

LOCAL GOVERNMENT ACT 1995

SHIRE OF YILGARN

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Shire of Yilgarn resolved on 20th February 2025 to make the following local law.

PART 1—PRELIMINARY

1. Citation

This local law may be cited as the *Shire of Yilgarn Removal of Refuse, Rubbish and Disused Materials Local Law 2025*.

2. Commencement

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

3. Interpretation

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

Act means the *Local Government Act 1995*;

district means the district of the Shire of Yilgarn;

local government means the Shire of Yilgarn;

refuse, rubbish or disused material includes—

- (a) any material which is abandoned or unwanted by its owner or the person in possession of it;
- (b) any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit storage;
- (c) any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up;
- (d) any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property;

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 the owner or occupier of any property upon which it is deposited or stored;

served has the same meaning as defined in section 75 and 76 of the *Interpretation Act 1984*;

vacant property means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

- (2) Where in this local law a duty of liability is imposed on an owner or occupier of land, the duty or liability is imposed jointly and severally on each of the owners or occupiers.

PART 2—NOTICE FOR REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS

4. Clearing of refuse, rubbish or disused material

- (1) Where there is—

- (a) on any vacant property within the district, any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth; or
- (b) on any property within the district other than vacant property any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth which, in the opinion of the local government—
 - (i) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or
 - (ii) results in that property having an appearance which does not conform with the general appearance of other property in the locality,

the local government may cause a notice under the hand of the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the notice within the time specified in the notice.

PART 3—OFFENCES

5. Offences and Penalties

Any owner or occupier who is served with a notice under clause 4 of this local law and who fails to comply with the terms of the notice commits an offence.

Penalty—

- (a) five thousand dollars (\$5,000); and
- (b) a daily penalty of five hundred dollars (\$500).

6. Modified Penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount appearing in the final column of Schedule 1, directly adjacent to a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.

PART 4—RIGHT OF ENTRY

7. Entry into private property

- (1) Where an owner or occupier who is served with a notice under clause 4 of this local law fails to comply with the terms of the notice, the local government is authorised—
 - (a) to clear or remove from the property the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and
 - (b) to recover in a court of competent jurisdiction the amount of the local government’s expenses in doing so from the owner or occupier who was served the notice.
- (2) Power of entry into private property

This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

Schedule 1
OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No	Nature of Offence	Modified Penalty \$
1	5	Failure to comply with notice of breach	250

Dated 20th day of February 2025.
The Common Seal of the Shire of Yilgarn was affixed by authority of a resolution of the Council in the presence of—

Cr WAYNE DELLA BOSCA, Shire President.
NIC WARREN, Chief Executive Officer.