

LOCAL GOVERNMENT ACT 1995

SHIRE OF PINGELLY

HEALTH LOCAL LAWS 2003

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# LOCAL GOVERNMENT ACT 1995

## SHIRE OF PINGELLY

### HEALTH LOCAL LAWS 2003

Made by the Council of the Shire of Pingelly under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

#### PART 1—PRELIMINARY

##### 1.1 Citation

These local laws may be cited as the “Shire of Pingelly Health Local Laws 2003”.

##### 1.3. Interpretation

(1) In these Local Laws, 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 Principal Environmental Health Officer;

“**AS**” means Australian Standard published by the Standards Association of Australia;

“**AS 1530.2: 1993**” means the standard published by the Standards Association of Australia as AS 1530.2: 1993 and called “Methods for fire tests on building materials, components and structures—Tests for flammability of materials”;

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

“**AS 1668.2—2002**” means the standard published by the Standards Association of Australia as AS 1668.2—2002 and called “The use of ventilation and air-conditioning in buildings— Ventilation design for indoor-air contaminant control”;

“**AS 2001.1—1995**” means the standard published by the Standards Association of Australia as AS 2001.1—1995 and called “Methods of test for textiles— Conditioning procedures”;

“**AS/NZS 3666.2: 2002**” means the standard published by the Standards Association of Australia as AS/NZS 3666.2: 2002 and called “Air-handling and water systems of buildings—Microbial Control—Operation and maintenance”;

“**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 Shire of Pingelly and includes an Acting Chief Executive Officer;

“**district**” means the district of the Shire of Pingelly and includes any area placed under the jurisdiction of the Local Government pursuant to section 22 of the Act;

“**dwelling house**” means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

“**Environmental Health Officer**” means an Environmental Health Officer appointed by the Local Government under the Act and includes an Acting or Assistant Environmental Health Officer;

“**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; 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 75 degrees Celsius;

“**Local Government**” means the Shire of Pingelly;

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

**“Principal Environmental Health Officer”** means an Environmental Health Officer appointed by the Local Government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

**“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 receptacle 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, also 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;

**“water”** means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia—1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time; and

**“window”** means a glass panel, roof light, glass brick, glass louver, 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 these local laws, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under these local laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done or of preventing from being done the act so forbidden to be done, as the case may be.

## **PART 2—SANITATION**

### ***Division 1—Sanitary Conveniences***

#### **2.1. Interpretation**

In this Part, unless the context otherwise requires—

**“festival”** 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 have access, whether by payment of a fee or not; and

**“temporary sanitary convenience”** means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with a festival; or
- (b) employees at construction sites or the like.

#### **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 one toilet.
- (2) A room in which a toilet is located shall 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, premises other than a dwelling house unless—
  - (a) the premises have sanitary conveniences in accordance with the Building Code

- and this Part;
- (b) the toilets required by this Section are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
  - (c) the premises have hand wash basins—
    - (i) in accordance with the Building Code;
    - (ii) for the use of persons employed or engaged on the premises;
    - (iii) provided with an adequate supply of water supplied by taps located over each basin;
    - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
    - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that—
- (a) clean toilet paper is available at all times in each cubicle;
  - (b) a sanitary napkin disposal facility is provided 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 basin.
- (3) Where more than one 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 festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—
- (a) for the first 1,000 males—
    - (i) one water closet for each 333;
    - (ii) one urinal stall for each 100; and (iii) one hand wash basin for each 500;
  - (b) for additional males—
    - (i) one water closet for each 500;
    - (ii) one urinal stall for each 100; and (iii) one hand wash basin for each 500;
  - (c) for the first 1,000 females—
    - (i) one water closet for each 77; and
    - (ii) one wash hand basin for each 500;
  - (d) for additional females—
    - (i) one water closet for each 100; and
    - (ii) one wash hand basin for each 500.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

#### **2.5. Toilets**

Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended.

#### **2.6. Temporary Works**

A person who undertakes temporary work at any place shall—

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from an Environmental Health Officer, and ensure the site is left clean.

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

- (1) The occupier of premises shall—
- (a) keep clean, in good condition and repair; and



- (b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—
  - (a) keep or cause to be kept in good repair; and;
  - (b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

### **2.8. Ventilation of Toilet**

- (1) A toilet in any premises shall be ventilated in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and the Building Code.
- (2) A mechanical ventilation system provided under subsection (1) shall be maintained in good working order and condition.

### **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 using a public sanitary convenience shall where the convenience has been provided by the Local Government and a charge for its use has been levied, forthwith pay that charge.
- (3) 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**

- (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and shall have an adequate supply of water.
- (2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

## ***Division 2—Bathroom, 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 wash hand basin; and
    - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand 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 by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening between a laundry and a kitchen or other 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 the Environmental Health Officer;
  - (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 stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
  - (a) be installed in accordance with the requirements of the Office of Energy; and
  - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
  - (a) carried to the outside air as directly as practicable; and
  - (b) boxed throughout.
- (5) In this section, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

## **PART 3—HOUSING AND GENERAL**

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

#### **3.1. Dwelling House Maintenance**

The owner or occupier of a dwelling house shall maintain the house and any appurtenant 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 Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete 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% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage Act 1909 and the requirements of the Office of Water Regulation; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

#### **3.2. Maintenance of Guttering and Downpipes and Disposal of Rainwater**

The owner or occupier of a house shall—

- (a) where provided, maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

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

#### **3.3. Exemption for Short Term Hostels and Recreational Campsites**

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

Division 2 of Part 8.

### **3.4. Overcrowding**

The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
- (b) a habitable room in the house to be used for sleeping purposes unless—
  - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
  - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

### **3.5. Calculate Sufficient Space**

For the purpose of Section 3.4, in calculating the space required for each person—

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

### **3.6. 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 subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
  - (a) natural ventilation; or
  - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2—2002
- (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—2002; 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 the Principal Environmental Health Officer, 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. (5) The owner shall comply with a notice under subsection (4).

