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SHIRE OF LAKE GRACE

LOCAL LAWS

CEMETERIES AMENDMENT LOCAL LAW 2016

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

HEALTH LOCAL LAW 2016

LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986

SHIRE OF LAKE GRACE

CEMETERIES AMENDMENT LOCAL LAW 2016

Under the powers conferred by the *Cemeteries Act 1986*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on 28 September 2016 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Lake Grace Cemeteries Amendment Local Law 2016*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law

In this local law the *Shire of Lake Grace Local Laws Relating to the Lake Grace, Newdegate, Lake King and Varley Public Cemeteries* published in the *Government Gazette* on 20 October 2000 and as amended on 15 December 2015.

4. Clause 1.2 amended

In clause 1.2, delete subclause (3).

5. Clause 6.1 amended

In clause 6.1, delete subclause (1) and replace with—

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is less than 750 mm.

Dated 18 October 2016.

The Common Seal of the Shire of Lake Grace was affixed by authority of a resolution of the Council in the presence of—

Cr. JEANETTE De LANDGRAFFT, President.

DENISE GOBBART, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911
CAT ACT 2011**

SHIRE OF LAKE GRACE

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995
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SHIRE OF LAKE GRACE

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995*, *Health Act 1911*, *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on 28 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

(1) In this local law, unless the context specifies otherwise—

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015*;

amusement means anything usually conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

AS/NZS 3500 means the standard published by Standards Australia as AS/NZS 3500 called Plumbing and Drainage, as amended from time to time;

authorised person means a person appointed by the local government, under section 9.10 of the Act to perform all or any of the functions conferred on an authorised person under this local law;

aviary bird means any bird, other than poultry or pigeons, kept, or usually kept in an aviary or cage;

beekeeper has the meaning given to it in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

building permit has the meaning given to it by the *Building Act 2011*;

building site means any lot for which a building permit is current;

Code of Practice—Pigeon Keeping means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003* as amended from time to time;

cow includes an ox, calf or bull;

development has the meaning given to it in the *Planning and Development Act 2005*;

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval, and any lot or lots upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place;

district means the district of the local government;

disused means, in relation to any thing whatsoever, that the thing—

- (a) is not in use for the purpose for which it was designed or appears to have been designed or intended; or
- (b) has been stored or left stationary on land in the district for more than 1 month;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

dwelling has the meaning given to it in the Residential Design Codes of Western Australia as amended from time to time;

EHO means an Environmental Health Officer appointed by the local government under the *Health Act 1911* and includes any acting or Assistant Environmental Health Officer so appointed;

farm animal includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca or pig (excluding a miniature pig);

food premises includes the meaning of “food” as given under section 9 of the *Food Act 2008* and the meaning of “food business”, as given under section 10 of the *Food Act 2008*;

horse means a stallion, mare, gelding, shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

land includes any building or structure on the land;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock means any horse, cow, sheep, goat, swine, buffalo, deer, camel, llama or alpaca;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the Shire of Lake Grace;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs less than 55 kilograms;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Parks and Wildlife;

pound means any facility, or any replacement facility, established as a pound by the local government under section 11(1) of the *Dog Act 1976*;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

residential building has the meaning given to it in the Residential Design Codes of Western Australia as amended from time to time;

residential zone includes any area zoned “Residential” and “Urban Development” under a local planning scheme;

rural zone means any area zoned “Rural” or “Rural Residential” under a local planning scheme;

sand means granules or particles of rock, earth, clay, loam, silt and any other granular, particulate or like material including dust and gravel;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

thoroughfare means any highway or thoroughfare which the public is entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

townsite includes the townsites within the district which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

truck means a motor vehicle having a tare weight in excess of 3,000 kilograms;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*; and

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

(2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.

(3) Where, in this local law, a duty, obligation or liability is imposed on an “owner or occupier” the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

(4) Where, under this local law, the local government is authorised to carry out actions, or cause to be undertaken works, as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, subdivision 3 of the Act.

PART 2—KEEPING OF ANIMALS

Division 1—Animals

2.1 Interpretation

In this Division, unless the context otherwise requires—

animal includes cats, dogs, rabbits and ferrets or the like;

catteries are premises registered for the breeding or caring of cats;

member of a cat organisation means a person referred to in the *Cat Regulations 2012* regulation 23(c); and

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

2.2 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal 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 EHO, clean and disinfect the premises; and
- (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.

2.3 Animal enclosures

(1) A person shall not keep or cause, or permit to be kept, any animals on premises which are 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 are kept shall, when directed by an EHO, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

2.4 Cats

(1) Subject to subclauses (6) and (7), a person shall not, without an exemption in writing from the local government, keep more than 3 cats over the age of 6 months on premises on any land within the district.

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

(3) The local government shall not grant an exemption under subclause (2) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this clause shall specify—

- (a) the owner or occupier to whom the exemption applies;
- (b) the premises to which the exemption applies; and
- (c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under subclause (2) may be required by the local government to house or keep cats in such manner as directed by an EHO.

(6) Subject to regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013* a person may keep more than 3 cats, over the age of 6 months, on premises used for veterinary purposes or as a pet shop, or if the person is a member of a cat organisation.

- (7) The occupier of any premises shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following conditions—
- (a) the occupier shall obtain approval from the local government to establish a cattery;
 - (b) upon receiving approval to establish a cattery, the occupier shall apply for registration of the cattery in the form approved by the local government from time to time;
 - (c) the occupier shall have paid, to the local government, the annual registration fee as determined from time to time by the local government under sections 6.16 to 6.19 of the Act;
 - (d) the occupier shall provide, for every cat, a properly constructed shelter with an enclosure, which shall comply with the following conditions—
 - (i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and
 - (ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;
 - (e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises wherein food is manufactured, packed or prepared for human consumption; and
 - (f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an EHO may direct.
- (8) A certificate of registration of a cattery issued by the local government shall—
- (a) be in the form approved by local government from time to time; and
 - (b) expire on 30 June next after the date of its issue.

Division 2—Keeping of birds

2.5 Keeping of poultry and pigeons in a residential zone

An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises—

- (a) more than 12 poultry unless with the approval of the local government in which case the maximum number of poultry shall be 20; or
- (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.

2.6 Conditions for keeping of poultry

- (1) 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 residential building;
 - (b) no poultry is able to approach within 15 metres of a public thoroughfare, public building, commercial premises or food premises;
 - (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; and
 - (f) all poultry is kept continually confined.
- (2) An owner or occupier of a premises who keeps poultry or permits poultry to be kept may apply in writing to the local government to vary the requirements of subclause 1 (d) and (f).

