



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

4133



PERTH, FRIDAY, 23 AUGUST 1996 No. 118 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, ACTING GOVERNMENT PRINTER AT 3.45 PM

HEALTH ACT 1911

**SHIRE OF CAPEL
HEALTH BY-LAWS 1996**

HEALTH ACT 1911*Shire of Capel***SHIRE OF CAPEL HEALTH BY-LAWS 1996**

Under the powers conferred upon it by the *Health Act 1911*, the Council of the Shire of Capel resolved on 29th March 1996 to make and submit for confirmation by the Executive Director of Public Health and approval by His Excellency the Governor, the following By-laws.

Citation

1. These By-laws may be cited as the "*Shire of Capel Health By-laws 1996*".

Incorporation by Reference

2. (1) In these By-laws "*The City of Perth Health By-law 1993*"—

(a) means *The City of Perth Health By-law 1993* published in the *Government Gazette* on 15 October 1993; and

(b) does not include any amendments that might be made to that by-law.

(2) Subject to the modifications set out in the schedule, *The City of Perth Health By-law 1993* is incorporated with and forms part of these by-laws.

Repeal

3. The Health By-laws of the Shire of Capel, the adoption of which was published in the *Government Gazette* on 8th March, 1957 and amended from time to time, are repealed.

Schedule - By-law 2**Modifications to the City of Perth Health By-law 1993**

ITEM	CLAUSES AFFECTED	DESCRIPTION
1		Delete the words "clause" and "clauses" wherever they occur and replace with "by-law" and "by-laws" respectively.
2	1, 2, 3(1), 65(1)(a), Schedules 6-19	Delete all references to "City of Perth" wherever it appears and substitute "Shire of Capel".
3	3(1), 7(3), 9(b), 20(a), 25(4), 39, 41(b)(ii), 43(b), 45(1), 45(2)(a), 45(2)(d), 46(1)(c), 46(3)(a), 46(3)(b), 50(1)(a), 50(2), 53(1)(iv), 62(c)(ii), 64(2), 69(2)(e)(iii), 69(3)(c), 75(1), 75(2), 77(1), 77(2), 80(2), 82(2), 92(1), 92(2), 111(2), 115(1), 120(2), 121(1), 124(1)(b), 152(2)(d), 155(2), 157(1), 157(2), 160(a)(i), 163(1)(k), 171(3), 176(1)(f), 176(1)(i), 178(1), 193(d), 195(2)(c)(ii), 195(2)(c)(ii), 196(1), 224, Schedules 7, 9, 15 and 18	Delete all references to "Controller of Health Services" wherever it occurs and substitute with "Principal Environmental Health Officer".
4	2	Delete the Repeal Provisions in by-law 2.
5		Delete all references to the "Town Clerk" wherever it appears and substitute with "Shire Clerk".
6	14(2)	Delete by-law 14(2) and substitute with "Every temporary sanitary convenience shall be drained into the public sewer, a properly constructed and maintained bore-hole privy, or treated by an approved chemical method".
7	19	Insert "dwelling" before "house" in the heading of by-law 19 and within by-law 19.
8	27	Delete by-law 27 and replace with: Water Supply 27. (1) The owner of every house shall provide a continuous supply of potable water obtained from: (a) the Water Corporation of Western Australia;

