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## SHIRE OF KENT

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### LOCAL GOVERNMENT ACT 1995

LOCAL LAWS RELATING TO THE REMOVAL OF  
REFUSE, RUBBISH, LITTER, DERELICT  
VEHICLES, VEHICLE BODIES AND OTHER  
MATERIALS OR THINGS

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LOCAL LAWS RELATING TO RESERVES

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LOCAL LAW—CAT CONTROL

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LOCAL LAW—NUISANCES

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### CEMETERIES ACT 1986

LOCAL LAWS RELATING TO THE NYABING  
PUBLIC CEMETERY, AND PINGRUP PUBLIC  
CEMETERY

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### DOG ACT 1976

LOCAL LAWS—DOGS



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF KENT

**LOCAL LAWS RELATING TO THE REMOVAL OF REFUSE,  
RUBBISH, LITTER, DERELICT VEHICLES, VEHICLE BODIES AND  
OTHER MATERIALS OR THINGS**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned Local Government hereby records having resolved on the 4th day of February 1998, to adopt the following Local Laws.

**1. CITATION**

This Local Law may be cited as the Shire of Kent Local Law Relating to the Removal of Refuse, Rubbish, Litter, Derelict Vehicles; Vehicle Bodies and other Materials or Things.

**2. APPLICATION**

This Local Law shall only apply and have effect within the boundaries of the townsites of Nyabing and Pingrup, as defined by a Town Planning Scheme.

**3. DEFINITIONS**

In this Local Law unless the context otherwise requires—

“Act” means the Local Government Act 1995;

“Authorised Officer” means the CEO of the Council, or any person appointed by the Council as an authorised officer for the purpose of this Local Law;

“CEO” means the Chief Executive Officer of the Shire of Kent or the person acting for the time being in that capacity;

“Council” means the Council of the Local Government of the Shire of Kent;

“District” means the Local Government district of the Shire of Kent;

“Litter” includes all kinds of rubbish, refuse, junk, garbage, or scrap;

“Local Government” means the Local Government of the Shire of Kent;

“Machinery” means an assembly of interconnected components;

“Materials” means the substance of which things are made or composed; component or constituent matter;

“Occupier” where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

“Owner” where used in relation to land, has the same meaning as in the “Act”;

“Public Place” includes a street, way, and place which the public are allowed to use, whether the street, way, or place is or is not on private property;

“Refuse” has the same meaning as Litter;

“Rubbish” has the same meaning as Litter;

“Things” mean objects or entities that cannot or need not be precisely named;

“Townsites” means the townsite areas of Nyabing and Pingrup as defined by Town Planning Regulations;

“Vehicle” means any vehicle which comes within the interpretation of that expressed in the Road Traffic Act.

**4. DELEGATED AUTHORITY**

Council may by resolution passed by an absolute majority, delegate to the “CEO” as defined in this Local Law, the performance of any function of the Council in relation to this Local Law.

In this Local Law a reference to the Council having powers to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any employee of the Local Government to whom the “CEO” has delegated the exercise of any of the “CEO’s” powers or the discharge of any of the “CEO’s” duties in relation to this Local Law.

**5. PROVISIONS**

- (a) If there is on any land whether vacant or occupied within the townsites any refuse, rubbish, litter and other materials or things, whether of the same kind or a different kind from that here specified which in the opinion of Council or an Authorised Officer is likely to affect adversely the value of adjoining property, or the health, comfort and convenience of the inhabitants thereof, or is likely to cause damage if windborne during storm or cyclone; the Council or an Authorised Officer may cause a notice to be served on the owner or occupier of such land requiring them, within the time specified in such Notice, to remove the refuse, rubbish, litter and other material or things from that property or secure it in a manner approved by the Council or an Authorised Officer.
- (b) If there is on any land whether vacant or occupied within the townsites any derelict motor vehicle, or vehicle body or old machinery which in the opinion of the Council or an Authorised officer is likely to adversely affect the value of the adjoining property or the health comfort and convenience of the inhabitants thereof or is likely to cause damage if windborne during a storm or cyclone; the Council or an Authorised Officer may cause a Notice to be served on the owner or occupier of such land requiring them within the time specified in such Notice, to remove the vehicles, vehicle bodies or the machinery from that property or secure it in a manner approved by the Council or an Authorised Officer.

**6. PENALTY PROVISION**

- (a) Every owner or occupier of land on whom a Notice has been served under Local Law 5(a)(b) of these Local Laws shall comply with such Notice within the time specified therein or in that time give satisfactory reasons why the refuse, rubbish, litter, derelict motor vehicles, motor vehicle bodies, old machinery or other material or things should be retained or be given extra time in which to comply.
- (b) Any person who fails to comply with the terms of any Notice served under these Local Laws commits an offence, and on conviction shall be liable to a penalty not exceeding five thousand dollars (\$5000.00) and a daily penalty not exceeding five hundred dollars (\$500.00) for each day on which the offence occurs after the expiry of the Notice.
- (c) Where the owner or occupier does not remove the refuse, rubbish, litter, derelict motor vehicle, vehicle bodies, old machinery or other material or things, or secure it in a manner approved by the Council or an Authorised Officer, the Council or an Authorised Officer may, without payment of any compensation in respect thereof, remove it, or cause it to be removed, and dispose of it at the expense of, and recover in court of competent jurisdiction the amount of the expenses from, the owner or occupier upon whom the Notice was served.

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B. J. MORRELL, Shire President.  
I. B. FITZGERALD, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF KENT

**LOCAL LAWS RELATING TO RESERVES**

Pursuant to the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the above Shire hereby records having resolved on 4th February 1998, to adopt the following Local Laws.

**SECTION 1**

These Local-laws apply to Reserves within the boundaries of the Shire of Kent.