2.7 Roosters, geese, turkeys and peafowl

Except on land with an area of 1 hectare or more or with the prior written permission of the local government, an owner or occupier of premises shall not keep any of the following—

- (a) roosters;
- (b) geese;
- (c) turkeys; or
- (d) peafowls.

2.8 Conditions for keeping of pigeons

- (1) An owner or occupier of a premises who keeps pigeons, or permits pigeons to be kept, shall ensure that—
- (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
 - (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
 - (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
 - (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a public street, public building, commercial premises or food premises.

(2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice—Pigeon Keeping, subject to the provisions of this local law.

2.9 Restrictions on pigeon nesting and perching

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

2.10 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that the aviary or cage is kept in clean condition and good repair at all times.

2.11 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which—

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

Division 3—Keeping of farm animals

2.12 Keeping of farm animals

Subject to clause 2.13, an owner or occupier of land shall not keep, or allow to be kept, unless with the approval of the local government, any farm animal unless in a rural zone.

2.13 Conditions for keeping farm animals

(1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall maintain the place or places where the animals are kept in clean condition and good repair at all times.

(2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig, except with the express written approval of the local government.

2.14 Keeping a miniature horse

(1) An owner or occupier of a premises may keep only a sterilised miniature horse on land of not less than 1 000 square metres in area provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.

(2) An owner or occupier of premises shall—

- (a) not keep more than 1 miniature horse on land zoned residential or special rural without the written approval of the local government or an authorised person; and
- (b) not permit a miniature horse to come within 9 metres of any house.

(3) The local government or an authorised person may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

2.15 Keeping a miniature pig

(1) The keeping of pigs in the district, other than the keeping of a miniature pig, is forbidden except on premises, in a rural zone or registered by the local government as an abattoir.

(2) The local government or an authorised person may prohibit the keeping of a miniature pig on any land, or state the conditions under which the miniature pig may be kept.

(3) A person may keep 1 miniature pig in any residential or rural or special rural zone provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.

(4) An owner or occupier of premises where a miniature pig is kept shall—

- (a) not permit a miniature pig to come within 9 metres of any house;
- (b) ensure the animal is sterilised and retain written proof of its sterilisation;
- (c) confine the animal on the property at all times;
- (d) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust, or odour; and
- (e) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current.

Division 4—Livestock

2.16 Livestock not to stray

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a thoroughfare, public place or upon private property without the consent of the property owner.

2.17 Impounding of livestock

(1) An authorised person or a member of the Police Service may impound livestock found straying in contravention of clause 2.16.

(2) Livestock being impounded shall be placed in the pound or secured on private property with the consent of the owner.

2.18 Property to be fenced

- (1) The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.
- (2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a fence of post and wire construction.

*Division 5—Keeping of bees***2.19 Permit required to keep bees**

- (1) Subject to the provisions of this clause, a person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.
- (2) Subclause (1) does not apply where—
 - (a) the land is outside the townsite; and
 - (b) the bees are kept—
 - (i) at least 500 metres from a thoroughfare; or
 - (ii) less than 500 metres from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.
- (3) Subclause (1) does not apply where an occupier of land keeps bees on the land—
 - (a) for a continuous period not exceeding 8 weeks; and
 - (b) for the purpose of pollinating a crop on the land.
- (4) An occupier referred to in subclause (3), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.
- (5) Subclause (1) does not apply where a person keeps bees on Crown land.

2.20 Application for a permit

An applicant for a permit shall—

- (a) be a person registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;
- (b) provide such details as may be required by the local government;
- (c) apply in the form approved by the local government from time to time; and
- (d) pay any application fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

2.21 Determination of application

- (1) The local government may—
 - (a) refuse to determine an application for a permit which does not comply with clause 2.20;
 - (b) approve an application for a permit subject to the conditions referred to in clause 2.22(1) and to such other conditions as it considers appropriate; or
 - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder is to comply with those conditions or is to cause those conditions to be complied with.
- (3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form approved by the local government from time to time.
- (4) A permit is valid from the date of issue unless, and until, it is cancelled under this local law.

2.22 Conditions of approval

- (1) Without limiting the generality of clause 2.21(1)(b) an application for a permit may be approved by the local government subject to the following conditions—
 - (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;
 - (b) each bee hive shall be—
 - (i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or
 - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;
 - (iii) no more than 2 bee hives are to be kept on land of less than 2 000 square metres in area; and
 - (iv) no more than 15 bee hives are to be kept on land between 2 000 square metres and 20 000 square metres in area.
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

2.23 Variation or cancellation of permit and conditions

- (1) The local government may vary the conditions of a permit after it has been issued.
- (2) The local government may cancel a permit on the request of a permit holder to do so.
- (3) Notwithstanding clause 2.27, a permit shall be cancelled on—
 - (a) the permit holder ceasing to be registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or
 - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates, without any action required on the part of the local government.

2.24 Permit holder to notify cessation of registration or keeping of bees

- (1) In this clause a **permit holder** includes the holder of a permit cancelled by clause 2.23(3).
- (2) A permit holder is to notify the local government in writing as soon as practicable after—
 - (a) the permit holder ceases to be registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or
 - (b) a continuous period of 12 months has passed during which the permit holder has not kept any bees on the land described in her or his permit.
- (3) A permit holder shall, within 7 days of the local government giving the permit holder a written notice to do so, provide to the local government—
 - (a) written proof of her or his registration as a beekeeper under Regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;
 - (b) in respect of land identified by the local government in its notice, a signed statement as to whether or not he or she has kept bees on the land within the 12 months preceding the date of the notice; or
 - (c) both.

2.25 Permit not transferable

A permit is personal to the permit holder, is not transferable and applies only to the land described in the permit.

2.26 Nuisance

A person shall not keep, or allow to be kept, bees or bee hives, or both, on land so as to create a nuisance.

2.27 Notice to remove bees

- (1) Whenever, in the opinion of the local government, a person has contravened any provision of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* or of this local law which relates to the keeping of bees or bee hives, the local government may give the permit holder, in relation to that land, or if there is no valid permit in relation to that land, an owner or occupier of the land, a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.
- (2) Subject to Division 1 of Part 9 of the Act, on the giving of a notice referred to in subclause (1), any valid permit given by the local government relating to the keeping of bees or bee hives on that land is cancelled from the time specified in the notice, being not less than 7 days from the date it is given.
- (3) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both, in such manner as it sees fit and recover the costs of so doing from the permit holder, or an owner or occupier, as the case may be, as a debt due to it.

PART 3—BUILDING, DEVELOPMENT AND LAND CARE*Division 1—Litter and refuse on building sites***3.1 Provision of refuse receptacles**

The owner or occupier of a building or development site shall at all times provide and maintain a refuse receptacle, available for use on the site, which includes a suitable cover, to the satisfaction of an authorised person, of such design as will—

- (a) contain any refuse likely to be produced on the site; and
- (b) prevent refuse being blown from the receptacle by wind.

