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HEALTH ACT 1911

TOWN OF KWINANA

**HEALTH (KEEPING OF HORSES AND
EQUINE PREMISES) LOCAL LAWS 1997**

HEALTH AMENDMENT LOCAL LAWS 1997

HEALTH ACT 1911

TOWN OF KWINANA

**HEALTH (KEEPING OF HORSES AND EQUINE PREMISES)
LOCAL LAWS 1997**

Made by the Council of the Town of Kwinana under the *Health Act 1911*.

CITATION

1. These Local Laws may be cited as the *Town of Kwinana Health (Keeping of Horses and Equine Premises) Local Laws 1997*.

INTERPRETATION

2. In these Local Laws, unless the context otherwise requires—

“**approved**” means approved by the Manager Health Services unless otherwise stated.

“**associated building or facilities**” includes a feed room, gear room, shoeing area, hosing down area, lunging yard, rolling yard, Veterinary treatment area, and a vehicle and float storage area used in the keeping, caring or management of horses.

“**Council**” means the Council of the Town of Kwinana.

“**drinking water**” has the same meaning as in the Australian Drinking Water Guidelines 1996, as published by the National Health & Medical Research Council.

“**dwelling house**” means a building used solely for human habitation and also means any part of a building which is designed for use as a self contained unit for living purposes and is solely for human habitation.

“**enclosed area**” means the fenced area of land where horses are permitted access for any purpose.

“**Environmental Health Officer**” means an environmental health officer appointed by the Council under the Health Act and includes any acting or assistant environmental health officer.

“**equine premises**” means any lot or part of a lot of land including buildings and facilities used for the keeping of a horse or horses for any purposes whatsoever.

“**footings**” means the construction by which the weight of the building is transferred to the foundations.

“**free range**” means keeping a horse or any number of horses approved to be kept on a fenced lot, holding or paddock without impediment or restraint allowing horses to graze available pasture and move or range at will.

“**habitable room**” means a room which is designed, constructed, or adapted for the activities normally associated with domestic living and for the purpose—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play room, family room, sun room and the like, but;
- (b) excludes bathrooms, laundries, water closets, spaces such as food storage pantries, walk-in robes, corridors, hallways, lobbies, photographic art rooms, clothes drying rooms and other spaces, of a specialised nature occupied neither frequently nor for extended periods and in any other room not having a major opening.

It shall also include workplaces.

“**horse**” means a Stallion, Filly, Mare, Gelding, Pony, Colt or Foal and includes any Ass, Mule and any beast of whatever description used for burden or draft or for carrying persons.

“**kept intensively**” means the keeping or rearing of horses in excess of those stocking rates recommended by the Department of Agriculture and the requirements of Subsection 3(3).

“**Manager Health Services**” means an Environmental Health Officer appointed by the Council to the Office of Manager Health Services and includes an Acting Manager Health Services.

“**natural shelter**” means a mature tree or a belt of trees.

“**persons**” and the words applying to any person, means any individual and includes a Corporation.

“**rolling yard**” or “**lunging yard**” means a roofed or unroofed area where horses are contained or exercised and may roll after being washed down.

“**schedule**” means a Schedule to this Local Law.

“**scheme**” means the operative Town of Kwinana Town Planning Scheme.

“**shelter**” in relation to stabling of horses means a single walled, roofed building provided on an equine premises for protection of horses from inclement weather.

“**special rural zone and rural zone**” have the meaning as described by the Scheme.

“**stable**” means any building used for the keeping, breeding, caring, feeding and rearing of horses.

“**stable shelter**” in relation to stabling of horses means a 3 or 4 walled and fully roofed structure with or without a concrete floor provided for the substantial protection of horses from inclement weather. Such shelter may be provided and approved in lieu of a stable.

“**stable yard**” means any enclosed area abutting a stable shelter.

“**stall**” means a single compartment for one animal in a stable and shall include a loose box.

“**suitably fenced**” means having a fence of suitable fencing materials and gates surrounding a paddock, which is capable of restraining horses within the enclosed area at all times.

“**vectors 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.

“**waste**” includes matter—

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or

(b) prescribed to be waste.

APPLICATION OF LOCAL LAWS

3. The provisions of these Local Laws do not apply at the exclusion of, but in conjunction with, any other Acts, Regulations, Local Laws, Orders, Codes, or Rules being in force within the Town of Kwinana.