### **3.7. Sub-Floor Ventilation**

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

## ***Division 3—Water Supply***

### **3.8. Water Supply**

- (1) The owner of a 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 deliver an adequate supply of drinking water to each tap in the house.

### **3.9. Rain Water Tanks**

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) at least once in each year, thoroughly clean any tank the water from which is used for

- human consumption;
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

### **3.10. Wells**

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

- (a) at least 30 metres from any 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.

### **3.11. Pollution**

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

## ***Division 4—Second hand Furniture, Bedding and Clothing***

### **3.12. 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.

### **3.13. 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.

## **PART 4—WASTE FOOD AND REFUSE**

### ***Division 1—Liquid Refuse***

#### **4.1. Interpretation**

In this division, unless the context otherwise requires—

“**liquid refuse**” includes all washing’s 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 washing’s 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**

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 section, 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;
- (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 Pumpouts**

A person shall not—

- (a) without the written approval of the Local Government; and
- (b) except in accordance with any terms and conditions imposed by the Local Government or the Executive Director, Public Health in connection with the approval under paragraph (a),

collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

#### **4.5. Application for Approval**

- (1) A person may apply in writing to the Local Government for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.
- (2) The Local Government may grant or refuse an application under this section subject to conditions relating to—
  - (a) the time and method of collection, removal or disposal of the contents; or
  - (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents.
- (3) Any conditions imposed by the Local Government under this section shall be—
  - (a) specified in the written approval of the Local Government; and
  - (b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other law.
- (4) The Local Government may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

#### **4.6. Notice of Intention**

A person to whom approval has been given under Section 4.4 shall, at least 24 hours before collecting, removing or disposing of the contents of a septic tank or an apparatus for the treatment of sewage, notify the Principal Environmental Health Officer of his or her intention to do so.

### ***Division 2—Disposal of Refuse***

#### **4.7. Interpretation**

In this division, unless the context otherwise requires—

**“collection time”**, where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Local Government or its contractor;

**“public place”** includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

**“receptacle”**, where used in connection with any premises, means—

- (a) a polyethylene or other approved material cart, fitted with wheels, a handle and a lid and having a capacity of at least 240 litres; or
- (b) a container provided by the Local Government or its contractor for the deposit, collection and recycling of specific materials, and supplied to the premises by the Local Government or its contractor;

**“refuse disposal site”** means a waste treatment facility or depot licenced under Part V of the *Environmental Protection Act 1986* to store, treat, reuse or dispose of rubbish or refuse;

**“rubbish or refuse”** includes any filth, dirt, ashes vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

**“street”** includes a highway; and a thoroughfare; which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

**“street alignment”** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

#### **4.8. Receptacles**

An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed, except when depositing rubbish or refuse or cleaning the receptacle;

- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the street alignment and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by the Principal Environmental Health Officer;
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the Local Government within 7 days after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.

#### **4.9. Exemption**

- (1) An owner or occupier of premises may apply in writing to the Local Government for an exemption from compliance with the requirements of Subsections 4.8 (b) or (c).
- (2) The Local Government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.
- (3) An exemption granted under this section shall state—
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and (c) any conditions imposed by the Local Government.
- (4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

#### **4.10. Use of Receptacles**

An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 70 kilograms of rubbish or refuse;
  - (ii) hot or burning ash;
  - (iii) oil, motor spirit or other flammable liquid;
  - (iv) any liquid, including liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, earth or other like substances;
  - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
  - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
  - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
  - (ix) cytotoxics, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, nightsoil, faeces or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
  - (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- (b) unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (e) take all reasonable steps to prevent—
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

#### **4.11. Damage to Receptacles**

A person, other than the Local Government or its contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Local Government or its contractor.

#### **4.12. Use of Other Containers**

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall—
  - (a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsections 42(a)(ii)—(xii);
  - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
  - (c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
  - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;
  - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
  - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall—
  - (a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
  - (b) ensure that each container on the premises—
    - (i) has a close fitting lid;
    - (ii) is constructed of non-absorbent and non-corrosive material; and
    - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
  - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
  - (d) place any rubbish or refuse in, and only in, a container marked for that purpose;
  - (e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
  - (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

#### **4.13. Suitable Enclosure**

- (1) An owner or occupier of premises—
  - (a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or
  - (b) used for commercial or industrial purposes or as food premises, that have been provided with receptacles, shall—
  - (c) if required by the Principal Environmental Health Officer—
    - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
    - (ii) install in the enclosure a tap connected to an adequate supply of water.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a “suitable enclosure” means an enclosure—
  - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;
  - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Principal Environmental Health Officer;
  - (c) having walls not less than 1.5 metres in height and having an access way of not

- less than 1 metre in width and fitted with a self closing gate;
- (d) containing a smooth and impervious floor—
  - (i) of not less than 75 millimetres in thickness; and
  - (ii) which is evenly graded to an approved liquid refuse disposal system; and
- (e) which is easily accessible to allow for the removal of the receptacles.

#### **4.14. Deposit of Refuse**

- (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.
- (2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—
  - (a) at such place on the site as may be directed by the person in charge of the site; or
  - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

#### **4.15. Removal from Refuse Disposal Site**

- (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Local Government.
- (2) A person who obtains approval from the Local Government shall comply with any conditions imposed by the Local Government and set out in the approval.