3.2 Control of refuse

- (1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall take all reasonable steps to—
 - (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
 - (b) keep the site as free as is reasonably practicable from any refuse;

- (c) keep the thoroughfare verge, and any other reserve, immediately adjacent to the site, free of refuse generated or originating from the building or development site; and
 - (d) ensure the refuse receptacle is emptied when full.
- (2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site—
- (a) the site and the thoroughfare verge immediately adjacent to it, is cleared of all refuse generated or originating from the building or development site; and
 - (b) that all refuse receptacles are removed from the site.

3.3 Unauthorised storage of materials

- (1) All construction materials must be located on the building site or development site under construction, unless written approval has been given by the local government to store materials on another property (including a road reserve).
- (2) Written approval must be obtained from the local government prior to any proposal to store construction material on any thoroughfare verge.

Division 2—Prevention of dust and liquid waste

3.4 Prohibited activities

- (1) An owner and/or occupier of land or premises shall take all reasonable steps to—
- (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land; and
 - (c) ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.
- (2) Where the local government forms the opinion that an owner or occupier has not complied with subclause (1), the local government may serve on the owner and/or occupier of the land a notice requiring the owner and/or occupier to do one or more of the following—
- (a) comply with subclause (1)(a) or (1)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; or
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (3) Where a notice is issued under subclause (2), the requirements set out in the notice must be complied with in the period as is specified in the notice.
- (4) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and/or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

Division 3—Smoke

3.5 Burning of cleared vegetation prohibited

An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site unless authorisation in writing is given by the local government.

Division 4—Unightly land and disused materials

3.6 Storage of vehicles, vessels and machinery

The owner or occupier of a lot shall not—

- (a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
- (b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;
- (c) store, or allow to remain in public view on any lot, any vehicle parts, vessel parts or machinery parts (including tyres);
- (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed—
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the thoroughfare and from adjoining properties; or
- (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

3.7 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first—

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened; and
- (b) removing any refrigerants as per requirements of the *Environmental Protection (Ozone Protection) Policy 2000*.

Division 5—Hazardous materials

3.8 Hazardous trees

(1) Where a tree on a lot endangers any person or thing on adjoining land, the local government may give a notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that tree so as to make the tree safe.

(2) Where a tree on a lot presents a serious and immediate danger to any person or thing, the local government may take any remedial action it considers appropriate in order to make the tree safe without having given the owner or occupier notice pursuant to subclause (1).

(3) The local government reserves its right to recover any costs incurred by the local government for remedial action taken in terms of subclause (2).

PART 4—NUISANCES AND DANGEROUS THINGS

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used, shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

- (a) floodlights or other exterior lights shine directly onto any other premises;
- (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or
- (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare,

the local government may by notice in writing direct the owner or occupier to take such actions as an authorised person considers necessary within the time specified in the notice.

(2) The notice referred to in subclause (1) may direct that—

- (a) floodlights or other exterior lights are used only during the hours specified in the notice;
- (b) the direction in which the lights shine be altered as specified in the notice;
- (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance; or
- (d) any combination of these measures that the local government believes to be appropriate to the circumstances be undertaken.

Division 2—Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material

(1) A person shall not on any land of an area 2000 square metres or less, set fire to rubbish, refuse or other materials on rural residential zoned property unless—

- (a) written approval has first been obtained from the local government;
- (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
- (c) the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
- (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
- (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

(2) Subclause (1) shall not apply to any barbecue, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

(3) Subclause (1) is subject to any fire danger rating as determined by the Bureau of Meteorology.

4.5 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall take all reasonable steps to not cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

Division 3—Trucks

4.6 Livestock vehicles

(1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.

(2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.

(3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

4.7 Truck noise from residential land

A person shall not start or drive a truck on land zoned, approved or used for residential purposes between the hours of 10.30pm and 6.30am on the following day without first obtaining the written consent of the local government.

Division 4—Swimming pool backwash management

4.8 Containment and disposal of swimming pool and other wastewater

(1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

Division 5—Stormwater management

4.9 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road.

4.10 Guttering and Downpipes

(1) The owner or occupier of a lot shall ensure that each building or house on the lot is provided with adequate guttering and downpipes sufficient to receive, without overflow, all stormwater from the roof of the building or house, in accordance with AS/NZS 3500.

(2) The owner or occupier of a lot shall ensure that all guttering and downpipes to each building or house on the lot are maintained in a good state of repair and free from obstruction.

4.11 Stormwater disposal systems

(1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into a stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(2) The owner or occupier of a lot shall ensure that all stormwater from paved areas or other surfaced areas including any vehicle access ways of the lot is discharged into a stormwater drainage system of adequate capacity in accordance with AS/NZS 3500.

Division 6—Amusement activities

4.12 Nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

4.13 Abatement by authorised person

Subject to subdivision 3 of Division 3 of Part 3 of the Act, an authorised person may enter on any land where an amusement is provided or conducted and may do any act or thing reasonably required to abate a nuisance referred to in clause 4.12.

*Division 7—Advertising, bill posting and junk mail***4.14 Placement of advertisement, bill posting or junk mail**

- (1) A person shall not, without written authorisation from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any buildings, fences or posts.
- (2) A person shall not place in or on any letter box, gate, fence or generally leave or distribute to any property in the district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states “no junk mail” or words of similar effect.

4.15 Exemptions

Clause 4.14 does not apply to—

- (a) delivery of articles by Australia Post;
- (b) documents issued under or for the purposes of an Act of Parliament;
- (c) an authorised person or member of the Police Service acting in the course of their duties;
- (d) electoral materials; or
- (e) legal process.

*Division 8—Bird nuisance***4.16 Restrictions on feeding of birds**

- (1) A person shall not feed a bird—
- (a) so as to cause a nuisance, or
 - (b) with a food or substance that is not a natural food of a bird.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

PART 5—OBJECTIONS AND REVIEW**5.1 Objections and review**

When the local government makes a decision under this local law as to whether it will—

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

PART 6—ENFORCEMENT*Division 1—Notice of breach***6.1 Notice of breach**

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such a breach.
- (2) A notice issued pursuant to subclause (1) shall—
- (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

6.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing giving adequate details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

6.3 When local government may undertake work required by notice

- (1) This clause applies only in respect of a notice issued under clauses 3.8(1) and 4.3(1) of this local law.
- (2) Where a person fails to comply with a notice referred to in subclause (1) the local government may, subject to compliance with the requirements of subdivision 3 of Division 3 of Part 3 of the Act, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

Division 2—Offences and penalties

Subdivision 1—General

6.4 Offences and penalties

(1) A person who—

- (a) fails to do anything required or directed to be done under this local law;
- (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
- (c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.

