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HEALTH ACT 1911

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**CITY OF GOSNELLS**

**HEALTH LOCAL LAWS 1999**



**HEALTH ACT 1911**

## CITY OF GOSNELLS

**HEALTH LOCAL LAWS 1999**

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**HEALTH ACT 1911**

## CITY OF GOSNELLS

**HEALTH LOCAL LAWS 1999**

Made by the Council of the City of Gosnells.

**PART 1—PRELIMINARY****Citation**

1. These Local-laws may be cited as “*The City of Gosnells Health Local Laws 1999*”.

**Repeal**

2. (1) The Health Local Laws adopted by the City of Gosnells and published in the *Government Gazette* on 4 July 1930 and amended from time to time, are repealed; and  
(2) The Health Local Laws adopted by the City of Gosnells on 9 March 1964 and published in the *Government Gazette* on 29 April 1964 and amended from time to time, are repealed;

**Interpretation**

3. (1) In these Local-laws, unless the context otherwise requires—

“Act” means the *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 Manager Health Services;

“AS” means an Australian Standard as it may from time to time be amended and as published by the Standards Association of Australia, and includes a standard which replaces any standard referred to in these Local Laws;

“builder” means a builder as defined in the *Local Government (Miscellaneous Provisions) Act 1960*;

“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 City of Gosnells and includes an Acting Chief Executive Officer;

“Council” means the Council of the City of Gosnells;

“district” means the district of the City of Gosnells and includes any area placed under the jurisdiction of the Council pursuant to Section 22 of the Act;

“drinking water” means water that is intended for direct human consumption or for use in food preparation and which meets the quality standards of the Guidelines for Drinking Water Quality in Australia—1987 as published by the National Health and Medical Research Council;

“dwelling house” means a place of residence 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 habitable room as defined in the Building Code;

“hot water” means water at a temperature of at least 75 degrees Celsius;

“Medical Officer” means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

“Manager Health Services” means an Environmental Health Officer appointed by the Council or the Chief Executive Officer to the office of Manager Health Services and includes an Acting Manager Health Services;

“Scheme” means the Town Planning Scheme No. 1 of the City of Gosnells;

“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;

“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; and

“zone” means a portion of the area of the district identified as being a particular zone under the Town Planning Scheme No. 1 of the City of Gosnells;

(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**

4. In this Part, unless the context otherwise requires—

"festival" includes a fair, function or event;

"applicant" 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.

#### **Dwelling House**

5. (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**

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

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

(b) the toilets required by this clause are situated within a reasonable distance 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 within a reasonable distance of 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 and maintained in each toilet provided 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**

7. (1) The applicant for 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 1,000 males—

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

(b) for additional males—

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

(c) for the first 1,000 females—

(i) one water closet for each 77; and

(ii) one wash hand basin for each 500; and

(d) for additional females—

(i) one water closet for each 100; and

(ii) one wash hand basin for each 500.



(2) Where, under sub-clause (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 applicant 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 Health Services.

#### **Temporary Works**

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

#### **Maintenance of Sanitary Conveniences and Fittings**

9. (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.

#### **Public Sanitary Conveniences**

10. (1) A person shall not—

- (a) foul;
- (b) damage or vandalise; or
- (c) write on or otherwise deface,

a public sanitary 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 a public sanitary convenience or use it for a purpose other than that for which it is intended.

#### **Lighting**

11. The owner and occupier of 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**

12. (1) 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.

(2) Every temporary sanitary convenience shall be installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

### *Division 2—Bathroom, Laundries and Kitchens*

#### **Bathrooms**

13. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom in accordance with the requirements of the *Health Act (Laundries and Bathrooms) Regulations* and Building Code.

(2) The floor of the bathroom of a dwelling house shall be impervious to water, properly surfaced and graded to an approved floor waste outlet.

(3) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

#### **Laundries**

14. (1) A person shall not use or occupy or permit to be used or occupied, a dwelling house without a laundry in accordance with the requirements of the *Health Act (Laundries and Bathrooms) Regulations* and Building Code.

(2) The floor of the laundry shall be impervious to water, properly surfaced and graded to an approved floor waste outlet.

(3) All laundries shall be provided with an adequate supply of hot and cold water.

#### **Kitchens**

15. (1) 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 cooking facility;
- (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 drinking water.

(2) 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.

(3) A cooking facility shall—

- (a) be installed in accordance with the requirements of the Office of Energy; and
- (b) not be installed or used in any room other than a kitchen.

(4) The occupier of a dwelling house shall provide a mechanical air exhaust or filtration system in accordance with the Building Code.

(5) In this clause, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

### **PART 3—HOUSING AND GENERAL**

#### *Division 1—Maintenance of Houses*

##### **Dwelling house maintenance**

16. 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, in sound weatherproof condition;
- (b) maintain any foundations, footings 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 verandah, 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 in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete with smooth unbroken surfaces and free of dampness;
- (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 *Metropolitan 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 and shall provide a current certificate of compliance when so directed by the Manager Health Services.

##### **Disposal of Rainwater**

17. The owner or occupier of a house shall not use or occupy or permit to be used or occupied, a house unless all rainwater is effectively disposed of in an approved manner that will not be a nuisance or injurious or dangerous to health.