- (b) an underground bore; or
(c) a rainwater storage system with a minimum capacity of 92,000 litres;
and such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.
- 9 34 Delete the reference to "*Health (Licensing of Liquid Waste) Regulations*" and substitute "*Health (Liquid Waste) Regulations 1993*".
- 10 40A Insert after by-law 40:
Prescribed Areas
40A. Under Section 112A of the *Health Act 1911* (as amended). Those areas specified in Schedule 20 are the areas within which the provisions of Section 112A of the Act shall operate and have effect.
- 11 43(a)(i) Delete "70 kilograms" and insert "100 kilograms"
- 12 45(3) Delete the words "receptacle" and "receptacles" whenever they occur and substitute with "container" and "containers" as appropriate.
- 13 47(3) Delete by-law 47(3)
- 14 50(3) Delete whole of by-law 50(3)
- 15 50A Insert after by-law 50:
Rubbish Disposal Charges
50A. Those charges specified in Schedule 21 are to apply to all refuse disposal sites within the Shire of Capel.
- 16 66 In 66(a) - delete "sub by-law 3"
Delete sub-by-law (2) and substitute:
(2) Sub by-law (1) does not apply to:-
(a) euthanasia of animals by veterinarians or other duly authorised persons; and
(b) coded abattoirs within the Shire.
- 17 68 Delete the words "by-law 69" and substitute "by-law 68A"
Delete "pig," from the definition of "large animal".
- 18 68A Insert after by-law 68:
Keeping of animals
68A. (1) Pigs may not be kept within the Shire of Capel except in a Registered Piggery.
(2) An owner or occupier within all Residential zones, as defined under the Town Planning Scheme of the Local Authority, shall not keep a horse, cow or large animal on those premises.
(3) An owner or occupier within all Special Rural zones, as defined under the Town Planning Scheme of the Local Authority, shall not keep a horse, cow or large animal on those premises without the approval of Council.
- 19 69(1) Delete the whole of bylaw 69(1)
- 20 69(2) Delete "An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall -" and substitute "Any stable constructed within the Shire of Capel must comply with the following requirements-"
- 21 69(2)(c)(ii) Delete the word "finish" and substitute "materials".
- 22 71 Delete "an approved animal is kept" and substitute "stable is constructed".
- 23 71(a) Delete "brickfaced inside and outside with cement, steel trowelled to a smooth surface", and replace with "smooth, impervious, durable material that is easily cleanable and".
- 24 72 Delete the definition of "the Prohibited Area".

25	73(1)	Delete 73(1).
26	73(2)	Delete "Outside the Prohibited Area an", and insert "An".
27	73(2)(a), 73(2)(b)	Delete "12" and replace with "20".
28	94(b)(i)	Delete by-law 94(b)(i) and substitute the following "(i) Apply an approved larvicide according to the direction on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer".
29	111(2)	Delete the phrase "under subclause (3)".
30	129	Delete by-law 129 and substitute the following: <p style="text-align: center;">PART 8 - FOODVENDOR Division 1 - Itinerant Food Vendors Interpretation 129. In this part, unless the context otherwise requires "itinerant food vendor" means a person who travels along the road looking for customers and who sells food from his vehicle, parked temporarily on the road, to customers who stop him or come to him while he is so parked.</p>
31	130 - 140	Delete by-laws 130 to 140 inclusive.
32	142 - 145	Delete by-laws 142 to 145 inclusive.
33	146, Schedules 8 & 9	Delete the words "night shelter".
34	179	In the definition of "Offensive Trade" delete by-laws (e), (f) and (g) and replace with "(e) abattoirs; (f) piggeries" and in (b) delete the words "fish marketing premises" and "and fish shops".
35	181(d)	Delete "Perth daily" and substitute "local".
36	182(b)	Delete sub by-law (b) and substitute the following (b) Accompanied by: (i) The fee prescribed in the Offensive Trade (Fees) Regulation 1976 and (ii) A comprehensive management plan; and
37	192	In the second line insert a comma between "order" and "appliances".
38	195(1)(b)	Delete "fish marketing premises" and "and fish shops".
39	202 to 216, 232 to 241	In Part 10 - Offensive Trades, delete "Division 4 - Fish Shops", "Division 7 - Marine Stores", "Division 8 - Premise where Second Hand Rags are Stored or Processed" and "Division 9 - Second Hand Jute Stores".
40	202, 203	After Division 3 - Fat Rendering Premises, insert the following: "Division 4 - Abattoirs Interpretation 202. An abattoir shall conform to the Australian Code of Practice for Construction and Equipment of Abattoirs. Hours of Operation 203. No occupier shall slaughter any animals except between the hours of 7am and 3.30pm without the prior approval of Council."
41	225(1)(a)	Delete the word "provided" and substitute the word "provide".
42	232, 233	After Division 6 - Laundries, Dry Cleaning Establishments And Dye Works, insert the following: "Division 7 - Piggeries Interpretation 232. In this Division, unless the context otherwise requires: "piggery" means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened for purposes of trade, and shall include any portion of the premises to which pigs have access.

