# LOCAL LAW

# HEALTH

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HEALTH ACT 1911

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# SHIRE OF DARDANUP

## HEALTH LOCAL LAWS

PRESENTED AT THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING HELD 5 APRIL 2000

**HEALTH ACT 1911**

# SHIRE OF DARDANUP

# HEALTH LOCAL LAWS 2000

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**HEALTH ACT 1911**

# SHIRE OF DARDANUP
# HEALTH LOCAL-LAWS 2000

Made by the Council of the Shire of Dardanup under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

## PART 1 - PRELIMINARY

**Citation**

1.1 These Local-laws may be cited as the "*Shire of Dardanup Health Local-Laws 2000*".

**Repeal**

1.2 (1) The Health Local Laws adopted by the Shire of Dardanup and published in the *Government Gazette* on 6 August 1948, and amended from time to time are repealed;

(2) The Health Local Laws adopted by the Shire of Dardanup on 13 October 1956 and published in the *Government Gazette* on 21 January 1957, and amended from time to time are repealed; and

(3) The Health Local Laws adopted by the Shire of Dardanup on 31 October 1986 and published in the *Government Gazette* on 9 January 1987, and amended from time to time are repealed.

**Interpretation**

1.3 (1) In these Local-Laws, unless the context otherwise requires -

**"Act"** means *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;

**"adequate supply of water"** means a flow of water of not less than 0.076 litres per second;

**"approved"** means approved by the Council of the Shire of Dardanup;

**"AS"** means Australian Standard published by the Standards Association of Australia;

**"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 that Code.

**"Chief Executive Officer"** means the Chief Executive Officer of the Shire of Dardanup and includes an Acting Chief Executive Officer;

**"Council"** means the Council of the Shire of Dardanup;

**"district"** means the district of the Shire of Dardanup and includes any area placed under the jurisdiction of the Council pursuant to Section 22 of the Act;

**"dwelling house"** means a place of residence or house containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

**"Environmental Health Officer"** means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;

**"habitable room"** means a room used for normal domestic activities; and

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

**"hot water"** means water at a temperature of at least 75 degrees Celsius;

**"Manager, Development Services"** means an Environmental Health Officer appointed by the Council to the office of Manager, Development Services and includes an Acting Manager, Development Services;

**"Medical Officer"** means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

**"public place"** includes every place to which the public ordinarily have access, whether by payment of a fee or not;

**"sanitary convenience"** includes urinals, water closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

**"sewage"** means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

**"sewer"** includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the Council;

**"street"** includes any highway, any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

**"toilet"** means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

**"water"** means drinking water within the meaning of the Australian Drinking Water Guidelines - 1987 as published by the National Health and Medical Research Council; and

**"window"** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local-Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under these Local-Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## PART 2 – SANITATION

*Division 1 - Sanitary Conveniences*

**Interpretation**

2.1.1 In this Part, unless the context otherwise requires:-

**"festival"** includes a fair, function or event;

**"organiser"** means a person -

(a) to whom approval has been granted by the Council to conduct the festival; or

(b) responsible for the conduct of the festival;

**"public sanitary convenience"** means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

**"temporary sanitary convenience"** means a sanitary convenience, temporarily placed for use by -

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

**"urinal"** may be –

(i) an individual stall or wall-hung urinal; or

(ii) each 600mm length of a continuous urinal trough; or

(iii) a closet pan used in place of a urinal.

**Dwelling House**

2.1.2 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting.

**Premises other than a Dwelling House**

2.1.3 (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless -

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by this section are situated within 90m and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins -

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;
(iii) provided with an adequate supply of water supplied by taps located over each basin;
(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
(v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that -
(a) clean toilet paper is available at all times in each cubicle;
(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
(c) each hand wash basin is provided with -
(i) an adequate supply of soap or other hand cleaning substances; and
(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

**Outdoor Festivals**

2.1.4 (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale -
(a) for the first 250 males -
(i) one water closet for each 150;
(ii) one urinal stall for each 50; and
(iii) one hand wash basin for each 50;
(b) for additional males -
(i) one water closet for each 200;
(ii) one urinal stall for each 100; and
(iii) one hand wash basin for each 200;
(c) for the first 250 females -
(i) one water closet for each 40; and
(ii) one wash hand basin for each 50;
(d) for additional females -
(i) one water closet for each 100; and
(ii) one wash hand basin for each 200.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Manager, Development Services.

**Toilets**

2.1.5 Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements -
(a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a Sound Transmission Class of not less than 50 as required by AS1276;
(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

**Temporary Works**

2.1.6 A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

**Maintenance of Sanitary Conveniences and Fittings**

2.1.7 (1) The occupier of premises shall -
(a) keep clean, in good condition and repair; and
(b) whenever required by an Environmental Health Officer, effectively disinfect and clean,
all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall -
(a) keep or cause to be kept in good repair; and
(b) maintain an adequate supply of water to,
all sanitary conveniences including sanitary fittings in or on the premises.

**Ventilation of Toilets**
2.1.8 (1) A toilet in any premises shall be ventilated in accordance with the *Sewage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

**Public Sanitary Conveniences**
2.1.9 (1) A person shall not -
(a) foul
(b) damage or vandalise; or
` (c) write on or otherwise deface,
a public convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
(2) A person shall not live or sleep in the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

**Lighting**
2.1.10 The owner and occupier of a premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

**Installation**
2.1.11 Every sanitary convenience shall be installed in accordance with the requirements of *the Metropolitan Water Supply, Sewerage and Drainage Act 1909* and shall have an adequate supply of water.

*Division 2 - Bathroom, Laundries and Kitchens*

**Bathrooms**
2.2.1 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that -
(a) is adequately lined with an impervious material and has an adequate ceiling;
(b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
(c) is equipped with -
(i) a wash basin; and
(ii) either a shower in a shower recess or a bath.
(2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

**Laundries**
2.2.2 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -
(a) is properly enclosed and roofed;
(b) is adequately lined with an impervious material;
(c) has a minimum floor area of 3 square metres and the minimum width of the room shall be not less than 1.5 metres;
(d) is not a room in which food is stored, prepared, served or consumed; and
(e) is provided with adequate ventilation.
(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have -
(a) either -
(i) two wash troughs; or
(ii) a washing machine and a wash trough; and
(b) a clothes-drying facility comprising either a mechanical clothes dryer or not less than 20 metres of clothesline erected externally.
(3) All wash troughs, sinks and washing machines shall be -
(a) in a laundry and connected to an adequate supply of hot and cold water; and
(b) installed to Manufacturers' specifications,
and all wash troughs shall have a capacity of at least 36 litres.
(4) Sole or multiple units, each being a separate dwelling, shall have -
(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
(b) a separate laundry with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -

(a) not be more than 1220 millimetres wide; and

(b) have a door which when closed shall completely fill the opening.

**Washing or Keeping of Clothes in Kitchens**

2.2.3 A person shall not in any kitchen or other place where food is kept -

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

**Kitchens**

2.2.4 (1) In this section, "a cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres;
and

(c) a sink which shall -

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(4) A cooking facility shall -

(a) be installed in accordance with the requirements of the Office of Energy and the "Manufacturers' Specifications"; and

(b) not be installed or used in any room other than a kitchen.

(5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be-

(a) carried to the outside air as directly as practicable; and

(b) boxed throughout.

(6) Mechanical ventilation shall be maintained in good working order and condition.