As from and after the date of these Local Laws coming into operation—

- (1) no person shall keep or stable a horse—
 - (i) unless the area is zoned for Rural, Recreation or Special Rural and stables and Equine uses are permitted by the Scheme; and
 - (ii) except on an Equine Premises registered in accordance with the requirements of Section 3 of these Local Laws.
- (2) No person shall keep horses without approved natural shelter, or keep a greater number of horses than that number equal to the number of stalls provided within the stable or single stable shelter for which the lot, landholding or property is registered, or the number of horses permitted to be stabled or kept on the property, landholding or lot with approved natural shelter, except in the instances where the horse is a foal at foot under the age of 12 months. The number of horses permitted will be limited as follows—
 - (i) Landholdings less than 1500m²—horses prohibited;
 - (ii) Landholdings between 1500-2500m²—up to 4 horses may be kept intensively in an enclosed area with stables or stable shelters if the property is serviced with scheme water supplied from a Licensed Water Service Operator.
 - (iii) Landholdings equal to 2500m² but not exceeding 4000m²—up to a maximum of 8 horses may be kept intensively in an enclosed area with stables or stable shelters.
 - (iv) Landholdings equal to 4000m² but not exceeding 5 hectares—the number of horses to be at the discretion of Council, taking into consideration the land holding capability, conservation, groundwater level, proximity to water courses and sources of drinking water intended for human consumption and may be up to but shall not be more than 5 horses at free range in an enclosed area with or without stables, or stable shelters.
 - (v) Landholdings exceeding 5 hectares, the maximum number of horses shall not exceed 1 horse per hectare at free range in an enclosed area.
- (3) numbers of horses in excess of the requirements of Section 3(2) shall be deemed to be kept intensively and may be approved by Council or the Manager Health Services where there is compliance with a Management Plan submitted by the applicant and approved by the Manager Health Services taking into consideration the landholding capability, conservation areas, groundwater level, proximity to water courses and sources of drinking water intended for human consumption, other setback distances or Building Envelopes prescribed in the Scheme and the requirements of these Local Laws.
- (4) notwithstanding the provisions of Sections 3(2) and 3(3)—
 - (i) Council may declare certain areas as areas where horses are prohibited and Equine Premises cannot be located and registered;

EXISTING REGISTERED AND/OR APPROVED EQUINE PREMISES

- (5) nothing contained in Section 3(12), shall adversely affect the right of a person to continue to use an Equine Premises which was previously approved and/or registered by the Council, which contravenes these Local Laws provided that—
 - (i) any existing stable or stable shelter to which these Local Laws apply shall be and be deemed to be registered by Council as an equine premises pursuant to and in accordance with these Local Laws from and inclusive of the date upon which these Local Laws were gazetted;
 - (ii) any equine premises to which these Local Laws apply which fails to comply with the provisions of Section 5 herein, shall be brought into compliance with the provisions of Section 5 within twelve (12) months of the date upon which these Local Laws were gazetted.
 - (iii) Any equine premises and the like to which this Section applies shall in any event be required to comply with the provisions of Section 12 herein and Orders made pursuant thereto.

POWER TO GRANT OR REFUSE AN APPLICATION

- (6) notwithstanding the provisions of Section 3(1) to 3(5) inclusive, where the Council or Manager Health Services is of the opinion after receiving a report that—
- (a) the keeping of a horse or horses on the premises may cause a nuisance, is injurious or dangerous to health, Council or the Manager Health Services may—
 - (i) refuse to grant registration;
 - (ii) refuse to grant renewal of registration;
 - (iii) refuse to grant variation of registration; or
 - (iv) refuse to transfer registration.
 - (b) the keeping of a horse or horses on the premises is not likely to cause a nuisance, or be injurious or dangerous to health, Council or the Manager Health Services may—
 - (i) grant, renew, vary or transfer the registration limiting the number of horses to be kept;
 - (ii) grant, renew, vary or transfer the registration subject to compliance with conditions relating to the requirements of these Local Laws that may be imposed from time to time.