**SECTION 2**

In these Local-laws unless the context otherwise requires—

“Act” means the Local Government Act, 1995.

“Authorised Officer” means an officer of the Council who is authorised by the Council to serve notices and enforce these Local laws under section 9.10 of the Local Government Act 1995.

“Building” means any permanent or temporary structure including tents, caravans, marquees and stalls.

“Council” means the Council of the Shire of Kent.

“Function” includes any carnival, show, exhibition, gymkhana, sport, party or picnic or a match or contest between two opposing teams in any game.

“Owner” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act 1974 in respect of that vehicle or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession.

“Reserve” means park land, squares, reserves vested in or under the care, control and management of the Council.

“Vehicle” has the same meaning as if given to that word in the Road Traffic Act as amended from time to time, but includes trail bikes, beach buggies, trailers, caravans and other vehicles licensed or unlicensed but does not include any wheelchair or motorised chair used by a physically impaired person.

**SECTION 3**

On a reserve a person shall not—

- (a) Commit or cause a nuisance.
- (b) Behave in a disorderly manner, create or take part in a disturbance, use foul or indecent language or commit any act of indecency.
- (c) Ride a horse over grounds prepared for a playing field or an established garden.
- (d) Use or operate any musical instrument, radio or loud speaker, in such manner as to create excessive noise or as to cause nuisance or annoyance.
- (e) Use or operate a device causing a loud noise or any siren or starting gun in such a manner as to cause a nuisance or annoyance.
- (f) Bet, gamble or call the odds or offer to bet or gamble.

**SECTION 4A**

On a reserve a person other than a Council employee executing their normal duties or a person authorised by the Council shall not—

- (a) Throw or discharge any stone, arrow, bullet, spear gun or other missile.
- (b) Enter or use any dressing room or training room or ablution block for any purposes other than that which it is intended.
- (c) Damage or injure any plant, lawn, flower, shrub or tree.
- (d) Cut or damage any soil or turf.
- (e) Deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for that purpose.
- (f) Remove, tamper with or relocate any structure or goal post.
- (g) Damage or deface any building.
- (h) Remove, damage, deface, mark or alter any sign.

**SECTION 4B**

On a Council reserve no person shall, without consent of Council, consume any alcoholic liquor, spirit or beverage.

**SECTION 5**

Any persons found on any public reserve behaving in a disorderly manner or creating or taking part in any disturbance or using any foul or indecent language or committing any act of indecency therein, may forthwith be removed from such public reserve by an officer of the Council or by any member of the Police Service.

**SECTION 6**

A person other than an employee of the Council executing their normal duties shall not without the consent of Council—

- (a) Drive or ride or bring a vehicle onto a reserve or foreshore or permit any person to drive or ride or bring any vehicle onto a reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside as roads or driveways or vehicle parking areas or as access to areas set aside for the use of the vehicle.
- (b) Park or stand any vehicle on a reserve except in an area set aside for that purpose.

**SECTION 7**

On a reserve a person shall not without consent of Council—

- (a) Play or practice at golf or strike a golf ball except on an area set aside for that purpose.
- (b) Take part in a procession or demonstration.
- (c) Organise address or participate in a political meeting or rally.
- (d) Use or install a loud speaker or amplifier.
- (e) Distribute or exhibit any printed or written pamphlet; hand bill, placard or notice in any matter whatsoever.
- (f) Stamp, pencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding, placard, hand bill, notice, advertisement or document whatsoever.
- (g) Light a fire other than in a fire place provided for that purpose.
- (h) Camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight except with the approval of the Council.
- (i) Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.

**SECTION 8**

On a reserve a person shall not practice or play in or at any game in such a way as to cause inconvenience or annoyance to any other person.

**SECTION 9**

- (a) Any officer of the Council may demand from any person, whom they believe is in breach of these Local Laws, full name and place of residence.
- (b) Any person who refuses to state their full name and place of residence or states a false name or place of residence on demand being so made by an officer of the Council or a member of the Police Service commits an offence.

**SECTION 10**

A person who refuses to give his or her full name or place of residence to the person making the demand may without other warrant be apprehended by the person making the demand and taken before a Justice to be dealt with according to the law.

**SECTION 11**

No person shall organise, arrange or take part in a function on a public reserve unless a permit to hold or organise a function has been granted by the Council.

**SECTION 12**

Council may set fees as it determines from time to time for—

- (a) The hire of a reserve.
- (b) A bond for the restoration of the reserve to its condition prior to hire and may use any or all of the bond to carry out such work as it deems necessary.

**SECTION 13**

The Council may grant a permit to a person to hold or organise a function on a public reserve, subject to such conditions, if any, as it may deem fit, and may authorise a charge to be made for admission to the function.

**SECTION 14**

A permit to hold a function on a public reserve shall specify—

- (a) the purpose for which such permit is granted;
- (b) the dates and times during which the function may be held;
- (c) the charge, if any, which has been authorised by the Council for admission to the function;

and shall be in or to the effect of form 4 of the second schedule of this Local Law.

**SECTION 15**

Any person who is convicted of an offence against these Local Laws excluding Local Law No. 6(a) and 6(b) shall be liable to—

- (a) a maximum penalty of \$1,000; and
- (b) a maximum penalty during the breach of \$100 per day.

**SECTION 15(A)**

Any person who is convicted of an offence against Local Law No. 6(a) or 6(b) shall be liable to—

- (a) a maximum penalty of \$500; and
- (b) a maximum penalty during the breach of \$100 per day.

**SECTION 16**

Any person alleged to have committed an offence against Sections 3, 4(a), 4(b), 6(a), 6(b), 8, 11 of these Local Laws may be given the opportunity to pay a modified penalty under section 9.16 of the Local Government Act 1995. A table of offences and modified penalties is described in the first Schedule of this Local Law.