#### **4.16. Removal of Rubbish from Premises or Receptacle**

- (1) A person shall not remove any rubbish or refuse from premises unless that person is
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the Local Government.
- (2) A person shall not, without the approval of the Local Government or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

#### **4.17. Burning Rubbish or Refuse**

- (1) A person shall not—
  - (a) without the approval of the Local Government; and
  - (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either—
    - (i) in any incinerator; or
    - (ii) on the ground.
- (2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions—
  - (a) the material to be burnt—
    - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; and
    - (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Local Government's refuse collection service;
  - (b) there is no other appropriate means of disposal;
  - (c) burning shall not take place—
    - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
    - (ii) where there is no current dispersion alert, outside the hours of 10.00 am to 3.00 pm;
  - (d) an incinerator must meet the minimum standards as required by the Local Government;
  - (e) an incinerator unit used for fire must be located—
    - (i) at least 2 metres from a fence or building; and
    - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to local fire rules, the Principal Environmental Health Officer may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

#### **4.18. Rubbish Disposal – Prescribed Area**



The townsites of Pingelly and Moorumbine, are the prescribed areas within which the provision of Section 112A of the Act shall operate and have effect.

### ***Division 3—Transport of Butchers' Waste***

#### **4.18. Interpretation**

In this Division, unless the context otherwise requires—

“**butchers' waste**” includes animal skeletons, rib cages and the products of a slaughter house or boning room.

#### **4.19. Restriction of Vehicles**

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

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

#### **4.20. Transport of Butchers' Waste**

(1) A person shall not transport butchers' waste otherwise than in—

(a) a compartment complying with the following specifications—

- (i) the floor and 4 walls to be made of 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 water-tight;
- (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
- (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a water-tight 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 section, 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 Division, unless the context otherwise requires—

“**fertiliser**” includes manure.

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

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

#### **5.3. Escape of Smoke etc.**

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

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

#### **5.4. Public Vehicles to be kept clean**

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

(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 Environmental Health Officer, thoroughly clean and

disinfect the vehicle as directed.

### **5.5. Prohibition against Spitting**

A person shall not spit—

- (a) on a footpath, street or public place; or
- (b) in a train, bus or other public transport.

### **5.6. Transportation, Use and Storage of Offal or Blood**

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

### **5.7. Use or Storage of Fertiliser**

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

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

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

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

- (a) keep all artificial fertiliser in a building
  - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials, finished internally with a smooth surface; and
  - (ii) free from damp and properly ventilated;
- (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

### **5.9. Storage of Fertiliser in a House**

The owner or occupier of a house where fertiliser or compost is stored or used shall—

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by an Environmental Health Officer.

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

### **5.10. Cleanliness**

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an Environmental Health Officer, clean and disinfect the premises; 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.

### **5.11. Animal Enclosures**

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

### **5.12. Cats**

- (1) Subject to subsection (5), a person shall not, without an exemption in writing from the

Local Government, keep more than 3 cats over the ages of 3 months on premises on any land—

- (a) within the residential zone of the Shire of Pingelly Town Planning Scheme; or
  - (b) used for residential purposes.
- (2) An owner or occupier of premises may apply in writing to the Local Government for exemption from the requirements of subsection (1).
- (3) The Local Government shall not grant an exemption under this section 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 section 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 may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

### **5.13. Slaughter of Animals**

- (1) Subject to subsection (2), a person shall not slaughter any animal within the district.
- (2) Subsection (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; and
  - (c) slaughter of animals for human consumption in abattoirs approved by the Local Government.

### **5.14. Disposal of Dead Animals**

- (1) An owner or occupier of premises on which there is a dead animal, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

## ***Division 3—Keeping of Large Animals***

### **5.15. Interpretation**

In this Division, unless the context otherwise requires—

“**approved animal**” means a horse, cow or large animal the subject of an approval by Local Government under Section 5.16;

“**cow**” includes an ox, calf or bull;

“**horse**” includes an ass, mule, donkey or pony; and “**large animal**” includes a pig, sheep or goat.

### **5.16. Stables**

- (1) An owner or occupier of premises within any gazetted Townsite, shall not keep a horse, cow or large animal on those premises without the written approval of the Local Government.
- (2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall—
- (a) not be situated within 15 metres of a house or other premises;
  - (b) have a proper separate stall—
    - (i) for each horse or cow; and
    - (ii) the floor area of which shall be a minimum of 6 square metres;
  - (c) have each wall and roof constructed of an impervious material;
  - (d) have on all sides of the building between the wall and the roof, a clear opening of at least 150 millimetres in height;
  - (e) subject to subsection (3), have a floor, the upper surface of which shall—
    - (i) be raised at least 75 millimetres above the surface of the ground;
    - (ii) be constructed of cement, concrete or other similar impervious material; and
    - (iii) have a fall of 1 in 100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

- (3) A stable constructed with a sand floor may be permitted by the Local Government, subject to the following—
  - (a) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;
  - (b) sand, whether natural or imported, must be clean, coarse and free from dust;
  - (c) footings to each stable shall be a minimum of 450mm below ground level;
  - (d) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
  - (e) the minimum floor area of each stall shall not be less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;
  - (f) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
- (4) The owner or occupier of premises on which a stable is located shall—
  - (a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;
  - (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
  - (c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

#### **5.17. Proximity of Animals to a Dwelling House**

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

#### **5.18. Manure Receptacle**

An owner or occupier of premises on which an approved animal is kept shall—

- (a) provide in a position convenient to the stable, a receptacle for manure, constructed of smooth, impervious and durable materials, provided with a tight-fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

### ***Division 4—Keeping of Poultry and Pigeons***

#### **5.19. Interpretation**

In this Division, unless the context otherwise requires—

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

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

- (1) An owner or occupier of premises within any gazetted townsite—
  - (a) who is not an Affiliated Person, shall not keep a combined total of more than 20 poultry and pigeons; and
  - (b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons and poultry, on any one lot of land.
- (2) In this section, “Affiliated Person” means a person who is a member of—
  - (a) the Pigeon Racing Federation of Western Australia;
  - (b) the Fancy Utility Pigeon Club of Western Australia;
  - (c) the Southern Districts Pigeon and Bantam Club; or
  - (d) any other properly constituted Poultry or Pigeon Club.

#### **5.21. Conditions of Keeping Poultry**

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

- (a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Local Government has approved a lesser distance.
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises.