(3) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

6.5 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$150.

(3) An authorised person should be satisfied that—

- (a) commission of the offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable,

before giving an infringement notice to a person in respect of the commission of an offence.

6.6 Form of infringement notices

(1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

This Local Law was made by the Shire of Lake Grace at an Ordinary Meeting held on the 28th day of September, 2016.

The Common Seal of the Shire of Lake Grace was affixed by authority of a resolution of the Council in the presence of —

Cr. JEANETTE De LANDGRAFFT, President.
DENISE GOBBART, Chief Executive Officer.

Consented to—

TARUN WEERAMANTHRI, Executive Director, Public Health.

Dated this 9th day of November, 2016.

**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

SHIRE OF LAKE GRACE

HEALTH LOCAL LAW 2016

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**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

SHIRE OF LAKE GRACE

HEALTH LOCAL LAW 2016

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on 28 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Lake Grace Health Local Law 2016*.

1.2 Commencement

This local law comes into operation on the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Lake Grace Health Local Laws 2000* published in the *Government Gazette* on 30 March 2001 is repealed.

1.5 Interpretation

(1) In this local law, unless the context otherwise requires—

Act means 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 local government;

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

AS or *AS/NZS* means an Australian Standard or Australian/New Zealand Standard published by Standards Association of Australia;

AS/NZS ISO 717.1:2004 means the standard published by Standards Australia as AS/NZS ISO 717.1:2004 and called “Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation”, as amended from time to time;

AS 1530.2—1993 means the standard published by Standards Australia as AS 1530.2—1993 and called “Methods for fire tests on building materials, components and structures—Part 2: Test for flammability of materials”, as amended from time to time;

AS/NZS 1530.3:1999 means the standard published by Standards Australia as AS/NZS 1530.3:1999 and called “Methods for fire tests on building materials, components and structures—Part 3: Simultaneous determination of ignitability, flame propagation, heat release and smoke release”, as amended from time to time;

AS 1668.2—2012 means the standard published by Standards Australia as AS 1668.2—2012 and called “The use of ventilation and air-conditioning in buildings—Part 2: Ventilation design for indoor-air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure)”, as amended from time to time;

AS 2001.5.4—2005 means the standard published by Standards Australia as AS 2001.5.4—2005 and called “Methods of test for textiles—Method 5.4: Dimensional change—Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD)”, as amended from time to time;

AS/NZS 3666.2:2011 means the standard published by Standards Australia as AS/NZS 3666.2:2011 and called “Air-handling and water systems of buildings—Microbial control — Operation and maintenance”, as amended from time to time;

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;

- CEO** means the Chief Executive Officer of the local government;
- district** means the district of the local government;
- 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;
- EHO** means an Environmental Health Officer appointed by the local government under the Act and includes any acting or Assistant Environmental Health Officer, so appointed;
- Energy Safety WA** means the Energy Safety division of the Department of Commerce;
- habitable room** means a room used for normal domestic activities, and—
- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room or the like; but
 - (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;
- hot water** means water at a temperature of at least 65 degrees Celsius;
- local government** means the Shire of Lake Grace;
- local planning scheme** has the meaning given to it by the *Planning and Development Act 2005*;
- medical officer** means the medical officer appointed by the local government under the Act and includes an acting medical officer so appointed;
- nuisance** has the meaning given in section 182 of the Act;
- offensive matter** means and includes dust, mud, ashes, rubbish, filth, blood, offal, manure, soil or any other material which is offensive and which is placed or found in or about any house, stable, cowhouse, pigsty, lane, yard, street or place whatsoever;
- public place** includes every place to which the public ordinarily have access, whether by payment of a fee or not;
- sanitary convenience** includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacles for the deposit of ashes, faecal matter or refuse and all similar conveniences;
- sewage** means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;
- sewer** includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, including water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;
- street** includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
- toilet** means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;
- townsite** means all townsites within the district which are—
- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
 - (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;
- vectors of disease** means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice;
- water** means drinking water within the meaning of the *Australian Drinking Water Guidelines 2011* as published by the National Health and Medical Research Council and as amended from time to time; and
- window** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in this local law, a duty or liability is imposed on an owner or occupier, the duty or liability shall be taken to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law, 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

2.1 Interpretation

In this Part, unless the context otherwise requires—

festivals includes a fair, function or event;

organiser means a person—

- (a) to whom approval has been granted by the local government 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 has access, whether by payment of a fee or not;

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; and

urinal includes—

- (a) an individual stall or wall-hung urinal; or
- (b) each 600mm length of a continuous urinal trough; or
- (c) a closet pan used in place of a urinal.

2.2 Dwelling house

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

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

2.3 Premises other than a dwelling house

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

- (a) the premises have toilets in accordance with the Building Code and this Part, including disabled access facilities;
- (b) the toilets required by this clause are situated within a reasonable distance of the premises and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins that are—
 - (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 hand wash basin;
 - (iv) separate from any trough, sink or hand wash 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 in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to, and visible from, the hand wash basin.

(3) Where more than 1 toilet is provided on premises other than a dwelling house, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.4 Outdoor festivals

(1) The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's *Guidelines for concerts, events and organised gatherings*; and

(2) Where, under subclause (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.

2.5 Temporary works

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

2.6 Maintenance of sanitary conveniences and fittings

(1) The occupier of any premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an EHO, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings, in or on the premises.

(2) The owner of any 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.

2.7 Toilets

- (1) Toilets on a premises shall be maintained in accordance with the following requirements—
- (a) the door to a toilet, other than an internal door, shall be properly screened to a continuous height of 1.8 metres from the floor; and
 - (b) a toilet or its entrance, which is visible from overlooking windows, shall be properly screened.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
- (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from the floor to the ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by AS/NZS ISO 717.1:2004; and
 - (b) where more than 1 toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.8 Ventilation of toilet

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

2.9 Public sanitary conveniences

- (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 or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

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.

2.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water.

*Division 2—Bathrooms, laundries and kitchens***2.12 Bathrooms**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
- (a) is adequately lined with an impervious material and has an adequate ceiling;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
 - (c) is equipped with—
 - (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.

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

2.13 Laundries

- (1) A laundry must conform to the provisions of the Building Code.
- (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen or room where food is stored or consumed by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening in a wall between a laundry and a kitchen or room where food is stored or consumed, the opening shall—
- (a) not be more than 1220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.