##### **Maintenance of Guttering and Downpipes**

18. The owner or occupier of a house shall maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction.

#### *Division 2—Ventilation of Houses*

##### **Exemption for Short Term Hostels**

19. This Division shall not apply to short term hostels referred to in Division 2 of Part 9 of these Local Laws.

##### **Overcrowding**

20. 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.

##### **Calculate Sufficient Space**

21. For the purpose of clause 20, 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**

22. (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 sub-clause (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 – 1991.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is maintained in good working condition and in accordance with AS3666—1989.

(4) If, in the opinion of the Manager Health Services, 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 sub-clause (4).

### **Sub-Floor Ventilation**

23. Where sub floor space is provided, the owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

## *Division 3—Water Supply*

### **Water Supply**

24. (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licenced water service operator or other approved water supply.

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

### **Rain Water Tanks**

25. The owner or occupier of a house for which 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 cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) at least once in each year, thoroughly clean any tank the water from which is used for human consumption; and
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

### **Wells**

26. The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any receptacle for drainage or other possible source of pollution, unless otherwise approved by the Executive Director Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of pumping apparatus.

### **Pollution**

27. A person shall not deposit on or under 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**

28. 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**

29. 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.

**PART 4—WASTE FOOD AND REFUSE***Division 1—Liquid Refuse***Interpretation**

30. 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 cooling towers and evaporative coolers and other liquid used for cooling purposes.

**Deposit of Liquid Refuse**

31. 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 unless otherwise approved.

*Division 2—Disposal of Refuse***Interpretation**

32. In this division, unless the context otherwise requires—

“authorised person” means a person authorised by Council;

“approved enclosure” means an enclosure for the storage of receptacles which comply with clause 39;

“approved incinerator” means an incinerator that meets the requirements of Australian Standard AS 1875-1976 published

by the Standards Association of Australia;

“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 when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

“commercial waste” means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

“domestic waste” means refuse and other rubbish generated by or emanating from residential premises;

“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” means a polyethylene cart fitted with wheels, a handle and a lid and of a capacity of 120 litres or 240 litres supplied by the Council or its contractor or other type of receptacle specified or approved by the Council;

“refuse disposal site” means land set apart under the Act as a site for the deposit or disposal 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” includes a highway or a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

“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 waste or domestic waste or both as the context requires.

**Prescribed Area—Section 112A of the Act**

33. The whole of the district of the City of Gosnells is hereto prescribed as the area within which the provisions of Section 112A of the Act shall operate and have effect.

**Receptacles**

34. (1) An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the building line and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by an authorised person or an Environmental Health Officer;

- (c) prior to 7.00am on the advised collection day or such other times as determined by Council from time to time, place the receptacle—
    - (i) in the street within 1 metre of the carriage way;
    - (ii) so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
    - (iii) facing squarely to the edge of and opening towards the carriage way; or
    - (iv) in such other position as is approved by an authorised person or an Environmental Health Officer.
  - (d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 2 days after the event;
  - (e) pay to the Council any costs associated with theft or damage to the receptacle whilst the receptacle is located on private property; and
  - (f) ensure that the premises is provided with an adequate number of receptacles.
- (2) A receptacle supplied by the Council or its contractor remains the property of the Council or its contractor as the case may be.

### **Exemption**

35. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of sub-clauses 34(1)(b) or (c).

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

(3) An exemption granted under this clause 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) An exemption granted under this clause shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

### **Use of Receptacles**

36. An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 50 kilograms of rubbish or refuse;
  - (ii) hot or burning ash;
  - (iii) oil, motor spirit or other flammable liquid;
  - (iv) liquid, liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, 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 unless placed in an approved container;
  - (ix) cytotoxics, radioactive substances or 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; or
  - (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;
- (b) unless authorised by an authorised person or an Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an authorised person or an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (e) take all reasonable steps to prevent—
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents, spiders and other vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle;
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises; and
- (g) not use the receptacle for any purpose other than the collection and storage of refuse and rubbish.

**Damage to Receptacles**

37. A person, other than the Council or its contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this Part or as authorised by an authorised person or an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its contractor.

**Use of Other Containers**

38. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes, the authorised person or an Environmental Health Officer 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 clause to deposit rubbish or refuse in a container shall—

- (a) unless approved by an Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in sub-clauses 36(a)(ii) to (xii) inclusive;
- (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 authorised person or 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 authorised person or an Environmental Health Officer;
- (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) provide a sufficient number of containers 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 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 the containers are emptied at least weekly or as directed by the authorised person or an Environmental Health Officer.

**Suitable Enclosure**

39. (1) An owner or occupier of premises used for commercial or industrial purposes that have been provided with receptacles, shall if required by an authorised person or an Environmental Health Officer—

- (a) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
- (b) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises which have a suitable enclosure under this clause shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this clause, 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 an authorised person or an Environmental Health Officer;
- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by an authorised person or an Environmental Health Officer;
- (c) having walls not less than 1.5 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 and impervious floor—
  - (i) of not less than 75 millimetres in thickness; and
  - (ii) which is evenly graded and connected to an approved liquid refuse disposal system in an approved manner; and
- (e) which is easily accessible to allow for the removal of the receptacles.

**Deposit of Refuse**

40. (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 unless otherwise approved by Council.

