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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Donnybrook/Balingup*

#### REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2001

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Donnybrook/Balingup resolved on 27<sup>th</sup> June 2001 to make the following local law.

#### PART 1—PRELIMINARY

##### 1.1 Citation

This local law may be cited as the Shire of Donnybrook/Balingup Removal of Refuse, Rubbish and Disused Materials Local Law 2001.

##### 1.2 Definitions

(a) In this local law, unless the context otherwise requires—

“Act” means the Local Government Act 1995;

“CEO” means the Chief Executive Officer of the local government;

“district” means the district of the local government;

“local government” means the Shire of Donnybrook/Balingup;

“material” means the substance of which things are composed and includes organic and inorganic matter;

“refuse, rubbish or disused material” includes—

(i) any material or thing which is apparently abandoned or unwanted by its owner or the person in possession of it;

(ii) any material or thing which is not being used for its original intended purpose and which has been deposited or stored upon any land for no current purpose other than the deposit or storage;

(iii) any motor vehicle, motor vehicle part, caravan, trailer, boat or other thing or machinery which has been parked, deposited or stored on any land for the purpose of dismantling, breaking up, repair, building or rebuilding;

(iv) any wood, timber, lumber or cuttings, logs or remnants of trees, or chopped, split or chipped wood, deposited, stored;

(v) any trees, scrub, undergrowth or other vegetation;

and any material may be refuse, rubbish or disused material notwithstanding that it may have a commercial value to its owner or the person in possession of it or to the owner or occupier of any land upon which it is deposited or stored;

“served” has the same meaning as defined in section 75 and 76 of the Interpretation Act 1984.

(b) Where in these local laws a duty of liability is imposed on an owner or occupier of land, the duty of liability is imposed jointly and severally on each of the owner or occupier.

#### PART 2—GENERAL

##### 2.1 Clearing of Refuse, Rubbish or Disused Material

If there is on any land, vacant or otherwise within the district, any refuse, rubbish or disused material which, in the opinion of the local government—

(a) is unsightly;

(b) is likely to adversely affect the value of any other land;

(c) is likely to adversely affect the health, safety, comfort, convenience or amenity of the inhabitants of that land or any other land or is likely to cause damage to that land, or any other land, or

(d) results in that land having an appearance which does not conform with the general appearance of other land in the locality;

the local government may cause a Notice under the hand of the CEO or his or her delegate authorised in writing to issue such notice, either generally or in any particular case, to be served on the owner or occupier of that land requiring that owner or occupier as the case may be to clear and remove from the land any refuse, rubbish, or disused material or carry out other works specified in the notice within the time specified in the notice.

A reference in this section to something likely to cause damage includes the likelihood of the happening of that thing or event should there occur a windborne force, rain, storm, tempest, flood or other naturally occurring event.

#### PART 3—PENALTIES

##### 3.1 Serving of Notices

- (a) Any owner or occupier who is served with a notice under clause 2.1 of this local law and who fails to comply with the terms of the notice commits an offence.

Penalty—

- (i) \$5,000.00 and
  - (ii) a daily penalty of \$500.00
- (b) Where an owner or occupier is served with a notice under clause 2.1 of this local law fails to comply with the terms of the notice, the local government is authorised—
- (i) to clear or remove from the land the refuse, rubbish or disused material specified in the notice, and dispose of the same, without payment of any compensation; and
  - (ii) to recover in a court of competent jurisdiction the amount of the local government's expenses in so doing from the owner or occupier who was served with the notice.

Dated 28 August 2001.

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

F. S. DRAKE-BROCKMAN, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

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