Conditions of Registration

- 233.** No premises shall be registered as a piggery unless every portion of such piggery is at least:
- (a) 50 metres from any street or thoroughfare; and
 - (b) 300 metres from any dwelling house, dairy, or other premises where food is prepared for sale.

Sties or Enclosures

- 234.** (1) The occupier of every piggery shall provide either—
- (i) sties and enclosures or
 - (ii) enclosures,
- within which pigs shall be kept.
- (2) Where sties and enclosures are provided—
- (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width
 - (iii) extend the whole length of the sty and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage.
 - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then—
- (a) the fences of such enclosures shall be movable, and
 - (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Environmental Health Officer.

Slaughtering

- 235.** The occupier of any piggery shall not permit any slaughtering of animals on the premises.

Feed

- 236.** The occupier of any piggery shall -
- (a) Not receive, or allow to be received on such premises, any carcase or part of a carcase of a diseased animal;
 - (b) Not feed the pigs upon the flesh or offal of diseased animals;
 - (c) Not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
 - (d) Not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

Fencing and Shelter

237. Every piggery occupier shall -

- (a) Securely fence all the enclosures; and
- (b) Provide in each such closure, sufficient shelter sheds to afford proper shelter for all the pigs that may at any one time be kept in any such enclosure.

Water Supply

238. Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

Feeding Troughs

239. Every such occupier shall -

- (a) Where sties and enclosures are provided under the provisions of sub by-law 234(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
- (b) Where enclosures are provided under the provisions of sub by-law 234(3), provide feeding troughs in every such enclosure;
- (c) Cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage;
- (d) Not permit pigs to be fed other than at the feeding troughs provided in accordance with this By-law;
- (e) Notwithstanding the provisions of paragraphs (a), (b), (c), (d) and (e) of this by-law, be permitted, where pigs are kept continually confined in fully enclosed pens, to use floor feeding with pellets or dry meal, in which case feeding troughs are not required to be provided.

43 Schedules 1 to 5
44 Schedule 19
45 Schedules 20 & 21

Delete Schedules 1 to 5

Delete table and substitute the following table:

Insert Schedule 20 & Schedule 21 as follows:

Schedule 20
PRESCRIBED AREAS

1. Boyanup Townsite:

That area bounded by: Scott Street, Penn Street, Lincoln Street, the western boundary of Lot 99, the western boundary of Lot 1 Bryce Road, the northern boundary of Loc. 2, the Preston River, the north-eastern boundary of Loc. 3, Gray Road, Joshua Brook Road, Armstrong Street, the eastern and southern boundary of Loc. 4402, Preston River, Boyanup Memorial Park, (Lot 40) and Trigwell Road.

2. Capel Townsite:

That area bounded by: Bussell Highway, Widdeson Road, Layman Road, East Road, the eastern and southern boundary of Lot 164, Capel River, the southern boundary of Loc. 2426, the eastern boundary of Lot 1, the southern boundary of Loc 871 and Loc. 1181, Prowse Road, Range Road and the southern boundary of Lot 35.

3. Gelorup:

That area bounded by: Bussell Highway, Centenary Road, Jules Road, Ducane Road, the eastern and southern boundary of Lot 156, the southern boundary of Lot 157, Watkins Road, Hampstead Street and Crowd Road.

