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HEALTH ACT 1911

SHIRE OF MERREDIN

HEALTH LOCAL LAWS 1999

HEALTH ACT 1911**SHIRE OF MERREDIN****HEALTH LOCAL LAWS 1999**

Made by the Council of the Shire of Merredin

Citation

1. These local laws may be cited as the "*Shire of Merredin Health Local Laws 1999*"

Incorporation by Reference

2. (i) In these local laws, "*The Shire of Plantagenet Health Local laws 1997*";

(a) means "*The Shire of Plantagenet Health Local Laws 1997*" published in the *Government Gazette*, special edition number 69, on the 30 March 1998; and

(b) does not include any amendments that might be made to those Local Laws.

(ii) Subject to the modifications set out in the schedule, "*The Shire of Plantagenet Health Local Laws 1997*" are incorporated with and form part of these Local Laws.

Repeal

3. (1) The Health Local Laws adopted by the Merredin Road Board and published in the *Government Gazette* on the 15th July 1921 and amended from time to time are repealed;

(2) The Health Local Laws are adopted by the Merredin Road Board and published in the *Government Gazette* on the 27th August 1943 and amended from time to time are repealed;

(3) The Health Local Laws adopted by the Merredin Road Board on 13th March 1956 and published in the *Government Gazette* on the 13th February 1956, and amended from time to time, are repealed; and

(4) The Health Local Laws adopted by the Shire of Merredin on 6th November 1956 and published in the *Government Gazette* on 13th February 1957, and amended from time to time, are repealed.

(5) The Health Local Laws adopted by the Shire of Merredin on 19th November 1963 and published in the *Government Gazette* on the 28th February 1964, and amended from time to time, are repealed.

SCHEDULE**Modifications to "*The Shire of Plantagenet Health Local Laws*"1997**

Item	Sections Affected	Description
1.	1.1	Delete section 1.1 and substitute the following: 1.1 These Local Laws may be cited as the " <i>Shire of Merredin Health Local Laws 1999</i> ".
2.	1.2	Delete section 1.2
3.	1.3(1) and Schedules 1-11	Delete " <i>Shire of Plantagenet</i> " where ever it occurs and substitute " <i>Shire of Merredin</i> ". Delete the definition of " Building Code " and substitute the following: 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
4.	2.1.5	Delete subsection (1).
5.	2.1.8	In the second line after the word " Code " insert a full stop and delete the rest of that section.
	2.1.9 (2)	In the first line, delete the word "a" before the words "the premises".
6.	2.2.1(2)	Delete
7.	2.2.2(1)	Delete paragraphs (c) and (d).
8.	2.2.4(4)(a)	After the word "of" insert the words "the Office of Energy and".
9.	2.2.4(5)	Delete.
10.	3.1.2	Delete.
11.	3.2.4(1)	In the first line, delete the work "of" before the word "occupy" and substitute the word "or".
12.	3.3.2	In the first line, delete the word "for" before the words "a rainwater tank" and substitute the word "from".

13. **3.5.1(2)(c)** In the last line, delete “(12)” and substitute “(14)”.
14. **3.5.1(3)** In the last line delete “(12)” and substitute with “(14)”.
15. **4.1.3(2)(b)** Delete the word “and” after “Health” and substitute “or”.
16. **4.2.10(2)(a)(i)** In subsection (2)(a)(i) delete the last word “or” and substitute “and”.
17. **4.2.10(2)(a)(ii)** In paragraph (ii) delete the word “suitable” and substitute “unsuitable”.
18. **4.2.13** After section 4.2.12, insert a new section as follows—
“4.2.13 the areas specified in Schedule 15 are the areas within which the provisions of Section 112A of the Act, shall operate and have effect”.
Divisions 6 & 7
19. **4.3.1** Delete the definition of “butcher waste” and substitute—“Butchers waste” includes animal skeletons and rib cages from a boning room and inedible products of an abattoir”.
20. **5.1.3** In the first line after the word “of” insert the word “smoke”.
21. **5.2.4(1)** Delete the words “of the Council” after the word “District” in the second line.
22. **Part 5 Division 3** Delete “Division 3” and insert a new “Division 3” as follows—

Division 3—Keeping of Large Animals

Interpretation

5.3.1 In this Division unless the context otherwise requires—

“**approved animal**” means 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;

“**pig**” includes piglets, weaners, porkers, baconers and choppers;

“**horse**” includes an ass, mule, donkey or pony;

“**large animal**” includes a sheep, goat, alpaca, camel or animal of similar size;

“**paddock**” means an area of land in excess of 0.45ha;

“**premise**” includes a paddock, yard or stable;

“**shelter**” means a structure consisting of a covered side and roof to provide protection from wind or rain.