## PART 3 - HOUSING AND GENERAL

*Division 1 - Maintenance of Houses*

**Dwelling House Maintenance**

3.1.1 The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall -

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps, which are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even and level in surface and free from cracks and gaps;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Country Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

**Maintenance of Guttering and Downpipes and Disposal of Rainwater**

3.1.2 The owner or occupier of a house shall -

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstructions; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

*Division 2 - Ventilation of Houses*

**Exemption for Short Term Hostels and Recreational Campsites**

3.2.1 This Division shall not apply to short term hostels and recreational campsites referred to in Division 1 of Part 8.

**Overcrowding**

3.2.2 The owner or occupier of a house shall not permit -

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless -

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

**Calculated Sufficient Space**

3.2.3 For the purpose of Section 3.2.2, in calculating the space required for each person -

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

**Ventilation**

3.2.4 (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of -

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS1668.2.

(3) The owner of a house provided with mechanical ventilation or an air-conditioning system shall ensure that the system is -

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied.

(4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the Council may by notice require the owner of the house to -

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) the owner shall comply with a notice under subsection (4).

**Sub-Floor Ventilation**

3.2.5 The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clean of refuse, vegetation, building materials, dirt and the like.

*Division 3 - Water Supply*

**Water Supply**

3.3.1 (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the Council.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.

(3) The water supply to toilets, or for garden use may be from an alternative source, not necessarily drinking water.

**Rain Water Tanks**

3.3.2 The owner or occupier of a house where part of the water supply is drawn from a rain water tank shall-

(a) maintain in a clean condition -
  (i) the roof forming the catchment for the tank; and
  (ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

(c) annually clean any tank, which is used to store water for human consumption;

(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

**Wells**

3.3.3 The owner or occupier of any premises shall not use or permit for human consumption the use of the water from any bore or well unless the bore or well is -

(a) at least 30 metres from any soak or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

**Pollution**

3.3.4 A person shall not deposit on any land, any sewage, offensive matter or any other thing, which may pollute or render unfit for human consumption, water from a well or other underground source.

*Division 4 - Secondhand Furniture, Bedding and Clothing*

**Prohibition of Sale**

3.4.1 A person shall not offer for sale or sell any secondhand furniture, bedding or clothing, which is filthy or infested with vectors of disease.

**Prohibition of Possession**

3.4.2 A dealer in secondhand furniture, bedding or clothing shall not have on any premises used for the operation of the business any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

*Division 5 - Morgues*

**Application and Licensing of Morgues**

3.5.1 (1) All morgues, other than those of any public hospital or any Council or police morgue, shall be licensed annually in accordance with the requirements of this Division.

(2) An application for a licence of a morgue shall be -

(a) made by the applicant;

(b) made in the form prescribed in Schedule (7); and

(c) forwarded to the Chief Executive Officer with the fee as fixed from time to time by Council under Section 344C of the Act.

(3) A licence shall -

(a) be in the form prescribed in Schedule (8); and

(b) expire on 30 June next and after the date of its issue.

(4) A licence shall not be granted in respect of any premises unless -

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
(d) all floors are constructed of an approved impervious material, having a fall to an outlet discharging over a trapped gully; and
(e) the premises are adequately ventilated by direct communication with the outside air.

## PART 4 - WASTE FOOD AND REFUSE

*Division 1 - Liquid Refuse*

**Interpretation**

4.1.1 In this division, unless the context otherwise requires -

**"liquid refuse"** includes swimming pool discharges, all washings from windows, vehicles and carpet cleaning, overflow, bleed off, condensate and drainage from air conditioning equipment including evaporative coolers and other liquid used for cooling purposes;

**Deposit of Liquid Refuse**

4.1.2 A person shall not deposit or cause or permit to be deposited liquid refuse -

(a) on a street;
(b) in a stormwater disposal system; or
(c) on any land or place other than a place or depot duly authorised for that purpose.

*Division 2 - Disposal of Refuse*

**Interpretation**

4.2.1 In this division, unless the context otherwise requires -

**"approved enclosure"** means an enclosure for the storage of receptacles, which complies with Section 4.2.7;

**"building line"** has the meaning given to it in and for the purposes of the *Local Government (Miscellaneous Provisions) Act 1960;*

**"collection day"** means the day of the week on which rubbish and refuse is collected and removed by the Council or its contractor;

**"collection time"** where used in connection with any premises, means the time of the day on which rubbish and refuse is collected and removed from the premises by the Council or its contractor;

**"commercial waste"** means refuse and other rubbish generated by or originating from commercial or industrial premises and includes trade refuse;

**"domestic waste"** means refuse and other rubbish generated by or emanating from residential premises and includes house refuse;

**"public place"** includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

**"receptacle"** where used in connection with any premises means -

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or
(b) a container provided by the Council or its contractor for the deposit, collection and recycling of specific materials;

and supplied to the premises by the Council or its contractor;

**"refuse disposal site"** means land and any related structures or facilities, set apart by the Council under the Act and any other written law, as a site for the deposit of rubbish or refuse;

**"rubbish or refuse"** includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

**"street"** has the same meaning as in the Act;

**"street alignment"** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

**"waste"** means commercial or domestic waste or both as the context requires.

**Receptacles**

4.2.2 An owner or occupier of premises shall -

(a) ensure the premises are provided with a receptacle for the depositing of rubbish or refuse and maintain the receptacle in a serviceable condition;
(b) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
(c) except for a reasonable period before and after collection time, keep the receptacle on the premises and located -
(i) behind the street alignment and so as not to be visible from a street or public place; or
(ii) in such other position as is approved by the Council;
(d) on each collection day at or prior to 6.00am place the receptacle out in the street in a position, prescribed by the Council, where it is visible from the carriageway of the street or the right of way, but so that it does not obstruct any thoroughfare, land, footpath, cycleway or other carriageway and positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the Council.

**Exemption**

4.2.3 (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of Section 4.2.2 (c) or (d).

(2) The Council or Manager, Development Services may grant or refuse, with or without conditions, an application for exemption from compliance under this Section.

(3) An exemption granted under this Section shall state -
(a) the premises to which the exemption applies;
(b) the period during which the exemption applies; and
(c) any conditions imposed by the Council.

(4) The Council may rescind the exemption or from time to time vary conditions imposed by it under this Section by giving written notice of the variation to the person to whom the exemption was given.

**Use of Receptacles**

4.2.4 An owner or occupier of premises shall -
(a) not deposit or permit to be deposited in a receptacle -
(i) more than 70 kilograms of rubbish or refuse;
(ii) hot or burning ash;
(iii) oil, motor spirit or other flammable liquid;
(iv) liquid paint, solvent or other liquid;
(v) bricks, concrete, building rubble, asbestos, earth or other like substances;
(vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
(vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
(viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects;
(ix) cytotoxics, radioactive substances and dangerous chemicals;
(x) sewage, manure, nightsoil, faeces or urine;
(xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
(xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
(xiii) hazardous products including ammunition and flares;
(b) at all times keep the receptacle in a clean condition;
(c) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
(d) take all reasonable steps to prevent -
(i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
(ii) the emission of offensive and noxious odours from the receptacle; and
(e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

**Ownership of Receptacles**

4.2.5 (1) A receptacle supplied by the Council or its contractor, remains the property of the Council or its contractor, as the case may be;

(2) The owner or occupier of a premises supplied with a receptacle remains responsible for any rubbish or refuse placed or deposited in the receptacle until such time as it has been removed by Council or its contractor.

**Damage to Receptacles**

4.2.6 (1) A person shall not -

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by these Local-Laws or as authorised by the Council, remove a receptacle from any premises;

(2) If the receptacle of a premises is damaged, defective, lost or stolen, the owner or occupier of the premises shall notify the Council within 7 days after the event.