**SECTION 17**

- (a) The form of a notice that may be given under Section 9.13 of the Act to the owner of a vehicle that is involved in an offence against these Local Laws shall be in or to the effect of Form 1 of the second schedule of these Local Laws.
- (b) The form of an Infringement Notice that may be given under Section 9.16 of the Act for an offence against these Local Laws shall be in or to the effect of Form 2 of the second schedule of these Local Laws.
- (c) The form of the notice that may be given under Section 9.20 of the Act to withdraw an Infringement Notice for an offence against these Local Laws shall be in or to the effect of Form 3 of the second schedule of these Local Laws.

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**FIRST SCHEDULE  
MODIFIED PENALTIES**

| Section    | Modified Penalty |
|------------|------------------|
| 3 .....    | \$50.00          |
| 4(a) ..... | \$50.00          |
| 4(b) ..... | \$50.00          |
| 6(a) ..... | \$50.00          |
| 6(b) ..... | \$50.00          |
| 8 .....    | \$50.00          |
| 11 .....   | \$100.00         |

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**SECOND SCHEDULE—FORMS**

**Form 1**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date...../...../.....

SHIRE OF KENT

<sup>(1)</sup>To: .....

<sup>(2)</sup>Of: .....

<sup>(3)</sup>It is alleged that on ...../...../..... at ..... am/pm

<sup>(4)</sup>at .....

<sup>(5)</sup>Vehicle Registration No. ....

was involved in the committing of the following offence—

.....  
.....  
.....  
.....

<sup>(6)</sup>contrary to regulation/Local Law .....

of the .....

You are required under Section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice—
  - (i) you inform the Chief Executive Officer, or another authorised person of the Local Government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an Infringement Notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice

.....

Signature: .....

- <sup>(1)</sup> Name of owner or “owner of (vehicle identification)”
- <sup>(2)</sup> Address of owner (not required if owner not named)
- <sup>(3)</sup> Date and Time of which offence allegedly committed
- <sup>(4)</sup> Place at which offence allegedly committed
- <sup>(5)</sup> Brief Description of Offence
- <sup>(6)</sup> Name of the Regulations/Local Laws

**Form 2**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**INFRINGEMENT NOTICE**

To: ..... Inf No: .....

Of: ..... Date: .....

.....  
.....

You are hereby notified that it is alleged that on the .....  
day of ..... Year .....  
at about ..... am/pm you did .....

.....  
.....

in contravention of the provision of Section .....  
of the Shire of Kent Local Laws relating to Reserves.

The Modified Penalty for this offence is \$..... If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the Modified Penalty within 28 days of the date of this notice to the Chief Executive Officer at the address below.



Unless payment is made within twenty-eight days of the date of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this notice together with a cheque or Postal Money Order to the Chief Executive Officer, Shire of Kent, Richmond Street, Nyabing, W.A. 6341 or by delivering this Notice intact, together with your remittance to Council's office between the hours of 8.00 am and 4.30 pm Monday to Friday.

Signature of Authorised Person .....

Designation .....

\_\_\_\_\_

**Form 3**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No.....

Date ...../...../.....

Shire of Kent

To: .....

Of: .....

Infringement Notice No: ..... date:...../...../.....

for the alleged offence of .....

.....  
.....

has been withdrawn.

The modified penalty of \$.....

- \* has been paid and a refund is enclosed
- \* has not been paid and should not be paid
- \* Delete as appropriate

Name and designation of authorised person giving this notice .....

.....

Signature: .....

\_\_\_\_\_

**Form 4**

*Local Government Act 1996*

*Local Government (Functions and General) Regulations 1996*

**PERMIT TO HOLD A FUNCTION**

NAME OF APPLICANT .....

(Phone).....

ADDRESS .....

.....

PURPOSE FOR USE OF RESERVE:

.....

.....

.....

DATE/TIME OF FUNCTION TO BE HELD:

.....

CHARGES (IF ANY) AUTHORISED BY COUNCIL:

.....

.....

RESERVE NUMBER/LOCATION:

.....

.....

.....  
SIGNATURE

.....  
DATE

PERMIT APPLICATION APPROVED/REJECTED

.....  
C. E. O./Authorised Person.

\_\_\_\_\_

B. J. MORRELL, Shire President.  
I. B. FITZGERALD, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF KENT

**LOCAL LAW—CAT CONTROL**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned Local Government hereby records having resolved on the 4th day of February 1998, to adopt the following Local Law.

**1. CITATION**

This Local Law may be cited as the Shire of Kent Local Law Cat Control.

**2. OBJECTS**

The objects of this local law are to—

- (a) Encourage responsible cat ownership;
- (b) Reduce public and environmental nuisance caused by cats.
- (c) Promote the effective management of cats.

**3. INTERPRETATION**

In this local law—

- (a) "Act" means the Local Government Act 1995
- (b) "Authorised Person" means a person authorised by the Council to administer the provisions of this Local Law.
- (c) "Council" means the Council of the Shire of Kent.
- (d) "District" means the Local Government district of the Shire of Kent.
- (e) "Identified Cat" means cat identified in the manner of having a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat.
- (f) "Unidentified Cat" means a cat that is not identified in the manner as defined in subclause (e).
- (g) "Premises" shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is intended to be occupied as a separate residence from an adjacent tenement.

**4. CATS NOT TO BE A NUISANCE**

No person shall keep or allow to remain on any Premises of which he or she is the owner or occupier, any cat or cats so as to be a nuisance to another person or injurious to the health of another person by reason of—

- (a) the number of cats;
- (b) the noise or odour generated by the presence of the cat or cats;
- (c) the aggressive nature of the cat or cats;
- (d) the wandering of the cat or cats.

