LOCAL GOVERNMENT ACT 1995

SHIRE OF ESPERANCE

FENCING LOCAL LAW 2018
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LOCAL GOVERNMENT ACT 1995

SHIRE OF ESPERANCE

FENCING LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the Shire of Esperance resolved on 26 June 2018 to make the Shire of Esperance Fencing Local Law 2018.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Shire of Esperance Fencing Local Law 2018.

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

1.3 Repeal
(1) The following local laws are repealed—
(a) the Shire of Esperance Local Laws Relating to Fencing 2002 published in the Government Gazette No. 78 on 30 April 2002; and
(b) the Shire of Esperance Fencing Amendment Local Law 2009 published in the Government Gazette No. 177 on 2 October 2009.
(c) the Shire of Esperance Fencing Amendment Local Law 2011 published in the Government Gazette No. 90 on 3 June 2011.
(2) Where a policy was made or adopted by the Local Government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

1.4 Application
This local law applies throughout the district.

1.5 Fees and Charges
All fees and charges applicable under this local law shall be as determined by the Local Government from time to time in accordance with s.6.16 to 6.19 of the Act.

1.6 Definitions
In this local law, unless the context requires otherwise—
Act means the Local Government Act 1995;
AS or AS/NZS means an Australian Standard or an Australian/New Zealand Standard published by Standards Australia, as amended from time to time. These are available for viewing free of charge at the Shire of Esperance Administration Office;
CEO means the Chief Executive Officer of the Local Government;
Commercial Lot means a lot where a commercial use—
(a) is or may be permitted under the Local Planning Scheme; and
(b) is or will be the predominant use of the lot;
dangerous in relation to any fence means—
(a) an electric fence other than a fence erected and maintained in accordance with this local law;
(b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
(c) a fence containing exposed broken glass, friable asbestos, razor wire or any other potentially harmful projection or material; or
(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;
**district** means the district of the Local Government;

**dividing fence** has the meaning given to it in and for the purposes of the *Dividing Fences Act 1961*;

**electric fence** means a barrier which included one or more electric conductors, insulated from earth, to which electric pulses are applied by an energizer;

**fence** means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

**height** in relation to a fence means the vertical distance between—

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

(c) where the fence is erected on a retaining wall approved by the Local Government, from the top of the retaining wall immediately below that point.

**Industrial Lot** means a lot where an industrial use—

(a) is or may be permitted under the Local Planning Scheme; and

(b) is or will be the predominant use of the lot.

**Local Government** means the Shire of Esperance;

**Local Planning Scheme** means a Local Planning Scheme of the Local Government made under the *Planning and Development Act 2005*;

**lot** has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

**notice of breach** means a notice referred to in clause 5.1;

**primary street setback area** means the area between the front boundary line of a property and the primary street minimum setback prescribed under Table 1 of the Residential Design Codes;

**Residential Design Codes** means *State Planning Policy 3.1 Residential Design Codes* as prepared by the Western Australian Planning Commission and as amended from time to time

**Residential Lot** means a lot where a residential use—

(a) is or may be permitted under the Local Planning Scheme; and

(b) is or will be the predominant use of the lot;

**retaining wall** means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

**Rural Lot** means a lot where a rural use—

(a) is or may be permitted under the Local Planning Scheme; and

(b) is or will be the predominant use of the lot;

**Rural Residential Lot** means a lot where a rural residential use—

(a) is or may be permitted under the Local Planning Scheme; and

(b) is or will be the predominant use of the lot;

**Rural Smallholdings Lot** means a lot where a rural smallholdings use—

(a) is or may be permitted under the Local Planning Scheme; and

(b) is or will be the predominant use of the lot;

**Schedule** means a schedule of this local law;

**sufficient fence** means a fence described in clause 2.1.

**PART 2—SUﬃcient Fences**

(1) Unless by written consent between the owners of adjoining properties and the Shire a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Subject to subclauses (3) and (4), a sufficient fence on a—

(a) Residential Lot is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1;

(b) Commercial Lot and an Industrial Lot is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;

(c) Rural Lot, a Rural Residential Lot, or a Rural Smallholdings Lot is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.

(3) Where a fence is erected on or near the boundary between a—

(a) Residential Lot and an Industrial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1;

(b) Residential Lot and a Commercial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1.
(c) Residential Lot, and a Rural Lot or Rural Smallholdings Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;

(d) Residential Lot and a Rural Residential Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1; and

(e) Rural Residential Lot and a Rural Lot or a Rural Smallholdings Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.

(4) Unless the Local Government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.

(5) Notwithstanding any other provisions in this local law, a fence constructed of stone, brick or concrete shall be a sufficient fence only if it is designed by a structural engineer in accordance with the Building Act 2011.

**PART 3—GENERAL**

### 3.1 Maintenance of Fences

An owner of a lot on which a fence is erected shall maintain the fence in good condition to prevent it from becoming dangerous, dilapidated, or unsightly.

### 3.2 General Discretion of the Local Government

(1) Notwithstanding any other provision in this local law, the Local Government may consent to the erection or repair of a fence which does not comply with the requirements of this local law.

(2) In determining whether to grant its consent to the erection or repair of any fence, the Local Government may consider whether the erection or retention of the fence would have an adverse effect on—

- the safe or convenient use of any land; or
- the safety or convenience of any person.

**PART 4—FENCING MATERIALS**

### 4.1 Fencing Materials

(1) A person shall only construct a fence on a Residential Lot, a Commercial Lot, an Industrial Lot, a Rural Lot, a Rural Smallholdings Lot, or a Rural Residential Lot in accordance with clause 2.1.

(2) An application to the Local Government is required for written approval for the use of pre-used materials.

### 4.2 Barbed Wire and Broken Glass Fences

(1) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the Local Government has been obtained.

(2) An owner or occupier of a lot shall not affix, or allow to remain as part of any fence or wall, whether internal or external, on that lot, any broken glass.

(3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless—

- the wire or materials are carried on posts at an angle of 45 degrees; and
- the bottom row of wire or other materials is set back 150mm from the face of the fence; and
- is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.

(5) An owner or occupier of a Rural Lot shall not place or affix barbed wire upon a fence on that Lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

(6) This section does not apply to a fence constructed wholly or partly of razor wire.

### 4.3 Electric Fences

(1) On a Rural Residential Lot, a Rural Lot, or a Rural Smallholdings Lot, electric fencing shall comply with AS/NZS 3014:2003 Electrical installations—Electric fences, as amended from time to time.