**Use of Other Containers**

4.2.7 (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or food premises, the Manager, Development Services may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this Section to deposit rubbish or refuse in a container shall -

(a) unless approved by the Manager Development Services not deposit or permit to be deposited in the container anything specified in Section 4.2.4 (a) (ii) to (xiii);

(b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;

(c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Manager Development Services;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and

(f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall -

(a) ensure that there are a sufficient number of containers provided to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises -

(i) has a close fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and

(f) ensure that each container is emptied at least weekly or as directed by the Manager Development Services.

**Suitable Enclosure**

4.2.8 (1) An owner or occupier of premises -

(a) consisting of more than three (3) dwellings; or

(b) used for commercial or industrial purposes, or a food premises shall if required by the Council provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

(2) An owner or occupier of premises required to provide a suitable enclosure under this Section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this Section, a "suitable enclosure" means an enclosure -

(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Council;

(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Council;

(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth, non-slip and impervious floor -
(i) of not less than 75 millimetres in thickness; and
(ii) which is evenly graded to an approved liquid refuse disposal system;
(e) which is easily accessible to allow for the removal of the receptacles;
(f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the Council; and
(g) provided with a tap connected to an adequate supply of water.

**Building Construction**

4.2.9 (1) During all periods of construction on any building site, the builder shall –
(a) when requested by an environmental health officer, provide and maintain on such site a rubbish disposal bin, being either –
(i) a bin of not less than 4 cubic metres in capacity; or
(ii) a receptacle or other container approved by the Manager, Development Services;
(b) keep such site free of rubbish and offensive matter; and
(c) maintain the street verge immediately adjacent to such site free of rubbish or offensive matter.

(2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all rubbish, waste materials and offensive matter and all rubbish bins provided by the builder.

(3) In subsections (1) and (2), "rubbish" includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter.

**Deposit of Refuse**

4.2.10 (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) The driver of a vehicle, upon entering a refuse disposal site, shall present or display a current pass issued by the Council, to the attendant or person in charge of the site and shall not deposit any rubbish or refuse until authorised to do so by that attendant or person in charge.

(3) A person shall not deposit rubbish or refuse in or on a refuse disposal site except -
(a) at such place on the site as may be directed by the person in charge of the site; or
(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

**Removal from Refuse Disposal Site**

4.2.11 (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Council.

(2) A person who obtains approval from the Council shall comply with any conditions imposed by the Council and set out in the approval.

**Removal of Rubbish from Premises or Receptacle**

4.2.12 (1) A person shall not remove any rubbish or refuse from premises unless that person is -
(a) the owner or occupier of the premises;
(b) authorised to do so by the owner or occupier of the premises; or
(c) authorised in writing to do so by the Council.

(2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

(3) Where the Council provides -
(a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the Council in relation to that collection;
(b) a collection for bulk material, the occupier of premises shall comply with and observe the directions given by the Council in relation to that collection.

(4) Where additional collection services are provided upon request by the occupier of premises, fees as prescribed by the Council shall be paid.

**Burning Rubbish or Refuse**

4.2.13 (1) A person shall not -

(a) without the approval of the Council; and

(b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either -

(i) in any incinerator; or

(ii) on the ground.

(2) Subject to subsection (3), an approval of the Council is issued subject to the following conditions -

(a) the material to be burnt -

(i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and

(ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the Council's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place -

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;

(d) an incinerator must meet the standards specified in A.S.1875-1976; and

(e) an incinerator unit used for fire must be located -

(i) so as to comply with the requirements of any Bush Fires Notice, made under Section 25B of the Bush Fires Act 1954, as published in the Government Gazette from time to time.; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the Fire Rules of the Local Fire Brigade issued by the Fire and Emergency Service Authority of WA the Council may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

**Rubbish Removal Vehicles**

4.2.14 A vehicle used by the Council or its contractor for the collection and transport of rubbish shall -

(a) be provided with a compartment in which all rubbish shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and

(b) have a cover over the compartment at all times when the vehicle is engaged in the transport of rubbish.

**Method of Removal of Rubbish**

4.2.15 A person engaged in the removal of rubbish from premises shall -

(a) convey all rubbish from the receptacles of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold the rubbish; and

(b) replace the receptacle in the position it was lifted from.

**Rubbish Disposal – Prescribed Area**

4.2.16 The townsites of Dardanup, Burekup and Eaton and the localities of Padbury Fields and Copplestone are the prescribed areas within which the provision of Section 112A of the Act shall operate and have effect.

*Division 3 - Transport of Butchers' Waste*

**Interpretation**

4.3.1 In this Division, unless the context otherwise requires -

**"butchers' waste"** includes animal skeletons, rib cages from a boning room and the inedible products of an abattoir.

**Restriction of Vehicles**

4.3.2 A person shall not use, for the transport of butchers' waste -

(a) a vehicle or container not approved by the Council; or

(b) a vehicle used for the transport of food or drugs; or

(c) anything intended to be used for the packing or handling of food or drugs.

**Transport of Butchers' Waste**

4.3.3 (1) A person shall not transport butchers' waste other than in -

(a) a compartment complying with the following specifications -

(i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;

(ii) all joints to be sealed and made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious material approved by Council, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a sealed container fitted with a lid, which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are -

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to -

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

## PART 5 - NUISANCES AND GENERAL

*Division 1 - Nuisances*

**Interpretation**

5.1.1 In this Division, unless the context otherwise requires -

**"fertiliser"** includes manure.

**Footpaths etc. to be kept clean**

5.1.2 An owner or occupier of premises shall maintain in a clean condition any footpath, pavement, area or right of way immediately adjacent to the premises.

**Escape of Smoke etc.**

5.1.3 (1) Subject to subsection (2), an owner or occupier shall not cause or permit the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

**Public Vehicles to be kept clean**

5.1.4 The owner or person in control of a public vehicle shall -

(a) maintain the vehicle at all times -

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environment Health Officer, thoroughly clean and disinfect the vehicle as directed.

**Prohibition against Spitting**

5.1.5 A person shall not spit -

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

**Transportation, Use and Storage of Offal, Blood or other Offensive Matter**

5.1.6 (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

(2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.

(3) Every person using any sealed containers or vehicle for the removal of offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

**Use or Storage of Fertiliser**

5.1.7 An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any
- (a) pig manure;
- (b) human faeces; or
- (c) urine.

**Storage and Dispatch of Artificial Fertiliser**

5.1.8 An owner or occupier of premises where fertiliser is stored in bulk for sale shall -
- (a) keep all artificial fertiliser in a building -
  - (i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
  - (ii) that protects it from the absorption of moisture; and
  - (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser despatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

**Storage of Fertiliser in a House**

5.1.9 The owner or occupier of a house where fertiliser or compost is stored or used shall -
- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost -
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by an Environmental Health Officer.

**Vehicles Used for Transporting of Animals and Birds**

5.1.10 No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

*Division 2 - Keeping of Animals and Birds*

**Interpretation**

5.2.1 In this division, unless the context otherwise requires -

**"animal"** includes cats, dogs, rabbits and ferrets; and

**"bird"** includes galahs, parrots, budgerigars, finches, pigeons and doves.

**Cleanliness**

5.2.2 An owner or occupier of premises, excluding an extensive farming premises, in or on which an animal or bird is kept shall -
- (a) keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an Environmental Health Officer, clean and disinfect the premises;
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

**Animal Enclosures**

5.2.3 (1) A person shall not keep or cause or permit to be kept any animals or birds on premises, which are not effectively drained.

(2) The owner or occupier of premises, where animals or birds are kept shall, when directed by the Council, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

**Cats**

5.2.4 (1) Subject to subsection (6), a person shall not, without an exemption in writing from the Council, keep more than 2 cats over the ages of 3 months on premises on any land within the District.