(2) 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 of Rubbish or Refuse from Disposal Site**

41. (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 Verges or Receptacles**

42. (1) A person shall not remove any rubbish or refuse that has been placed for collection 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 a receptacle or other container provided for the use of the general public in a public place.

**Burning Rubbish, Refuse or other Material**

43. (1) A person shall not on any land less than 2000 square metres in area, set fire to or cause to be set on fire, any rubbish, refuse or other material unless otherwise approved in writing by an authorised person.

(2) On land 2000 square metres or greater in area a person may set fire to rubbish, refuse or other material subject to—

- (a) written approval being obtained from an authorised officer;
- (b) successfully demonstrating that reasonable alternatives do not exist and the potential for pollution is low;
- (c) the material not including any plastic, rubber, food scraps green garden materials or other material which causes the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
- (d) a haze alert not being issued by the Bureau of Meteorology during the time burning is to take place;
- (e) compliance with the Bush Fires Act 1954 and any conditions as determined by Council or its authorised person.

(3) Barbeques, solid fuel, water, space heaters, ovens and approved incinerators fired with dry paper, dry wood, synthetic char or charcoal type fuel will be exempted from this clause.

**Rubbish Bins on Building Sites**

44. (1) During all periods of construction on any building site:

- (a) The builder shall provide and maintain on such site a rubbish disposal bin approved by Council being either—
  - a bin of not less than 4 cubic metres in capacity; or
  - a bin of not less than 200 litres in capacity in which case such bin shall have an effectively operating lid.
- (b) The builder shall keep such site free of rubbish and offensive matter, whether temporary or otherwise.
- (c) The builder shall maintain the street verge immediately adjacent to such site free of rubbish or offensive matter, whether temporary or otherwise.
- (d) The builder shall on completion of construction immediately clear the site and the street verge immediately adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins placed thereon by the builder.

(2) In this clause, the word “*rubbish*” shall be deemed to include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter whatsoever, whether of the same kind or type or otherwise.

*Division 3—Transport of Butchers’ Waste***Interpretation**

45. In this Division, unless the context otherwise requires—

“butchers’ waste” includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

**Restriction of Vehicles**

46. A person shall not use, for the transport of butchers’ waste—

- (a) a vehicle used for the transport of food or drugs; or
- (b) anything intended to be used for the packing or handling of food or drugs.

**Transport of Butchers’ Waste**

47. (1) A person shall not transport butchers’ waste otherwise than in—

- (a) a compartment complying with the following specifications—
  - (i) the floor and 4 walls to be made of sheet metal or other approved material and the walls to be not less than 910 millimetres high;

- (ii) all joints to be welded, soldered or brazed or otherwise made water-tight;
  - (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 sheet material approved by the Manager Health Services, 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) an approved water-tight metal 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 clause, 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 may be 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**

48. In this Division, unless the context otherwise requires—  
“fertiliser” includes manure;

#### **Footpaths etc, to be kept clean**

49. 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.**

50. (1) Subject to sub-clause (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours from the premises in such quantity or of such a nature as to cause or to be a nuisance to persons.

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

#### **Prohibition against Spitting**

51. 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 or Blood**

52. (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.

#### **Use or Storage of Fertiliser**

53. (1) 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.
- (2) The owner or occupier of premises 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 the Manager Health Services.

#### **Storage and Dispatch of Artificial Fertiliser**

54. An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall—
- (a) keep all artificial fertiliser in a building—
    - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non absorbent materials; and
    - (ii) free from damp and properly ventilated;
  - (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
  - (c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance to persons arising during transit.



*Division 2—Car Park Ventilation***Interpretation**

55. In this Division, unless the context otherwise requires—

“car park” means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

“occupier” means a person having the charge, management or control of a car park.

**Ventilation**

56. (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—1991.

(2) If, in the opinion of the Manager Health Services, 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 sub-clause (2).

**Exhaust Air Discharge Points and Exhaust Registers**

57. 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—1991; and
    - (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2—1991;
  - (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance to persons;
- (b) exhaust registers are located as far as possible from the source of supply air; and
- (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 exhaust 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—KEEPING OF ANIMALS***Division 1—General Provisions***Cleanliness**

58. An owner or occupier of premises in or on which any animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is 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) dispose of excrement, filth, food waste or other matter in an approved manner.

**Animal Enclosures**

59. (1) A person shall not keep or cause or permit to be kept any animals or birds in an enclosure which is not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Manager Health Services, 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.

**Slaughter of Animals**

60. (1) Subject to sub-clause (2), a person shall not slaughter any animal for any purpose what-so-ever within the district.

(2) Sub-clause (1) does not apply to—

- (i) premises located in Yale Road, Thornlie on Part Lot 63, Canning Location 18 contained on diagram 33715 while it remains an approved premises for the purpose of processing poultry.
- (ii) euthanasia of animals by veterinarians or other duly authorised persons approved by the Manager Health Services.

**Disposal of Dead Animals**

61. (1) An owner or occupier of premises on which there is a dead animal or bird shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal or bird 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.

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

62. (1) If a structure, shelter or enclosure is used for the keeping of animals or birds contrary to the provisions of these Local-laws, the Manager Health Services may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Manager Health Services under this Part.