APPLICATION FOR REGISTRATION OF EQUINE PREMISES

- (7) every person required by these Local Laws to register any premises as an equine premises, shall make written application for registration of equine premises substantially in the prescribed form in Schedule 1 and lodge the application with Council, together with the prescribed fee under Section 4 of these Local Laws.

With every application for initial registration, there shall be lodged in respect of the premises for which the registration is applied, such plans, specifications, drawings, Environmental Health Management Plan, such particulars and information as the Manager Health Services may require and include the following details—

- (a) Property location relevant to adjoining lots and adjacent road reserves;
- (b) Property plan showing all existing developments and contour details;
- (c) Water supply details including existing or proposed bores and storage tanks for human or animals;
- (d) Stable, stable shelter and/or natural shelter details including all measurements and construction and tree species.
- (e) On-site sewage treatment systems, effluent disposal areas and other probable sources of pollution including all drains;
- (f) Depth to groundwater (highest known level) and drinking water source location, type of water supply system and storage capacity;
- (g) The type of accommodation and number of employees (if applicable).
- (h) Wetlands and water courses.

If, after being satisfied that the premises comply or can be amended to comply with these Local Laws, the Manager Health Services shall approve such application to register an equine premises with or without conditions relating to the requirements of these Local Laws.

Registration of equine premises shall only be granted in the name of the owner of the property, or an occupier holding a contractual lease over the property from the owner of the land where the horse is kept.

CERTIFICATE OF REGISTRATION

- (8) (a) A Certificate of Registration of an equine premises shall be substantially in the form of Schedule 4.
- (b) A Certificate of Registration (including any conditions) shall be deemed to be renewed upon payment of the renewal of registration fee in accordance with Section 4 of these Local Laws on or before 1 July each year. Registration can be validated by the production of a cash register receipt of the Town of Kwinana for the current year, showing the details of the equine premises and the maximum number of horses permitted to be kept at any one time.
- (c) When requested by an Environmental Health Officer to do so, the owner or occupier shall produce to the Environmental Health Officer the Certificate of Registration and the current year's cash register receipt.

VARIATIONS TO REGISTERED EQUINE PREMISES

- (9) (a) Where the owner or occupier of registered equine premises intends to—
- (i) alter or amend the buildings, facilities or land designed and/or used for the keeping of a horse or horses and equine activities; or
 - (ii) keep a number of horses in excess of the number of horses permitted on the current Certificate of Registration;

The owner or occupier shall make application for variation of registration substantially in the form of Schedule 2 to these Local Laws and lodge the application with Council with the prescribed fee under Section 4 of these Local Laws.

- (b) With every application for variation of Registration, there shall be lodged in respect of the premises for which the registration is applied, such plans, specifications, drawings, Environmental Health Management Plan, such particulars and information as the Manager Health Services may require in accordance with these Local Laws.

- (c) If, after being satisfied that the premises comply or can be amended to comply with these Local Laws, the Manager Health Services shall approve such application to vary the registration with or without conditions relating to the requirement of these Local Laws.
- (10) The Registration shall be deemed to be invalid where the buildings, the facilities or the number of horses have been altered or increased without approval.

SALE OF PREMISES AND TRANSFER OF REGISTRATION

- (11) (a) Any person in whose name an equine premises is registered who wishes to sell that premises and/or to have the same transferred to the proposed owner/or occupier, then the holder of the registration shall make application substantially in the form of Schedule 3 to these Local Laws and such application shall be lodged with the Council together with the prescribed fee under Section 4 of these Local Laws within seven (7) days of the date of sale or lease of the property.
- (b) Upon receipt of the application to transfer the registration, the premises may be inspected by an Environmental Health Officer and reported upon in respect of such matters as required by these Local Laws.
- (c) If, after being satisfied that the premises comply or can be amended to comply with these Local Laws, the Manager Health Services shall approve such application to transfer with or without conditions relating to the requirements of these Local Laws and the Equine Premises shall be registered in the name of the proposed owner or occupier.