(2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of subsection (1).

(3) the Council shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this Section shall specify -

(a) the owner or occupier to whom the exemption applies;

(b) the premises to which the exemption applies; and

(c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under subsection (3) may be required by Council to:

(a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following-

(i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and

(ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;

(b) ensure every shelter and enclosure is situated at a distance of not less than -

(i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;

(ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;

(c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.

(6) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

**Slaughter of Animals**

5.2.5 (1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to:

(a) euthanasia of animals by veterinarians or other duly authorised persons;

(b) slaughter of animals for the purposes of pet meat and game meat operations; and

(c) slaughter of animals for human consumption in abattoirs approved by the Council.

**Disposal of Dead Animals**

5.2.6 (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

(2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall immediately remove the carcass for its disposal at an approved disposal site.

(3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

*Division 3 - Keeping of Large Animals*

**Interpretation**

5.3.1 In this Division, unless the context otherwise requires -

**"approved animal"** includes a horse, cow or large animal the subject of an approval by Council under Section 5.3.2;

**"cow"** includes an ox, calf, or bull;

**"horse"** includes an ass, mule, donkey or pony; and

**"large animal"** includes a pig, sheep, goat, deer or camel.

**Conditions for keeping of an animal**

5.3.2 (1) An owner or occupier of premises, within a townsite shall not keep a horse, cow or large animal on those premises without approval of the Council.

(2) An owner or occupier of premises who has an approved animal shall ensure -

(a) the premises has an area of not less than 0.2 hectares for the exclusive use of the approved animal; and

(b) the approved animal does not approach within 30 metres of a dwelling.

**Stables**

5.3.3 (1) The owner or occupier of premises within a townsite, who has an approved animal shall provide for its use a stable which shall -

(a) not be situated within 30 metres of a house or other premises;

(b) have a proper separate stall -

(i) for each horse or cow; and

(ii) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subsection (2);

(iii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subsection (2);

(c) have each wall and roof constructed of an approved impervious material;

(d) have a roof that covers the entire floor area of the stall;

(e) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(f) subject to subsection (2), have a floor, the upper surface of which shall -

(i) be at least 75 millimetre above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials;

(iii) have a fall of 1 in 100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the Council.

(2) A stable constructed with a sand floor may be permitted by the Council, subject to the following-

(i) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;

(ii) a 300mm thick bed of crushed limestone shall be layed under the sand of the stable

(iii) sand, whether natural or imported, must be clean, coarse and free from dust;

(iv) footings to each stable shall be a minimum of 450mmbelow ground level;

(v) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;

(vi) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;

(vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall

(3) The owner or occupier of any premises on which a stable is located shall -

(a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;

(b) keep all parts of the stable so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.

**Manure Receptacle**

5.3.4 An owner or occupier of premises on which an approved animal is kept shall -

(a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

(d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

*Division 4 - Keeping of Poultry and Pigeons*

**Interpretation**

5.4.1 In this Division, unless the context otherwise requires -

**"poultry"** includes bantams, ducks and other domestic fowls;

**Limitation on Numbers of Poultry and Pigeons**

5.4.2 An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of Council, on any one lot of land.

**Conditions for Keeping Poultry in Limited Numbers**

5.4.3 A person who keeps poultry or permits poultry to be kept shall ensure that -

(a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;

(c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;

(e) no poultry is able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance;

(f) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and

(e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

**Roosters, Geese, Turkeys, Peafowl's and Gamebirds**

5.4.4 (1) An occupier of premises within a townsite, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following fowl -

(a) a rooster;

(b) a goose or gander;

(c) a turkey;

(d) a peacock or peahen;

(e) a gamebird (includes emus and ostriches)

(2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1) of this section.

(3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.

(4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

**Pigeons or Doves**

5.4.5 A person who keeps, or permits to be kept, pigeons or doves shall ensure that -

(a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and

(b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that -

(i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and

(ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and

(ii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

**Removal of Non-Conforming Structure or Enclosure**

5.4.6 (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provision of Section 5.4.3 and 5.4.5, the Council may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Council under this Section.

**Restrictions on Pigeon Nesting or Perching**

5.4.7 (1) The Council may order an owner or occupier of a house in or on which pigeons which are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the Council order under this Section.

*Division 5 - Feedlots*

**Interpretation**

5.5.1 For the purpose of this division -

**"feedlot"** means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

**"animal"** includes sheep, lambs, goats, deer, cattle and buffalo;

**"birds"** includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

**Premises to be approved**

5.5.2 (1) No premises shall be used as a feedlot unless approved by Council;

(2) Subject to subsection (3), no premises shall be approved as a feedlot by Council unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of Council, if Council is satisfied that approving the feedlot will not give rise to a health nuisance.

**Table 1.** Required Buffer Distances for Feedlots

| Buffer | |
|---|---|
| Townsite boundaries | 5 000m |
| Isolated rural dwellings, dairies and industries | 1 000m |
| Public roads and recreation areas | 100m |
| Neighbouring rural property boundaries | 50m |
| Major water course and water impoundments | 300m |
| Bores, wells or soaks used for drinking, stock or irrigation | 300m |
| Minor water courses | 100m |

**Site Conditions**

5.5.3 (1) The owner or occupier of the approved feedlot shall ensure the premises -

(a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;

(b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;

(c) has a minimum groundwater clearance of 3 metres;

(d) drainage diverts all uncontaminated stormwater from the general waste stream;

(e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust, which may involve -

(a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or

(b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or

(c) provision of adequate windbreaks to effectively prevent the discharge of dust.

*Division 6 - Piggeries*

**Interpretation**

5.6.1 For the purpose of this division -

**"intensive piggery"** means pigs are housed, fed and watered in breeding and growing pens in sheds;

**"piggery"** in relation to premises shall include any portion of premises to which the pigs have access.

**Premises to be Approved**

5.6.2 (1) No premises shall be used as a piggery unless approved by Council;

(2) Subject to subsection (3), no premises shall be approved as a piggery by Council unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of Council, if Council is satisfied that approving the piggery will not give rise to a health nuisance.

**Table 2.** Required Buffer Distances for Piggeries

| Buffer | |
|---|---|

| | |
|---|---|
| Townsite boundaries..... | 5 000m |
| Isolated rural dwellings, dairies and industries..... | 1 000m |
| Public roads and recreation areas..... | 100m |
| Neighbouring rural property boundaries..... | 50m |
| Major water course and water impoundments..... | 300m |
| Bores, wells or soaks used for drinking, stock or irrigation..... | 300m |
| Minor water courses..... | 100m |

**Site Conditions**

5.6.3 The owner or occupier of premises shall take effective measures to prevent the discharge of dust, which may involve -

(a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
(b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
(c) provision of adequate windbreaks to effectively prevent the discharge of dust.

**Prevention of Nuisances**

5.6.4 In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances listed in Table 3.

**Table 3.** Required Buffer Distances for Intensive Piggeries

| | Townsite Boundaries | Isolated rural dwellings, dairies, industries | Public roads, recreation areas | Neighbouring rural property boundaries | Surface water supply catchments | Water-courses/rural water impoundments | Bores/wells /soaks Drinking water supply | Stock irrigation supply |
|---|---|---|---|---|---|---|---|---|
| Piggeries & facilities catering for more than 5000 pigs | 5000m | 300m | 200m | 50m | not permitted | 300m | 300m | 100m |
| 500-5000 pigs | 3 500m | 300m | 150m | 50m | not permitted | 300m | 300m | 100m |
| 50-500 pigs | 2 000m | 300m | 100m | 50m | not permitted | 300m | 300m | 100m |
| less than 50 pigs | 500m | 300m | 50m | 50m | not permitted | 200m | 300m | 100m |
| Land used to dispose of raw or partly treated wastes | 1 000m | 300m | 100m | 300m | not permitted | 300m | 300m | 300m |
| Land used to dispose of effectively treated wastes | 200m | 50m | 20m | 20m | not permitted | 100m | 100m | 100m |

*Division 7 - Car Parks*

**Interpretation**

5.7.1 In this Division, unless the context otherwise requires -

**"car parks"** means premises, or part of premises, set aside for parking of 3 or more vehicles; and
**"occupier"** means a person having the charge, management or control of a car park.