#### *Division 2—Keeping of Large Animals*

#### **Interpretation**

63. In this Division, unless the context otherwise requires—

“cow” includes an ox, calf or bull;

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

“large animal” includes an alpaca, cow, horse, sheep, goat, pig, deer, camel, lama, emu, ostrich, kangaroo or the like;

“stable” means a building for the keeping, care and feeding of a horse; and

“stall” means a single compartment for one horse in a stable.

#### **Large Animals**

64. (1) Subject to sub-clause (4), a person shall not keep a large animal on any land within the district except land permitted within the Scheme.

(2) An owner or occupier of premises shall not permit a large animal to approach within 10 metres of a dwelling house.

(3) Any person who keeps a horse shall provide a stable.

(4) The owner or occupier of premises shall not keep a pig within the district.

#### **Stables**

65. (1) No stable shall be erected unless and until plans, specifications and the site of the proposed stable have been approved by the Council.

(2) A Stable shall—

- (a) be provided on any premises where horses over the age of 12 months are kept;
- (b) not be situated within 10 metres of a habitable room of a dwelling house;
- (c) have a proper separate stall for each horse in accordance with sub-clause (3);
- (d) have each wall and roof constructed of an impervious material;
- (e) have walls not less than 3 metres, measured either horizontally or vertically;
- (f) be located on the same lot as a residence which is occupied by the person responsible for the horse.

(3)(a) Subject to sub-clause 3(b) a stable shall 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 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 to an approved treatment and disposal system;
- (iv) have an area of not less than 11 square metres for each stall.

(b) 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 no closer than 1.2 metres below the sand floor level which may be achieved artificially;
- (ii) sand must be clean, coarse and free from dust;
- (iii) footings to each stable shall be a minimum of 450mm below ground level;
- (iv) the stable design must allow for the access of small machinery, such as a skid steer loader, into each individual stall to maintain the correct floor height;
- (v) each stall shall have a minimum floor area of at least 28 square metres;
- (vi) the dimensions of the walls of each stall shall not be less than 3 metres vertically and 4 metres horizontally;
- (vii) each stall shall have a roof that covers at least 50% of the floor area;
- (viii) in all other respects the requirements of sub-clause (2) shall apply to the stable building.

(4) Not more than 1 horse per 2000 m<sup>2</sup> is permitted on land approved for the keeping of horses within the Scheme.

#### **Manure and Feed Receptacles**

66. (1) An owner or occupier of premises on which a stable is located shall—

- (a) provide mobile or free standing fly-proof receptacles of a size, number and construction required by an Environmental Health Officer situated at not less than 10 metres from a dwelling house

and into which shall be placed all stable wastes, inclusive of soiled bedding and manure produced on the premises;

- (b) keep the lids of the receptacles closed except when manure is being deposited or removed;
  - (c) cause the receptacles to be emptied at least once a week and as often as may be necessary to prevent them becoming offensive or a breeding place for flies or other vectors of disease;
  - (d) keep the receptacles 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 receptacles.
- (2) Every stable shall have approved impervious rodent-proof receptacles for the storing of horse feed such as chaff, bran, pollard, grain or seed and the like.

#### *Division 3—Keeping of Poultry and Pigeons*

##### **Interpretation**

67. In this Division unless the context otherwise requires—

“Affiliated Person” means a person who is a member of a properly constituted Poultry or Pigeon Club;

“Code of Practice” means the Code of Practice—Pigeon Keeping and Pigeon Racing, published May 1994 and amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated).

“pigeon” includes dove;

“poultry” includes fowls, peafowls, turkeys, ducks, and other domestic fowl;

“prohibited area” means any area within the district described as—

- (a) any land zoned R12.5 or greater under the residential planning codes.
- (b) any properties developed or zoned for group housing;
- (c) any Commercial or Industrial zones.

“Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 (as amended) published in the Government Gazette of 13 December 1991.

##### **Limitation on Numbers of Poultry and Pigeons**

68. (1) An owner or occupier of premises shall not keep or permit to be kept on the premises any poultry or pigeons in a Prohibited Area unless approved by Council in accordance with clause 69;

(2) Outside a Prohibited Area an owner or occupier of premises shall not keep—

- (a) where the land is zoned residential under the Scheme:
  - (i) more than 6 poultry unless the owner or occupier is an Affiliated Person in which case the maximum number of poultry may be increased to 25; or
  - (ii) more than 20 pigeons unless the owner or occupier is an Affiliated Person in which case the maximum number of pigeons may be increased to 150; or
  - (iii) both poultry and pigeons simultaneously.
- (b) where the land is zoned rural, special rural or special residential/kennel zone under the Scheme:
  - (i) the occupier may keep such number of poultry and pigeons as determined by Council;
  - (ii) Council may approve, with or without conditions, the manner in which such poultry and pigeons shall be kept.

##### **Keeping of Poultry and Pigeons within a Prohibited Area**

69. On any land contained within a prohibited area Council may give approval to an owner or occupier to keep poultry or pigeons in accordance with these local laws subject to the following—

- (1) A written application being received by Council.
  - (a) The application shall:
    - (i) contain details on the number of poultry or pigeons to be kept.
    - (ii) contain a site plan showing lot size, location of enclosure, distance from boundaries and buildings and proximity to houses on adjoining land.
- (2) Council may conduct public consultation with all owners/occupiers whose property abuts the applicants property prior to the application being considered for approval.
- (3) The Council may approve, with or without conditions, an application received under this clause.