#### **5.22. Roosters**

- (1) An owner or occupier of premises shall not—
  - (a) without the written approval of the Principal Environmental Health Officer; or
  - (b) except in accordance with any conditions imposed by the Principal Environmental Health Officer in connection with the approval under paragraph (a), keep or permit a rooster to be kept on the premises.
- (2) The Principal Environmental Health Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.

#### **5.23. Pigeons or Doves**

A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that is in a yard having an otherwise unobstructed area of at least 30 square metres.

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

- (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of Sections 5.21 and 5.23, the Principal Environmental Health Officer may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer, made under this section.

#### **5.25. Restrictions on Pigeon Nesting or Perching**

- (1) The Local Government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with a Local Government order made under this section.

### ***Division 5—Keeping of Feedlots***

#### **5.26. Interpretation**

In this Division, unless the context otherwise requires—

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

“**animal**” includes sheep, lambs, goat, deer, cattle and buffalo;

“**birds**” includes roosters, hens, geese, turkeys and ducks, poultry, emus and ostriches.

#### **5.27. Premises to be approved**

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

*Table 1*  
**Required Buffer Distances for Feedlots**

<b>Buffer</b>	<b>Distances</b>
Townsite Boundaries	5,000m
Isolated rural dwellings, dairies and Industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water courses and water impoundment	300m
Bores, wells or soak wells used for drinking, stock or irrigation	300m
Minor water courses	100m

### 5.28. Site conditions

- (1) The owner or occupier of the approved feedlot shall 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 or run-off;
  - (c) Has a minimum groundwater clearance of 3 meters;
  - (d) Drainage diverts all uncontaminated storm water from the general waste stream;
  - (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 effective measures to prevent the discharge of dust, which may involve—
- (a) Reducing 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 6—Piggeries**

### 5.29. Interpretation

In this Division, unless the context otherwise requires—

“**intensive piggery**” means pigs are housed, fed and watered in breeding and growing sheds; “piggery” in relation of premises shall include any portion of premises to which pigs have access.

### 5.30. Premises to be approved

- (1) No premises shall be used as a piggery unless approved by Local Government;
- (2) Subject to subsection (3) , no premises shall be approved as a piggery by 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 Local Government, if Local Government is satisfied that approving the piggery will not give rise to a health nuisance.

*Table 2*  
**Required Buffer Distances for Piggeries**

<b>Buffer</b>	<b>Distances</b>
Townsite Boundaries	5,000m
Isolated rural dwellings, dairies and industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	100m
Major water courses and water impoundment	300m
Bores, wells or soak wells used for drinking, stock or irrigation	300m
Minor water courses	100m

### 5.31. Site Conditions

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

- (a) Reducing stock 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.

### 5.32. 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 dwellings, 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	5,000m	300m	200m	100m	permitted	300m	300m
500 – 5000 pigs	3,500m	300m	150m	100m	permitted	300m	300m
50—499 pigs	2,000m	300m	100m	50m	Not permitted	300m	300m
Less than 50 pigs	500m	300m	50m	30m	permitted	200m	300m
Land used to dispose of raw or partly treated wastes	1,000m 300m	300m	100m	50m	permitted	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	50m	20m	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 or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

#### 6.3. Measures to be taken by an Occupier

An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

#### 6.4. Officer may give notice directing measures to be taken

Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in

writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to—

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

#### **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 Section 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 these local laws.
- (2) The costs and expenses incurred by the Local Government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection(1).
- (3) The Local Government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local Government under this section.

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

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

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

#### **6.8. Measures to be taken by an Owner or Occupier**

An owner or occupier of premises—

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
  - (i) stocked with mosquito destroying fish; or
  - (ii) covered with a film of petroleum oil or other larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall—
  - (i) keep it protected with a mosquito-proof cover; and
  - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

#### **6.9. Measures to be taken by Occupier**

An occupier of 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.

#### **6.10. Removal of Undergrowth or Vegetation**

- (1) Where it appears to an Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within specified time the undergrowth or vegetation.
- (2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Environmental Health Officer under this section.

#### **6.11. Filling in Excavations etc.**

Unless written permission to the contrary is obtained from the Local Government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.



#### **6.12. Drains, Channels and Septic Tanks An owner or occupier of land shall—**

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

#### **6.13. Drainage of Land**

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Local Government, effectively drain the land and, for that purpose, shall—

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

### ***Division 3—Rodents***

#### **6.14. 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 animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

#### **6.15. Measures to be taken to eradicate Rodents**

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—
  - (a) take effective measures to keep the premises free from rodents including—
    - (i) protecting food stuffs;
    - (ii) using a rodenticide bait or a properly baited trap; and
    - (iii) preventing rodents having access to water on the premises;
  - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
    - (i) if it is not already dead, kill it immediately; and
    - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
  - (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

#### **6.16. Waste food etc. to be kept in rodent proof Receptacles**

A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises—

- (a) any waste food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

#### **6.17. Restrictions on materials affording harbourage for Rodents**

- (1) An owner or occupier of premises shall cause
  - (a) any part of the premises; or
  - (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage

of, rodents.

- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall, within the time specified, comply with any direction given by an Environmental Health Officer under this section.

#### **6.18. Food premises, etc. to be cleaned after Use**

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

#### **6.19. Restrictions on the Sale or Keeping of Rats**

- (1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises—
  - (a) keep or permit to be kept a rat; or
  - (b) sell or offer for sale or permit to be sold or offered for sale a rat.
- (2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—
  - (a) a university or school;
  - (b) a person approved by the Local Government; or
  - (c) a public hospital or a private hospital within the meaning of those expressions in the Hospital and Health Services Act 1927.
- (3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall—
  - (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
  - (b) if a rat escapes, forthwith comply with the requirements of Section 6.15 and ensure that all reasonable steps are taken to destroy the rat.