ANNUAL RENEWAL OF REGISTRATION

- (12) (a) Upon receipt of an application to renew the registration, the premises may be inspected by an environmental Health Officer and reported upon in respect to such matters as are required by these Local Laws.
- (b) If, upon such application for renewal of registration and a report being submitted by the Environmental Health Officer, it shall appear to the Manager Health Services that such application for renewal of registration is able to be granted, then provided the prescribed registration fee under Section 4 has been paid, the Manager Health Services after being satisfied the premises comply or can be made to comply with these Local Laws, shall renew the registration of such premises with or without conditions relating to the requirements of these Local Laws, as an equine premises.
- (c) Subject to sub-section 12(iii), a Certificate of Registration (including any conditions) shall be deemed to be renewed upon payment of the renewal of registration fee in accordance with Section 4 of these Local Laws on or before 1 July each year. Registration can be validated by the production of a cash register receipt of the Town of Kwinana for the current year, showing the details of the equine premises and the maximum number of horses permitted to be kept at any one time—
- (i) Registration of an equine premises shall be applied for annually on or before 1 July each year and, subject to the Act and to the provisions of these Local Laws, have effect for one (1) year from that date.
 - (ii) If the equine premises has not been altered and the maximum number of horses has not been increased since the previous registration of an equine premises, it is sufficient compliance with sub-section 12(c)(i) if the fee prescribed under Section 4 of these Local Laws is paid to the Town of Kwinana on or before 1 July each year accompanied by written notification of the address of the equine premises, the maximum number of horses kept on the premises, and the name of the owner and/or occupier, as the case may be.
 - (iii) Where sub-section 12(c)(ii) applies, the production of the previous Certificate of Registration of an equine premises, together with a receipt issued by the Town of Kwinana for the current year's fee prescribed under Section 4 of these Local Laws is sufficient to validate compliance.
- (d) With every application, renewal, variation and transfer of the registration, there shall be paid to the Town of Kwinana by the person whom such application is made, a prescribed fee in accordance with Section 4 of these Local Laws.

PRESCRIBED FEES

4. Where fees are required to be paid for registration, renewal, variation or transfer of a registration, the fee shall be imposed by Council when adopting the budget and at such other times in accordance with Section 344C of the "Health Act 1911."

REQUIREMENTS FOR THE CONSTRUCTION OF STABLES AND STABLE SHELTERS

5. Every stable or stable shelter in respect to which an application is made and for which an application is approved, must fulfil all the following requirements prior to such registration, renewal, variation of transfer of registration being granted by the council or Manager Health Services—

- (1) (a) the construction of the stables or stable shelter and its situation with respect to adjacent buildings shall comply with the Building Code of Australia and the Town of Kwinana Town Planning Scheme but the Council or Manager Health Services may, if it is fitting, waive strict compliance with this requirement with respect to any stable or stable shelter in existence prior to the date of these Local Laws coming into force, except for Section 5(2)(a) to 5(2)(e) inclusive.

- (b) Every stable or stable shelter shall have a floor area of not less than 11 square metres. The upper surface of the floor shall be raised at least 75 mm above the surface of the surrounding ground and shall be constructed of approved impervious material. The floor shall have a fall of 1:100 to an approved drainage system and shall be impervious, except in accordance with sub-sections 5(2)(a) to 5(2)(e) inclusive.
 - (c) Every stable or stable shelter shall have walls to a number and thickness as approved and such walls shall be constructed of new concrete, brick, stone, wood, galvanised iron or other approved (including second hand) material and shall be not less than 2.75 metres when measured both horizontally and vertically, except in accordance with sub-sections 5(2)(a) to 5(2)(e) inclusive.
 - (d) Every stable or stable shelter shall have doors or openings not less than 1.2 metres wide and 2.4 metres high.
 - (e) Every stable or stable shelter shall have a roof constructed of an approved impervious material.
 - (f) Every stable or stable shelter shall be provided with adequate ventilation sufficient to prevent the accumulation of ammonia, stale air and moisture.
 - (g) Every stable or stable shelter shall be located at a distance—
 - (i) not less than 24 metres from the property alignment of a street;
 - (ii) not less than 9 metres from any street in the case of a corner site;
 - (iii) not less than 900 mm from the boundary of a site other than a street boundary, unless the external wall adjoining the boundary is carried up and has a parapet, at least 375 mm in height above the roof or gutter of the building;
 - (iv) not less than 18 metres from any Food Premises, or building used as a dwelling house, whether on the same site, or on any adjoining allotment, or not less than 10 metres from any accommodation for trainers or employees;
 - (v) not less than 30 metres from any bore, well, stream or underground source of water where the water is intended for human consumption and provided that the bore or well is 300 mm above ground level and is capped and sealed with a concrete apron of 1.2m in diameter.
- (2) The construction of any stable or stable shelter with a sand floor may be permitted by the Council or Manager Health Services subject to—
- (a) The site must be well drained with the highest known water table no closer than 2 metres vertical to ground level or sand floor level and no closer than 100 metres horizontal to any drain or water course. This may be achieved by filling and/or by drainage.
 - (b) The sand used for the floor, no matter where obtained, must be clean, coarse and free from dust and clay.
 - (c) Footings to each stable shall be a minimum of 450 mm below ground level.
 - (d) The minimum access is 1.2 metres wide and 2.4m high.
 - (e) The minimum floor area of each stall shall not be less than 11 square metres. Walls shall not be less than 2.75 metres vertically or 3 metres horizontally and shall be covered with new or approved materials.
 - (f) In all other respects, sub-section 5(1) shall apply to a stable or stable shelter.