**5. LIMIT ON CAT NUMBERS**

- (a) Subject to sub-clause (b) the limit on the number of cats kept on any premises shall be three.
- (b) No person shall keep any cat on the premises where the number of cats being kept on those premises exceeds the limit without the permission of the Council.

**6. IDENTIFIED CATS**

No person shall without permission of the Council keep a cat over the age of three months on any Premises unless the cat is an identified cat.

**7. AUTHORISED PERSONS**

- (a) The Council may appoint suitable persons to be Authorised Persons for the purpose of administering this Local Law.
- (b) An Authorised Person may exercise powers conferred by this Local Law on an Authorised Person within the district.

**8. PENALTIES**

A person who contravenes or fails to comply with any provision of this Local Law is, upon conviction, liable to a penalty of \$200 for each offence.

**9. MODIFIED PENALTIES**

(a) The offences described in the table set out in the First Schedule to this Local Law are prescribed pursuant to Section 3.10 and 9.17 of the Act as an offence to which a modified penalty applies and the amount appearing in that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this sub-clause.

(b) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the First Schedule a notice may be served on that person in the form contained in the Second Schedule (in this Clause referred to as "an Infringement Notice") informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to Council, within the time therein specified, the amount prescribed as the modified penalty.

(c) An Infringement Notice may be served on an alleged offender personally or by posting it to that person's address as ascertained from that person at the time of or immediately following the occurrence giving rise to the allegation of the offence.

(d) Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the Notice or further time as in any particular case is allowed by the Council, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.

(e) An alleged offender on whom an Infringement Notice has been served may, within the time specified in the Notice or further time as in any particular case is allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without reply as to the circumstances giving rise to the allegation, and the Council may thereupon—

- (i) appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
- (ii) withdraw the Infringement Notice and refund the amount so paid.

(f) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending of a Notice in the form contained in the Third Schedule to the alleged offender at the address specified in the Notice or to the person's last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceeding in respect of the alleged offence be deemed not to have been issued.

(g) Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgment from the Council that the modified penalty has been paid to the Council is a defence to a charge of the offence in respect of which the modified penalty was paid.

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**FIRST SCHEDULE**  
*Local Law—Cat Control*  
Shire of Kent

| Item | Clause | Nature of Offence                                                  | Modified Penalty |
|------|--------|--------------------------------------------------------------------|------------------|
| 1.   | 4      | Keeping a cat so to be a nuisance or injurious to health .....     | \$50             |
| 2.   | 5(b)   | Keeping more cats than the approved limit on the number of cats .. | \$50             |
| 3.   | 6      | Keeping an unidentified cat over the age of three months .....     | \$50             |

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**SECOND SCHEDULE**  
*Local Law—Cat Control*  
Shire of Kent  
**INFRINGEMENT NOTICE**

Number ..... Date .....

To .....

It is alleged that at ..... on the ..... day of.....19.....you committed an offence that you .....

.....

.....

.....

.....

(Authorised Person)

You may dispose of this matter—

- (a) By payment of a penalty of \$ ..... within twenty-eight days of this Notice to the Council at Richmond Street, Nyabing, or;
- (b) By having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken against you.

\_\_\_\_\_

**THIRD SCHEDULE**

*Local Law—Cat Control*

Shire of Kent

**WITHDRAWAL OF INFRINGEMENT NOTICE**

Number ..... Date .....

To .....

Infringement Notice No ..... dated...../...../.....for

.....

.....

.....

Penalty \$.....is hereby withdrawn.

No further action will be taken/It is proposed to institute Court proceedings for the alleged offence.

.....

(Authorised Person)

\_\_\_\_\_

B. J. MORRELL, Shire President.  
IAN FITZGERALD, Chief Executive Officer.

\_\_\_\_\_

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF KENT

**LOCAL LAW—NUISANCES**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Kent hereby records having resolved on the 4th day of February 1998, to make the following local laws.

**1. CITATION**

This Local Law may be cited as the Shire of Kent Local Law relating to Nuisances.

**2. APPLICATION**

This Local Law shall only apply and have effect within the boundaries of the townsites of Nyabing and Pingrup, as defined by a Town Planning Scheme.

**3. PROVISIONS**

No person having control or management of a vehicle which contains livestock, shall park such a vehicle in—

- (a) Richmond St, Nyabing between Martin Street and Bourke Street at any time;
- (b) Any other location in the townsites of Nyabing and Pingrup other than at specified road train assembly areas, for a period in excess of one half an hour where such livestock causes smell or noise as to amount to a nuisance to inhabitants of the townsites.

\_\_\_\_\_  
B. J. MORRELL, Shire President.  
IAN FITZGERALD, Chief Executive Officer.

\_\_\_\_\_

**CEMETERIES ACT 1986**

## SHIRE OF KENT

**LOCAL LAWS RELATING TO THE NYABING PUBLIC CEMETERY,  
AND PINGRUP PUBLIC CEMETERY**

In pursuance of the powers conferred upon it by abovementioned Act and of all other powers enabling it, the Council of the Shire of Kent hereby records having resolved on the 4th day of February, 1998, to make the following local laws:

**PRELIMINARY****Revocation**

1. The following local laws are hereby revoked—

The By-laws Relating to Nyabing and Pingrup Cemeteries published in the *Government Gazette* on 15 July 1977.

**Interpretations**

2. In the local laws unless the context otherwise requires—

“Act” means the Cemeteries Act, 1986;

“authorised person” means an employee of the Council authorised by Council to exercise any power conferred by an Act of Parliament or these local laws;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Kent;

“Council” means the Council of the Shire of Kent;

“memorial” includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture or thing commemorating a grave;

“personal representative” includes the administrator and executor of an estate of a deceased person who, by law or practice, has the best right to apply for administration and any person having lawful custody of a dead body;

“right to burial” means the right to use a specified area of a cemetery for burial;

“set fee” refers to fees and charges set by a resolution of the Council and published in the *Government Gazette* in accordance with the Act;

“single funeral permit” means a permit issued by the Council in accordance with clause 22 which entitles the holder to conduct a funeral at the cemetery for the deceased persons named in the permit.