### ***Division 4—Cockroaches***

#### **6.20. Interpretation**

In this Division, unless the context otherwise requires—

“**cockroach**” means any of the various orthopterous insects commonly known as cockroaches

#### **6.21. Measures to be taken to eradicate Cockroaches**

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—
  - (a) washing and storing, immediately after use, cooking and eating utensils;
  - (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;
  - (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
  - (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

### ***Division 5—Argentine Ants***

#### **6.22. Interpretation**

In this Division, unless the context otherwise requires—

“**Argentine Ant**” means an ant belonging to the species *Irdomyrmex humilis*.

#### **6.23. 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) immediately notify the Local Government of any ant nest located on the premises

- suspected to be an Argentine Ant nest;
- (b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;
  - (c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
  - (d) whenever required by an Environmental Health Officer—
    - (i) treat any area or infestation with an insecticide referred to in paragraph (c); and
    - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

### ***Division 6—European Wasps***

#### **6.24. Interpretation**

In this Division, unless the context otherwise requires—

“**European Wasp**” means a wasp *Vespula germanica*.

#### **6.25. 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) immediately notify the Local Government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;
- (b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

### ***Division 7—Bee Keeping***

#### **6.26. Interpretation**

In this Division, unless the context otherwise requires—

“**bees**” means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

“**footpath**” includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

“**hive**” means a moveable or fixed structure, container or object in which a colony of bees is kept; “lot” has the meaning given to it in the *Town Planning and Development Act 1928*; and

“**private street**” has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

#### **6.27. Limitation on numbers of Hives**

- (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this Division.
- (2) Subject to subsection (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) The Local Government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.
- (4) A person shall comply with any conditions imposed by the Local Government under sub section (3).

#### **6.28. Restrictions on keeping of Bees in Hives**

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept—
  - (i) outside, and at least 10 metres from, any building other than a fence;
  - (ii) at least 10 metres from any footpath, street, private street or public place; and (iii) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

#### **6.29. Bees which cause a nuisance not to be kept**

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) The Local Government may direct any person to remove any bees or beehives which

- in the opinion of the Principal Environmental Health Officer are causing a nuisance.
- (3) A person shall comply with a direction under subsection (2), within the time specified.

### ***Division 8—Arthropod Vectors of Disease***

#### **6.30. Interpretation**

In this Division, unless the context otherwise requires—

**“arthropod vectors of disease” includes—**

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var.corporis*);
- (e) head lice (*Pediculus humanus var.capitis*); and

#### **6.31. Responsibility of the Owner or Occupier**

The owner or occupier of premises shall—

- (a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and
- (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

## **PART 7—INFECTIOUS DISEASES**

### ***Division 1—General Provisions***

#### **7.1. Environmental Health Officer may visit, inspect and report**

An Environmental Health Officer—

- (a) may visit and inspect any house, its occupants, fixtures and fittings; and
- (b) who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these local laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Local Government.

#### **7.2. Requirements on owner or occupier to clean, disinfect and disinfest**

- (1) The Local Government or the Principal Environmental Health Officer 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 an Environmental Health Officer.
- (2) An owner or occupier shall comply with a notice given under subsection (1).

#### **7.3. Environmental Health Officer may disinfect or disinfest premises**

- (1) Where the Local Government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Local Government or the Medical Officer may direct an Environmental Health Officer, 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) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other Local Government officer or other person to carry out the direction given under subsection (1).
- (3) The Local Government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.
- (4) 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 section.

#### **7.4. 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 the Local Government considers that a house is insanitary, it 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 Environmental Health Officer considers that—

- (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) any thing is insanitary,
- the officer 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 subsections (2) or (3) shall comply with the terms of the notice.

#### **7.5. Medical Officer may authorise disinfecting**

- (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.
- (2) A person shall comply with any direction of the Medical Officer under this section.

#### **7.6. 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;
- (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
- (c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

#### **7.7. 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 the Principal Environmental Health Officer.

#### **7.8. Destruction of infected animals**

- (1) The Principal Environmental Health Officer, 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 subsection (1), shall comply with the terms of the notice.

#### **7.9. 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 subsection (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.

#### **7.10. 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 section may be recovered in a court of competent jurisdiction from the

- person referred to in subsection (1)(a).
- (3) The Local Government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1)(a) in relation to any action taken by the Local Government under this section.

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

#### **7.11. 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 the Principal Environmental Health Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

#### **7.12. 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 two single beds;
  - “**bunk**” means a sleeping berth comprising one of two arranged vertically;
  - “**dormitory**” means a building or room utilised for sleeping purposes at a short term hostel or a recreational campsite;
  - “**keeper**” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging-house;
  - “**lodger**” means a person who obtains, for hire or reward, board or lodging in a lodging-house; “lodging-house” includes a recreational campsite, a serviced apartment and a short term hostel;
  - “**manager**” means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging-house;
  - “**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;
  - “**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;
  - “**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;
  - “**vector of disease**” means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.
- (2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging-house, the keeper of the lodging-house has, unless the contrary intention appears, the duty of causing 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, suffer or permit to be kept, a lodging-house unless—
- (a) the lodging-house is constructed in accordance with the requirements of this Part;

- (b) the lodging-house is registered by the Local Government under Section 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) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of the CEO, has been appointed by the keeper to have the care and management of the lodging-house, resides, or intends to reside, continuously in the lodging-house whenever there is one or more lodgers in the lodging-house.

### **8.3. Application for registration**

An application for registration of a lodging-house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and (c) accompanied by—
  - (i) the fee 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 under Section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

### **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; and
- (b) pay the fee as fixed from time to time by the Local Government under Section 344C of the Act.

### **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 CEO, in the form of Schedule 3, written notice of the full name, address and occupation of the person to whom the lodging-house has been, or is to be, sold or transferred.

