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 1 February 2021 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
Clause 1.5 is amended as follows—
(a) in the definition for AS or AS/NZS replace ‘the Shire of Morawa’ with ‘Shire of Narembeen’, and
(b) 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.

5. Clause 4.4 amended
In clause 4.4 delete subclause (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 1 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
Clause 8.3 is amended as follows—
(a) number the current clause as ‘(1)’, and
(b) after subclause (1) insert—
(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 17 day of February 2021.
The Common Seal of the Shire of Narembeen was affixed by authority of a resolution of Council in the presence of—

RHONDA COLE, Shire President.
DAVID BLURTON, Acting Chief Executive Officer.