**ADMINISTRATION**

3. The CEO, subject to the direction of the Council, shall exercise general supervision and control over all matters concerning the administration of the cemetery and the carrying out and enforcement of these local laws and all directions of the CEO shall be deemed to have been given by order of the Council.

4. A plan of the cemetery showing the distribution of the land, compartments, section, situation and number of grave, and a register of all certificates of rights of burial shall be kept at the office of the Council.

**RIGHTS OF BURIAL**

5. Graves within the cemetery shall be either private or public.

6. A private grave is one in respect of which an exclusive right of burial has been granted by Council.

7. A public grave is one for which the land has been granted free of charge by the Council. The Council retains all rights and powers in respect of a public grave as were held by the Council prior to the grant.

8. The Council may, upon the written application of a person and upon payment of the set fee issue that person with a Grant of Exclusive Right of Burial in a specified area of the Cemetery.

9. A Grant of Exclusive Right of Burial shall be for a term of twenty-five (25) years from the date of issue or from the date of burial if the set fee has been pre-paid.

10. A Grant of Exclusive Right of Burial confers upon the grantee an exclusive right—

(a) to bury the dead bodies of one or more deceased persons in a grave; and

(b) to carry out memorial works on a grave;

during the term of the grant.

11. A grantee may make application to the Council in the form determined by the Council from time to time to transfer a Grant of Exclusive Right of Burial to another person and this may be approved by the Council subject to payment of the set fee.

12. If application is made for interment in any grave of the remains of any person other than the person to whom the grant was issued, or a registered assignee, the written and verified consent of such grantee or assignee shall be produced together with the Grant of Exclusive Right of Burial, or in the case of an assignee, the assignment of the right of burial in the form issued by the Council.

#### **APPLICATION FOR FUNERALS**

13. Any person desiring to inter any dead body in the cemetery shall make an application in the form determined by the Council from time to time and pay the set fee.

14. All applications for interment shall be accompanied by—

- (a) a medical certificate of death; or
- (b) a Coroner's order for burial;

in respect of the body.

15. All applications for interment shall be made at the office of the Council at least twenty four hours prior to the time fixed for burial, otherwise an extra charge shall be made.

#### **DISPOSAL OF ASHES**

16. A personal representative may give directions for the disposal of ashes by lodging an authorisation for disposal at the office of the Council and the Council shall accept such an authorisation as evidence that the person signing the authorisation is in fact entitled to dispose of the ashes, upon payment of the set fee.

#### **TIMES FOR FUNERALS**

17. The hours for burial shall be as follows—

- Monday to Friday—9am to 4pm;
- Saturday—8.30am to 11.30am;

and no burial shall be allowed to take place nor any coffin allowed to enter the cemetery, at any other hour except by permission of Council.

#### **FUNERAL DIRECTORS**

18. A person shall not direct a funeral within the cemetery or otherwise make use of the cemetery for any purpose connected with directing a funeral unless that person is—

- (a) a Funeral Director;
- (b) an employee of the Funeral Director; or
- (c) the holder of a single funeral permit issued in accordance with clause 22.

19. The Council may upon receipt of an application in writing by any person and upon payment of the set fee, issue to the applicant a funeral director's licence in the form determined by the Council from time to time authorising the holder to direct funerals within the cemetery at such times and on such days and subject to such conditions as the Council shall specify upon the issue of that licence.

20. A funeral director's licence shall expire on the 30th day of June in each year, but may be renewed on payment of the set fee.

21. The Council may, by notice in writing to the holder of a funeral director's licence, cancel the licence if the holder of the licence or any employee of the holder, has committed a breach of these local laws, the Act, or any of the conditions upon the licence was issued, or if in the opinion of Council, has behaved in relation to the direction of a funeral, in a manner which is inappropriate or unbecoming.

#### **Single Funeral Permits**

22. The Council may upon receipt of an application in writing by any person, in the form determined by the Council from time to time and upon payment of the set fee issue to the applicant a single funeral permit authorising the holder to direct the funeral of the person named in the permit within the cemetery at such time and subject to such conditions as the Council shall specify upon the issue of that permit.

23. Every application for a single funeral permit made in accordance with clause 22 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

24. The transporting vehicle shall be large enough to completely contain the coffin.

#### **FUNERALS**

25. Every coffin shall have upon the lid an approved metal plate bearing the name of the deceased stamped or otherwise indelibly inscribed in legible characters thereon. Any coffin not complying with this local law will not be admitted to or be interred in the cemetery.

26. Every funeral shall enter by the principal entrance, and no vehicle, except the hearse, and official mourning coaches, shall be permitted to enter the cemetery, or stand opposite the entrance gates.

27. Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

28. A person committing an offence under clause 27 may be forthwith expelled from the cemetery by the CEO or an authorised person.