### **8.7. Revocation of registration**

- (1) Subject to subsection (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 subsection (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 in a clean, wholesome and sanitary condition;
  - (b) that the keeper has—
    - (i) been convicted of an offence under this Part in respect of the lodging-house;
    - (ii) not complied with a requirement of this Part; or
    - (iii) not complied with a condition of registration;
  - (c) that the Local Government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person;
  - (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 Principal Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging-house under this, 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 is 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 general construction requirements of a lodging-house shall comply with the Building Code.

### **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 wash hand basin, and either a shower or a bath
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents does not fall under the provisions of subsection (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) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
  - (c) be provided with adequate electric lighting.
- (6) Paragraph (b) of subsection (5) does not apply to a serviced apartment.

### **8.10. Laundry**

- (1) A keeper shall—
  - (a) subject to subsection (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) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this section—

**“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) one 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 75°C 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.

### **8.11. Kitchen**

The keeper of a lodging-house shall provide in that lodging-house a kitchen which

- (a) has a minimum floor area of—
  - (i) where lodgers prepare their own meals—0.65 square metres per person;
  - (ii) where meals are provided by the keeper or 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) 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; and
  - (ii) refrigerator space for storage of perishable goods;



- (c) complies with the requirements of the Health (Food Hygiene) Regulations 1993; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

### 8.12. Cooking facilities

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

No. of Lodgers	Ovens	4 Burner Stoves
1—15	1	1
16—30	1	2
31—45	2	3
46—60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

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

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

### 8.14. 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.

### 8.15. Fire Prevention and control

- (1) A keeper shall—
- (a) in each passage in the lodging-house, provide an emergency light—
    - (i) in such a position, and of such a pattern, as approved by the Principal Environmental Health Officer; and
    - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) ensure a fire blanket, of a type approved by the Principal Environmental Health Officer, is positioned within 2 metres of the cooking area in each kitchen; and
  - (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

### 8.16. Obstruction of passages and stairways

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

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

### **8.17. 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.

### **8.18. Restriction on use of rooms for sleeping**

- (1) Subject to subsection (3) and Section 8.32, 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 paragraphs (f) and (g) is obstructed or is not in good and efficient order;
  - (i) which is not free from internal dampness;
  - (j) of which any part of the floor is below the level of the adjoining ground; or
  - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.
- (2) For the purposes of this section, 2 children under the age of 10 years are counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subsection (1) do not apply to a serviced apartment.

### **8.19. Sleeping accommodation—short term hostels and recreational campsites**

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
  - (a) 4 square metres per person in each dormitory utilising beds;
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subsection (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subsection (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
  - (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to Local Government's approval.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
  - (a) beds with a minimum size of—
    - (i) in short term hostels—800 millimetres x 1.9 metres; and
    - (ii) in recreational campsites—750 millimetres x 1.85 metres.
  - (b) storage space for personal effects, including backpacks, so that cleaning

- operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or 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—
 

Drapes, curtains, blinds and bedcovers	A maximum Flammability Index of 6
Upholstery & bedding	A maximum Spread of Flame Index of 6
	A maximum Smoke Developed Index of 5
Floor coverings	A maximum Spread of Flame Index of 7
	A maximum Smoke Developed Index of 5

Fire retardant coatings used to make a material comply with these indices must be—

    - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
    - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.1—1995, Procedure 7A, using ECE reference detergent; and
    - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
    - (b) emergency lighting is provided in accordance with the Building Code;
    - (c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;
    - (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

#### **8.20. Furnishing etc. of sleeping apartments**

- (1) A keeper shall—
  - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed—
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, 2 sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
  - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging-house used exclusively as a short term hostel or a recreational campsite;
- (3) The sheets and blankets required to be provided by subsection (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 subsection (1)(c) may be located in a separate secure storage room or locker room.

#### **8.21. Ventilation**

- (1) If, in the opinion of an Environmental Health Officer, 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.
- (2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

#### **8.22. Numbers to be placed on doors**

- (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms

available to lodgers in the lodging-house, serial numbers so that—

- (a) the number “1” is placed on the outside of the door of the room nearest to the front or main entry door of the lodging-house; and
  - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging-house.
- (2) The numbers to be placed on the doors under subsection (1) shall be—
- (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or shown by other legible means.

### ***Division 3—Management and Care***

#### **8.23. Keeper or manager to reside in the lodging-house**

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

#### **8.24. Registers of lodgers**

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The keeper shall ensure that the register of lodgers is—
  - (a) kept in the lodging-house; and
  - (b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

#### **8.25. Keeper report**

A keeper shall, whenever required by the Local Government, report to the Local Government, in the form of Schedule 5, the name of each lodger who lodged in the lodging-house during the preceding day or night.

#### **8.26. Certificate in respect of sleeping accommodation**

- (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.
- (2) The certificate issued under subsection (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 the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

#### **8.27. Duplicate keys and inspection**

Each keeper and manager of a lodging-house shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

#### **8.28. Room occupancy**

- (1) A keeper shall not—
  - (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging-house to be lodged at any one time in the lodging house;
  - (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
    - (i) a larger number of beds; or
    - (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
  - (c) use or cause, suffer or permit to be used for sleeping purposes, a room that—
    - (i) has not been certified for that purpose; or
    - (ii) the Local Government or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this section, 2 children under 10 years of age are counted as one lodger.

### **8.29. 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 subsection (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.

### **8.30. Cleaning and maintenance requirements**

- (1) 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) whenever there is one or more lodgers in a lodging-house, ensure that the laundry floor is cleaned daily;
  - (e) ensure that—
    - (i) all bed linen, towels and house linen in use are washed at least once a week;
    - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
    - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
    - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
    - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
    - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
  - (f) when so directed by an Environmental Health Officer, ensure that—
    - (i) a room, together with its contents, and any other part of the lodging-house, is cleaned and disinfected; and
    - (ii) a bed or other article of furniture is removed from the lodging-house and properly disposed of;
  - (g) ensure that the yard is kept clean at all times;
  - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
  - (i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.
- (2) In this section—

**“bed-linen”** includes sheets and pillow cases and, in the case of a short term hostel or a recreational campsite, mattress protectors.