##### **Conditions for Keeping of Poultry**

70. A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry shall be kept less than 9 metres from any dwelling house;
- (b) no poultry is able to approach within 15 metres of a public street or a public building or commercial premises where people are employed or premises where food is stored, prepared or manufactured for sale;
- (c) all poultry is kept in a properly constructed and securely fastened structure;
- (d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;

- (e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition.
- (f) any person keeping poultry shall keep them continually confined.

**Roosters, Geese, Turkeys and Peafowl**

71. (1) Except in the rural, special rural or special residential/kennel zone an occupier of premises shall not keep one or more of the following—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen.

**Conditions for Keeping of Pigeons**

72. (1) A person who keeps or permits to be kept, pigeons shall ensure that—

- (a) except where registered homing pigeons are freed for exercise, all pigeons are kept in a properly constructed pigeon loft.
- (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition.
- (c) no pigeon or opening to a pigeon loft, including openings for ventilation is within 9 metres from any dwelling house.
- (d) no pigeon or opening to a pigeon loft, including openings for ventilation is within 15 metres of a public street or a public building or commercial premises where people are employed or premises where food is stored, prepared or manufactured for sale;

(2) An Affiliated Person who keeps, or permits to be kept pigeons shall ensure that the pigeons are kept in accordance with the Code of Practice and wherever there is any inconsistency between these Local laws and the Code of Practice, the higher standard shall prevail to the satisfaction of the Manager Health Services.

**Restrictions on Pigeons—Nesting, Perching or Habitually Feeding**

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

**PART 7—PEST CONTROL***Division 1—Flies***Interpretation**

74. 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**

75. 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, or it is an approved fly trap.

**Measures to be taken by an Occupier**

76. An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly closed 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) fertilizers 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**

77. Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing within the time specified in the notice, such measures as in the opinion of the 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**

78. (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 77, 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 sub-clause (1) may be recovered in a court of competent jurisdiction from the person referred to in sub-clause (1).

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

*Division 2—Mosquitoes***Interpretation**

79. 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.

**Premises to be kept free of Mosquito Breeding Matter**

80. An owner or occupier of premises shall keep the premises free of—

- (a) refuse; and
- (b) water located so as to be, liable to become the breeding place of mosquitoes.

**Measures to be taken by an Owner or Occupier**

81. An owner or occupier of premises—

- (a) where there is a fountain, pool, pond, swimming pool, spa, excavation or container of any kind which retains water suitable for the breeding of mosquitoes, shall keep the water treated with an approved larvicide or undertake other control measures as directed by an Environmental Health Officer.
- (b) where there is a water tank, well, cistern, vat or barrel, shall—
  - (i) keep it protected with a mosquito-proof cover; and
  - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres in area.

**Measures to be taken by Occupier**

82. An occupier of premises where water is kept in a horse trough, poultry drinking vessel or similar container shall—

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

**Drains, Channels and Apparatus for the Treatment of Sewage**

83. An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where an apparatus for the treatment of sewage is installed on the land—
  - (i) apply an approved larvicide according to the directions on the container, into the apparatus for the treatment of sewage whenever directed to do so by an Environmental Health Officer.
  - (ii) provide and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres in area covering any vent to the apparatus for the treatment of sewage.

**Drainage of Land**

84. (1) An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Council, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
  - (i) the water on the land may flow into the drains without obstruction; and
  - (ii) no water shall remain on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

*Division 3—Rodents***Interpretation**

85. In this Division, unless the context otherwise requires—

“rodents” means those animals belonging to the order Rodentia and includes rats and mice 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**

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

(2) Without limiting the generality of sub-clause (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

- (a) take effective measures to keep the premises free from rodents including—
  - (i) protecting food stuffs;
  - (ii) using a rodenticide bait or a properly baited trap; and
  - (iii) preventing rodents having access to water on the premises;
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
  - (i) if it is not already dead, kill it immediately; and
  - (ii) dispose of the carcass in such a manner so as not to create a nuisance; and
- (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

**Waste food etc. to be kept in Rodent proof receptacles**

87. A person shall not place or caused 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 waste food, refuse, or other material 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 materials affording harbourage for Rodents**

88. (1) An owner or occupier of premises shall cause—

- (a) any part of the premises; 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 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 clause.

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

89. (1) Subject to sub-clause (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) Sub-clause (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 the 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 sub-clause (2) which keeps rats for the purpose of scientific or medical research shall at all times ensure that all live rats are kept in the effective control of a person or in locked cages.

*Division 4—Cockroaches***Interpretation**

90. 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**

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

(2) Without limiting the generality of sub-clause (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

- (a) washing and storing, immediately after use, cooking and eating utensils;
- (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

- (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

*Division 5—Arthropod Vectors of Disease*

**Interpretation**

92. In this Division, unless the context otherwise requires—

“arthropod vectors of disease” includes—

- (a) flea (*Siphonaptera*);
- (b) bedbug (*Cimex lectularius*);
- (c) crab louse (*Phthirus pubis*);
- (d) body louse (*Pediculus humanus var. corporis*);
- (e) head louse (*Pediculus humanus var. capitis*); and
- (f) any other insect prescribed by the Council.

**Responsibility of the Owner or Occupier**

93. 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 8—INFECTIOUS DISEASES**

*Division 1—Disposal of used condoms and needles*

**Disposal of used condoms**

94. (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 Manager Health Services.