(2) On an Industrial Lot, an electric fence shall—

- comply with AS/NZS 3016:2002 Electrical installations—Electric security fences, as amended from time to time;

- comply with any requirements of the relevant power authority;

- be capable of being rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
PART 5—NOTICES OF BREACH

5.1 Notices of Breach
(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the Local Government may give a notice in writing to the owner of that lot (notice of breach).
(2) A notice of breach shall—
   (a) specify the provision of this local law which has been breached;
   (b) specify the particulars of the breach; and
   (c) state that the owner of the lot is required to remedy the breach within 28 days from the giving of the notice.
(3) Should an owner fail to comply with a notice of breach, the Local Government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner of the lot, as the case may be, in a court of competent jurisdiction.
(4) The provisions of this clause are subject to s3.25 and clause 12 of Schedule 3.1 of the Act and entry onto land will be in accordance with Part 3 Division 3 Subdivision 3 of the Act.

PART 6—OFFENCES

6.1 Offences and Penalties
(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that a person is prohibited from doing, commits an offence.
(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of $5000 and, if the offence is a continuing offence, a maximum daily penalty of $500.

6.2 Modified Penalties
(1) An offence against any provision of this local law is a prescribed offence for the purposes of s.9.16 (1) of the Act.
(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is $200.

6.3 Form of Notices
For the purposes of this local law—
(1) The form of the infringement notice referred to in s.9.17 of the Act is to be in, or substantially in the form of Form 2 of Schedule 1 of the Local Government (Functions and General) Regulations 1996.
(2) The form of the notice referred to in s.9.20 of the Act is to be in, or substantially in the form of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

PART 7—REVIEW OF DECISIONS

7.1 Review of Decisions
When the Local Government makes a decision on whether to grant a consent or approval under this local law, the provisions of Part 9 Division 1 of the Local Government Act 1995, and Regulation 33 of the Local Government (Functions and General) Regulations 1996, apply to that decision.

Schedule 1
SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

(Clause 2.1)

Each of the following is a sufficient fence on a Residential Lot—

(1) A timber fence which satisfies the following specifications—
   (a) a height of 1800mm except where located within the primary street setback area;
   (b) construction to be in accordance with the manufacturers specifications or best practice construction techniques;
   (c) timber panelling to provide a solid cover to provide a solid screen except where the fence is located within the primary street setback area; and
   (d) susceptible timber is to be treated for protection from termite attack in accordance with the current version of AS 3660.1: Termite management—Part 1: New building work, as amended from time to time.

(2) A fence constructed of corrugated fibre reinforced pressed cement which satisfies the following specifications—
   (a) a height of 1800mm except where located within the primary street setback area;
   (b) construction to be in accordance with the manufacturers specifications or best practice construction techniques.
(3) A fence constructed of stone, brick or concrete which satisfies the following specifications—
   (a) in accordance with the Building Act 2011;
   (b) shall be designed by a qualified structural engineer; and
   (c) a height of 1800mm except within the primary street setback area.

(4) A fence constructed of metal panel (eg Colorbond) or plastic panel (eg Duralok) fencing systems which satisfies the following specifications—
   (a) a height of 1800mm, except where located within the primary street setback area; and
   (b) construction to be in accordance with the manufacturers specifications.

(5) A composite of the above fences such as timber posts with solid sheet metal infill and height as specified above.

(6) A fence within a primary street setback area shall not exceed 1200mm in height without the written approval of the Local Government.

Schedule 2
SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT AND AN INDUSTRIAL LOT

Each of the following is a sufficient fence on a Commercial Lot and an Industrial Lot—

(1) A fence constructed of galvanised or plastic coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—
   (a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm depth;
   (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3500mm centres and with footings of a 225mm diameter x 600mm depth;
   (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm diameter x 600mm depth;
   (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
   (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 4.2 of this local law; and
   (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3600mm and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping. Gates shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework and shall be fixed with a drop bolt and locking attachment.

(2) A fence of fibre reinforced cement sheet or metal sheeting constructed to the specifications referred to in Schedule 1.

(3) A fence constructed of metal sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.

(4) Fences of timber, stone, brick or concrete shall be constructed to the specifications referred to in Schedule 1.

Schedule 3
SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT, A RURAL RESIDENTIAL LOT, AND A RURAL SMALL HOLDINGS LOT

(1) In the case of a non-electric fence, a sufficient fence on a Rural Lot, a Rural Residential Lot, and a Rural Smallholdings Lot is a fence of posts and wire construction.

A fence which satisfies the following specifications shall be—

(a) high tensile wire not less than 2.5mm with a minimum of five wires used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;

(b) posts of timber or other suitable material including—
  - timber impregnated with a termite and fungicidal preservative; or
  - star pickets; or
  - concrete;
(c) posts cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and

(d) strainer posts not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

(2) An electric fence having four wires only is a sufficient fence if constructed generally in accordance with clause 4.3.

(3) A person shall not erect a fence exceeding 1500mm in height without the written consent of the Local Government.

Dated the 27th day of June, 2018.

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

Cr. V. BROWN, Shire President.

Mr. W. M. SCOTT, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF DONNYBROOK-BALINGUP

MEETING PROCEDURES LOCAL LAW 2018
LOCAL GOVERNMENT ACT 1995

SHIRE OF DONNYBROOK-BALINGUP

MEETING PROCEDURES LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

SHIRE OF DONNYBROOK-BALINGUP

MEETING PROCEDURES LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all other relevant powers, the Shire of Donnybrook-Balingup resolved on 27 June 2018 to make the following Local Law.

1.1 Citation
This local law may be cited as the Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017.

1.2 Commencement
By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Application and intent
(1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
(2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
(3) This local law is intended to result in—
   (a) better decision-making by the Council and committees;
   (b) the orderly conduct of meetings dealing with Council business;
   (c) better understanding of the process of conducting meetings; and
   (d) the more efficient and effective use of time at meetings.

