



**LOCAL GOVERNMENT ACT 1995**

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**SHIRE OF ASHBURTON**

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**PUBLIC PLACES AND LOCAL GOVERNMENT  
PROPERTY AMENDMENT LOCAL LAW 2023**

**Version**

Local Law, as published in *Government Gazette* No:153 on 21 November 2023 [pages 3805 to 3806].

# 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.

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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–

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 Audra R Smith  
 Shire President

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 Kenn Donohoe  
 Chief Executive Officer

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