

**LOCAL GOVERNMENT ACT 1995**

*Shire of Westonia*

**WESTONIA HISTORICAL PRECINCT 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 the 21st February 2023 to make the following Local Law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This Local Law is the Shire of Westonia *Westonia Historical Precinct Local Law 2023*.

**1.2 Commencement**

This Local Law comes into effect 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 design of development, including buildings and fencing, within the Westonia Historical Precinct.
2. The effect of this Local Law is to ensure the continuation of historical facades and fencing within the Westonia Historical Precinct.

**1.4 Application**

This Local Law applies to the Westonia Historical Precinct of Wolfram Street between Gold and Kaolin Street and includes the corner lots in Gold, Cement and Kaolin Streets which have a boarder on Wolfram Street.

**1.5 Definitions**

**Act** means Local Government Act 1995

**Applicant** means a 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.

**Front Boundary** means the boundary line between a lot and the thoroughfare upon which that lot abuts.

**Front Fence** means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary.

**Local government** means the Shire of Westonia.

**Lot** has the meaning given to it in the Planning and Development act 2005.

**Schedule** means a Schedule attached to this Local Law.

**Thoroughfare** has the meaning given to it by the Local Government act 1995, but does not include a private thoroughfare which is not under the management and control of the Local government.

**1.6 License Fees and Charges**

All license fees and charges applicable 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—BUILDINGS**

The Local Government is committed to the continuation of its historical façade concept for buildings located within the Westonia Historical Precinct.

New buildings or significant building renovations to existing lots are required to demonstrate design concepts which are sympathetic to existing façade buildings and provide due regard to the amenity of the historical streetscape.

Construction materials will be predominantly timber, corrugated iron and/or weatherboard.

A person shall not, without the written consent of the Building Surveyor, commence any construction within the Westonia Historical Precinct.

**PART 3—FENCES**

Written consent from the Building Surveyor shall be required for the construction of a free standing fence within the Westonia Historical Precinct.

All gates attached to a free standing fence shall open into the lot or, open by a sliding panel on the inside of the fence of which it forms part, when closed.

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, or unsightly to the amenity of the streetscape.

All fences within the Westonia Historical Precinct shall not exceed more than 1200 mm in height.

**PART 4—APPROVALS**

Where a person is required to obtain the approval of the Local Government under this Local Law, that person shall apply for approval in accordance with the following;

- (a) Be in the form determined by the Local Government
- (b) Be signed by the applicant and the owner of the lot
- (c) Provide the information provided by the form, and,
- (d) Be forwarded to the CEO together with any fee imposed and determined by the Local Government under and in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

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

The Local Government may refuse an application which is not in accordance with the requirements outlined in (a), (b), (c), and (d) above.

The Local Government may approve the application unconditionally or subject to applied conditions, and the applicant, owner or occupier of the lot to which the approval relates, shall comply with any terms and/or conditions of that approval.

#### **PART 5—NOTICE OF BREACH**

Where a breach of any provision of this Local Law has occurred in relation to a building development or fence on a lot, the Local Government may give notice in writing to the owner of that lot.

A notice of breach shall specify the provision of the Local Law which has been breached, specify the particulars of the breach, and, state that the owner is to remedy the breach in the time specified in the notice.

Should the owner fail to remedy the breach, the Local Government may, by its employees, agents or contractors, enter upon the lot to which the notice relates, to remedy the breach and recover the expenses of doing so from the owner in a court of competent jurisdiction.

The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry onto land will be in accordance with Part 3 Division 3 of that Act.

#### **PART 6—OFFENCES**

A person who fails to comply with a notice of breach commits an offence and is liable upon 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 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.

Dated this 19th day of May 2023.

The Common Seal of the Shire of Westonia has been affixed by authority of a resolution of the Council in the presence of -;

RODNEY MARK CREES, Shire President.  
ARTHUR WILLIAM PRICE, Chief Executive Officer.