1.4 Interpretation
(1) In this local law unless the context otherwise requires—
   absolute majority has the meaning given to it in the Act;
   75% majority has the meaning given to it in the Act;
   Act means the Local Government Act 1995;
   CEO means the Chief Executive Officer of the local government;
   committee means a committee of the Council established under section 5.8 of the Act;
   committee meeting means a meeting of a committee;
   Council means the Council of the Shire of Donnybrook-Balingup;
   Criminal Code means the Criminal Code Act Compilation Act 1913;
   local government means the Shire of Donnybrook-Balingup;
   district means the district of the local government;
   meeting means a meeting of the Council or a committee, as the context requires;
   Member has the meaning given to it in the Act;
   Officer is an employed member of the staff of the local government;
   President means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;
   Presiding Member means—
      (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
      (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
   Regulations means the Local Government (Administration) Regulations 1996;
   simple majority means more than 50% of the members present and voting; and
   substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.
(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.
1.5 Repeal
This local law repeals the Shire of Donnybrook-Balingup Procedures Local Law 2017 as published in the Government Gazette on 29 September 2017.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees
(1) The establishment of committees is dealt with in the Act.
(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
   (a) the terms of reference of the committee;
   (b) the number of council members, officers and other persons to be appointed to the committee;
   (c) the names or titles of the council members and officers to be appointed to the committee;
   (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
   (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
(3) This local law is to apply to the conduct of committee meetings—
   (a) where the committee has been delegated a specific power, or powers, under the Act; or
   (b) where the Council, by resolution, requires the application of this local law to that committee.

2.2 Types of committees
The types of committees are dealt with in the Act.

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The delegation of some powers and duties to certain committees is dealt with in the Act.

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The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

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(1) Ordinary and special Council meetings are dealt with in the Act.
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(3) A special Council meeting is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings
The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings
(1) The convening of a Council meeting is dealt with in the Act.
(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
(3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings
The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings
Public notice of meetings is dealt with in the Regulations.
PART 4—PRESIDING MEMBER AND QUORUM

Division 1—Who presides

4.1 Who presides
Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act
When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President
Who acts if there is no President is dealt with in the Act.

4.4 Election of Presiding Members of committees
The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.5 Election of Deputy Presiding Members of committees
The election of Deputy Presiding Members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding Members
The functions of Deputy Presiding Members are dealt with in the Act.

4.7 Who acts if no Presiding Member
Who acts if no Presiding Member is dealt with in the Act.

Division 2—Quorum

4.8 Quorum for meetings
The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings
The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings
The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting
The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting
If at any time during a meeting a quorum is not present, the Presiding Member is—
(a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
(b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded
At any meeting—
(a) at which there is not a quorum present; or
(b) which is adjourned for want of a quorum,
the names of the Members then present are to be recorded in the minutes.

PART 5—BUSINESS OF A MEETING

5.1 Business to be specified
(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
(2) No business is to be transacted at a special Council meeting other than that given in the notice as the purpose of the meeting.
(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—
(a) specified in the notice of the meeting which had been adjourned; and
(b) which remains unresolved.
(4) Where a meeting is adjourned to the next ordinary Council meeting then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports of Committees at that ordinary Council meeting.
5.2 Order of business

(1) Unless otherwise decided by the Council, the order of business at any ordinary Council meeting is to be as follows—

1 Declaration of Opening / Announcement of Visitors
2 Attendance
   2.1 Apologies
   2.2 Approved leave of absence
   2.3 Application for leave of absence
3 Announcements from the Presiding Member
4 Declarations of Interest
5 Public Question Time
   5.1 Response to previous public questions taken on notice
   5.2 Public question time
6 Presentations
   6.1 Petitions
6.2 Presentations
6.3 Deputations
6.4 Delegates’ reports
7 Confirmation of Minutes
8 Reports of Committees
9 Reports of Officers
10 Elected Member Motions of which previous notice has been given
11 Questions from Member
12 New Business of an urgent nature introduced by decision of the meeting
13 Meeting closed to public
   13.1 Matters for which the meeting may be closed
   13.2 Public reading of resolutions that may be made public
14 Closure

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or this local law otherwise provides, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 14 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to be accompanied by supporting reasons and must relate to the good governance of the district.

(4) The CEO—
   (a) may, following consultation with the President, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
   (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
   (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
   (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—
   (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
   (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), cases of extreme urgency or other special circumstances means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.
5.5 Adoption by exception resolution

(1) In this clause adoption by exception resolution means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or officer recommendation as the Council resolution.

(2) Subject to subclause (3), the local government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—
   (a) that requires a 75% majority or a special majority;
   (b) in which an interest has been disclosed;
   (c) that is a matter on which a Member wishes to ask a question;
   (d) that is a matter on which a Member wishes to make a statement; or
   (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

(4) Subject to subclause (5), a Member is to identify an item for exclusion from the adoption by exception resolution and the reason for the exclusion by the provision of written notification to the CEO, including the motion that is different to the recommendation if applicable, by 3pm on the day before the meeting.

(5) A Member can seek the permission of the Presiding Member at the meeting to be allowed to move a motion of which notice has not been given in accordance with subclause (4), however, any motion of which notice has been given in accordance with subclause (4) will take priority.

(6) Where a matter is excluded from the adoption by exception resolution in accordance with subclause (3)(e) or subclause (5) and it contains a recommendation from a committee, members shall first be given the option to debate the committee recommendation.

PART 6—PUBLIC PARTICIPATION

6.1 Meetings generally open to the public
Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subclause (2) is carried—
   (a) the Presiding Member is to direct everyone to leave the meeting except—
      (i) the Members;
      (ii) the CEO, or the CEO’s delegate; and
      (iii) any Officer specified by the Presiding Member; and
   (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 8.10 is to be suspended until the Council or the committee, by resolution, decides otherwise.

(6) A resolution under this clause may be made without notice.

(7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public
Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings
Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public
Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public
Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

(1) A member of the public who raises a question during question time, is to state his or her name and address.

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—
   (a) a response is given to the member of the public in writing; and
   (b) a summary of the response is included in the agenda of the next meeting of the Council.
(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
   (a) declare that he or she has an interest in the matter; and
   (b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—
   (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided; or
   (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
   (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have two minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors
If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations
(1) Any person or group wishing to be received as a deputation by the Council is to either—
   (a) apply, before the meeting, to the CEO for approval; or
   (b) with the approval of the Presiding Member, at the meeting, address the Council.

(2) The CEO may either—
   (a) approve the request and invite the deputation to attend a meeting of the Council; or
   (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.