29. No bicycle shall be ridden within the cemetery.



**BURIALS**

30. The Council shall cause all graves to be dug or to be re-opened as and when required.
31. Every grave shall be at least 1.8 metres deep at the first interment and no interment shall be allowed in any grave with a less depth than one metre from the top of the coffin to the original surface of the surrounding ground.
32. Brick graves, catacombs or vaults may not be constructed within the cemetery.
33. A person shall not disinter a coffin in the cemetery for the exhumation of a dead body unless—
- (a) the exhumation is ordered or authorised pursuant to the Act; or
  - (b) the holder of the Grant of Exclusive Right of Burial has applied in writing to the Council requesting the exhumation and the Council has authorised the exhumation.
34. If for the purpose of re-opening a grave the Council finds it necessary to remove a memorial, edging, tiles, plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

**MEMORIALS AND OTHER WORK**

35. Subject to Clause 36 the Council may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a permit authorising the holder to carry out memorials upon a particular grave specified in the application at such time and on such days and subject to such conditions as the Council shall specify upon the issue of that permit or in these local laws.
36. All applications referred to in clause 35 shall be accompanied by the written consent of the holder of the Grant of Exclusive Right of Burial.
37. The Council may reject any application referred to in clause 35 where it considers the proposed memorial works are inappropriate or unbecoming.
38. Every memorial shall be placed on proper and substantial foundations.
39. The materials used in every memorial shall be subject to the approval of the CEO or authorised person and any material rejected shall be immediately removed from the cemetery by the person erecting the memorial. All refuse or other rubbish remaining after the work is completed shall be immediately removed from the cemetery by the person causing the same.
40. Should any work by masons or others be not completed before 6pm on any day, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.
41. All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.
42. No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Council.
43. Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Council.
44. No permanent wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave.
45. No trees or shrubs shall be planted on any grave except such as shall be approved by the CEO.
46. All workers, whether employed by the Council or by any other person, shall at times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey such directions as the CEO or an authorised person may give.
47. Notwithstanding anything in these local laws to the contrary, the Office of Australian War Graves—
- (a) may place a memorial on a military grave; and
  - (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

**GENERAL****Animals**

48. Subject to clause 49, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery.
49. Clause 48 shall not apply to a hearing impaired person or a person who is blind and or partially blind and is accompanied by a hearing or guide dog.

**Damaging and Removing Objects**

50. Subject to clause 51, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial of which is the property of the Council without the permission of Council.
51. A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Council for that purpose.

**Littering and Damage**

52. A person shall not—
- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
  - (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

**Advertising**

53. A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Council which consent may be granted subject to such conditions as the Council thinks fit.

**Removal from the Cemetery**

54. Any person failing to comply with any provisions of these local laws or behaving in a manner that in the opinion of the Council, the CEO or an authorised person is inappropriate in the Cemetery may in addition to any penalty provided by these local laws be ordered to leave the cemetery by the Council, the CEO or an authorised person.

55. Any person failing to comply with an order to leave the Cemetery made pursuant to clause 54 may be expelled from the Cemetery and shall not re-enter the Cemetery for a period of twenty-four (24) hours.

**OFFENCES AND MODIFIED PENALTY****Offence**

56. A person who commits a breach of any provisions of these local laws commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence is continuing.

**Modified Penalties**

57. (1) A person who—

- (a) receives an infringement notice pursuant to subsection (1) of section 63 of the Act; and
- (b) does not contest an allegation that an offence was committed against these local laws, may within the time specified in the notice, pay to the Council the modified penalty payable with respect to that offence.

(2) The offences and modified penalties prescribed, with respect to offences against these local laws shall be as specified in the First Schedule.

(3) The prescribed form of the notice referred to in section 63 of the Act is set out in the Second Schedule.

(4) The production of an acknowledgment from the Council of the payment of a modified penalty is a defence to a charge of the offence in respect of which that penalty was paid.

(5) If it appears to the Council that an alleged offence cannot be adequately punished by the payment of the modified penalty then the Council may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in a Court of Petty Sessions.

(6) A notice sent under section 63(3) of the Act withdrawing an infringement notice served under section 63(1) in respect of an offence alleged to have been committed against one of the provisions of these local laws shall be in or to the effect of the Third Schedule.

**FIRST SCHEDULE**

*Cemeteries Act 1986*

Shire of Kent

**Local laws relating to the Nyabing and Pingrup Cemetery**

| Item No. | Clause | Nature of Offence                                                | Modified Penalty |
|----------|--------|------------------------------------------------------------------|------------------|
| 1        | 27     | Excessive Speed .....                                            | \$50.00          |
| 2        | 27     | Unauthorised use—driving of vehicles .....                       | \$50.00          |
| 3        | 29     | Riding of bicycle .....                                          | \$20.00          |
| 4        | 39     | Placing and removal of rubbish and surplus materials.....        | \$50.00          |
| 5        | 40     | Leaving uncompleted works in an untidy or unsafe condition ..... | \$50.00          |
| 6        | 48     | Animal at large .....                                            | \$50.00          |
| 7        | 50     | Unauthorised damage and removal of property .....                | \$50.00          |
| 8        | 52     | Dumping of Rubbish .....                                         | \$50.00          |
| 9        | 53     | Unauthorised advertising, and/or trading .....                   | \$50.00          |
| 10       |        | Any other offence .....                                          | \$40.00          |

**SECOND SCHEDULE**

*Cemeteries Act 1986*

Shire of Kent

**Local laws relating to the Nyabing and Pingrup Cemeteries  
INFRINGEMENT NOTICE**

To: .....  
(Name)

.....  
(Address)

It is alleged that at ..... : ..... hours on ..... day of .....  
19..... at .....  
you committed the offence indicated hereunder by an (x) in breach of local law number .....

.....  
(Authorised Officer)

**Offence**

- Animal at large
- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Riding of bicycle
- Unauthorised advertising or trading
- Unauthorised damage and removal of property
- Unauthorised vehicle use
- Other offence .....
- § .....

You may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice to the Shire of Kent, Richmond St, Nyabing, between the hours of 8.00am to 4.30pm Monday to Friday.

If neither the prescribed penalty is paid nor representation is made within the time specified, court proceedings may be instituted against you. Please make cheques payable to Shire of Kent. Payments by mail should be addressed—

The CEO  
Shire of Kent  
Post Office  
Nyabing, WA 6341

**THIRD SCHEDULE**

*Cemeteries Act 1986*

Shire of Kent

**Local laws relating to the Nyabing & Pingrup Cemeteries  
WITHDRAWAL OF INFRINGEMENT NOTICE**

No. ....  
..... Date ...../...../.....