### **8.31. 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, obnoxious or offensive;
- (c) use a bath or wash hand 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 Section 8.32—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging-house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging-house—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

### **8.32. Approval for storage of food**

- (1) The Principal Environmental Health Officer may—
  - (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
  - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging-house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## **PART 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 in the Schedule 10—Certificate of Registration;

“**offensive trade**” means any one 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 premises
- (c) flock factories;
- (d) laundries, dry cleaning premises and dye works; (e) any trade as defined by section 186 of the Act; and “premises” includes houses.

#### **9.2. Consent to Establish Offensive Trade**

- (1) A person seeking the consent of the Local Government under section 187 of the Act to establish an offensive trade shall—
  - (a) advertise notice of his intention to apply for consent in accordance with Section 9.3; and
  - (b) lodge with the CEO an application in the form of Schedule 8.
- (2) A person who makes a false statement in an application under this section shall be guilty of an offence.

#### **9.3. Notice of Application**

A notice required under subsection 9.2 (1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a Regional or a Perth daily newspaper at least two weeks but not more than one month before the application under subsection 9.2 (1)(b) is lodged with the CEO.

#### **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 of Schedule 9;
- (b) accompanied by the fee prescribed in the Offensive Trade (Fees) Regulations 1976; and
- (c) lodged with the CEO.

### **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 of Schedule 10.

### **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.

### **9.8. Occupier Includes Employee**

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

## ***Division 2—General Duties of an Occupier***

### **9.9. Interpretation**

In this Division, unless the context otherwise requires—

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

“**the premises**” means those premises in or upon which an offensive trade is carried on.

### **9.10. Cleanliness**

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean 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.

### **9.11. Rats and other Vectors of Disease The occupier shall—**

- (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.

### **9.12. Sanitary Conveniences and Wash Basins**

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

### **9.13. 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 Environmental Health Officer.

#### **9.14. Effluvia, Vapours or Gases**

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

#### **9.15. 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 air-tight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by the Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

#### **9.16. 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.

#### **9.17. Specified Offensive Trades**

- (1) For the purposes of this section, “specified offensive trade” means one or more of the offensive trades carried on, in or connected with the following works or premises—
  - (a) fat rendering premises;
  - (b) fish processing premises; and
  - (c) laundries, dry cleaning premises and dye works.
- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—
  - (a) cause the floor of the premises to—
    - (i) be properly paved and drained with impervious materials;
    - (ii) have a smooth surface; and
    - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
  - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
  - (c) cause all liquid refuse to be—
    - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981, before being discharged into any drain outlet from any part of the premises; and
    - (ii) directed through such screening or purifying treatment as the Environmental Health Officer may from time to time direct.

#### **9.18. Directions**

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

#### **9.19. 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 carried on by him.

### ***Division 3—Fat Rendering Establishments***

#### **9.20. Interpretation**

In this Division, unless the context otherwise requires—

“**fat rendering establishments**” means a premises where edible fats including suet,



dripping or premier jus are rendered down by any heat processing method.

### **9.21. Exhaust Ventilation**

The occupier shall provide and maintain—

- (a) a hood which shall—
  - (i) be of an approved design and construction;
  - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
  - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
  - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
  - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

### **9.22. Covering of Apparatus**

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

### **9.23. Rendering of Walls**

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery, to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres and to be devoid of holes, cracks or crevices.

## ***Division 4—Flock Factories***

### **9.24. Interpretation**

In this Division, unless the context otherwise requires—

“**flock factory**” means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt;

### **9.25. New and Used Material**

- (1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.
- (2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

### **9.26. Collection and Removal of Dust**

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

### **9.27. Building Requirements**

The occupier shall cause each building on the premises to comply with the following requirements—

- (a) the floor shall be of concrete;
- (b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and
- (c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

### **9.28. Unclean Rags**

A person shall not—

- (a) collect, deliver, offer for sale or sell for the manufacture of flock;
- (b) receive, store or deliver for the manufacture of flock; or
- (c) make flock from, rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

### **9.29. Bedding and Upholstery**

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, retease, fill, refill or repair any—

- (a) used bedding; or
- (b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the—

- (i) material of which the bedding is made; or
- (ii) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

### ***Division 5—Laundries, Dry Cleaning Establishments and Dye Works***

#### **9.30. Interpretation**

In this Division, unless the context otherwise requires—

**“dry cleaning establishment”**—

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) 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 therefrom into a public sewer;

**“exempt laundromat”** means a premises in which:—

- (i) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (ii) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (iii) provision is made for the discharge of all liquid waste therefrom 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 by commercial grade machinery but does not include an exempt laundromat.

#### **9.31. 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 the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

#### **9.32. Reception Room**

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
  - (a) provided 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 Environmental Health Officer 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 section.

#### **9.33. 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.

#### **9.34. Laundry Floor**

The occupier of a laundry shall provide in front of each washing machine, a non-corrosive

grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

### **9.35. Escape of Dust**

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

### **9.36. 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 Environmental Health Officer for that purpose.

### **9.37. 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.

### **9.38. 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**

### **10.1 Penalties**

- (1) A person who contravenes a provision of these local laws, commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to—
  - (a) a penalty which is not more than \$1,000 and not less than—
    - (i) in the case of a first such offence, \$100;
    - (ii) in the case of a second such offence, \$200; and
    - (iii) in the case of a third or subsequent such offence, \$500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

Schedule 1  
Shire of Pingelly  
Health Act 1911

**APPLICATION FOR REGISTRATION OF A LODGING-HOUSE**

To: Chief Executive Officer  
Shire of Pingelly

I/We ,.....  
(Full name of Applicant/s)

of.....  
(Residential address of Applicant/s)

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

.....  
as a lodging-house to be classified as—

- lodging-house;
- a recreational campsite;
- a short term hostel; or
- serviced apartments,

*(Specify which is to apply)*

and for my name to be entered in the Register as a keeper of the lodging-house.

