

LOCAL GOVERNMENT ACT 1995

SHIRE OF WESTONIA

SHIPPING AND/OR SEA CONTAINER LOCAL LAW 2023

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Shire of Westonia resolved on 21st February 2023 to make the following local law.

PART 1 – PRELIMINARY

1.1 CITATION

This Local Law is the Shire of Westonia Shipping and/or Sea Container Local Law 2023

1.2 Commencement

This Local Law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Purpose and effect

1. The purpose of this Local Law is to prescribe the approval process required for the placement of shipping and/or sea containers on residential, commercial and industrial land within the Westonia townsite.
2. The effect of this Local Law is to establish minimum requirements for the placement of shipping and/or sea containers on land within the Westonia townsite.
- 3.

1.4 Application

This Local Law applies to all categories of land within the Westonia townsite.

1.5 Definitions

In this Local Law;

Act means the Local Government Act 1995

Applicant means the person making an application for approval under this Local Law.

Building Surveyor means a building surveyor of the Local Government.

CEO means the Chief Executive Officer of the Local government

Commercial lot means a lot where a commercial use is permitted or will be its predominant use.

Front setback area means the area between the building line of a lot and the front boundary of that lot.

Industrial lot means a lot where an industrial use is permitted and which is its predominant use.

Local government means the Shire of Westonia.

Residential lot means a lot where residential use is permitted and which is its predominant use.

Rural lot means a lot where rural use is permitted and which is its predominant use.

Special rural lot means a lot where special rural use is permitted and which is its predominant use.

Thoroughfare has the meaning given to it by the Act, but does not include a private thoroughfare which is not under the control of the Local Government.

1.6 License fees and charges

All license fees and charges under this Local Law shall be determined by the Local Government from time to time in accordance with section 6.16 of the Act.

PART 2 – APPROVALS

2.1 Application for approval

1. Where a person is required to obtain the approval of the Local Government under this Local Law, that person shall apply through the following method;

(a) the application must be in the form determined by the Local Government

(b) is signed by the applicant and the owner of the lot

© provides all of the information required by the form

(d) be forwarded to the CEO of the Local Government together with the fee imposed by it under and in accordance with sections 6.16 to 6.19 of the Act.

2. The Local government may require the applicant to provide additional information reasonably related to an application before determining an application for approval.

3. The Local Government may refuse to consider any application which is not in accordance with the requirements of 1. And 2. Above.

2.2 Decision on application for approval

(a) The Local Government may – approve the application unconditionally, subject to any conditions, or may refuse the application outright.

(b) The Local Government is to provide the applicant with written advice of any refusal to approve.

© The Local government is to provide the applicant with written advise of its approval.

2.3 Compliance with approval.

Where an application has been approved, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and conditions of that approval.

Unless otherwise stated in the form of approval, such approval granted under this Local law runs with the lot to which it relates, may be relied upon by any subsequent owner of the lot, and may be enforced by the Local Government against the subsequent owners of that lot.

Where the Local Government believes that the Local Law has been breached, the local Government is to provide written notice to the owner specifying details of the breach and providing the owner with a time within which the breach is to be rectified.

PART 3 – GENERAL CONDITIONS

1. Prior to the placement of a shipping and/or sea container on any lot within the Westonia townsite, a Development/Planning application will be required by the Local Government to adequately assess the application.
2. Once approval has been provided, the applicant is make application for a Building License to ensure that the Building Surveyor has oversight of its placement on the lot.
3. This Local Law limits the number of shipping and/or sea containers to one only per lot being a maximum of 6.5 meters for a residential lot and up to 12.5 meters for an industrial or commercial lot.
4. The shipping and/or sea container is to located wholly within the boundaries of the lot subject to the approval, and shall be maintained in a good and orderly condition to the satisfaction of the Local Government.
5. Following approval, the container shall be suitably screened and/or fenced from the road frontage, be located at the rear of the lot and not within the front setback, while meeting setback requirements of the Building Code of Australia classification.
6. The container cannot be located over septic tanks, leach drains or any utilities services or easements, and cannot, under any circumstances, be used as ancillary accommodation.
7. The Local Government may require additional works or measures other than those already mentioned, to properly address any amenity issues that arise from the location of the container.
8. Temporary use of a container on a building site as an office or storage unit is permissible, subject to application and approval by the Local Government. Such approval shall extend for the period of construction of the building only, and shall be removed within 14 days of completion of the building.
9. This Local Law applies retrospectively.

PART 4 – OFFENCES

A person who fails to comply with a notice of breach commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5000, and if the offence is a continuing offence, to a maximum daily penalty of \$500.

A person who fails to comply with or who contravenes any provision of this Local Law commits an offence and is liable on conviction, to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

The common seal of the Shire Of Westonia was affixed by authority of a resolution of Council in the presence of;

Shire President

Chief Executive Officer.