REQUIREMENTS FOR THE CONSTRUCTION OF EQUINE PREMISES

6. (i) Every building, structure or fence shall be constructed of new materials or materials approved by Council or the Manager Health Services.

(ii) Every enclosed area shall have a fence or railing at a distance of not less than 1.2m from the boundary of any land not in the same occupation and/or possession and not less than 18 metres from any Food Premises, dwelling house or not less than 10 metres from any accommodation for trainers or employees.

(iii) An application for exemption from Section 6(ii) shall be made in writing to the Manager Health Services and may be approved by Council or the Manager Health Services, where adjoining owners or occupiers of premises are not likely to be affected.

(iv) Where an enclosed area abuts a boundary fence, built of unbroken brick work or other approved material with a minimum height of 1.8m, the enclosed area is not required to have a rail 1.2m off the boundary.

(v) Every stable yard shall have a minimum width of 4 metres and a minimum free stable yard area of 21 square metres in addition to the area of the stable or stable shelter.

(vi) Every equine premises shall have a minimum enclosed area of 60 square metres per horse, excluding all other uses or buildings other than a stable or stable shelter.

(vii) The owner or occupier of an equine premises may be exempted in writing from all or part of this Section where Council or the Manager Health Services is satisfied no nuisance is likely to occur after consultation with all contiguous owners and occupiers.

SHELTER, INCLUDING NATURAL SHELTER

7. A shelter in addition to a stable shelter may be erected in an enclosed area, subject to the structure being approved by the Council or Manager Health Services.

(1) A shelter shall have an area of not less than 9 square metres and the roof shall have a minimum clear height of not less than 2.75 metres and shall be constructed with new or approved materials with or without impervious walls, providing the impervious roof is self supportive and the overall structure is structurally sound.

(2) Except that where the shelter is to be provided by "Natural shelter" available for the protection of horses from inclement weather, it shall be approved by Council or the Manager Health Services with or without conditions relating to the requirements of these Local Laws.

(3) Where an owner or occupier wishes to provide a "Natural shelter" in lieu of a shelter, the owner or occupier shall submit a landscape plan with their written application for registration or variation of registration for approval of Council or Manager Health Services.

(4) Where natural shelter is approved, the owner / occupier shall maintain the shelter.

STAFF ACCOMMODATION

8. Trainers and/or employees engaged in the care of horses may be accommodate and be provided with an office within 10 metres of any equine premises or associated building or facilities, if—

- (1) such building or buildings comply with the Building Code of Australia and meet the minimum requirements of a room used for human habitation; and
- (2) such building or buildings are equipped with proper bathroom and sanitary facilities connected to an approved waste treatment system and drinking water supply obtained from a Licensed water service operator or any other source approved by the Manager Health Services and such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.

WASTE AND MANURE MANAGEMENT, CONTROL OF NUISANCES AND VECTORS OF DISEASE

9. (1) Waste and manure shall not be permitted to accumulate on any premises unless it is stored or treated so as not to create a nuisance.

(2) The owner and/or occupier of any equine premises shall cause—

- (a) to be provided outside each stable, stable shelter or stable yard, a mobile or free standing manure bin or waste receptacle which is constructed to prevent the entry of vectors of disease.