(3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—
   (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
   (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
   (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

(4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions
(1) A petition is to—
   (a) be addressed to the President;
   (b) be made by electors of the district;
   (c) state the request on each page of the petition;
   (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
   (e) contain a summary of the reasons for the request; and
   (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
   (a) the matter is the subject of a report included in the agenda; and
   (b) the Council has considered the issues raised in the petition.
6.11 Presentations
(1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
(2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings
(1) In this clause a reference to a person is to a person who—
   (a) is entitled to attend a committee meeting;
   (b) attends a committee meeting; and
   (c) is not a member of that committee.
(2) Without the consent of the Presiding Member, no person is to address a committee meeting.
(3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
(4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
(5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
(6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions
(1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
(2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
   (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
   (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
   (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
(4) A meeting held under subclause (1) shall be conducted only to hear submissions and the council shall not make resolutions.
(5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
(6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
(7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO’s report under subclause (8).

6.14 Public Inspection of agenda materials
The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire of Donnybrook-Balingup Administration Centre and on the local government’s website.

6.15 Confidentiality of information withheld
(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
   (a) identified in the agenda of a Council meeting under the item “Matters for which meeting may be closed”;
   (b) marked “Confidential” in the agenda; and
   (c) kept confidential by Officers and Members until the Council resolves otherwise.
(2) A Member or an Officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an Officer to the extent necessary for the purpose of carrying out his or her duties.
(3) Subclause (2) does not apply where a Member or Officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.
6.16 Recording of proceedings
(1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
(2) If a person is permitted to record proceedings under this clause, the Presiding Member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

6.17 Prevention of disturbance
(1) A reference in this clause to a person is to a person other than a Member or Officer.
(2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
(3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
(4) A person shall ensure that his or her mobile telephone, audible pager or other electronic communications device is not switched on or used during any meeting of the Council, unless required for emergency use and permission has been granted by the Presiding Member prior to the start of the meeting.
(5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

PART 7—QUESTIONS BY MEMBERS

7.1 Questions without notice
(1) Subject to clause 10.17(4), Members may ask questions without notice—
   (a) in relation to an item on the agenda during discussion or debate on the matter; or
   (b) in relation to the good government of persons in the district during the agenda item questions from Members.
(2) A Member asking a question at a meeting may ask that question without notice and, with the consent of the Presiding Member, may ask one or more further questions.
(3) Where possible the respondent is to endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—
   (a) the question is taken on notice; and
   (b) the answer to the question be given to the Members as soon as practicable.
(4) Every question and answer—
   (a) is to be brief and concise; and
   (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
(5) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

PART 8—CONDUCT OF MEMBERS

8.1 Members to be in their proper places
(1) At the first meeting held after each election day, the CEO is to allot, alphabetically, a position at the Council table to each Member.
(2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Members to rise
Any Member wishing to speak shall indicate by show of hand or other method agreed upon by the Council. When invited by the Presiding Member to speak, the Member shall rise and address the Council through the Presiding Member, provided that any Member unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

8.3 Respect to the Presiding Member
After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member, unless for an emergency situation.

8.4 Titles to be used
A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.5 Advice of entry or departure
During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.
8.6 Priority of speaking
(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.7 Presiding Member may take part in debates
The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.8 Relevance
(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
(2) The Presiding Member, at any time, may—
   (a) call the attention of the meeting to any irrelevant, repetitious, offensive or insulting language by a Member; and
   (b) direct that Member, if speaking, to discontinue his or her speech.
(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.9 Speaking twice
A Member is not to address the Council more than once on any motion or amendment except—
   (a) as the mover of a substantive motion, to exercise a right of reply;
   (b) to raise a point of order; or
   (c) to make a personal explanation.

8.10 Duration of speeches
(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate
A Member is not to speak on any motion or amendment—
   (a) after the mover has replied; or
   (b) after the question has been put.

8.12 No interruption
A Member is not to interrupt another Member who is speaking unless—
   (a) to raise a point of order;
   (b) to call attention to the absence of a quorum;
   (c) to make a personal explanation under clause 8.14; or
   (d) to move a procedural motion that the Member be no longer heard.

8.13 Personal explanations
(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion
A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.15 Adverse reflection
(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.
(2) A Member is not—
   (a) to reflect adversely on the character or actions of another Member or Officer; or
   (b) to impute any motive to a Member or Officer,
unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
(3) A Member is not to use offensive or insulting expressions in reference to any Member, Officer or other person.
(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—
   (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
   (b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language
(1) A Member who, in the opinion of the Presiding Member, uses an expression which—
   (a) in the absence of a resolution under clause 8.16—
       (i) reflects adversely on the character or actions of another Member or Officer; or
       (ii) imputes any motive to a Member or Officer; or
   (b) is offensive or insulting,
must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

PART 9—PRESERVING ORDER

9.1 Presiding Member to preserve order
(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order
(1) A Member may object, by way of a point of order, only to a breach of—
   (a) this local law; or
   (b) any other written law.
(2) Despite anything in this local law to the contrary, a point of order—
   (a) takes precedence over any discussion; and
   (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order
(1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
(2) A Member interrupted on a point of order is to resume his or her seat until—
   (a) the Member raising the point of order has been heard; and
   (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach
A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the Presiding Member
(1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
(2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
(3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that—
   (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
   (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order
If a Member—
   (a) persists in any conduct that the Presiding Member had ruled is out of order; or
   (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),
the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.
9.7 Right of Presiding Member to adjourn
(1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
(3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10—DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing
Any Member who wishes to move a substantive motion or an amendment to a substantive motion—
(a) is to state the substance of the motion before speaking to it; and
(b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported
(1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
(2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business
(1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
(2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
(4) If a Member opposes a motion, the motion is to be dealt with under this Part.
(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

10.4 Only one substantive motion at a time
When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Complex motions
The Presiding Member may require that a complex substantive motion is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate
The Presiding Member is to call speakers to a substantive motion in the following order—
(a) the mover to state the motion;
(b) a seconder to the motion;
(c) the mover to speak to the motion;
(d) the seconder to speak to the motion;
(e) a speaker against the motion;
(f) a speaker for the motion;
(g) other speakers against and for the motion, alternating where possible; and
(h) mover takes right of reply which closes debate.

10.7 Limit of debate
The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.8 Member may require question to be read
A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.9 Consent of seconder required for alteration
The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of amendments
Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.11 Form of an amendment
An amendment must add, delete, or substitute words to the substantive motion.
10.12 Amendment must not negate original motion
An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.13 Relevance of amendments
Each amendment is to be relevant to the motion in respect of which it is moved.

10.14 Mover of motion may speak on amendment
Any Member may speak during debate on an amendment.

10.15 Effect of an amendment
If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.16 Withdrawal of motion or amendment
(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.17 Right of reply
(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion has a right of reply.

