

**LOCAL GOVERNMENT ACT 1995**

Shire of Wagin

**CONTROL OF REFUSE ON BUILDING SITES LOCAL LAW 2001**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Wagin resolved on 20<sup>th</sup> November 2001 to make the following local law.

The City of Armadale Control of Refuse on Building Sites Local Law 2001 as published in the *Government Gazette* of 3rd July 2001, is adopted as a local law of the Shire of Wagin, with the modifications which follows—

1. Preliminary:- Wherever the “City of Armadale” is mentioned in the local law substitute “Shire of Wagin”.
2. Clause 1 Delete “district” in line two and insert “throughout the Townsite of Wagin”.
3. Clause 2 Delete the definition of “building site” and insert “building site” means any lot of land for which a building licence is current, but does not include a lot for which the current building licence is issued in respect only for a pergola, patio, shed or other class 10 building as classified by the Building Code.
4. Clause 2 after “building site” insert the definition “collection” means the collection and removal of rubbish satisfactory to the Council.

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Dated this 20th day of November 2001.

The Common Seal of the Shire of Wagin was affixed in the presence of—

P. I. PIESSE, President.  
M. A. PARKER, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995**

City of Armadale

**CITY OF ARMADALE CONTROL OF REFUSE ON BUILDING SITES LOCAL  
LAW 2001**

Under the powers conferred by Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers, the Council of the City of Armadale resolved on 21<sup>st</sup> May 2001 to make the following local law.

**1. Citation and application**

This local law may be cited as the City of Armadale Control of Refuse on Building Sites Local Law 2001 and shall apply throughout the district.

**2. Interpretation**

In this local law, unless the context requires otherwise—

“**Act**” means the *Local Government Act 1995*;

“**builder**” means the person or persons or firm or corporation who or which shall be the holder of any building licence issued in respect of building works on a building site, and shall also include any person or persons or firm or corporation who or which shall be in effective control of such building site whether or not such person or persons or firm or corporation shall be the holder of such licence;

“**building**” means any structure classified by the Building Code;

“**Building Code**” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with the Code”;

“**building site**” means any lot of land for which a building licence is current, but does not include a lot upon which there exists a commercial, industrial or residential building and—

- (a) the current building licence is issued in respect only of a pergola, patio, shed or other Class 10 building as classified by the Building Code; and
- (b) means of collection and removal of rubbish, satisfactory to the Council but other than that specified within this local law, is in place;

“**construction work**” means any work involving the placement, fitting together, manufacture or erection of the components of a building, and includes pouring of footings and slabs and placement of stumps or other floor supports;

“**Council**” means the Council of the City of Armadale;

“**refuse**” means bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used or discarded matter whatsoever, whether of the same type as, or a different type from, those mentioned here; and

“**street**” means any highway or thoroughfare which the public are entitled to use, and includes every part of the highway or thoroughfare, and other things including bridges and culverts appurtenant to it.

### **3. Provision of refuse receptacles**

Before commencement of any construction work on a building site, the builder shall provide and maintain available for use on the site a refuse receptacle of such design as will—

- (a) contain any refuse likely to be produced on the site; and
- (b) prevent refuse being blown from the receptacle by wind.

### **4. Other responsibilities of the builder**

- (1) From the time of commencement of construction work until the time of completion of such work, the builder shall—
  - (a) at least daily, ensure that all refuse arising on the building site is collected and placed in the refuse receptacle;
  - (b) keep the building site as free as is practicable of any refuse;
  - (c) maintain the street verge immediately adjacent to the building site free of refuse arising from the building site; and
  - (d) ensure the refuse receptacle is emptied when full.
- (2) The builder shall ensure that, within two days of completion of construction, the building site and the street verge immediately adjacent to it is cleared of all refuse and all refuse receptacles are removed from the building site.

### **5. Offences and penalties**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) person who commits an offence under this local law is liable to a penalty of \$5,000 and a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.
- (3) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

### **6. Forms**

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE  
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
3	Failure to provide a refuse receptacle on a building site	500
4(1)(b)	Failure to keep a building site as free as practicable of refuse	250
4(1)(c)	Failure to maintain the street verge adjacent to a building site free of refuse arising from that site	250
4(1)(d)	Failure to ensure a refuse receptacle is emptied when full	250
4(2)	Failure to clear building site two days after completion of construction work	250

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Passed by a resolution of a special majority of the Council of the City Of Armadale at its meeting held on 21<sup>st</sup> May 2001.

Dated this 31<sup>st</sup> day of May 2001.

The Common Seal of the City Of Armadale was hereunder affixed in the presence of—

L. REYNOLDS JP, Mayor.

R. S. TAME, Chief Executive Officer.

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