2.14 Washing or keeping of clothes in kitchens

A person shall not, in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bedding; or
- (b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
- (a) a cooking facility which is adequate in the opinion of an EHO; and
 - (b) a sink which shall—
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the cooking facility 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 Energy Safety WA and the manufacturers written specifications of the product; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) Mechanical ventilation extraction is to be provided in a kitchen and the exhaust air shall be—
- (a) carried to the outside air as directly as practicable unless adequately filtered for recirculation; and
 - (b) boxed throughout.
- (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 dwelling houses

3.1 Dwelling house maintenance

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

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an EHO to treat the premises for the purpose of controlling any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10 per cent of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the *Water Services Act 2012* 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 all relevant public authorities.

Division 2—Ventilation of dwelling houses

3.2 Exemption for short term hostels and recreational campsites

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

3.3 Overcrowding

The owner or occupier of a dwelling house shall not permit—

- (a) a room in the dwelling house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the dwelling 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 up to, and including the age of 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.

3.4 Calculate sufficient space

For the purpose of clause 3.3, in calculating the space required for each person—

- (a) each room is to be considered separately and sufficient space is to be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction is to be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.5 Ventilation

(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 subclause (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 AS 1668.2—2012.

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

- (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2011; and
- (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of an EHO, a house is not properly ventilated, the local government 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.

3.6 Subfloor ventilation

The owner or occupier of a house shall make provision for subfloor 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

3.7 Water supply

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

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

(3) The water supply to toilets or for garden use may be from a source other than drinking water.

3.8 Rain water tanks

(1) The owner or occupier of a dwelling 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, guttering and downpipes forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
- (c) thoroughly clean and disinfect such tank, at least once in each year, or whenever directed by an EHO to do so.

(2) The owner or occupier of a house for which its entire water supply is drawn from a rain water tank shall ensure that the storage capacity of the tank is not less than 90 000 litres.

(3) The owner or occupier of any non-residential premises on which rainwater and/or borewater is used for human consumption shall—

- (a) once every calendar month, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2011, published by the National Health and Medical Research Council;
- (b) disinfect the water supply prior to entry into the premises and monitor and record the level of disinfection and pH of the water on a daily basis;
- (c) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2 milligrams per litre and 0.5 milligrams per litre in the water received from any outlet used for drinking purposes; and
- (d) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8.

3.9 Wells

The owner or occupier of any premises must 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 soak well 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 a pump.

3.10 Pollution

A person must 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—Second-hand furniture, bedding and clothing

3.11 Prohibition on sale

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

3.12 Prohibition of possession

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

Division 5—Morgues

3.13 Licensing of morgues

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

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under section 344C of the Act.

(3) An application for a morgue licence shall be in the form approved by the local government from time to time.

(4) A licence shall—

- (a) be in the form as determined by the local government from time to time; and
- (b) expire on 30 June after the date of its issue.

(5) A licence shall not be granted in respect of any premises unless—

- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
- (b) the walls are constructed of stone or brickwork or other approved material;
- (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
- (d) all floors are constructed of impervious material, having a fall to an outlet discharging over a trapped gully; and
- (e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND LIQUID REFUSE

Division 1—Liquid refuse

4.1 Interpretation

In this Division, unless the context otherwise requires—

approved carrier means a carrier licensed under the *Environmental Protection (Controlled Waste) Regulations 2004*.

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

liquid waste means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

4.2 Deposit of liquid refuse

(1) A person shall not deposit, or cause, or permit to be deposited, liquid refuse or liquid waste—

- (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.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall—
- (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director, Public Health.

4.4 Approval for septic tank pump outs and removal of liquid waste

A person shall not collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes, unless—

- (a) he or she is an approved carrier;
- (b) with the written approval of the local government; and
- (c) in accordance with any terms and conditions imposed by the local government or the Executive Director, Public Health in connection with the approval under subclause (b).

Division 2—Transport of butchers' waste

4.5 Interpretation

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.

4.6 Restriction of vehicles

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

- (a) a vehicle or container not approved by the local government;
- (b) a vehicle used for the transport of food or drugs; or
- (c) anything intended to be used for the packing or handling of food or drugs.

4.7 Transport of butchers' waste

- (1) A person shall not transport butchers' waste other than in—
- (a) a compartment complying with the following specifications—
 - (i) the floor and 4 walls to be made of an approved impervious material and the walls to be not less than 910 millimetres high;
 - (ii) all joints to be sealed, welded, soldered or brazed and made watertight;
 - (iii) the loading doors, if any, to be watertight 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 an EHO, 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
 - (v) a watertight durable and impervious 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

5.1 Interpretation

In this Part, unless the context otherwise requires—

fertiliser includes manure; and

public vehicle means any vehicle to which the public ordinarily has access, whether by payment of a fee or not and includes a taxi or bus.

5.2 Footpaths etc, to be kept clean

An owner or occupier of premises shall take reasonable steps to keep any footpath, pavement, area or right of way immediately adjacent to the premises, clear of any rubbish, matter or other things coming from or belonging to the premises.

5.3 Public vehicles to be kept clean

The owner or person in control of a public vehicle must—

- (a) maintain the vehicle at all times—
 - (i) in a clean condition; and
 - (ii) free from vectors of disease; and
- (b) whenever directed to do so by an EHO, thoroughly clean and disinfect the vehicle as directed.

5.4 Transportation, use and storage of offal or blood

A person must 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.

5.5 Use or storage of fertiliser

An owner or occupier of premises must not use, or keep for the purpose of use as fertiliser any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

5.6 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale must—

- (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 finished internally with a smooth surface; and
 - (ii) that is free from damp and properly ventilated;
- (b) take reasonable steps to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

5.7 Storage of fertiliser in a house

The owner or occupier of a house where fertiliser or compost is stored or used shall take reasonable steps to—

- (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) that can be readily used within a reasonable period; or
 - (ii) as may be directed by the EHO.

*Division 2—Keeping of animals***5.8 Slaughter of animals**

(1) Subject to subclause (2), a person, unless exempted under Regulation 20 of the *Food Regulations 2009*, shall not slaughter any animal within the district.

(2) Subclause (1) does not apply to—

- (a) euthanasia of animals by veterinarians or other duly authorised persons;
- (b) slaughter of animals for the purposes of pet meat and game meat operations;
- (c) slaughter of animals for human consumption in abattoirs approved by the local government; and
- (d) farming or grazing property occupiers preparing meat for their own consumption.

5.9 Disposal of dead animals

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

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

(3) An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall, as soon as possible, remove the carcass and arrange for its disposal at an approved disposal site, except where it may be buried on broadacre farmland by the owner.

