

**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 1976*, *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 _____ 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 deleted 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* 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. and

7. Extractive Industries Local Law 2018

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 subclause 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, 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 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) it is 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 _____

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

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