence in accordance with clause 3.2;
- (c) in clause 4.6 delete clause 4.6(6) and replace with—
- (6) Where the local government renews, or refuses to renew, a licence under subclause (5), it shall notify the licensee and owner of the excavation site in writing.
- (d) in clause 4.7 delete clause 4.7(6) and replace with—
- (6) Where the local government approves, or refuses to approve, a licence variation under subclause (5), it shall notify the licensee and owner of the excavation site in writing.
- (e) in clause 4.8—
- (i) delete clause 4.8(2)(c)(iii) and replace with—
- (iii) a certificate of currency in the name of the proposed transferee for a public liability insurance policy in accordance with clause 7.1; and
- (ii) delete clause 4.8(4) and replace with—
- (4) Where the local government approves, or refuses to approve, the transfer of a licence under subclause (3), it shall notify the licensee and owner of the excavation site in writing.
- (f) in clause 6.3 delete clause 6.3(1)(b) and replace with—
- (b) provide a certificate of currency in the name of the licensee of the current public liability insurance policy required under clause 7.1.

8. Fencing Local Law 2018 amended

The *Shire of Morawa Fencing Local Law 2018* published in the *Government Gazette* on 6 August 2018 is amended—

- (a) in clause 1.5, insert in alphabetical order—
- secondary setback area** means the area between the building line of a lot and a side boundary of that lot which adjoins a thoroughfare;
- (b) in clause 5.3 delete clause 5.3(2)(b) and replace with—
- (b) if the fence is within 3000mm of the boundary of the lot; or
- (c) in clause 6.1 delete clause 6.1(2)(b) and replace with—
- (b) provide two copies of a plan and specifications of the proposed fence:

- (d) in clause 6.2—
- (i) in clause 6.2(2), delete the word “its” in the first line; and
 - (ii) delete clauses 6.2(5) and (6) and replace with—
 - (5) If an authorised person approves an application for approval, he or she is to give written notice of the approval and any conditions applied, to the applicant.
 - (6) If an authorised person refuses to approve an application for approval, he or she is to give written notice of that refusal and the reasons for the decision to the applicant.
- (e) delete clause 7.1 and replace with—

7.1 Objections and review

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, an affected person has a right of objection and appeal under Division 1 of Part 9 of the *Local Government Act 1995*.

- (f) delete clause 8.3 and replace with—

8.3 Modified Penalties

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

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 4.

9. Public Property and Local Government Places Local Law 2018 amended

The *Shire of Morawa Public Places and Local Government Property Local Law 2018* published in the *Government Gazette* on 13 November 2018 is amended—

- (a) in clause 1.6(1) delete the definitions of **costs**, **owner or occupier** and **UAV** and insert in alphabetical order—
- costs** means all expenses directly associated with reinstatement or replacement, and includes administrative expenses, associated with reinstatement or replacement;
- occupier** has the meaning given to it in section 1.4 of the Act but does not include the local government;
- owner** has the meaning given to it in section 1.4 of the Act but does not include the local government;
- UAV** means unmanned aircraft, other than a balloon or kite, as defined by the *Civil Aviation Safety Regulations 1998* (Commonwealth);
- (b) in clause 4.8 delete clause 4.8(1)(a) and replace with—
- (a) subject to subclause (3), the local government property is designated as a road, access way, or car park;
- (c) delete clause 6.2(1)(g);
- (d) in clause 6.7—
- (i) delete clause 6.7(3)(b)(ii) and replace with—
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2000 millimetres along that part of the verge immediately adjacent to the kerb;
 - (ii) delete clause 6.7(3)(b)(iv) and replace with—
 - (iv) not of a thorny, poisonous or hazardous nature;
- (e) in clause 12.3 delete clause 12.3(d) and replace with—
- (d) specify the time within which the work or action is to be undertaken.
- (f) in Schedule 1 delete items 27 and 52 and replace with—

27	6.2(1) (h),(i),(j), (k),(l),(m), (n),(o),(p)	Unauthorised activity in a thoroughfare causing inconvenience	100
52	9.17	Failure to produce licence for inspection when required	100

Dated: 10 October 2019.

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

K. J. CHAPPEL, President.
C. P. M. LINNELL, Chief Executive Officer.