“**yard**” means an area where approved animals are temporarily contained by a fence or rails;

Stables

5.3.2 (1) An owner or occupier of premises within the gazetted Townsites shall not keep a horse, cow or large animal on those premises unless registered by the Council.

(2) No person shall allow a greater number of approved animals on the premises than the number for which those premises are registered.

(3) The occupier required by this section to register the premises for the keeping of approved animals shall make application to the council in the form prescribed in Schedule 12 for that purpose and for every application for original registration shall lodge plans, drawings and particulars in duplicate of those premises for which registration is required.

(4) An application for the establishment of a stable must be accompanied by a written notice from each of the owners and occupiers of the land adjoining and adjacent to the property to be registered, that they have no objection to the establishment of a stable on the land referred to in the application.

(5) Upon receipt of such application the Council shall cause the premise to be inspected by an Environmental Health Officer and reported in respect to their proposed compliance with this section.

(6) If upon the application and report being submitted to Council it shall appear to the Council that such application for registration should be granted, it shall upon being paid the registration fee prescribed in Schedule 14 register such premises subject to registration, and to issue the applicant a certificate of registration in the form set out in Schedule 13.

(7) Every certificate of registration shall remain in force until 30 June next following the date of issue and thereafter during the period of every annual renewal and no longer, but may be sooner suspended or cancelled by the Council for any breach of these local laws which relate to the premises of the occupier.

(8) For every initial registration, there shall be paid to council by each applicant the fee prescribed in Schedule 14 for each premise. For every renewal of registration there shall be paid to the Council by each applicant the fee prescribed in Schedule (14) for each premise.

(9) If any person in whose name a premise is registered desires to have the same transferred to any other person, the proposed transferee shall make application to the Council together with the fee prescribed in Schedule 14. If the Council approves such application it shall register the premise in the name of the transferee.

(10) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable or with Council approval a shelter.

(11) Every stable shall—

- (a) comply with the Building Code including the submission of plans and specifications to Council for approval;
- (b) have a proper separate stall—
 - (i) for each horse or cow; and
 - (ii) the floor area of which shall be a minimum of 6 square metres;
- (c) have each wall and roof constructed of an impervious material;
- (d) provide adequate ventilation;
- (e) have a floor, the upper surface of which shall—
 - (i) be raised at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other materials approved by the Environmental Health Officer; and
 - (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 Environmental Health Officer.

(12) The owner or occupier of premises on which a stable is located shall—

- (a) maintain the stable in a clean condition and clean wash and disinfect it when so directed by an Environmental Health Officer;
- (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 the Environmental Health Officer, spray the stable, or such parts as may be directed with a residual insecticide.

(13) The keeping of pigs is prohibited within—

- (a) the townsites of Burracoppin, Hines Hill, Muntadgin, Nangeenan and Nukarni and within all that land contained within a strip 1.5 kilometres wide, surrounding and contiguous to the boundary of those townsites.
- (b) The townsite of Merredin and within all that land contained within a strip 5 kilometres wide, surrounding and contiguous to the townsite boundary of Merredin.
- (c) 1.5 kilometres of any dwelling house on an adjoining lot not in the same ownership.

Manure Receptacle

5.3.3 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 material 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.