To <sup>(1)</sup> .....  
Infringement Notice No ..... dated ...../...../..... for the alleged offence of <sup>(2)</sup> .....

Penalty <sup>(3)</sup> \$..... is hereby withdrawn.

(Delete whichever does not apply)

\* No further action will be taken

\* It is proposed to institute court proceedings for the alleged offence.

<sup>(1)</sup> Insert name and address of alleged offender.

<sup>(2)</sup> Insert short particulars of offence alleged.

<sup>(3)</sup> Insert amount of penalty prescribed.

.....  
Chief Executive Officer

.....  
Date

APPENDIX 7

Shire of Kent
Nyabing & Pingrup Public Cemeteries
GRANT OF EXCLUSIVE RIGHT OF BURIAL
(Clause 8)

By virtue of the Cemeteries Act 1986, The Shire of Kent in consideration for the sum of ..... dollars
..... cents paid to it by ..... of .....
hereby grant to the said .....
the right of burying bodies in the piece of ground ..... metres long by ..... metres broad in the
\*Nyabing/Pingrup Public Cemetery, lying within the portion of the said cemetery appropriated for the
burial of adherents to the ..... church and numbered .....compartment
..... section ..... on the plan of the cemetery made in pursuance of the said Act.

To hold the same to the said .....
for the period of twenty five years, from the date hereof, for the purpose of burial only.

This grant is issued subject to all local laws and regulations, now or hereafter in force, made, or to be
made under the above Act, or any future Act or Acts.

Dated this ..... day of ..... 199.....

Signed .....
(CEO)

\* Delete those which are not applicable.

To CEO
Shire of Kent

APPENDIX 8

Shire of Kent
Nyabing & Pingrup Cemeteries

To CEO
Shire of Kent

APPLICATION FOR TRANSFER OF GRANT OF EXCLUSIVE RIGHT OF BURIAL
(Clause 11)

I .....
of .....
in consideration of the sum of \$ ..... paid to me by .....
..... of .....
do hereby assign unto the said .....
the Grant of Exclusive Right of Burial in the \*Nyabing/Pingrup cemetery over the piece of ground de-
scribed in the schedule below, which was granted—

\* to me; or

\* to ..... late of
..... deceased, of
whose will I an executor;

by the Grant dated the ..... day of ..... 199..... and all my estate and interest
therein to hold the same unto the said .....
and the remainder of the period for which the same was granted, subject to the conditions on which the
Grant was held immediately before this assignment.

Signed .....
Dated.....

Schedule

Denomination .....
Number .....
Compartment .....
Section .....

\* Delete those which are not applicable

Assignment of the Grant of Exclusive Right of Burial

The above application was approved by the Shire of Kent, on .....

Signed .....
(CEO)

Shire of Kent
Nyabing & Pingrup Cemeteries
APPLICATION FOR SINGLE FUNERAL PERMIT

(Clause 22)

I .....
(Name)
of .....
(Address)
hereby apply for a single funeral permit to direct the funeral of ..... late of
(Name)
(Address)
within the \* Nyabing/Pingrup Public Cemetery on the ..... day of ..... 19.....
at .....

I certify that I have read the local laws relating to the said cemetery, and that I will comply with all the terms and conditions thereof.

The specifications of the coffin to be used are as follows:

Type of Timber or other Material .....

Length ..... metres

Width ..... metres

Depth ..... metres

Details of the vehicle transporting the coffin to the gravesite:

Year .....

Make and Model .....

Permit Approval

The above application was approved by the Shire of Kent on .....

Signed .....
(CEO)

\* Delete those which are not applicable.

Shire of Kent
Nyabing & Pingrup Cemeteries
FUNERAL DIRECTORS LICENCE

(Clause 19)

This licence authorises
..... of
.....

to direct funerals within the \*Nyabing/Pingrup Cemetery in accordance with the Cemeteries Act 1986, and the local laws of the Shire of Kent.

This licence is valid for the period ..... 199..... to 30 June, 19.....

dated this ..... day of ..... 19.....

Signed .....
(CEO)

\* Delete those which are not applicable

Shire of Kent  
**APPLICATION FOR FUNERAL**  
(Clause 13)

\*Nyabing/Pingrup Public Cemeteries

FORM OF INSTRUCTIONS FOR GRAVES AND APPLICATION FOR ORDER FOR BURIAL

1. What denomination .....
2. Name of deceased .....
3. Late residence of deceased .....
4. Rank of deceased .....
5. Age of deceased .....
6. Birth place of deceased .....
7. Minister to officiate .....
8. Day of funeral .....
9. What hour, and if usual or extra .....
10. Number of grave or plan issued .....
11. What depth and other dimensions .....
12. If a family grave .....
13. What depth .....
14. If first of second interment .....
15. Cause of death .....
16. ....

.....  
Signature of (Representative of Funeral Director)

\* Delete those which are not applicable

\_\_\_\_\_

Order received this ..... day of ..... 199..... at .....o'clock

.....  
(CEO)

\_\_\_\_\_

B. J. MORRELL, Shire President.  
I. B. FITZGERALD, Chief Executive Officer.

\_\_\_\_\_

**DOG ACT 1976**

## SHIRE OF KENT

**LOCAL LAW—DOGS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Kent hereby records having resolved on the 4th day of February 1998, to make the following local laws.

**PART I—PRELIMINARY**

1. In these local laws unless the context otherwise requires—

“Council” means the Council of the Shire of Kent.

“Schedule” means a schedule to these local laws.

“Approved” means approved by Council in the form of a building licence.

“Authorised” means a person authorised by the Council to administer the provisions of this local law.

2. The local laws relating to Dogs as adopted by the Shire of Kent and published in the *Government Gazette* on 20 April 1971 are hereby revoked.

