

LG304

LOCAL GOVERNMENT ACT 1995

Shire of Tammin

FENCING AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Tammin resolved on 28 March 2019 to make the following local law—

1. Citation

This local law is cited as the *Shire of Tammin Fencing Amendment Local Law 2019*.

2. Commencement

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

3. Principal Local Law

This local law amends the *Shire of Tammin Fencing Local Law 2006* as published in the *Government Gazette* on 7 February 2007.

4. Clause 3 amended

In clause 3—

- (a) Insert the following definitions in the appropriate place of alphabetical order—

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

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

- (b) Delete the definitions of “**Building Surveyor**” and “**town planning scheme**”; and

- (c) Replace “town” with “local” wherever it appears in the definitions of “**Commercial Lot**”, “**Industrial Lot**”, “**Residential Lot**”, “**Rural Lot**” and “**Special Rural Lot**”.

5. “Building Surveyor” replaced with “authorised person”

In clauses 5(4), 5(5)(b), 6(1), 6(2), 7, 10(1), 10(2), and 11(2) all instances of “the Building Surveyor” is replaced with “an authorised person”.

6. Clause 17(2) replaced

Clause 17(2) is deleted and replaced with—

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

7. Fourth Schedule added

After the Third Schedule insert—

FOURTH SCHEDULE

(Clause 17(2))

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty (\$)
1	5(1)	Constructing or altering a dividing fence which is not a sufficient fence	125
2	6(1)	Constructing without a permit a fence higher than 1.2m within the front setback which is not an open fence	125
3	8	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated, unsightly	125
4	11(2)	Using broken glass or barbed wire in construction of a fence	250
5	12(1)(a)	Having and using an electrified fence without a licence	250
6	12(1)(b)	Having and using a razor wire fence without a licence	250
7		Other offences not specified	125

Dated 2 April 2019.

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

Cr. MICHAEL GREENWOOD, President.
NEVILLE HALE, Chief Executive Officer.