**Ventilation**

5.7.2 (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -

(a) natural ventilation; or
(b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

(2) If, in the opinion of the Council, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to -

(a) provide a different or additional method of ventilation; and
(b) cease using the car park until it is properly ventilated.

(3) An occupier shall comply with a notice under subsection (2).

**Exhaust Air Discharge Points and Exhaust Registers**

5.7.3 An owner or occupier shall ensure that -

(a) all exhaust air that is discharged from a car park shall be discharged -
(i) at discharge points -

(A) in accordance with AS1668.2 Part 2 1991;
and
(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1668.2 Part 2 1991;
(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;
(b) exhaust registers are located as far as possible from the source of supply air;
(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
(d) any mechanical ventilation system is -
(i) maintained in good working condition; and
(ii) in operation at all times when the car park is in use.

## PART 6 - PEST CONTROL

*Division 1 - Flies*

**Interpretation**

6.1.1 In this Division, unless the context otherwise requires -

**"flies"** means any of the two-winged insects constituting the order Diptera commonly known as flies.

**Fly breeding matter not to be left on Premises unless Covered or Treated**

6.1.2 An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

**Measures to be taken by an Occupier**

6.1.3 An owner or occupier of premises shall ensure that -
(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
(b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
(c) lawn clippings used on gardens as mulch are raked out thinly;
(d) fertilisers are dug well into the soil;
(e) compost heaps are kept well covered;
(f) barbecues are kept clean and free from food scraps;
(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
(h) excrement from pets is collected and properly disposed of without delay.

**Officer may give Notice directing Measures to be Taken**

6.1.4 Where in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, the Environmental Health Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Environmental Health Officer are necessary to -
(a) control the prevalence;
(b) effect the eradication; or
(c) effectively prevent the breeding;
of flies.

**Council may Execute Work and Recover Costs**

6.1.5 (1) Where -
(a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,
the Council may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the Council in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Council under this Section.

*Division 2 - Mosquitoes*

**Interpretation**

6.2.1 In this Division, unless the context otherwise requires -

**"mosquitoes"** means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

**Measures to be taken to prevent mosquitoes breeding**

6.2.2 (1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall -

(a) follow any direction of an Environmental Health Officer for the purpose of
  (i) controlling the prevalence of mosquitoes;
  (ii) eradication; or
  (iii) effectively preventing the breeding of mosquitoes.
(b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in, or about the premises.

(2) An owner or occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall -

(a) frequently change the water; and
(b) keep the water clean and free from vegetable matter and slime.

(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.

(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

**Council may Execute and Recover Costs**

6.2.3 (1) Where-

(a) a person is required under this division or directed by a notice given under Section 6.2.2. to execute any work; and
(b) that person fails or neglects to comply with the requirement,

the Council may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

(2) The costs and expenses incurred by the Council in the execution of a power under Section (1) may be recovered in a court of competent jurisdiction from that person.

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in Section (1) in relation to any action taken by the Council.

*Division 3 - Rodents*

**Interpretation**

6.3.1 In this Division, unless the context otherwise requires -

**"rodents"** means those animals belonging to the order Rodentia and includes rats, mice and rabbits but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

**Measures to be taken to eradicate Rodents**

6.3.2 (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

**Food and Wastes to be kept in rodent proof Receptacles**

6.3.3 A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises -

(a) any food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or

(b) any food intended for birds or other animals,

unless it is contained in a rodent proof receptacle or a compartment, which is kept effectively, protected against access by rodents.

**Restrictions on the Sale or Keeping of Rats**

6.3.4 (1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises –

(a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by –

(a) a university or school;

(b) a person approved by Council; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in subsection (2), which keeps rats, shall -

(a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rat.

**Food Premises etc. to be cleaned after Use**

6.3.5 An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises has been used on that day or, if the use extends after midnight, then immediately after that use.

**Restrictions on materials affording harbourage for Rodents**

6.3.6 (1) An owner or occupier of premises shall cause –

(a) any part of the premise; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

*Division 4 - Cockroaches*

**Interpretation**

6.4.1 In this Division, unless the context otherwise requires -

**"cockroach"** means any of the various orthopterous insects commonly known as cockroaches.

**Measures to be taken to eradicate Cockroaches**

6.4.2 (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

*Division 5 - Argentine Ants*

**Interpretation**

6.5.1 In this Division, unless the context otherwise requires -

**"Argentine Ant"** means an ant belonging to the species Irdomyrmex humilis.

**Measures to be taken to keep premises free from Argentine Ants**

6.5.2 An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall -

(a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
(b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
(c) whenever required by an Environmental Health Officer -
  (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
  (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

*Division 6 - European Wasps*

**Interpretation**

6.6.1 In this Division, unless the context otherwise requires -

**"European Wasp"** means a wasp Vespula germanica.

**Measures to be taken to keep premises free from European Wasp Nests**

6.6.2 An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall -

(a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
(b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

*Division 7 - Bee keeping*

**Interpretation**

6.7.1 In this Division, unless the context otherwise requires -

**"bees"** means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

**Restrictions on keeping of Bees in Hives**

6.7.2 (1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the Council.

(2) If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.

(3) A person shall comply with a direction within the time specified.

*Division 8 - Arthropod Vectors of Disease*

**Interpretation**

6.8.1 In this Division, unless the context otherwise requires -

**"Arthropod vectors of disease"** includes -

(a) fleas (Siphonaptera);
(b) bedbugs (Cimex lectularius);
(c) crab lice (Phthirius pubis);
(d) body lice (Pediculus humanus var. corporis); and
(e) head lice (Pediculus humanus var capitis).

**Responsibility of the Owner or Occupier**

6.8.2 The owner or occupier of premises shall -

(a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

## PART 7 - INFECTIOUS DISEASES

*Division 1 - General Provisions*

**Requirements for an owner or occupier to clean, disinfect and disinfest.**

7.1.1 (1) The Council or an Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest -

(a) the premises; or

(b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

**Environmental Health Officer may disinfect or disinfest premises**

7.1.2 (1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other Council officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other Council officer or other person to carry out the direction given under subsection (1).

(3) The Council may recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this Section.

**Insanitary houses, premises and things**

7.1.3 (1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.

(3) Where an Environmental Health Officer considers that -

(a) a house or premises is not being maintained in a sanitary condition; or

(b) any thing is insanitary,

the officer may, by notice in writing, direct, as the case may be -

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

**Medical Officer may Examine Persons**

7.1.4 The Medical Officer may enter any house and examine bacteriologically or otherwise any inmate of the house, or any person found thereon at the time, for the purpose of ascertaining whether the inmate or person is suffering from an infectious disease or is a medium for the transmission of an infectious disease, and the person shall submit to an examination and shall permit the medical officer to remove whatever specimens are considered necessary for proper examination.

**Medical Officer may authorise disinfecting**

7.1.5 (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person shall comply with any direction of the Medical Officer under this Section.