**PART II—IMPOUNDING OF DOGS**

3. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976.

4. A dog seized by the Police or by an officer authorised by the Council may be either returned to the owner or detained in the pound.

5. Where a dog has been seized and placed in a pound the keeper of the pound or other officer authorised by the Council shall, if the dog is wearing a registration disc, or the owner or person usually in charge of the dog is otherwise readily identifiable, forthwith notify such person that the dog has been impounded.

6. If the owner or persons apparently acting on behalf of the owner of the dog seized or impounded shall claim such dog then upon payment of the fees determined by the Council from time to time, the dog shall be released to such person.

7. The pound keeper shall be in attendance at the pound for the release of dogs at such time and on such days of the week as shall from time to time be determined by the Council.

8. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the pound keeper or other officer authorised by the Council the ownership of the dog and his authority to take delivery of it. The pound keeper or officer may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Council in respect of the delivery of a dog in good faith.

9. If a dog is not claimed and the said fees paid within 72 hours of its being detained or a dog having a collar around its neck with a registration disk affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the registered owner, the pound keeper or other officer authorised by the Council may sell or otherwise dispose of such dog.

10. Upon the sale of a dog, the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold in pursuance of these local laws shall have no claim against the Council in respect of the process thereof.

11. If within the time mentioned in local law 9 hereof or at any time before the disposal of a dog the dog has not been claimed as aforesaid and the said fees paid and if no offer has been received for its purchase the dog may be destroyed.

12. Notwithstanding anything herein contained but subject to the provisions of subsection (12) of section 29 of the Dog Act 1976 any dog seized or impounded may at any time be destroyed upon the written authority of a registered Veterinary Surgeon, Medical Practitioner or Health Surveyor.

13. If the Council shall destroy a dog at the request of its owner whether such dog shall have been seized or impounded or not, the owner shall pay to the Council the fees determined by the Council from time to time.

14. No person shall—

- (a) unless a pound keeper or other officer of the council duly authorised in that regard, release or attempt to release a dog from the pound.
- (b) destroy, break into, damage or in any other way interfere with or render not dog proof any pound.
- (c) destroy, break into, damage, or in any way interfere with any dog cart vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.



15. No person shall obstruct or hinder an employee of the Council or member of the Police Force in the performance of anything authorised by the provisions of the Dog Act 1976, Dog Act Regulations or these local laws.

16. The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of it of liability to a penalty under any of the provisions of the Dog Act 1976, Dog Act Regulations 1976-1996 or these local laws.

17. Any member of the Police Force and only persons authorised by the Kent Shire Council shall be authorised persons for the purpose of section 29 of the Dog Act 1976.

18. The owner of a dog shall prevent that dog from entering or being in any of the following places—

- (a) a public building;
- (b) a house of worship;
- (c) a food shop or other public business premises;

19. The owner of a dog shall prevent that dog from entering or being in any of the following places unless on a leash held by a person—

- (a) a sports ground;
- (b) a children's playground;
- (c) a car park;
- (d) an area set aside for public recreation within a townsite.

20. Guide dogs are exempt from clauses 18 and 19.

### **PART III—KEEPING OF DOGS**

21. (a) The owner or occupier of any premises within a townsite shall not keep or permit to be kept thereon more than two dogs over the age of three months and the young of those dogs under that age unless such premises are licensed as an approved kennel establishment or have been exempted under 26(3) of the Dog Act.

- (b) Notwithstanding local law 21 (a) the owner or occupier of any premises situated outside a townsite may keep up to six dogs as is reasonably required for the purposes of tendering, mustering and controlling livestock on the property on which such dogs are kept without such premises being licensed as an approved kennel establishment.

22. The establishment alteration, addition or demolition of a Kennel in accordance with the Town Planning Scheme as amended shall not be permitted without prior approval of Council.

### **PART IV—KENNEL LICENSES**

23. (a) An application for a licence to keep an approved Kennel establishment shall be in writing and shall be in or substantially in the form contained in the First Schedule and shall be supported by evidence that due notice of the proposed use of land has been given to persons in the locality.

- (b) Unless the Council otherwise decides an application for a licence shall give notice of the proposed use of the land by—
- (i) not less than one advertisement in a newspaper circulating in the district; and
  - (ii) giving written notice to the owners and occupiers of all adjoining properties, at least thirty days before the application is made to the Council.

24. The fee payable for the issue or renewal of a licence to keep an approved kennel establishment is that determined by the Council from time to time.

25. A person shall not erect an approved kennel establishment unless it complies with the provisions of these local laws and until plans and specifications and a location plan showing the proposed site for the kennel and of the yard appurtenant thereto have been approved by the Council and the fee for a licence determined by the Council from time to time has been paid.

26. The owner or occupier of premises for which an approved kennel establishment licence has been granted shall provide and maintain kennels and yards in accordance with the following specifications—

- (a) each kennel shall have a yard appurtenant thereto;
- (b) each kennel and each yard and every part thereof shall not be at any less distance than 5 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereof shall not be at any less distance than 25 metres from any thoroughfare but where this is impracticable a lesser distance may be approved by Council;
- (d) each kennel and each yard and every part thereof shall not be at any less distance than 10 metres from any dwelling house, church, schoolroom, hall or factory;
- (e) the walls shall be rigid, impervious and structurally sound;
- (f) the roof shall be constructed of impervious material or that approved by the Council;
- (g) all untreated external surfaces or materials shall be painted with good quality paint;
- (h) the lowest internal height shall be at least two metres from the floor;
- (i) each yard shall be securely fenced and kept securely fenced with a fence not less than two metres in height constructed of galvanised steel, timber, galvanised link steel mesh, or other material as approved by the Council;
- (j) all gates shall be provided with proper catches or means of fastening;
- (k) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth











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