(3) The right of the reply may only be exercised—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other Member is to speak on the motion;

(b) there is to be no further discussion on, or any further amendment to the motion.

(5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

10.18 Foreshadowing alternative motions
(1) If a member wishes to negate a substantive motion and have the Council consider a new substantive motion on the matter with different intent, the member must foreshadow the new substantive motion prior to the right of reply.

(2) If a substantive motion is lost, the Presiding Member must call on the Member who foreshadowed the new substantive motion to move the proposed motion.

(3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.

(4) If more than one foreshadowed motion is proposed for any item before the Council, the Presiding Member must deal with them in the order in which they were presented.

PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions
In addition to the right to move an amendment to a substantive motion, a Member may move the following procedural motions—

(a) that the meeting proceed to the next item of business;

(b) that the debate be adjourned;

(c) that the meeting now adjourn;

(d) that the question be now put;

(e) that the Member be no longer heard;

(f) that the ruling of the Presiding Member be disagreed with; or

(g) that the meeting be closed to the public.

11.2 No debate
(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
11.3 Who may move
No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions—right of reply on substantive motion
The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business
The motion “that the meeting proceed to the next item of business”, if carried, has the effect that—
(a) the debate on the substantive motion or amendment ceases immediately;
(b) no decision is made on the substantive motion;
(c) the Council moves to the next item of business; and
(d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned
A motion “that the debate be adjourned”—
(a) is to state the time to which the debate is to be adjourned; and
(b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn
(1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
(2) Before putting the motion for the adjournment of a meeting of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.
(3) A motion “that the meeting now adjourn”—
(a) is to state the time and date to which the meeting is to be adjourned; and
(b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put
(1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
(3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard
If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with
If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12—DISCLOSURE OF INTERESTS

12.1 Disclosure of interests
Disclosure of interests is dealt with in the Act.

PART 13—VOTING

13.1 Question—when put
(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
(a) is to put the question to the Council; and
(b) if requested by any Member, is to again state the terms of the question.
(2) A Member is not to leave the meeting when the Presiding Member is putting any question.
13.2 Voting
Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions
The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote
(1) In taking the vote on any motion or amendment the Presiding Member—
   (a) is to put the question, first in the affirmative, and then in the negative;
   (b) may put the question in this way as often as may be necessary to enable him or her to
determine whether the affirmative or the negative has the majority of votes;
   (c) may accept a vote on the voices or may require a show of hands; and
   (d) is, subject to this clause, to declare the result.
(2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of
raised hands.
(3) If a member of Council or a committee specifically requests that there be recorded—
   (a) his or her vote; or
   (b) the vote of all members present,
on a matter voted on at a meeting of the Council or committee, the person presiding is to cause the
vote or votes, as the case may be, to be recorded in the minutes.

PART 14—MINUTES OF MEETINGS

14.1 Keeping of minutes
The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes
(1) The content of minutes is dealt with in the Regulations.
(2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council
meeting is to include, where an application for approval is refused or the authorisation of a licence,
permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes
The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes
(1) When minutes of an ordinary Council meeting are distributed for consideration prior to their
confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the
Member may provide the local government with a written copy of the alternative wording to amend
the minutes no later than 7 clear working days before the next ordinary Council meeting.
(2) At the next ordinary Council meeting, the Member who provided the alternative wording shall, at
the time for confirmation of minutes—
   (a) state the item or items with which he or she is dissatisfied; and
   (b) propose a motion clearly outlining the alternative wording to amend the minutes.
(3) Members must not discuss items of business contained in the minutes, other than discussion as to
their accuracy as a record of the proceedings.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned
The Council may adjourn any meeting—
   (a) to a later time on the same day; or
   (b) to any other time on any other day, including a time which coincides with the conclusion of
another meeting or event.

15.2 Effect of adjournment
Where any matter, motion, debate or meeting is adjourned under this local law—
   (a) the names of Members who have spoken on the matter prior to the adjournment are to be
recorded in the minutes;
   (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
   (c) the provisions of clause 8.9 apply when the debate is resumed.

PART 16—REVOKING OR CHANGING DECISIONS

16.1 Requirements to revoke or change decisions
The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of
the Regulations.
16.2 Limitations on powers to revoke or change decisions
(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—
   (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
   (b) where the decision is procedural in its form or effect.
(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision
(1) In this clause—
   (a) “authorisation” means a licence, permit, approval or other means of authorising a person to do anything;
   (b) “implement”, in relation to a decision, includes—
      (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
      (ii) take any other action to give effect to the decision; and
   (c) “valid notice of revocation motion” means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person—
   (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
   (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
   (a) is to take effect only in accordance with this clause; and
   (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17—SUSPENSION OF LOCAL LAW

17.1 Suspension of local law
(1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.

(2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which is—
   (a) seconded; and
   (b) carried by an absolute majority,
   is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where the local law does not apply
(1) In situations where—
   (a) one or more provisions of this local law have been suspended; or
   (b) a matter is not regulated by the Act, the Regulations or this local law,
   the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in local laws
The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.
PART 18—MEETINGS OF ELECTORS

18.1 Electors’ general meetings
Electors’ general meetings are dealt with in the Act.

18.2 Matters for discussion at electors’ general meetings
The matters to be discussed at electors’ general meetings are dealt with in the Regulations.

18.3 Electors’ special meetings
Electors’ special meetings are dealt with in the Act.

18.4 Requests for electors’ special meetings
Requests for electors’ special meetings are dealt with in the Regulations.

18.5 Convening electors’ meetings
Convening electors’ meetings is dealt with in the Act.

18.6 Who presides at electors’ meetings
Who presides at electors’ meetings is dealt with in the Act.

18.7 Procedure for electors’ meetings
(1) The procedure for electors’ meetings is dealt with in the Act and the Regulations.
(2) In exercising his or her discretion to determine the procedure to be followed at an electors’ meeting, the Presiding Member is to have regard to this local law.

18.8 Participation of non-electors
A person who is not an elector of the local government shall not take part in any discussion at an electors’ meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors’ meetings
Voting at electors’ meetings is dealt with in the Regulations.