**Persons in contact with an infectious disease sufferer**

7.1.6 If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house -

(a) shall obey such instructions or directions as the Council or the Medical Officer may issue;
(b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer otherwise directs.

**Declaration of infected house or premises**
7.1.7 (1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.
(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Environmental Health Officer.

**Destruction of infected animals**
7.1.8 (1) The Manager, Development Services, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and that all steps be taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of -
(a) in the manner and within the time specified in the notice; and
(b) by the person in whose possession, or upon whose premises, the animal is located.
(2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

**Disposal of a body**
7.1.9 (1) An occupier of premises in or on which is located the body of a person who has died of any infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
(2) A body shall not be removed from premises where death occurred except to a morgue.

**Council may carry out work and recover costs**
7.1.10 (1) Where -
(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
(b) that person fails or neglects to comply with the requirement,
that person commits an offence and the Council may carry out the work or arrange for the work to be carried out by another.
(2) The costs and expenses incurred by the Council in the execution of a power under this Section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).
(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1)(a) in relation to any action taken by the Council under this Section.

*Division 2 - Disposal of used Condoms and Needles*

**Disposal of used condoms**
7.2.1 (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are -
(a) placed in a sealed impervious container and disposed of in a sanitary manner; or
(b) disposed of in such a manner as may be directed by the Council.
(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

**Disposal of used needles**
7.2.2 A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

## PART 8 - LODGING HOUSES

*Division 1 - Registration*

**Interpretation**
8.1.1 (1) In this Part, unless the context otherwise requires -
**"bed"** means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

**"bunk"** means a sleeping berth comprising one of two arranged vertically;

**"dormitory"** means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

**"keeper"** means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

**"lodger"** means a person who obtains, for hire or reward, board or lodging in a lodging house;

"**lodging house"** includes a recreational campsite, a serviced apartment and a short-term hostel.

**"manager"** means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

**"recreational campsite"** means a lodging-house -

(a) situated on a campsite principally used for --

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions.

and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days;

and includes youth camps, youth education camps, church camps and riding schools;

**"register of lodgers"** means the register kept in accordance with Section 157 of the Act and this Part;

**"resident"** means a person, other than a lodger, who resides in a lodging house;

**"serviced apartment"** means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

**"short term hostel"** means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

**"vector of disease"** means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

**Lodging House Not to be Kept Unless Registered**

8.1.2 A person shall not keep or cause, suffer or permit to be kept a lodging house unless -

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the Council under Section 8.1.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either -

(i) the keeper; or

(ii) a manager who, with the written approval of an Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house;

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

**Application for Registration**

8.1.3 An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule (1);

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by -

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specification of the lodging house.

**Approval of Application**

8.1.4 The Council may approve, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate in the form prescribed in Schedule (2).

**Renewal of Registration**

8.1.5 A person who keeps a lodging house, which is registered under this Part, shall -

(a) during the month of June in each year apply to the Council for the renewal of the registration of the lodging house; and
(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

**Notification upon Sale or Transfer**
8.1.6 If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Council written notice in the form prescribed in Schedule (3) of the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

**Revocation of Registration**
8.1.7 (1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason, which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds -

(a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
(b) that the keeper has -
  (i) been convicted of an offence against these local laws in respect of the lodging house;
  (ii) not complied with a requirement of this Part; or
  (iii) not complied with a condition of registration;
(c) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered;

(3) Before revoking the registration of a lodging house under this section, the Council shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

*Division 2 - Construction and Use Requirements*

**General Construction Requirements**
8.2.1 The general construction requirements of a lodging house shall comply with the Building Code and the Act.

**Kitchen**
8.2.2 A keeper of a lodging house shall provide in that lodging house a kitchen which -

(a) has adequate -
  (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  (ii) refrigerator space for storage of perishable goods;
(b) may be required by Council to comply with the requirements of the *Health (Food Hygiene) Regulations 1993.*

**Dining Room**
8.2.3 The keeper of a lodging house shall provide in that lodging house a dining room -

(a) located in close proximity to, or combined with, the kitchen;
(b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
(c) which shall be -
  (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  (ii) provided with a suitable floor covering.

**Lounge Room**
8.2.4 The keeper of a lodging house shall provide in that lodging house a lounge room -

(a) with a floor area of -
(i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person; or
(ii) where the lounge room is combined with a dining room - not less than 1.2 square metres per person,
but in either case having a minimum of 13 square metres; and
(b) which shall be -
(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
(ii) provided with a suitable floor covering.

**Sanitary Conveniences**

8.2.5 (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises -
(a) toilets; and
(b) bathrooms, each fitted with a shower, bath and wash basin,
in accordance with the requirements of the Building Code.

(2) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall -
(a) be situated, separated and screened as to ensure privacy;
(b) be apportioned to each sex;
(c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
(d) be provided with adequate electric lighting.

(6) paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

**Laundry**

8.2.6 (1) A keeper shall -
(a) subject to subsection (2) --
(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
(b) at all times maintain each laundry in a proper sanitary condition and in good repair;
(c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section --
**"laundry unit"** means a group of facilities consisting of --
(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
(c) either an electric drying cabinet or not less than 30 metres of clothes line,
and for which a hot water system is provided that --
(d) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
(e) has a delivery rate of not less than 18 litres per minute to each washing machine.

**Fire Prevention and Control**

8.2.7 (1) A keeper shall -
(a) in each passage of the lodging house provide an emergency light -
(i) in such a position and of such a pattern, as shall be approved by an Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;

(c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times;

(d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Fire and Emergency Service Authority of WA and approved by the Council.

**Obstruction of Passages and Stairways**

8.2.8 A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on -

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

**Fitting of Locks**

8.2.9 A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

**Restriction on use of Rooms for Sleeping**

8.2.10 (1) Subject to subsection (3) and Section 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Environmental Health Officer.

(2) For the purpose of this Section, two children under the age of 10 years shall be counted as one lodger.

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

**Sleeping Accommodation, Short Term Hostels and Recreational Campsites**

8.2.11 (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than -

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide -

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to Council's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide -

(a) beds with a minimum size of-

(i) in short term hostels - 800millimetres x 1.9 metres; and

(ii) in recreational campsites - 750 millimetres x 1.85 metres.

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall -

(a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;

(b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of any short term hostel or recreational campsite shall ensure that-

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows-

| | |
|---|---|
| drapes, curtains, blinds and bed covers | - maximum Flammability Index of 6; |
| upholstery & bedding | - a maximum Spread of Flame Index of 6; |
| | - a maximum Smoke Developed Index of 5; and |
| floor coverings | - a maximum Spread of Flame Index of 7; |
| | - a maximum Smoke Developed Index of 5; |

Fire retardant coatings used to make a material comply with these indices must be-

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and

(ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;

(d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

**Furnishing etc. of Sleeping Apartments**

8.2.12 (1) The keeper shall -

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed -

(i) has a bed head, mattress and pillow; and

(ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) The keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

**Ventilation**

8.2.13 (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

**Numbers to be Placed on Doors**

8.2.14 (1) A keeper shall, place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be -

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or by other legible means.

*Division 3 - Management and Care*

**Keeper or Manager to Reside in the Lodging House**

8.3.1 Whenever there is one or more lodgers in a lodging house, a keeper or manager shall -

(a) reside continuously in the lodging house; and

(b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

**Register of Lodgers**

8.3.2 (1) A keeper shall keep a register of lodgers in the form prescribed in Schedule (4).

(2) The Register of lodgers shall be -

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

**Keeper Report**

8.3.3 A keeper shall, whenever required by the Council, report to the Council in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night.