(2) A person shall not dispose of a used condom in a public place except in accordance with sub-clause (1).

**Disposal of used needles**

95. 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 deposited in a refuse receptacle.

**PART 9—LODGING HOUSES**

*Division 1—Registration*

**Interpretation**

96. (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;
- “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” has the meaning in the *Act* and includes 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;
- “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; and
- “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.
- “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**

97. 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 clause 99;
- (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 the Chief Executive 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**

98. 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 prescribed by Council; and
  - (ii) detailed plans and specifications of the lodging house.

### **Approval of Application**

99. The Council may approve, with or without conditions, an application under clause 98 by issuing to the applicant a certificate in the form of Schedule 2.

### **Renewal of Registration**

100. 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 prescribed by Council at the time of making each application for renewal.

### **Notification upon Sale or Transfer**

101. 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 Chief Executive Officer, in the form of Schedule 3, written notice 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**

102. (1) Subject to sub-clause (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 sub-clause (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 under this Part 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 the Manager Health Services, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this clause, the Council shall give notice to the keeper requiring, 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**

103. The general construction requirements of a lodging house shall comply with the Building Code.

**Sanitary Conveniences**

104. (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 hand 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 purpose of sub-clause (5).

(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 so 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;
- (d) be provided with adequate electric lighting; and
- (e) where the toilet is for the use of females, be provided with a sanitary napkin disposal facility.

**Laundry**

105. (1) The Keeper of a lodging house shall—

- (a) subject to sub-clause (2), provide on the premises for the use of each 15 lodgers, a laundry in accordance with the requirements of clause 14 of these Local laws.
- (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, copper and washing machine; and

(2) The Manager Health Services may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

**Kitchen**

106. The keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
  - (i) 0.65 square metres per person, where lodgers prepare their own meals
  - (ii) 0.35 square metres per person, where meals are provided by the keeper or manager; or
  - (iii) 1 square metre per person, where the kitchen and dining area are combined;
 but in any case not less than 16 square metres.
- (b) 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;
- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*;
- (d) has a hand wash basin and a double bowl sink, each provided with an adequate supply of hot and cold water drinking water.

**Cooking Facilities**

107. (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Manager Health Services in accordance with the following table—

No. of LODGERS	OVENS	4 BURNER STOVES
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

(2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Manager Health Services.

**Dining Room**

108. 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 not be less than the greater of—
  - (i) 0.5 square metres per person; or
  - (ii) 10 square metres; and
- (c) which shall be—
  - (i) adequately furnished to accommodate, at any one time, at least half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**Lounge Room**

109. 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;
- (b) which shall be—
  - (i) adequately furnished to accommodate, at any one time, at least half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**Fire Prevention and Control**

110. The keeper of a lodging house shall provide and maintain exit signs and emergency lighting and other fire protection appliances in accordance with the requirements of the *Building Code*.

**Obstruction of Passages and Stairways**

111. The 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 adopted 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.

**Operation of Doorways and Doors**

112. Doorways and doors in a required exit or forming part of a required exit shall comply with the *Building Code*.

**Restriction on use of Rooms for Sleeping**

113. (1) Subject to sub-clause (3) and clause 127, the 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 or 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, 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 metres of unobstructed glass to every 1 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 the Manager Health Services.

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

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

**Sleeping Accommodation Short Term Hostels**

114. (1) The keeper of a short term hostel 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 sub-clause (1) above 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 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 sub-clause (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 short term hostel 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. Dormitories shall be 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; or
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to the Council's approval.
- (6) The keeper of short term hostel shall provide—
- (a) beds with a minimum size of 800 millimetres wide x 1.9 metres long; and
  - (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 a short term hostel shall—
- (a) ensure that at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks is maintained.
  - (b) where bed or bunk heads are placed against the wall on either side of a dormitory, there shall be 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. The passageway shall be kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper shall ensure that materials used in dormitory areas must resist the spread of fire and limit the generation of smoke to a degree that maintains a tenable environment during evacuation in accordance with the *Building Code*.

**Furnishing etc. of Sleeping Apartments**

115. (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 protector, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; 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.

**Ventilation**

116. (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, the Officer may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper shall comply with any direction given under sub-clause (1) within such time as directed.

**Numbers to be Placed on Doors**

117. (1) The keeper shall place room numbers on the outside of the doors of all rooms available to lodgers in the lodging house.
- (2) The numbers to be placed on the doors under sub-clause (1) shall be—
- (a) not less than 40 millimetres in height;
  - (b) permanently fixed either by being painted on the doors or shown by other legible means.

*Division 3—Management and Care***Keeper or Manager to Reside in the Lodging House**

118. Whenever there is one or more lodgers in a lodging house, the 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**

119. (1) The keeper shall keep a register of lodgers in the form of 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**

120. The keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 5 the name of each lodger who lodged in the lodging house during the preceding day or night or other period of time requested by the Manager Health Services.

**Certificate in Respect of Sleeping Accommodation**

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

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

(3) When required by the Manager Health Services, the keeper shall exhibit the certificate issued under this clause 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 clause to occupy the room to which it refers.

**Duplicate Keys and Inspection**

122. 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 purposes of inspection by the Officer.

**Room Occupancy**

123. (1) The 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; or
  - (ii) the Council or the Medical Officer has forbidden to be used as a sleeping apartment.