18.10 Minutes of electors’ meetings
Minutes of electors’ meetings are dealt with in the Act.

18.11 Decisions made at electors’ meetings
Decisions made at electors’ meetings are dealt with in the Act.

PART 19—ENFORCEMENT

19.1 Who can prosecute
Who can prosecute is dealt with in the Act.

The Common Seal of the Shire of Donnybrook-Balingup was affixed by authority of a resolution of the Council in the presence of—

B. PIESSE, Shire President.
B. G. ROSE, Chief Executive Officer.
Under the powers conferred on it by the Local Government Act 1995 and under all other enabling powers, the Council of the Town of Cambridge resolved on 26 June 2018 to make the following local law.

1.1 Title
This local law may be cited as the Town of Cambridge Local Government and Property Amendment Local Law 2018.

1.2 Commencement
This local law commences 14 days after the day on which it is published in the Government Gazette.

1.3 Principal local law

1.4 Principal local law amended
The principal local law is amended as follows—
(a) delete clause 2.1(2);
(b) in clause 4.3 after the words ‘indecent exposure’ insert ‘except where the local government property is set aside for the wearing of no clothes under clause 2.7(2)(j)’;
(c) in clause 9.1, delete the words ‘, unless otherwise provided for in this local law’; and
(d) in Schedule 1, under item 58, under the column of ‘Nature of offence’, delete the words ‘without approval of the local government’.

Dated this 2nd day of July 2018.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

KERI SHANNON, Mayor.
JOHN GIORGI JP, Acting Chief Executive Officer.
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Northam resolved by Absolute Majority on 20 June 2018 to make the following local law.

1. Citation
This local law may be cited as the Shire of Northam Extractive Industries Amendment Local Law 2018.

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

3. Principal local law amended
This local law amends the Shire of Northam Extractive Industries Local Law 2008 as published in the Government Gazette on 16 September 2008.

4. Clause 2.2 deleted
Delete clause 2.2.

5. Clause 2.3 amended
In Clause 2.3(1) delete paragraph (f).

6. Clause 3.3 inserted
Insert the following new clause 3.3 after clause 3.2

Clause 3.3 Transport of Materials—
(1) The local government may, from time to time, prescribe by giving written notice to the licensee—
   (a) that if the proposed routes are not suitable for the proposed haulage, the local government may determine alternative routes to be taken by the licensee for the transport of materials from the site through the roads in the district—
   (b) the tonnage limits to be transported along a particular route: and
   (c) the times during which materials from the site may be transported through the roads in the district.
(2) The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of the materials from the site.
(3) If a road on a route prescribed under the subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.
(4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this clause.

7. Clause 6.1 amended
In Clause 6.1 delete $2,000 and insert $2,500.

8. Clause 6.4(2) amended
In Clause 6.4(2) delete $2,000 and insert $5,000.

9. Schedule 1—amended
Delete Schedule 1 and insert the following—

SCHEDULE 1
Shire of Northam
Extractive Industries Local Law 2018
PRESCRIBED OFFENCES

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<tr>
<th>Clause</th>
<th>Description</th>
<th>Modified Penalty $</th>
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<tr>
<td>2.1</td>
<td>Excavate without a valid and current licence</td>
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</tr>
<tr>
<td>6.1</td>
<td>Excavate near boundary</td>
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<tr>
<td>6.2(a)</td>
<td>Gateways not kept locked where required</td>
<td>500</td>
</tr>
<tr>
<td>6.2(b)</td>
<td>Warning signs not erected or maintained as required</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>Description</td>
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</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>6.2(c)</td>
<td>Excavation not drained as required</td>
<td>500</td>
</tr>
<tr>
<td>6.3(a)</td>
<td>Remove trees or shrubs near boundary without approval</td>
<td>500</td>
</tr>
<tr>
<td>6.3(b)</td>
<td>Store without required approval explosives or explosive devices</td>
<td>500</td>
</tr>
<tr>
<td>6.3(c)</td>
<td>Fill or excavate in breach of licence</td>
<td>500</td>
</tr>
<tr>
<td>6.4(1)(a)</td>
<td>Blasting without approval of the local government</td>
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</tr>
<tr>
<td>6.4(1)(b)</td>
<td>Blasting outside times authorised</td>
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</tr>
<tr>
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<td>Blasting in breach of conditions imposed by the local government</td>
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<td>Blasting without approval on Saturday, Sunday or public holiday</td>
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<tr>
<td>7.4(a)(b)(c)</td>
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</tr>
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The Common Seal of the Shire of Northam was affixed by authority of a resolution of Council in the presence of—

CHRISTOPHER R. ANTONIO, President.
JASON B. WHITEAKER, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF MT MARSHALL

HEALTH LOCAL LAW 2018
LOCAL GOVERNMENT ACT 1995

SHIRE OF MT MARSHALL

HEALTH LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MT MARSHALL

HEALTH LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all powers enabling it, the Council of the Shire of Mt Marshall resolved on 17 July 2018 to make the following local law—

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as Shire of Mt Marshall Health Local Law 2018.

1.2 Commencement
This local law commences 14 days after the day on which it is published in the Government Gazette.

1.3 Application
This local law applies throughout the entire district.

1.4 Repeal
This local law repeals the Shire of Mt Marshall Health Local Laws 2014 as published in the Government Gazette on 1 April 2015.

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

Act means the Health (Miscellaneous Provisions) Act 1911;

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute;

approved means approved by the local government;

AS or AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and in this local law includes—

(a) AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionization;
(b) AS 2293.1:2005 Emergency escape lighting and exit signs for buildings—System design, installation and operation;
(c) AS 1530.2:1993 Methods for fire tests on building materials, components and structures—Test for flammability of materials;
(d) AS 1530.3:1999 Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release;
(e) AS 2001.5.4:2005 Methods of test for textiles—Dimensional change—Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD);
(f) AS/NZS ISO 717.1:2004 Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation;
(g) AS 3666.2: 2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning;
(h) AS 1668.2: 2012 The use of ventilation and air conditioning in buildings—Mechanical ventilation in building;

Authorised Officer means a person appointed under the provisions of the Public Health Act 2016 and hold an approved environmental health qualification for the purposes of clause 18 of the Act;

bed means a piece of furniture on which to sleep;

bed linen includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;
Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

Chief Executive Officer means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

Chief Health Officer means a person appointed to this position under the provisions of the Public Health Act 2016;

Council means the Council of the local government;

district means—
  (a) the district of the local government under the Local Government Act 1995;
  (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
  (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the Australian Drinking Water Guidelines;