*Division 3—Feedlots***5.10 Interpretation**

For the purpose of this division—

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

birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches; and

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

5.11 Premises to be approved

- (1) No premises shall be used as a feedlot unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

Table 1—Required buffer distances for feedlots

Buffer	Distance
Townsite boundaries	5000m
Isolated rural dwelling houses, dairies and industries	1000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

5.12 Site conditions

- (1) The owner or occupier of the approved feedlot shall take reasonable steps to ensure the premises—
 - (a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
 - (b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;
 - (c) has a minimum groundwater clearance of 3 metres;
 - (d) drainage diverts all uncontaminated stormwater from the general waste stream; and
 - (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.
- (2) The owner or occupier of the approved feedlot shall take reasonable steps to prevent the discharge of dust which may involve—
 - (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
 - (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
 - (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

*Division 4—Piggeries***5.13 Interpretation**

In this Division, unless the context otherwise requires—

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

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

5.14 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a piggery by the local government, unless every portion of such piggery complies with the minimum separation distances listed in Table 2, or if it is an intensive piggery, the minimum distances listed in Table 3; and
- (3) Sites unsuitable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2—Required buffer distances for piggeries

Buffer	Distance
Townsite boundaries	5000m
Isolated rural dwelling houses, dairies and industries	1000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	100m

Buffer	Distance
Major water courses and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

5.15 Site conditions

The owner or occupier of premises shall take reasonable steps to prevent the discharge of dust which may involve—

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

5.16 Prevention of nuisances

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

Table 3—Required buffer distances for intensive piggeries

	Townsite boundaries	Isolated rural dwelling houses, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores/wells Soaks drinking water supply
Piggeries and facilities catering for more than 5000 pigs	5000m	1000m	200m	100m	Not permitted	300m	300m
500—5000 pigs	3500m	1000m	150m	100m	Not permitted	300m	300m
50—499 pigs	2000m	1000m	100m	100m	Not permitted	300m	300m
Less than 50 pigs	1000m	1000m	100m	100m	Not permitted	200m	300m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	50m	Not permitted	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	50m	20m	Not permitted	100m	100m

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.2 Fly breeding matter not to be left on premises unless covered or treated

An owner or occupier of premises shall not place, throw, 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.

6.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that—

- rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- lawn clippings used on gardens as mulch are raked out thinly;
- fertilisers are dug well into the soil;
- compost heaps are kept well covered;
- 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.

6.4 EHO may give notice directing measures to be taken

Where, in the opinion of an EHO, flies are prevalent or are breeding on any premises, an EHO may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of an EHO are necessary to—

- (a) control the prevalence;
- (b) effect the eradication; or
- (c) effectively prevent the breeding,
of flies.

6.5 Local government may execute work and recover costs

(1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 6.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

the local government 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 this local law.

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

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 2—Mosquitoes

6.6 Interpretation

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.

6.7 Measures to be taken to prevent mosquitoes breeding

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

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

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

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

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

(4) Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for breeding mosquitoes, the owner or occupier shall, when required by a notice issued by an EHO—

- (a) reactivate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust the pH of the pool to—
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2–7.6; or
- (c) empty or drain the pool; or
- (d) add a larvicide to the pool at the specified rate; and
- (e) maintain the pool water free of mosquito breeding.

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

6.8 Local government may execute work and recover costs

(1) Where—

(a) a person is required under this Division or directed by a notice given under clause 6.7 to execute any work; and

(b) that person fails or neglects to comply with the requirement,

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

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

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

*Division 3—Rodents***6.9 Interpretation**

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 native rodents, laboratory bred rats and mice, or those animals kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

6.10 Measures to be taken to eradicate rodents

(1) An owner or occupier of any premises, shall at all times take reasonable steps to eradicate any rodents and prevent the harbourage or potential harbourage of rodents in or on the premises.

(2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of an EHO, 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 EHO under this clause.

6.11 Food and wastes to be kept in rodent proof receptacles

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment, which is kept effectively protected against access by rodents.

6.12 Restrictions on keeping of rodents

A person or body who keeps rodents shall—

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

(b) if a rodent escapes, forthwith take all reasonable steps to destroy or recapture the rodent.

*Division 4—Cockroaches***6.13 Interpretation**

In this Division, unless the context otherwise requires—

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

6.14 Measures to be taken to eradicate cockroaches

(1) An owner or occupier of premises shall take reasonable steps to eradicate any cockroaches in or on the premises.

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

(3) An owner or occupier shall, within the time specified, comply with any direction given by an EHO under this clause.

*Division 5—Argentine Ants***6.15 Interpretation**

In this Division, unless the context otherwise requires—

Argentine Ant means an ant belonging to the species *Linepithema humile* (formally *Iridomyrmex humilis*).

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

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

(a) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

- (c) whenever required by an EHO—
 - (i) treat any area or infestation with an insecticide referred to in subclause (b); and
 - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an EHO.

Division 6—European Wasps

6.17 Interpretation

In this Division, unless the context otherwise requires—

European Wasp means a wasp belonging to the species *Vespula germanica*.

6.18 Measures to be taken to keep premises free from European Wasp nests

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

- (a) follow any direction of an EHO for the purpose of destroying the European Wasps and their nests; and
- (b) assist an EHO, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Arthropod vectors of disease

6.19 Interpretation

In this Division, unless the context otherwise requires—

arthropod vectors of disease includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) pubic lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus humanus*, also known as *Pediculus humanus corporis*); and
- (e) head lice (*Pediculus humanus capitis*).

6.20 Responsibility of the owner or occupier

The owner or occupier of premises shall—

- (a) take reasonable steps to 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 EHO to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General provisions

7.1 Requirements on owner or occupier to clean, disinfect and disinfest

(1) The local government or an EHO may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

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

or both, to the satisfaction of the EHO.

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

7.2 EHO may disinfect or disinfest premises

(1) Where the CEO or the medical officer is satisfied that any case of infectious disease has occurred on any premises, the CEO or the medical officer may direct an EHO, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) Where in the opinion of the CEO or the medical officer, where the owner or occupier directed in subclause (1) does not disinfect or disinfest the premises in a reasonable period or where as a matter of urgency, the premises or any part of the premises and anything in or on the premises must be disinfected or disinfested by the action of the CEO.

(3) An owner or occupier of premises shall permit, and provide access to enable an EHO, other local government officer or other person to carry out the direction given under subclause (1).

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

(5) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff or employees under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

7.3 Insanitary houses, premises and things

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

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

(3) Where an EHO considers that—

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

(b) any thing is insanitary,

the EHO may, by notice in writing, direct, as the case may be—

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

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

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

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

7.4 Persons in contact with an infectious disease sufferer

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

(a) shall obey such instructions or directions as the local government or the medical officer may issue; and

(b) may be removed, at the direction of the local government or the medical officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the medical officer otherwise directs.

7.5 Declaration of infected house or premises

(1) To prevent or check the spread of infectious disease, the local government or the medical officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected, without the written consent of the medical officer or an EHO.