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

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

124. (1) The 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 sub-clause (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 the 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**

125. (1) In this clause—

“bed linen” includes sheets, pillow cases and mattress protectors.

(2) The 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 door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) whenever there is 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, bedsteads, 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 the Manager Health Services, ensure that—
  - (i) a room, together with its 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 the Manager Health Services.

#### **Responsibilities of Lodgers and Residents**

126. 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 flammable, obnoxious or offensive;
- (c) use a shower, bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting 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 clause 127—
  - (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 such a quantity of furniture, material or goods within the lodging house—
  - (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 or an Environmental Health Officer 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 of Storage of Food**

127. (1) The Manager Health Services may—

- (a) upon written application from the 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 10—OFFENSIVE TRADES***Division 1—General***Interpretation**

128. 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:

- (a) any trade as proclaimed under Section 186 of the Act; and
- (b) 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**

129. (1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his intention to apply for consent in accordance with clause 130; and
- (b) lodge with the Chief Executive Officer an application in the form of Schedule 7.

(2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

(3) No person shall establish any offensive trade unless it is permitted under the provisions of the City of Gosnells Town Planning Scheme No1.

**Notice of Application**

130. A notice required under clause 129(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a Perth daily newspaper or a local community newspaper circulating in the district giving 28 days notice before the application under sub-clause 129(1)(b) is lodged with the Chief Executive Officer.

**Registration of Premises**

131. An application for the registration of premises pursuant to Section 191 of the Act shall be—

- (a) in the form of Schedule 8;
- (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**

132. 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 of Schedule 9.

**Change of Occupier**

133. 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**

134. 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**

135. Where in any clause 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**

136. 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**

137. 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 all sanitary conveniences daily and at all times keep and maintain all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

**Rodents and Other Vectors of Disease**

138. The occupier shall—

- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other arthropod 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 arthropod vectors of disease.

**Sanitary Conveniences and Wash Basins**

139. 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 Surfaces etc.**

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

**Effluvia, Vapours or Gases**

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

**Offensive Material**

142. 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 air-tight 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 and sanitised immediately with an efficient disinfectant.

**Storage of Materials**

143. 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 to persons.

**Specified Offensive Trades**

144. (1) For the purposes of this clause, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises—

- (a) fish rendering premises;
- (b) fish canning, fish curing or fish processing premises; and
- (c) 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 materials;
  - (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; and
- (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 9.5 millimetres.
- (c) cause all liquid refuse to be—
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and 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 other treatment as an Environmental Health Officer may from time to time direct.

#### **Directions**

145. (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 clause.

#### **Other Duties of Occupier**

146. 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 carried on by him.

### **PART 11—ITINERANT FOOD VENDORS**

#### **Interpretation**

147. 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;

“licence” means a licence, issued by the Council under this Part.

#### **Registration and Licensing Of Itinerant Food Vendors**

148. (1) An itinerant food vendor shall not offer for sale or sell food unless he or she—

- (a) is the holder of an itinerant food vendor’s licence issued by the Council under this clause; and  
(b) complies with any conditions to which the licence is subject.

(2) An application for an itinerant food vendor’s licence shall be—

- (a) made by the proprietor or, where there is more than one proprietor, by each proprietor;  
(b) made in the form prescribed in Schedule 10; and  
(c) forwarded to the Chief Executive Officer together with the appropriate fee as prescribed by Council.

(3) An application for a licence under this clause shall be determined by the Council which may approve the application, with or without conditions, or reject the application.

(4) Where Council approves an application under this clause, a food vendor’s licence—

- (a) signed by the Manager Health Services; and  
(b) in the form of Schedule 11,

shall be issued by the Council.

(5) A licence issued under this clause shall be valid until 30 June next following the date of issue of the licence by the Council.

(6) Every person engaged as an itinerant vendor of food shall ensure that—

- (a) only the food nominated on the original application is sold to the public;  
(b) the vehicle is not parked in public parks, reserves, street verges and public or private car parks including service stations when selling food;  
(c) the vehicle does not remain stationary unless it is approached or is serving customers. Once the licensee has served all customers the vehicle then moves on;  
(d) food is only sold from the approved vehicle;  
(e) any other conditions as determined by Council.

### **PART 12—OFFENCES, PENALTIES AND FEES**

#### **Penalties**

149. (1) A person who contravenes a provision of these Local-laws, or who fails to act in accordance with an order or notice given under these Local Laws, commits an offence.

(2) A person who commits an offence under sub-clause (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 or subsequent such 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.

#### **Fees**

150. Wherever a fee is prescribed by these Local-laws, that fee shall:

- (a) be fixed from time to time by Council pursuant to the provisions of Section 344C of the Act, unless otherwise prescribed; and  
(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 30 June each year.



Schedule 1  
CITY OF GOSNELLS  
*Health Local Laws 1999*

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
City of Gosnells

Given Names ..... Family Name .....

Residential Address ..... Post Code .....

Telephone (Day) ..... Mobile Phone .....

Facsimile .....

apply for registration of premises situated at (or to be situated) at .....

.....

as a lodging house to be classified as:

☐ a lodging house      ☐ a short term hostel      ☐ serviced apartments

(specify which is to apply)

and for my name to be entered in the register as the keeper of the lodging house.