The manure bin or waste receptacle shall be of a size, number and construction and be situated at not less than 18 metres from any dwelling house, or 10 metres from a habitable room on the same lot where provided, pursuant to Section 8 or where required by an Environmental Health Officer.

- (b) All manure and waste including soiled bedding shall be removed daily from stables, shelters, stable yards and enclosed areas and stored in a manure bin or waste receptacle or disposed of in an approved manner.
- (c) The contents of such manure bin or receptacle shall be removed from the premises at no greater interval than 7 days or as often as directed by an Environmental Health Officer.
- (d) Where the receptacle for manure or waste is constructed of brick, it shall be faced with concrete or with other approved impervious material and shall be provided with a tight fitting impervious cover making the receptacle inaccessible to vectors of disease.

(3) Notwithstanding sub-section 9(2), alternative methods of waste and manure collection, storage and disposal which effectively control nuisances and vectors of disease may be approved by Council or the Manager Health Services.

(4) Manure may only be harrowed into land which is at least 30 metres from any bore, well or stream, 100 metres from any wetland, and/or 2 metres from the highest known groundwater level.

CONTROL OF VECTORS OF DISEASE

10. (1) The owner and/or occupier of any equine premises shall ensure that conditions favourable to the breeding and/or existence of vectors of disease and are not permitted to exist.

(2) Every equine premises shall have approved impervious receptacles for the storing of horse feed so that it is inaccessible to rodents and any other vectors of disease.

(3) Any other associated building or facility shall not be closer than 10 metres to any dwelling house and any building shall be constructed of brick, concrete, stone, or good quality iron, with a concrete floor so as to prevent the harborage of vectors of disease.

Paddock and Landholding Areas

11. An enclosed area consisting of a paddock or landholding used for the keeping of horses without a stable or stable shelter shall only be approved by Council or the Manager Health Services in an area zoned Rural under the Scheme and where such Rural use is the permitted use; and

- (a) the paddock or holding shall be provided with natural shelter and be suitably fenced. The fence shall be kept in good order and repair at all times, to prevent any nuisance arising;
- (b) the paddock or holding shall not be less than 18m from any house, school, Place of Worship or Food Premises.

HYGIENE AND WELFARE STANDARDS FOR THE KEEPING OF HORSES

12. The owner and/or occupier of any equine premises shall—

- (a) not keep, or permit or suffer to remain, on the premises or land, any matter whatsoever which is unwholesome or from which an offensive smell arises, or any matter or thing in such a condition or used or kept in such a manner, as to be dangerous, injurious or prejudicial to health;
- (b) spray or cause to be sprayed with a National Registration Authority registered residual pesticide, any surface of any building, shelter, stable, stable shelter, enclosed area or associated buildings or facilities if required in writing by the Environmental Health Officer to do so;
- (c) employ all means and adopt such precautions as may be necessary to keep the stable, stable shelter, associated buildings and facilities, yards, enclosed areas or equine premises including all fences, in a clean and sanitary condition, in good order and repair, as far as possible, free from flies, rodents, vectors of disease, dust, offensive odours or any accumulation of decomposing organic fluid, solid matter or stagnant water and prevent any drinking water supply from being polluted.

13. Medical and Veterinary biological wastes, syringes and needles and like matter shall be stored in a leakproof container with a securely fitting lid and disposed of at an approved sanitary waste disposal site, or as directed by the Manager Health Services.

14. Where any horse dies, the carcass shall be disposed of at an approved sanitary waste disposal site, or as directed by the Manager Health Services.

BEACHES AND PUBLIC PLACES

15. Where a person exercises a horse on any beach, public place or reserve, the person in control of the horse at the time shall be responsible for removing any faecal matter deposited by animals under their care and control prior to leaving the beach, public place or reserve.

16. A person shall only dispose of horse manure from a horse float or other vehicle used for transporting horses from or to an equine premises, beach, public place or reserve, at an approved sanitary waste disposal site or at such other premises and in such manner as directed by Council or the Manager Health Services where it will not cause a nuisance or health risk to the community.

VARIATION, RELAXATION OR EXEMPTION

17. Where small or miniature breeds of horses are proposed to be kept, the owner and/or occupier may apply in writing to the Manager Health Services to vary or relax any requirements of these Local Laws, except Sections 3, 4, 5(1)(g), 9, 10, 12, 13 and 14.