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 a person appointed to this position under the provisions of the Public Health Act 2016;

food premises means any premises or vehicle used by a food business as defined by section 10 of the Food Act 2008;

habitable room means a room used for normal domestic activities, and—
  (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room or the like; but
  (b) excludes a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

hot water means water at a temperature of at least 65 degrees Celsius;

local government means the Shire of Mt Marshall;

morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

nuisance has the meaning given to it in section 182 of the Act;

public place includes every place to which the public ordinarily have access, whether by payment of a fee or not;

public vehicle includes a coach, cab, omnibus, motor car, wagon, or other vehicle carrying passengers for hire, and includes a tramcar and railway carriage;

sanitary convenience includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

sewage means any kind of sewage, 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 toilet bowl or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the townsites within the district which are constituted under section 26(2) of the Land Administration Act 1997 or referred to in clause 37 of the Schedule 9.3 of the Local Government Act 1995;

urinal may be—
  (a) an individual stall or wall-hung urinal; or
  (b) each 600 mm length of a continuous urinal trough; or
  (c) a toilet bowl used in place of a urinal;

vectors of disease includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;

water means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2011 and as amended from time to time;

window means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.
(2) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2—SANITATION
Division 1—Sanitary Conveniences

2.1.1 Interpretation
In this Part, unless the context otherwise requires—
event includes a fair, function or festival;
organiser means a person—
(a) to whom approval has been granted by the local government to conduct the event; or
(b) responsible for the conduct of the event;
public sanitary conveniences means a sanitary convenience to which the public ordinarily have access; and
temporary sanitary convenience means a sanitary convenience, temporarily placed for use by—
(a) patrons in conjunction with an event; or
(b) employees at construction sites or the like.

2.1.2 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 electrical lighting.

2.1.3 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 clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
(c) the premises have hand wash basins—
(i) in accordance with the Building Code;
(ii) for the use of persons employed or engaged on the premises;
(iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
(iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
(2) The occupier of the premises other than a dwelling house shall ensure that—
(a) clean toilet paper is available at all times in each cubicle;
(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
(c) each hand wash basin is provided with—
(i) an adequate supply of soap or other hand cleaning substances; and
(ii) hand-drying facilities, situated adjacent to and visible from the hand wash basin.

2.1.4 Events
The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health’s ‘Guidelines for concerts, events and organized gatherings’.

2.1.5 Toilets
(1) Toilets on premises shall be maintained in accordance with the following requirements—
(a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
(b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
(c) the floor of any internal toilet shall be—
(i) of concrete or of other approved impervious material of an approved thickness; and
(ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
(d) the floor of any external toilet shall be—
   (i) of concrete or of other approved impervious material of an approved thickness; and
   (ii) graded to the door or alternatively an approved outlet.

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

2.1.6 Temporary works
A person who undertakes temporary work at any place shall ensure every temporary sanitary
convenience is installed and maintained in accordance with the requirements of the Health

2.1.7 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 Authorised 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.

2.1.8 Ventilation of toilets
(1) A toilet in any premises shall be ventilated in accordance with the Sewerage (Lighting, Ventilation
(2) A mechanical ventilation system provided under subclause (1) shall be maintained in good
working order and condition.

2.1.9 Public sanitary conveniences
(1) A person shall not—
   (a) foul;
   (b) damage or vandalise; or
   (c) write on or otherwise deface;
   a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the
   sanitary convenience is located.
(2) A person shall not live or sleep in or on the premises in which a public sanitary convenience is
located or use it for a purpose other than that for which it was intended.

2.1.10 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.

2.1.11 Installation
Every sanitary convenience shall be installed in accordance with the requirements of Country Areas
Water Supply Act 1947, the Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes)
Regulations 1974 and the Water Services Act 2012 and shall have an adequate supply of water.

Division 2—Bathrooms, Laundries and Kitchens

2.2.1 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 a ceiling that complies with the
       Building Code;
   (b) complies with the Health Act (Laundries and Bathrooms) Regulations and the Building Code; and
   (c) is equipped with—
       (i) a hand wash basin; and
       (ii) either a shower in a shower recess or a bath.
(2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate
supply of hot and cold water.
2.2.2 Laundries
(1) A laundry must comply with the requirements of the Health Act (Laundry and Bathrooms) Regulations and 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 1.220 millimetres wide; and
   (b) have a door which when closed shall completely fill the opening.

2.2.3 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 bed linen; or
   (b) keep or permit to be kept any soiled clothing or bed linen.

2.2.4 Kitchens
(1) In this clause, a cooking facility includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
   (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
   (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.

(3) 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.

(4) A cooking facility shall—
   (a) be installed in accordance with the requirements of the Department of Commerce—Energy Safety division and the manufacturer’s specifications; and
   (b) not be installed or used in any room other than a kitchen.

(5) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
   (a) carried to the outside air as directly as practicable; and
   (b) boxed throughout.

(6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3—HOUSING AND GENERAL
Division 1—Maintenance of Dwelling Houses
3.1.1 Dwelling house maintenance
The owner or occupier of a dwelling house and any appurtenant buildings for which the owner or occupier has the care and control of, shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—
   (a) maintain all roofs 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 veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
   (d) comply with the directions of an Authorised 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 floors even in surface and free from cracks;
   (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
   (i) maintain all doors and windows in good working order and weatherproof condition;
   (j) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
   (k) 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 Water Services Act 2012, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
   (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
   (m) maintain all ventilators in good order and repair.
3.1.2 Guttering and downpipes
The owner or occupier of a dwelling house which has guttering and downpipes shall—
(a) 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 from the guttering onto or over a
footpath, street or other property.

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

3.2.1 Exemption for short term hostels and recreational campsites
This division shall not apply to short term hostels and recreational campsites referred to in Division 1
of Part 8.

3.2.2 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;
(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, shed or area under a veranda or patio to be used for sleeping purposes.

3.2.3 Calculated sufficient space
For the purpose of clause 3.2.2, 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) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and
projections of the walls into a room.

3.2.4 Ventilation
(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is
properly ventilated.
(2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies
with the Building Code, including the provision of—
(a) natural ventilation; or
(b) a mechanical ventilation or air-conditioning system complying with AS1668.2:2012.
(3) The owner of a house provided with a mechanical ventilation or air-conditioning system as its only
or prime means of ventilation shall ensure that the system is—
(a) maintained in good working condition and in accordance with AS/NZS3666.2:2011; and
(b) in use at all times the building is occupied if the building is without approved natural
ventilation.
(4) If, in the opinion of an Authorised Officer, a house is not properly ventilated, the Authorised
Officer may by notice require the owner of the house to—
(a) provide a different, or additional method of ventilation; or
(b) cease using the house until it is properly ventilated.