**DESCRIPTION OF LODGING-HOUSE**

Number of storeys .....

**Rooms for private use**

	Number	Area
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining Rooms Kitchens	.....	.....
Sitting Rooms Other (Specify)	.....	.....

**Rooms for lodgers**

	Number	Area
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify)	.....	.....

**Sanitary Conveniences for female lodgers**

Toilets	.....
Baths	.....
Showers	.....
Wash hand basins	.....

**Sanitary Conveniences for male lodgers**

Toilets	.....
Urinals	.....
Baths	.....
Showers	.....
Wash hand basins	.....

**Laundry Facilities**

Washtroughs	.....
Washing machines	.....
Drying cabinets or clothes lines	.....

**Additional Details**

- (a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises
- (c) Name and occupation of proposed manager if keeper resides elsewhere—
- (d) There will be     family members residing on the premises with the keeper/manager.

**Application fee of \$..... is attached.**

.....  
Signature of Applicant/s

.....  
Date

Schedule 2  
Shire of Pingelly  
Health Act 1911

**CERTIFICATE OF REGISTRATION OF A LODGING-HOUSE**

This is to certify that the premises situated at ..... are registered as a lodging-house and are classified as—

- lodging-house;
- a recreational campsite;
- a short term hostel; or
- serviced apartments,

(Specify which is to apply)

until 30 June, ....., on the following conditions—

1. that ....., whose name appears on the register of keepers of the Shire of

Pingelly continues to be the keeper of the lodging-house;

2. that ....., appointed by the keeper to be the manager of the lodging-house, continues to be the manager of the lodging-house;

3. that the Certificate of Registration is not sooner cancelled or revoked;

4. that the maximum number of rooms to be used as sleeping apartments for lodgers is .....

and

5. that the maximum number of lodgers accommodated on the premises at any one time shall not exceed .....

This Certificate of Registration is issued subject to the *Health Act 1911* and the Health Local Laws of the Shire of Pingelly and is not transferable.

Dated, .....

.....  
SHIRE OF PINGELLY

Fee received: \$ .....

*Schedule 3*  
Shire of Pingelly  
*Health Act 1911*

**NOTICE OF CHANGE OF OWNER OF A LODGING-HOUSE**

To: Chief Executive Officer  
Shire of Pingelly

I/We ,.....  
(Full name of Applicant/s)

of.....  
(Residential address of Applicant/s)  
am/are the new owners of premises situated at.....

which are registered in the name  
of.....  
for the carrying on of the lodging-house business.

.....  
(Signature of applicant/s)

.....  
(Date)

*Schedule 4*  
Shire of Pingelly  
*Health Act 1911*  
(Section 157)

**REGISTER OF LODGERS**

Location of lodging-house—

.....

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

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



*Schedule 5*  
*Shire of Pingelly*  
*Health Act 1911*

**LIST OF LODGERS**

Chief Executive Officer  
Shire of Pingelly

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

.....

on the ..... day of ....., .....

(Signed) .....  
(Keeper)

Date: .....

*Schedule 6*  
Shire of Pingelly  
*Health Act 1911*

**CERTIFICATE OF SLEEPING ACCOMMODATION**

To: .....  
(Name of keeper)

Of .....  
(Address of keeper)

For the registered lodging-house situated  
at.....

This room, No ....., can be used as a sleeping apartment (for sleeping purposes only)  
to accommodate not more than ..... persons at any one time.

(Signed) .....  
(Environmental Health Officer)

Date: .....

*Schedule 7*  
Shire of Pingelly  
*Health Act 1911*

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING-HOUSE  
WITH MORE THAN 20 SLEEPING APARTMENTS**

To: .....  
(Name of keeper)

Of .....  
(Address of keeper)

For the registered lodging-house situated  
at.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below at any one time.

**ROOM NUMBER:** **MAXIMUM OCCUPANCY—**

(Signed) .....  
(Environmental Health Officer)

Date: .....

*Schedule 8*  
Shire of Pingelly  
*Health Act 1911*

**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive Officer  
Shire of Pingelly

I/We ,.....  
(Full name of Applicant/s)

of.....  
(Residential address of Applicant/s)

apply for consent to establish an offensive trade being

.....  
(Description of Offensive Trade)

in or upon

.....  
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in

.....  
On .....  
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....  
(Signature of applicant/s)

.....  
(Date)

*Schedule 9*  
Shire of Pingelly  
*Health Act 1911*

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer  
Shire of Pingelly  
To: Chief Executive Officer  
Shire of Pingelly

I/We ,.....  
(Full name of Applicant/s)

of.....  
(Residential address of Applicant/s)

apply for registration, for the year ended ..... of

.....  
(Location of the House or Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely,

.....  
(Description of Offensive Trade)

under the business name of .....

The prescribed registration fee of \$ ..... is attached.

.....  
(Signature of applicant/s)

.....  
(Date)

Schedule 10  
Shire of Pingelly  
Health Act 1911

**CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

This is to certify that the premises situated at .....

of which ..... is the occupier,

are registered for the carrying on of the trade of —

.....

Trade Name .....

This registration expires on the ....., .....

Dated this ..... day of .....

.....  
Environmental Health Officer  
Shire of Pingelly

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Made at a meeting of the Council of the Shire of Pingelly held on 22 May 2003.

Dated this 10th day of June 2003.

The Common Seal of the Shire of Pingelly was affixed in the presence of—

C. F. LEE, Shire President.  
G. R. CARTER, Chief Executive Officer.

Consented to—

MARGARET STEVENS, Executive Director,  
Public Health.

Dated this 7th day of July 2003.