18. Any exemption may be cancelled or varied in writing by Council where Council is satisfied that this Section should be applicable.

NOTICES AND DIRECTIONS

19. (1) Where Council or an Environmental Health Officer is satisfied there is a breach of these Local Laws, a written Notice or verbal direction may be issued to the owner and/or occupier of land or vehicles or person in control of a horse specifying the time and the manner in which the breach is to be rectified;

(2) Where a Notice or direction is issued, the owner, occupier or person shall comply with the direction or Notice within the time and manner specified;

(3) Where the owner, occupier or persons fails to comply within the time and manner specified in the Notice or direction, Council or the Manager Health Services may carry out the requirements and recover the costs from the owner, occupier or person in any Court of competent jurisdiction; and

(4) The Council or the Manager Health Services shall not be liable to pay compensation of any kind to the person referred to in subsection (1) in relation to any action taken by the Council under this section.

OFFENCES AND PENALTIES

20. Any person who makes a false statement in connection with any application under these Local Laws shall be guilty of an offence.

21. A person who commits a breach of or fails to comply with any of the requirements of these Local Laws or fails to comply with any lawful direction commits an offence and shall be 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

(iii) in the case of a third or subsequent offence \$500

and

(b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

TOWN OF KWINANA
 KEEPING OF HORSES AND EQUINE PREMISES LOCAL LAWS
 Schedule 1
APPLICATION FOR REGISTRATION OF EQUINE PREMISES

I (Full Name)
 of (Address)
 Post Code

Apply for Registration of the equine premises
 situated at

to be registered as an equine premises with—

1. A Stable with stalls
2. A Stable Shelter/s for horse/s
3. Maximum number of horses on the premises
4. Total Lot Area sq.m
5. Enclosed area allocated for keeping of horses sq.m

Owner or Occupier: (Delete one)
 Owner's Name and Address, if Occupier:
 Post Code

OWNER TO READ AND SIGN THIS DECLARATION:

I the owner of the proposed Equine Premises have granted the above applicant a Contractual Lease over the property. I consent to this application and I understand my legal obligations to comply with the *Town of Kwinana Health (Keeping of Horses and Equine Premises) Local Laws 1997*.

Owner's Signature Phone

Date:

This application is submitted with a site plan and all details required in Sections 3 & 5 of these Local Laws.

Applicant's signature: Phone

Date:

TOWN OF KWINANA
 KEEPING OF HORSES AND EQUINE PREMISES LOCAL LAWS
 Schedule 2
**APPLICATION FOR VARIATION OF REGISTRATION
 OF EQUINE PREMISES**

I (Full Name)
 of (Address)
 Post Code

Apply for variation of Registration of the equine premises
 situated at

Owner's Name and Address

Details of Alterations/Variations—
 (Please delete if **NOT** applicable)

1. Structural alterations (please specify)
2. Increase/decrease maximum permitted number of horses
 from to
3. Other changes (please specify)

OWNER TO READ AND SIGN THIS DECLARATION:

I the owner of the proposed Equine Premises do confirm that the above applicant holds a Contractual Lease over the property. I consent to this application and I understand my legal obligations to comply with the *Town of Kwinana Health (Keeping of Horses and Equine Premises) Local Laws 1997*.

Owner's Signature Phone

Date:

This application is submitted with a site plan and all details required in Sections 3, 5 & 7 of these Local Laws.

Applicant's signature: Phone

Date:

TOWN OF KWINANA
KEEPING OF HORSES AND EQUINE PREMISES LOCAL LAWS
Schedule 3

APPLICATION FOR TRANSFER OF REGISTRATION OF EQUINE PREMISES

I (Full Name) (Transferor)
of Post Code
Phone

The holder of Certificate of Registration of Equine Premises situated at
.....

Hereby applies to have the Registration of the Said premises transferred to—
..... (Transferee)

Address Post Code
Phone

Signature of current owner/occupier (Transferor)
Date:

I, the proposed owner/occupier (Transferee)
do hereby consent to the Said transfer of the Registration to myself. I consent to this application and I
understand my legal obligations to comply with the *Town of Kwinana Health (Keeping of Horses and
Equine Premises) Local Laws 1997*.