**DESCRIPTION OF LODGING HOUSE**

Number of storeys .....

<b>Rooms for private use</b>	Number	Area
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (specify)	.....	.....

<b>Rooms for lodgers</b>	Number	Area
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (specify)	.....	.....

<b>Sanitary Conveniences for male lodgers</b>	
Toilets	.....
Urinals	.....
Baths	.....
Showers	.....
Wash hand basins	.....

<b>Sanitary Conveniences for female lodgers</b>	
Toilets	.....
Baths	.....
Showers	.....
Wash hand basins	.....

<b>Laundry Facilities</b>	
Coppers	.....
Washtroughs	.....
Washing machines	.....
Drying cabinets or clothes line	.....

**Additional details** (delete if not applicable)

- (a) Lodger's 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 keeper/manager.

**Fee and Signature**

Application Fee \$ .....

Signature of Applicant .....

...../...../..... Date

*Please forward your completed form and application fee to Council's Administration Office,  
2120 Albany Highway, Gosnells or by mail to PO Box 662, Gosnells WA 6990*

Office Use Only

Receipt No:  
Date:

*Health Local Laws 1999*

Fee received: \$ .....

*Health Local Laws 1999*

.....  
Signature of Applicant/s

Health Local Laws 1999

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure
-----------------	------	------------------	-----------	----------	-------------------

.....

Clause 120

Schedule 5  
CITY OF GOSNELLS  
*Health Local Laws 1999*  
**LIST OF LODGERS**

To: Chief Executive Officer  
City of Gosnells

The following is the name of every person who resided in the lodging house at: .....

on the ..... day of (month) ..... (year) .....

Signed ..... Date: .....  
(Keeper)

Clause 121

Schedule 6  
CITY OF GOSNELLS  
*Health Local Laws 1999*  
**CERTIFICATE OF SLEEPING ACCOMMODATION**

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
.....	.....
.....	.....
.....	.....

.....  
Environmental Health Officer

.....  
Date

Clause 129

Schedule 7  
CITY OF GOSNELLS  
*Health Local Laws 1999*  
**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive Officer  
City of Gosnells

Given Names ..... Family Name .....

Residential Address .....

..... Post Code .....

Telephone (Day) ..... Mobile Phone .....

Facsimile .....

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

*Please forward your completed form and application fee to Council's Administration Office,  
2120 Albany Highway, Gosnells or by mail to PO Box 662, Gosnells WA 6990*

Clause 131

Schedule 8  
CITY OF GOSNELLS  
*Health Local Laws 1999*

**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

To: Chief Executive Officer  
City of Gosnells

Given Names ..... Family Name .....

Residential Address .....

..... Post Code .....

Telephone (Day) ..... Mobile Phone .....

Facsimile .....

apply for registration, for the year ended 30 /6 / .....

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 .....

**Fee and Signature**

Application Fee \$

.....  
Signature of Applicant

...../...../..... Date

*Please forward your completed form and application fee to Council's Administration Office,  
2120 Albany Highway, Gosnells or by mail to PO Box 662, Gosnells WA 6990*

Office Use Only

Receipt No:

Date:

Clause 132

Schedule 9  
CITY OF GOSNELLS  
*Health Local Laws 1999*

**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 .....

Business Name .....

This registration expires on the 30 /6 / .....

Dated this ..... day of (month) ..... (year) .....

.....

Manager Health Services

Clause 148 (2)

Schedule 10  
CITY OF GOSNELLS  
*Health Act 1911*

**APPLICATION FOR LICENCE AS AN ITINERANT VENDOR OF FOOD**

To: Chief Executive Officer  
City of Gosnells

Given Names ..... Family Name .....

Residential Address .....

..... Post Code .....

Telephone (Day) ..... Mobile Phone .....

Facsimile .....

District for which licence is sought .....

Nature of proposed trading (food type) activity: .....

Where will vehicles and trade utensils be stored? .....

Where will stocks of food for sale be stored? .....

Details of vehicle or means of carriage (*include type/make and registration no.*) .....

Proposed hours of operation (*if known*) .....

Proposed dates of operation (*if known*) .....

**Fee and Signature**

Application Fee \$

.....  
Signature of Applicant

...../...../..... Date

*Please forward your completed form and application fee to Council's Administration Office,  
2120 Albany Highway, Gosnells or by mail to PO Box 662, Gosnells WA 6990*

**Office Use Only**

Receipt No:  
Date:

Clause 148 (4)

## Schedule 11

## CITY OF GOSNELLS

*Health Act 1911***LICENCE AS ITINERANT FOOD VENDOR**

This is to certify that .....  
(Name)  
of .....  
(Address)

is hereby licensed as an itinerant food vendor within the District of the City of Gosnells.

This licence expires on the 30th day of June following the date of issue, unless this licence is previously cancelled.

Date of issue ..... 19 .....

.....  
Manager Health Services  
City of Gosnells

Passed by resolution at a meeting of the City of Gosnells held on 28th September, 1999.

The Common Seal of the City of Gosnells was hereunto affixed in the presence of—

P. MORRIS, Mayor.  
S. HOLTBY, Chief Executive Officer.

on this 4th day of October 1999.

Consented to—

Dr VIVIENNE P. DAWES, delegate of  
Executive Director, Public Health.

Dated this 28th October 1999.