4. Special Rural Areas:

- (a) The Gelorup Special Rural area, that is, that area bounded by Bussell Highway, Crowd Road, Hampstead Street, Crowd Road and the western boundaries of Lots 156, 159, 164 Woods Road (unmade) and northern boundaries of Lot 167 Jilley Road, Lot 2 Cokelup Road and Calinup Road;
- (b) Stratham, the area bounded by Fishermans Road, Bussell Highway, Lakes Road, Quambi Drive and Minninup Road;
- (c) Roselea Court that area bounded by Queelup Road, Lot 16 and Lot 46 on the northern boundary, North Boyanup Road and Lot 12 on the southern boundary; and
- (d) Roselif Park that area bounded by Kilpatrick Road, Lots 126, 125 on the western boundary, 271, 357 on the northern boundary, 272, 117 and 118 on the eastern boundary

5. Peppermint Grove Beach:

The area bounded by the Indian Ocean in the west, the Capel River Cut in the north, the Public Works Department Drain Reserve No. 25037 in the east and the north-eastern boundaries of Stirling Loc. 229 and 233 in the south.

Schedule 21**RUBBISH DISPOSAL CHARGES****Interpretation**

51. The deposit of refuse, garbage, rubbish on land set aside by the Council for the purpose shall be subject to a fee as follows:

- | | |
|---|-------------|
| (a) Cars, utilities, vans & trailers exceeding 1.8m x 1.2m x 0.61m (domestic waste without tip pass) | \$10.00 |
| (b) Cars, utilities, vans & trailers and not exceeding 1.8m x 1.2m x 0.6m (non -domestic refuse) | \$15.00 |
| (c) All commercial trailers and other trailers exceeding 1.8m x 1.2m x 0.61m | \$20.00 |
| (d) Trucks not exceeding 2 tonnes aggregate weight | \$25.00 |
| (e) Trucks 2-4 tonnes aggregate weight | \$30.00 |
| (f) Trucks 4-6 tonnes aggregate weight | \$35.00 |
| (g) Trucks 6-8 tonnes aggregate weight | \$40.00 |
| (h) Trucks exceeding 8 tonnes aggregate weight with single axle | \$50.00 |
| (i) Trucks exceeding 8 tonnes aggregate weight with dual axle | \$85.00 |
| (k) Compactor vehicles—load capacity not exceeding 3m ³ | \$35.00 |
| (l) Compactor vehicles—load capacity over 3m ³ —for first 3m ³ plus \$3.00 for each additional m ³ | \$40.00 |
| (m) Bulk bins not exceeding 3m ³ | \$25.00 |
| (n) Bulk bins exceeding 3m ³ but not exceeding 6m ³ | \$30.00 |
| (o) Bulk bins exceeding 6m ³ but not exceeding 10m ³ | \$40.00 |
| (p) Bulk bins exceeding 10m ³ but not exceeding 20m ³ | \$55.00 |
| (q) Car bodies, trailers, small boats, etc | \$40.00 |
| (r) Truck bodies, large equipment | \$70.00 |
| (s) Car/light truck tyres | \$2.00 |
| (t) Truck/tractor tyres | \$5.00 |
| (u) Liquid waste | |
| (i) Animal waste (ie milk waste, tallow, animal processing waste) | \$100/tonne |

- (v) Special burials \$100/hour
- (i) Asbestos waste, fibreglass insulation, medical waste, animal remains & any other waste as determined from time to time by the Principal Environmental Health Officer—labour & equipment
- (ii) Fee for larger burials is based upon actual cost of burial as determined by Council

Provided that Council may permit ratepayers or occupiers of domestic premises within the Shire of Capel to deposit rubbish from a car or utility or single axle trailer free of charge, subject to production of their current identification card issued by the Shire of Capel.

Passed at a meeting of the Council of the Shire of Capel on 29th March, 1996.

The Common Seal of the Shire of Capel was hereunto affixed in the presence of—

W. C. SCOTT, Shire President.
R. G. BONE, Shire Clerk.

Confirmed—

P. PSAILA-SAVONA, Executive Director, Public Health.

Approved by His Excellency the Governor in Executive Council this 13th day of August 1996.

J. PRITCHARD, Clerk of the Council.



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