**Certificate in Respect of Sleeping Accommodation**

8.3.4 (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule (6).

(2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this Section to occupy the room to which it refers.

**Duplicate Keys and Inspection**

8.3.5 Each keeper and manager of a lodging house shall -

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purpose of inspection by the Officer.

**Room Occupancy**

8.3.6 (1) A keeper shall not -

(a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments -

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that -

(i) has not been certified for that purpose; and

(ii) the Council or Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this Section, two children under 10 years of age shall be counted as one lodger.

**Maintenance of a Room by a Lodger or Resident**

8.3.7 (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall -

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean and sanitary condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean and sanitary condition.

**Cleaning and Maintenance Requirements**

8.3.8 (1) In this Section -

**"bed linen"** includes sheets, pillowcases, mattress protectors and mattress covers.

(2) A keeper of a lodging house shall -

(a) maintain in a clean, sound and undamaged condition -

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order -

(i) all fixtures and fittings; and

(ii) windows, doors and furniture;

(c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;

(d) whenever there are one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;

(e) ensure that -

(i) all bed linen, towels, and house linen in use is washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed, which has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedheads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;

(f) when so directed by an Environmental Health Officer, ensure that -

(i) a room, together with it contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(I) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

**Responsibilities of Lodgers and Residents**

8.3.9 A lodger or resident shall not -

(a) use any room available to lodgers -

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;

(c) use a bath or wash hand basin other than for ablutionary purposes;

(d) use a bathroom facility or fixture for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept -
(i) wash or permit the washing of clothing or bedding; or
(ii) keep or permit to be kept any soiled clothing or bedding;
(h) subject to Section 8.3.10 -
(i) keep, store, prepare or cook food in any sleeping apartment; or
(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
(j) store or keep items other than personal effects -
(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

**Approval for storage of food**

8.3.10 (1) An Environmental Health Officer may -
(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## PART 9 - OFFENSIVE TRADES

*Division 1 - General*

**Interpretation**

9.1.1 In this Part, unless the context otherwise requires -
**"occupier"** in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;
**"offensive trade"** means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments -
(a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;
(b) laundries, dry cleaning premises and dye works;
(c) any trade as defined by Section 186 of the Act; and
(d) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and
**"premises"** includes houses.

**Consent to Establish an Offensive Trade**

9.1.2 A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule (9) and in accordance with Council's Town Planning Scheme.

**False Statement**

9.1.3 A person who makes a false statement in an application under Section 9.1.2 shall be guilty of an offence.

**Registration of Premises**

9.1.4 An application for the registration of premises pursuant to Section 191 of the Act shall be-
(a) in the form prescribed in Schedule (10);
(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976* as amended from time to time; and
(c) lodged with the Chief Executive Officer.

**Certificate of Registration**
9.1.5 Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form prescribed in Schedule (11).

**Change of Occupier**
9.1.6 Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

**Alterations to Premises**
9.1.7 While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

**Occupier Includes Employee**
9.1.8 Where in any Section contained in this Part; a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

*Division 2 - General Duties of an Occupier*

**Interpretation**
9.2.1 In this Division, unless the context otherwise requires -

**"occupier"** means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

**"the premises"** means those premises in or upon which an offensive trade is carried on.

**Cleanliness**
9.2.2 The occupier shall -

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
(c) keep the premises free from any unwholesome or offensive odour arising from the premises;
(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

**Rats and Other Vectors of Disease**
9.2.3 The occupier shall -

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
(b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

**Sanitary Conveniences and Wash Basins**
9.2.4 The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and wash hand basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

**Painting of Walls etc.**
9.2.5 The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

**Effluvia, Vapours, Gases or Dust**
9.2.6 The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

**Offensive Material**
9.2.7 The occupier shall -
(a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one-day;
(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
(d) cause the contents of the receptacles to be removed from the premises at least once in every working day and at such more frequent intervals as may be directed by an Environmental Health Officer; and
(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

**Storage of Materials**
9.2.8 The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.

**Specified Offensive Trade**
9.2.9 (1) For the purposes of this Section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises -
(a) fish processing premises, fish curing premises, and shellfish and crustacean processing establishments; and
(b) laundries, dry cleaning premises and dye works.
(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall -
(a) cause the floor of the premises to -
(i) be properly paved and drained with impervious material;
(ii) have a smooth surface; and
(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;
(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
(c) cause all liquid refuse to be -
(i) cooled to a temperature not exceeding 26 degrees Celsius and be in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
(ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

**Directions**
9.2.10 (1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
(2) The occupier shall comply with any directions given under this Section.

**Other Duties of Occupier**
9.2.11 In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades conducted on the premises.

*Division 3 - Fish Premises*

**Interpretation**
9.3.1 In this Division, unless the context otherwise requires -

**"fish premises"** may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment;

**Duties of an Occupier**

9.3.2 The occupier of a Fish premises shall -

(a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;

(b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and

(c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

**Disposal of Waste**

9.3.3 The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be -

(a) placed in the receptacles referred to in Section 9.2.7 and disposed of in accordance with that Section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

**Fish Containers**

9.3.4 The occupier of a fish premises shall not allow any container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

*Division 4 - Laundries, Dry Cleaning Establishments and Dye Works*

**Interpretation**

9.4.1 In this Division, unless the context otherwise requires -

**"dry cleaning establishment" -**

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

**"dye works"** means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste there from, into a public sewer;

**"exempt laundromat"** means a premises in which -

(a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons;

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

**"laundromat"** means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

**"laundry"** means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

**Receiving Depot**

9.4.2 An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Council who may at any time by written notice withdraw such permission.

**Reception Room**

9.4.3 (1) The occupier of a laundry or dry cleaning establishment or dye works shall -

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this Section.

**Walls and Floors**

9.4.4 The occupier of a laundry, dry cleaning establishment or dye works shall cause -

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres with a smooth impervious surface;

(b) the floor to be constructed of concrete and finished with a smooth impervious surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

**Laundry Floor**

9.4.5 The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

**Escape of Dust**

9.4.6 The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

**Precautions Against Combustion**

9.4.7 The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

**Trolleys**

9.4.8 The occupier of a dry cleaning establishment shall -

(a) provide trolleys for the use of transporting dirty and clean linen; and

` (b) ensure that each trolley is -

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

**Sleeping on Premises**

9.4.9 A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

## PART 10 - OFFENCES AND PENALTIES

*Division 1 - General*

**Penalties**

10.1.1 (1) A person who contravenes a provision of these Local-Laws commits an offence.

(2) A person who commits an offence under subsection (1) is liable to -

(a) a penalty which is not more than $1,000 and not less than -

(i) in the case of a first such offence, $100;

(ii) in the case of a second such offence, $200; and

(iii) in the case of a third and subsequent such offence, $500; and

(b) if the offence is a continuing offence, a daily penalty that is not more than $100 and not less than $50 for each day during which, the offence continues.

_____

**Schedule 1**
Shire of Dardanup
**HEALTH ACT 1911**
**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To:Chief Executive Officer
Shire of Dardanup

I/We,.....…..
(Full name of applicant/s)
of.....
.....……
(Residential Address of Applicant/s)
apply for the registration of premises situated (or to be situated) at .....
.....
.....
as a lodging house to be classified as-

* a lodging house;
* a short term hostel
* recreational campsite
* serviced apartments

(Specify which is to apply)
and for my name to be entered in the Register as the keeper of a lodging house.

DESCRIPTION OF LODGING HOUSE

Number of stories.....