Proximity of Animals to a Dwelling House

5.3.4 The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

23. **5.4.3(a)** In the first line, delete the word “with” after the word “approach” and substitute the word “within”.
24. **5.5.2(1)** Delete the fifth word “approved” and substitute the word “used”.
Delete Division 6 and Division 7 of Part 5.
25. **5.5.3(1)(b)** Delete the fifth word “composing” and substitute the word “composed”.
26. **6.1.3 (g)** In the first line of paragraph (g) delete the word “any” before the word “may” and substitute the word “and”.
27. **6.1.4** In paragraph (c), delete the words “of flies” and insert them on the next line, aligned with the first word of the section.
28. **6.8.2** In the sections title, delete the word “to” and substitute the word “or”.
29. **7.1.8(1)** Delete the first word “The” of subsection (1) and substitute “An”.
30. **7.3.1 & 7.3.2** In Part 7, delete Division 3—Skin Penetration
31. **8.1.1(1)** In the definition of “keeper”, delete the second last word “lodger” and substitute “lodging”.
32. **8.1.3(c) (i)** Delete after the word Schedule “(12)” and insert “(14)”.
33. **8.1.5(b)** Delete after the word Schedule “(12)” and insert “(14)”.
34. **8.2.2(a)(i)** In the second line of paragraph (i), delete the words “flies, or vectors of disease” and substitute “flies or other vectors of disease”.
35. **8.2.5(5)** Insert the word “and” after the semi-colon at the end of paragraph (c), then delete the word “and” and the semi-colon at the end of paragraph (d) and substitute a full stop.
Delete paragraph (e) and insert a new subsection (6) as follows—
“(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.”
36. **8.2.11** Delete section **8.2.11** and substitute the following—
“Sleeping Accommodation—Short Term Hostels and Recreational Campsites”.
(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 is 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—800 millimetres 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 recreation 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 a 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
— a maximum Flammability Index of 6;
- Upholstery & bedding
— a maximum Spread of Flame Index of 6;
— a maximum Smoke Developed Index of 5;
- 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."
37. **8.3.9** In paragraph (i), delete the comma after the word "bedding" and insert a comma after the word "furniture".
38. **9.4.1** Delete the definition of "**exempt laundry**".
39. **9.4.1** In the definition of "**laundry**", delete the words "an exempt laundry or"
40. **9.4.2** Delete the word "withdrawn" and substitute "withdraw".
41. **9.4.3** Delete the word "except" from the first line of subsection (1) (a).
42. **10.1.1** In subsection (2), delete the words "of this section".
43. **Schedule 12** Delete Schedule 12 and insert a new one as follows

Schedule 12

Shire of Merredin**Health Local Laws 1999****APPLICATION FOR REGISTRATION OF A STABLE**

TO: Chief Executive Officer
Shire of Merredin

I/We
(full name of applicant/s)

of
(residential address of applicant/s)

apply for registration, for the year ending 30/6/

Of
(location of premises)

being premises in or upon which there is (or is to be) a stable trading under the name of

The prescribed registration fee of \$ is attached.

This registration expires on 30/6/ unless previously cancelled.

Dated this day of (month) (year)

.....

.....
Signature of applicant/s

44. **Schedule 13** Insert a new Schedule 13 as follows:

Schedule 13

Shire of Merredin

Health Local Laws 1999

CERTIFICATE OF REGISTRATION OF A STABLE

This is to certify that the premises situated at

of which
is the occupier, are registered as a stable.

Business Name

This registration expires on 30/6/ unless previously cancelled.

Dated this day of (month) (year)

Principal Environmental Health Officer

45. **Schedule 14** Insert a new Schedule 14 as follows:

Schedule 14

Shire of Merredin

Health Act 1911

PRESCRIBED FEES

SCHEDULE	DESCRIPTION	PRESCRIBED FEES
2	Registration of a Lodging House	\$180.00
8	License of a Morgue	\$50.00
11	Registration of offensive trade	As per regulation
12	Registration, annual renewal or transfer of approved Animal Premises	\$20.00

46. **Schedule 15** Insert a new Schedule 15 as follows:

Schedule 15

SHIRE OF MERREDIN

HEALTH ACT 1911

PRESCRIBED AREAS—SECTION 112A

Townsites of Merredin, Hines Hill, Nangeenan, Burracoppin and Muntadgin

Passed at a meeting of the Council of the Shire of Merredin held on 17th August 1999.

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

L. R. CAUGHEY, President.

W. M. FENSOME, Chief Executive Officer.

On this 20th day of August 1999.

Consented to—

V. P. DAWES, delegate of Executive Director, Public Health.

Dated this 6th day of September, 1999.



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