

LOCAL GOVERNMENT ACT 1995

Shire Of Ashburton

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2023

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Ashburton resolved on 14 November 2023 to make this local law.

1. Citation

This local law may be cited as the *Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023*.

2. Commencement

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

3. Principal Local Law

In this local law the *Shire of Ashburton Public Places and Local Government Property Local Law 2023* published in *Government Gazette* No: 49 on 28 April 2023 is referred to as the Principal Local Law.

4. Principal Local Law amended

4.1 The Principal Local Law is amended, as detailed in the following subclauses—

- (a) In clause 1.5 Definitions—
 - (i) delete the following bold text “**Liquor Control Act**” and replace with “**Liquor Control Act**”;
 - (ii) within the definition of **permissible verge treatment** delete the reference to clause “8.4(2)” and replace with “7.4(2)”.
- (b) In clause 2.2(3)(b) delete the following word and numbers “Part 37”.
- (c) In the heading of clause 3.3 delete the word “Licence” and replace with “Permit”;
- (d) In clause 3.3(1)(b) delete the word “licence” and replace with “permit”;
- (e) In clause 4.1 Interpretation—
 - (i) in the definition of **portable direction sign** after the word and, delete the following “portable sign means a portable free standing advertising sign.” and;
 - (ii) immediately following the definition of a portable direction sign and before the commencement of clause 4.2 insert the following as a new definition “**portable sign** means a portable free standing advertising sign.”
- (f) Delete clause 5.5, entirely.
- (g) Delete clause 5.11 entirely, and substitute the following in its place—

5.11 Disposal of lost property

- (1) An article left on any local government property may be disposed of by the CEO or an authorised person—
 - (a) in the case of any article of property not claimed within 7 days, that is reasonably believed to be of a realisable value of more than 1% of the amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* but not exceeding the amount prescribed, by handing the property found to the Western Australian Police Force; or
 - (b) in the case of any other article of property found and not claimed within 2 weeks, that is reasonably believed to be of less value than that in subclause (a)—
 - (i) by donation to a not for profit body located in the district, incorporated under the *Associations Incorporations Act 2015*; or
 - (ii) if likely to be of no interest to a not for profit body located in the district, in any manner thought fit.
- (2) Adequate records shall be kept of articles of lost property disposed.
 - (h) In clause 7.4(5) delete the reference to clause “8.5” and replace with the reference to clause “7.5”.
 - (i) In clause 8.2(2) after the word “animal” insert the words “, other than a cat”.
 - (j) In clause 8.2(2)(b) delete the full stop, after the word disease.
 - (k) In clause 11.8(1) delete “Schedule 3” and replace with “Schedule 2”.
 - (l) In clause 11.8(2) delete “Schedule 3” and replace with “Schedule 2”.
 - (m) In clause 1.1 of Schedule 1—Determinations, within the definition of local law delete the reference to “2022” and replace with “2023”.
 - (n) In the third column of Schedule 2—Prescribed offences, in Item 4 delete the word “licence” and replace with “permit”; and
 - (o) delete Item number 11 of Schedule 2—Prescribed offences, entirely.

Dated: 16 November 2023

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

AUDRA R. SMITH, Shire President.
KENN DONOHUE, Chief Executive Officer.