**Rooms for private use**

| | Number | Area |
|---|---|---|
| Laundries/toilets/bathrooms | ..... | ..... |
| Bedrooms | ..... | ..... |
| Dining Rooms | ..... | ..... |
| Kitchens | ..... | ..... |
| Sitting Rooms | ..... | ..... |
| Other Rooms (Specify) | ..... | ..... |

**Rooms for lodgers**

| | Number | Area |
|---|---|---|
| Bedrooms | ..... | ..... |
| Dining Rooms | ..... | ..... |
| Kitchens | ..... | ..... |
| Sitting Rooms | ..... | ..... |
| Other Rooms (Specify) | ..... | ..... |

**Sanitary conveniences for male lodgers**

| | Number |
|---|---|
| Toilets | ..... |
| Urinals | ..... |
| Baths | ..... |
| Showers | ..... |
| Wash hand basins | ..... |

**Sanitary conveniences for female lodgers**

| | Number |
|---|---|
| Toilets | ..... |
| Baths | ..... |
| Showers | ..... |
| Wash hand basins | ..... |

**Laundry facilities**

| | Number |
|---|---|
| Coppers | ..... |
| Washtroughs | ..... |
| Washing machines | ..... |
| Drying cabinets or clotheslines | ..... |

**Additional details**

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.
(b) The keeper will/will not reside continuously on the premises.
(c) Name and occupation of proposed manager if keeper resides elsewhere-
(d) There will be ..... family members residing on the premises with the manager/keeper.

Application fee of $..... is attached.

.....
(Signature of Applicant/s)

.....
(Date)

**Schedule 2**

Shire of Dardanup

**HEALTH ACT 1911**

**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

This is to certify that the premises situated at .....
are registered as a lodging house and classified as-

* a lodging house;
* a short term hostel
* recreational campsite, or
* serviced apartments.

until 30 June ....., on the following conditions-

1. That....., whose name is entered on the register of keepers of the Shire of Dardanup, continues to be the keeper of the lodging house;
2. That ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. That the certificate of registration is not cancelled or revoked;
4. That the maximum number of rooms to be used as sleeping apartments for lodgers is .....; and
5. That the maximum number of lodgers on the premises shall not exceed.....

This certificate of registration is issued subject to the Health Act and the Shire of Dardanup Health Local Laws and is not transferable.

Dated.....

.....

Environmental health Officer

Fee Received: $.....

**Schedule 3**

Shire of Dardanup

**HEALTH ACT 1911**

**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

To:Chief Executive Officer
Shire of Dardanup

I/We,.....
(Full name of applicant)

of.....
.....
(Residential address of applicant)

am/are the new owner/s of premises situated at.....
.....

which are registered in the name of.....

for the carrying on of the lodging house business.

.....
(Signature of applicant/s)

.....
(Date)

**Schedule 4**
Shire of Dardanup
**HEALTH ACT 1911**
**REGISTER OF LODGERS**

Location of Lodging House.....
.....

| Date of Arrival | Name | Previous address | Signature | Room Number | Date of Departure |
|---|---|---|---|---|---|
| ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... |

**Schedule 5**
Shire of Dardanup
**Health Act 1911**
**LIST OF LODGERS**

TO: The Chief Executive Officer
Shire of Dardanup

The following is the name of every person who resided in the lodging house at.....
.....
on the _____ day of _____ _____

(Signed) _____
(Keeper)

Date: _____

**Schedule 6**
Shire of Dardanup
**Health Act 1911**
**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE**

To:.....
(Name of Keeper)

of.....
(Address of Keeper)

For the registered lodging house situated at:.....
.....
The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

ROOM NUMBER: MAXIMUM OCCUPANCY
.....
.....
.....
.....
.....
.....

Date: _____

_____
Environmental Health Officer

**Schedule 7**
Shire of Dardanup
**Health Act 1911**
**APPLICATION FOR LICENCE OF A MORGUE**

To: Chief Executive Officer
Shire of Dardanup

_____
(Full name in block letters)

of _____
(Residential Address)

apply to licence the premises listed below as a Morgue

Address of premises:.....
.....
Name of premises:.....
.....

Dated this _____ day of _____ _____

_____
(Signature of Applicant)

**Schedule 8**
Shire of Dardanup
**Health Act 1911**
**CERTIFICATE OF LICENCE OF A MORGUE**

This is to certify the following premises is licensed as a Morgue from the

_____ day of _____ until 30th Day of June _____.

Address of premises:.....
.....
Name of Premises:.....
.....

Dated this _____ day of _____ _____

_____
Environmental Health Officer

**Schedule 9**
Shire of Dardanup
**Health Act 1911**
**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive Officer
Shire of Dardanup

I/We,_____
(Full Name of Applicant/s)

of_____
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being

_____
(Description of Offensive Trade)

in or upon _____
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in

_____
(Name of Newspaper)

on _____
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

_____ _____
(Signature of Applicant/s) (Date)

**Schedule 10**
Shire of Dardanup
**Health Act 1911**
**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

To: Chief Executive Officer
Shire of Dardanup

I/We, _____
(Full Name of Applicant/s)

of_____

_____
(Residential Address of Applicant/s)

apply for registration, for the year ended_____

of_____
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely_____
_____
_____
(Description of Offensive Trade)

under the business name of_____

The prescribed registration fee $ _____ is attached.

_____
(Signature of Applicant/s)

_____
(Date)

**Schedule 11**
Shire of Dardanup
**Health Act 1911**
**CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

This is to certify that the premises situated at_____
_____

of which _____is the occupier;

are registered for the carrying on of the trade of _____
_____
_____

Trade Name _____

This registration expires on _____

Dated this _____ day of _____ _____

_____
Environmental Health Officer
Shire of Dardanup

Passed at a meeting of the Council of the Shire of Dardanup held on 5th day of April 2000.

The Common Seal of the Shire of Dardanup was hereunto affixed in the presence of:

on this 5th day of April, 2000

.....
MICHEAL T. BENNETT SHIRE PRESIDENT

.....
MARK L. CHESTER CHIEF EXECUTIVE OFFICER

Consented to ..…….....
EXECUTIVE DIRECTOR
PUBLIC HEALTH

dated this..... day of....., 2000

0112hd2b

**AMENDMENTS**

20th December 2000:

**HEALTH ACT 1911**
**SHIRE OF DARDANUP HEALTH AMENDMENT LOCAL LAWS 2000**

Made by the Council of the Shire of Dardanup under the Health Act 1911.

**Citation**

1) These local laws may be cited as the Shire of Dardanup Health Amendment Local Laws 2000.

**Principal local laws**

2) In these local laws, the Shire of Dardanup Health Local Laws 2000 adopted by Council on 5th April 2000 and as published in the Government Gazette on 6th July 2000 are referred to as the principal local laws.

**Part 2 – Sanitation amended**

3) The principal local laws are amended in Part 2, Division 1 by deleting the words "the Country Water Supply Sewage and Drainage Act 1909" in subsection 2.1.11 and replacing them with the words "the Metropolitan Water Supply, Sewerage and Drainage Act 1909."

**Part 4 – Waste Food and Refuse amended**

4) The principal local laws are amended in Part 4 Division 4 by deleting subsection 4.2.13 (2)(e)(i) and replacing it with a new subsection 4.2.13 (2)(e)(i) which reads "so as to comply with the requirements of any Bush Fires Notice, made under Section 25B of the Bush Fires Act 1954, as published in the Government Gazette from time to time."

**Part 5 – Nuisances and General amended**

5) The principal local laws are amended in Part 5 Division 2 by deleting the word "the" in subsection 5.2.4 (6) and replacing it with the word "than".

Passed at a meeting of the Council of the Shire of Dardanup held on 20th day of December 2000.