7.6 Destruction of infected animals

(1) An EHO, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under subclause (1), shall comply with the terms of the notice.

7.7 Disposal of a body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the medical officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.8 Local government may carry out work and recover costs

(1) Where—

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

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

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) in relation to any action taken by the local government under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

*Division 2—Disposal of used condoms and needles***7.9 Disposal of used condoms**

(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 an EHO.

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

7.10 Disposal of used needles

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

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

(1) In this Part, unless the context otherwise requires—

bed means a single sleeping berth only, and a double bed provided for the use of couples has the same floor space requirements as 2 single beds;

bunk means a sleeping berth comprising 1 of 2 beds arranged vertically;

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

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

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;

laundry unit means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms weight of dry clothing;
- (b) 1 wash trough of not less than 36 litres capacity, connected to both hot and cold water;
- (c) either an electric drying cabinet or not less than 30 metres of clothes line; and
- (d) a hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 0.076 litres per second to each washing machine;

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

lodging house includes a recreational campsite, a serviced apartment, a short term hostel and any premises used for transient workforce accommodation;

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

recreational campsite means a lodging house—

- (a) situated on a campsite principally used for—
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

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 includes a youth hostel or a backpacker hostel.

(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 the act to be done, or of preventing the act so forbidden from being done, as the case may be.

8.2 Lodging house not to be kept unless registered

A person shall not keep or cause or allow 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 local government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) when required by the local government either—
 - (i) the keeper; or

(ii) a lodging house manager who, with the written approval of an EHO, 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 1 or more lodgers in the lodging house.

8.3 Application for registration

An application for registration of a lodging house shall be—

- (a) in the form approved by the local government from time to time;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the approved fee as fixed from time to time by the local government under section 344C of the Act; and
 - (ii) detailed plans and specifications of the lodging house.

8.4 Approval of application

The local government may approve, with or without conditions, an application by issuing to the applicant a certificate of registration in the form approved by the local government from time to time.

8.5 Renewal of registration

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 local government for the renewal of the registration of the lodging house in the form approved by the local government from time to time; and
- (b) pay the approved fee as fixed from time to time by the local government under section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon sale or transfer

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 local government, in the form approved by the local government from time to time, 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.

8.7 Revocation of registration

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—
 - (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained in a clean and sanitary condition;
 - (b) that the keeper has—
 - (i) been convicted of an offence against this local law 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 local government, having regard to a report from the Police Service, is satisfied that the keeper or lodging house 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 local government, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government 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

8.8 General construction requirements

The construction of a lodging house shall comply with the Building Code and the Act.

8.9 Sanitary conveniences

- (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 hand wash basin and either a shower or a bath,in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).

- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall—
- (a) be 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; and
 - (d) be provided with adequate electric lighting and ventilation.
- (6) Subclauses 5(b) and 5(c) do not apply to a serviced apartment.

8.10 Laundry

- (1) A keeper shall—
- (a) subject to subclause (2)—
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry or laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink, or washing machine; and
 - (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.
- (2) An EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

8.11 Kitchen

A keeper of a lodging house shall provide in that lodging house a kitchen—

- (a) which has a minimum floor area of—
 - (i) where lodgers prepare their own meals—0.65 square metres per person; or
 - (ii) where meals are provided by the keeper or lodging house manager—0.35 square metres per person; or
 - (iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- (b) which 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; and
- (c) that complies with the requirements of Standard 3.2.3—Food Premises and Equipment of the Food Standards Code as amended from time to time.

8.12 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room—

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

8.13 Lounge room

The keeper of a lodging house shall provide in that lodging house, a lounge room—

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

8.14 Fire prevention and control

- (1) The keeper of a lodging house must—
- (a) in each passage in the lodging house provide an emergency light—
 - (i) in the position and pattern approved by an EHO; and
 - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times;
 - (d) ensure all fire-fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance; and
 - (e) ensure that a lodger or other person does not smoke in any dormitory, kitchen, dining room, or other enclosed public place within a lodging house.
- (2) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

8.15 Obstruction of passages and stairways

A keeper shall not cause or allow furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use,

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

8.16 Fitting of locks

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

8.17 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 8.31, a keeper shall not use or permit to be used as a sleeping apartment, a room in a lodging house—
- (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;
 - (c) which is used as a kitchen, scullery, storeroom, 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 or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metres of unobstructed glass to every 1.0 square metre of floor area;
 - (g) which is ventilated at a ratio of less than 0.5 square metres of unobstructed ventilating area to every 10 square metres of floor area;
 - (h) in which the lighting or ventilation referred to in subclauses (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an EHO.
- (2) For the purposes of this clause, 2 children under the age of 10 years are counted as 1 lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

8.18 Sleeping accommodation—short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
- (a) 4 square metres per person in each dormitory utilising beds; and
 - (b) 2.5 square metres per person in each dormitory utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there are ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

- (5) The keeper of any short term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; and
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
- (a) beds with a minimum size of—
 - (i) in short term hostels—800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites—750 millimetres x 1.85 metres; 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 any short term hostel or recreational campsite shall—
- (a) arrange at all times a distance of 750 millimetres between beds, and a distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short term hostel or recreational campsite shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS/NZS 1530.3:1999 as follows—
 - (i) Drapes, curtains, blinds and bedcovers—
a maximum Flammability Index of 6;
 - (ii) Upholstery and bedding—
a maximum Spread of Flame Index of 6; and
a maximum Smoke Developed Index of 5;
 - (iii) Floor coverings—
a maximum Spread of Flame Index of 7; and
a maximum Smoke Developed Index of 5;
 - (b) Fire retardant coatings used to make a material comply with the indices set out in subclause (8)(a) must be—
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4—2005, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specifications;
 - (c) emergency lighting is provided in accordance with the Building Code;
 - (d) a lodger or other person does not smoke in any kitchen, dining room or other enclosed public place within a short term hostel or recreational campsite; and
 - (e) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

8.19 Furnishing of rooms

- (1) A keeper shall—
- (a) furnish each sleeping room with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, 2 sheets, a blanket or rug and, from 1 May to 30 September, not less than 1 additional blanket or rug; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause or allow any tiered beds or bunks to be used in a sleeping apartment.
- (3) The sheets and blankets required to be provided by subclause (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (4) In a short-term hostel or recreational campsite, the storage facilities required by subclause (1)(c) may be located in a separate secure storage room or locker room.

8.20 Ventilation

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

8.21 Numbers to be placed on doors

(1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an EHO.

(2) The number or alternate means of identification is to be legible and easily identified.

*Division 3—Management and care***8.22 Keeper or lodging house manager to reside in the lodging house**

No keeper of a lodging house shall be absent from such house, unless

- (a) a manager is left in charge, or
- (b) other care arrangement as approved in writing by the local government is in place.