Signature of proposed owner/occupier
Date:

TOWN OF KWINANA
KEEPING OF HORSES AND EQUINE PREMISES LOCAL LAWS
Schedule 4

CERTIFICATE FOR REGISTRATION AS AN EQUINE PREMISES

This is to certify that the premises situated at
.....
and owned/leased by
are registered as premises upon which horses may be kept from the date of issue of this Certificate until
30 June next, unless this Certificate of Registration is previously cancelled or is deemed to be invalid in
accordance with these Local Laws.

The maximum number of horses to be kept on the premises within the enclosed area at any one time is
.....

This Certificate is issued subject to compliance with the Health Act and its Regulations and Local Laws
from time to time in force thereunder and any conditions imposed pursuant to the *Town of Kwinana
Health (Keeping of Horses and Equine Premises) Local Laws 1997*.
(See attached conditions)

Dated at Kwinana this day of 19 .

.....
MANAGER HEALTH SERVICES

NOTES:

1. This Certificate is not transferable without approval in writing.
2. This Certificate is to be available at all times at the premises registered herein and shall be
produced when requested to do so by an Environmental Health Officer, with a current cash
register receipt to validate the period of registration.

Adopted by the Council of the Town of Kwinana at its Ordinary meeting held on the 26th day of
November 1997.

The Common Seal of the Town of Kwinana was hereunto affixed in the presence of on this 22nd day of
December 1997.

J. H. D. SLINGER JP, Mayor.
R. K. SMILLIE, Chief Executive Officer.

Consented to—

Dr V. P. DOWNES, Executive Director, Public Health.

Dated this 19th day of January 1997.

HEALTH ACT 1911
TOWN OF KWINANA

HEALTH AMENDMENT LOCAL LAWS 1997

Made by the Council of the Town of Kwinana under the *Health Act 1911*.

Citation

1. These Local Laws may be cited as the *Town of Kwinana Health Amendment Local Laws 1997*.

Principal Local Laws

2. In these Local Laws, the *Model By-Laws Series "A"** made under the *Health Act 1911* as adopted by the Council of the Town of Kwinana on 23 October 1963, by Notice published in the *Government Gazette* on 28 February 1964 and as amended from time to time by notices published in the *Government Gazette* are referred to as the Principal Local Laws.

[* *Reprinted in the Government Gazette on 17 July 1963* at pp. 1967-2042. For amendments to 18 December 1996 see 1995 Index to Legislation of Western Australia pages 4-125 to 127.]

Part IX amended

3. The Principal Local Laws are amended in Part IX by deleting "Section" or "section" wherever occurring and substituting the following—

"Division" or "division".

General amendment

4. The Principal Local Laws are amended—

(a) by deleting "By-Law" or "by-law" wherever occurring and substituting the following—

"Section" or "section" as the case requires; and

(b) by deleting "sub by-law" wherever occurring and substituting the following—

"subsection".

Part 1A inserted

5. Before Part I of the Principal Local Laws, the paragraph headed "interpretation" is repealed and the following is inserted—

"PART IA—GENERAL

Citation

1. These Local Laws may be cited as the *Town of Kwinana Health Local Laws 1964*"

Interpretation

2. In these Local Laws, unless the context otherwise requires—

"approved" means approved by an Environmental Health Officer appointed by the Town of Kwinana."

Part 1 amended

6. The Principal Local Laws are amended in PART 1—

(a) by deleting Sections 26 and 27 - Stables; and

(b) in Section 37 by deleting the words "marine stores,".

Part IX amended

7. The Principal Local Laws are amended in PART IX—

(a) in Division A—

(i) in section 14 by deleting—

"Wool-scouring establishments."; and

"Soap and candle works.";

(ii) in section 15 by deleting—

"Wool-scouring establishments.";

"Fish shops."; and

"Soap and candle works."; and

(iii) by deleting Schedule "D";

and

(b) by repealing Divisions L, N, P and R.

Adopted by the Council of the Town of Kwinana at its Ordinary meeting held on the 26th day of November 1997.

The Common Seal of the Town of Kwinana was hereunto affixed in the presence of on this 22nd day of December 1997.

J. H. D. SLINGER JP, Mayor.
R. K. SMILLIE, Chief Executive Officer.

Consented to—

Dr V. P. DOWNES, Executive Director, Public Health.

Dated this 19th day of January 1997.