8.23 Register of lodgers

(1) A keeper shall keep a register of lodgers in the form approved by the local government from time to time.

(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 EHO.

8.24 Keeper to report

A keeper shall, whenever required by the local government, report to the local government, in the form approved by the local government from time to time, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.25 Certificate in respect of sleeping accommodation

(1) An EHO may issue to a keeper, a certificate, in respect of each room, which shall be in the form approved by the local government from time to time.

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

(3) When required by an EHO, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which it refers.

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

8.26 Duplicate keys and inspection

Each keeper and lodging house 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 EHO, open the door of any room for the purposes of inspection by the EHO.

8.27 Room occupancy

(1) A keeper of a lodging house shall not—

- (a) cause or allow 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 or allow to be placed or kept in any sleeping apartment—
 - (i) a larger number of beds; or
 - (ii) 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, or allow to be used, for sleeping purposes, a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government has forbidden to be used as a sleeping apartment.

(2) For the purpose of this clause, 2 children under 10 years of age shall be counted as 1 lodger.

8.28 Maintenance of a room by a lodger or resident

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

(2) Where permission is given or a contract entered into under subclause (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 condition.

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

8.29 Cleaning and maintenance requirements

(1) In this clause—

bed linen includes sheets, pillow cases and mattress covers.

(2) A keeper of a lodging house shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and 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) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use are washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, or prior to the room being re-let, 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 an EHO, 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 an EHO.

8.30 Responsibilities of lodgers and residents

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 that are inflammable or offensive;
- (c) use a 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 8.31—
 - (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 lodging house manager from inspecting or examining the room or rooms occupied by the lodger or resident; or
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.31 Approval for storage of food

- (1) An EHO may—
 - (a) approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if a nuisance or vectors of disease infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

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 1 or more of the trades, businesses or occupations usually carried on, in, or connected with, the following works or establishments—

- (a) fat rendering premises;
- (b) fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared on site;
- (c) shellfish and crustacean processing establishments (not including retail fish shops) where shellfish and crustaceans are processed, cleaned or prepared on site;
- (d) flock factories;
- (e) laundries and dry cleaning premises;
- (f) fellmongering, not including a premises where pre-treated skins and hides are sorted and boxed for distribution; and
- (g) any trade as defined in section 186 of the Act; and

premises includes houses.

9.2 Consent to establish an offensive trade

A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall make an application in the form approved by the local government from time to time and in accordance with the local government's local planning scheme.

9.3 False statement

A person who makes a false statement in an application under clause 9.2 commits an offence.

9.4 Registration of premises

An application for the registration of premises pursuant to section 191 of the Act shall be—

- (a) in the form approved by the local government from time to time;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the local government.

9.5 Certificate of registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form approved by the local government from time to time.

9.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the CEO in writing of such change.

9.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

Division 2—General duties of an occupier

9.8 Interpretation

In this Division, unless the context otherwise requires—

occupier means the occupier, or where there is more than 1 occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

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

9.9 Cleanliness

The occupier shall—

- (a) ensure the premises is kept and maintained in a clean and sanitary condition and that floors, walls, ceilings and other portions of the premises are kept in a state of good repair;
- (b) ensure all fittings, fixtures, appliances, machinery, implements, shelving, furniture, bins, sinks, drain boards, grease traps, tubs, vessels and other things used on or in connection with the premises are kept in a clean and sanitary condition and in a good state of repair;
- (c) keep the premises free from any offensive odour arising from the premises;
- (d) keep in a clean and tidy condition, all yards, footpaths, passageways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily, and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises, in a clean and sanitary condition.

9.10 Rats and other vectors of disease

The occupier shall take reasonable steps to—

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

9.11 Sanitary conveniences and hand wash basins

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

9.12 Painting of walls etc

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

9.13 Effluvia, vapours, gases or dust

The occupier shall—

- (a) provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying, or of rendering harmless, all offensive effluvia, vapours, dust or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises; and
- (b) manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

9.14 Offensive material

The occupier shall—

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

9.15 Storage of materials

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.

9.16 Specified offensive trades

(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 processing premises, fish curing premises, and shellfish and crustacean processing establishments; and
- (b) laundries, dry cleaning premises and dye works.

(2) Where premises are used for, or in relation to, a specified offensive trade, the occupier shall—

- (a) cause the floor of the premises to—
 - (i) be properly paved and drained with impervious material;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;

- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
- (c) cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Water Services Act 2012*, before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as an EHO may from time to time direct.

9.17 Directions

- (1) An EHO may give to the occupier, directions to prevent or diminish the offensiveness of a trade or to safeguard public health.
- (2) The occupier shall comply with any directions given under this clause.

9.18 Other duties of occupier

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

Division 3—Fish premises

9.19 Interpretation

In this Division, unless the context otherwise requires—

fish premises may include a fish-processing establishment, fish curing establishment and a shellfish and crustacean-processing establishment.

9.20 Duties of an occupier

The occupier of a fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

9.21 Disposal of waste

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

- (a) placed in the receptacles referred to in clause 9.14 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.22 Fish containers

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

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, dry cleaning establishments and dye works

9.23 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment means premises where clothes or other articles are cleaned by use of solvents without using water, but does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

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

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste into a public sewer;

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

laundry means any place where articles are laundered with commercial grade machinery but does not include an exempt laundromat.

9.24 Receiving depot

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

9.25 Reception room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by an EHO to be thoroughly disinfected to the satisfaction of the officer.

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

9.26 Walls and floors

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

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks or crevices;
- (b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.27 Laundry floor

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

9.28 Escape of dust

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

9.29 Precautions against combustion

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

9.30 Trolleys

The occupier of a laundry or dry cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth, impervious, non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

9.31 Sleeping on premises

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

PART 10—OFFENCES AND PENALTIES

Division 1—General

10.1 Offences and penalties

(1) A person who contravenes a provision of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable—

- (a) to a penalty which is not more than \$2 500 and not less than—
 - (i) in the case of a first such offence, \$250;

- (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third or subsequent such offence, \$1 250; and
- (b) if the offence is a continuing offence a daily penalty which is not more than \$250 and not less than \$125.
-

Passed at the Ordinary Meeting of the Shire of Lake Grace held on the day of 28th September 2016.
The Common Seal of the Shire of Lake Grace was affixed by authority of a resolution of the Council in the presence of —

Cr. JEANETTE De LANDGRAFFT, President.
DENISE GOBBART, Chief Executive Officer.

Consented to—

TARUN WEERAMANTHRI, Executive Director, Public Health.

Dated this 25th day of November, 2016.