3.2.5 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.

3.3.1 Water supply
(1) The owner of every house shall provide a continuous supply of drinking water, reticulated for use
and obtained from—
(a) a licensed water service operator;
(b) an underground bore; or
(c) a rainwater storage system with a minimum capacity of 120,000 litres.
(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the
house.
(3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.3.2 Rainwater tanks
The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the National Health and Medical Research Council Drinking Water Guidelines and in particular—

(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 rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
(c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
(d) inspect the rainwater tank and associated components at least every six months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
(e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
(f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
(g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

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

(a) at least 30 metres from any soak well, leach drain or irrigation area where effluent has been discharged from any wastewater treatment system or any other possible source of pollution unless otherwise approved by the Chief Health Officer;
(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
(c) compliant with the requirements of the Health Act (Underground Water Supply) Regulations 1959.

3.3.4 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.

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Division 4—Second-hand Furniture, Bedding and Clothing

3.4.1 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 vermin or vectors of disease.

3.4.2 Prohibition on 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 vermin or vectors of disease.

Division 5—Morgues

3.5.1 Licensing of morgues
(1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
(2) An application for licence of a morgue shall be in the form set out in Schedule 8 and shall be—
   (a) made by the applicant;
   (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Section 344C of the Act.
(3) A Certificate of Licence of a Morgue shall—
   (a) be in the form set out in Schedule 9; and
   (b) expire on 30 June next after the date of its issue.
A Certificate of Licence of a Morgue shall not be granted in respect of any premises unless—
(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
(b) the walls are constructed of stone or brickwork or other approved material;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—LIQUID REFUSE, LIQUID WASTE, BUTCHERS’ WASTE, RUBBISH AND REFUSE

Division 1—Liquid Refuse and Liquid Waste

4.1.1 Interpretation
In this division, unless the context otherwise requires—

*apparatus for the treatment of sewage* has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

*approved carrier* means a carrier approved by the local government;

*liquid refuse* includes all washing from the commercial cleaning of 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;

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

*receptacle for drainage* has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.1.2 Deposit of liquid refuse
A person shall not deposit or cause or permit to be deposited liquid refuse—
(a) on a street;
(b) in a storm water disposal system; or
(c) on any land or place other than a place or depot duly authorised for that purpose.

4.1.3 Disposal of liquid waste
(1) The owner or occupier of premises shall provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and 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 sewage 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 approved by the local government; or
(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

4.1.4 Approval for septic tank pumpouts and removal of liquid waste
A person shall not—
(a) unless he or she is an approved carrier;
(b) without the written approval of the local government; and
(c) except in accordance with any terms and conditions imposed by the local government or the Chief Health Officer in connection with the approval under paragraph (b),
collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

4.1.5 Application for approval
(1) A carrier 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 clause 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; or
(c) the type of liquid waste that can be collected.
(3) Any conditions imposed by the local government under this clause shall be—
(a) specified in the written approval of the local government; and
(b) in addition to any conditions imposed by the Chief Health Officer or conditions applying under any other law.

(4) The local government may from time to time vary conditions imposed by it under this clause by giving written notice of the variation to the person to whom approval was given.

4.1.6 Provision of quarterly reports
The approved carrier may be required to provide quarterly reports to the local government containing accurate details of—
(a) the date of servicing the liquid waste system;
(b) the address or location of the involved property; and
(c) the type of system serviced.

Division 2—Transport of Butchers’ Waste

4.2.1 Interpretation
In this division, unless the context otherwise requires—

butchers’ waste includes animal skeletons and rib cages, from a boning room and the inedible products of an abattoir or a butcher’s shop.

4.2.2 Restriction of vehicles
A person shall not use, for the transport of butchers’ waste—
(a) a vehicle or container not approved by the local government; or
(b) a vehicle used for the transport of food or drugs; or
(c) anything intended to be used for the packing or handling of food or drugs.

4.2.3 Transport of butchers’ waste
(1) A person shall not transport butchers’ waste otherwise than in a compartment complying with the following specifications—
(a) the floor and four walls to be made of an approved impervious material;
(b) all joints to be made water-tight;
(c) the loading doors, if any, to be water-tight and kept closed at all times except when loading or unloading;
(d) the top and sides are to be covered by a tarpaulin or other impervious material approved by an Authorised Officer so as to keep the load out of sight of the public; or
(e) in a container which is water-tight, durable and impervious and which is fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers’ waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause are—
(a) maintained in good order and condition; and
(b) thoroughly cleaned at the conclusion of each day’s work.

(3) A person shall not load, transport, or unload butchers’ waste in a manner that is or may be offensive due to—
(a) the sight of animal skeletons, bones, offal or waste matter;
(b) the odour of putrefaction, offal or waste matter; or
(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street, pavement or ground.

Division 3—Rubbish and Refuse

4.3.1 Interpretation
In this division, unless the context otherwise requires—

refuse disposal site means land set apart by the local government under the Act as a site for the deposit of rubbish or refuse; or which is licensed or registered under the provisions of the Environmental Protection Regulations 1987; and any waste facility as defined in the Waste Avoidance and Resource Recovery Act 2007 that is operated by the local government; and

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.

4.3.2 Deposit of refuse
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 defined in these local laws or a waste service or waste facility as defined in the Waste Avoidance and Resource Recovery Act 2007 that is operated by the local government or by an approved contractor.
4.3.3 Burning of rubbish or refuse
(1) A person shall not set fire to rubbish, either in any incinerator or on the ground except in accordance with the conditions of the local government.
(2) Subject to subclause (3), the burning of rubbish is subject to the following conditions—
   (a) the material to be burnt—
      (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
      (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government refuse collection service; and
   (b) there is no other appropriate means of disposal; and
   (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 air dispersion alert, outside the hours of 10.00am to 6.00pm; and
   (d) burning shall only be undertaken using an incinerator that is designed to burn efficiently in order to minimise smoke emissions and which incorporates a spark arresting device and which is located—
      (i) at least 3 metres from a fence, building or inflammable matter; and
      (ii) in such a position so as not to create a nuisance or be offensive to other persons.
(3) Subject to any requirements of a Fire Break Notice issued by the local government and any directions issued by the Department of Fire and Emergency Services, the local government may grant a permit to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

PART 5—NUISANCES AND GENERAL
Division 1—Nuisances
5.1.1 Interpretation
In this division, unless the context otherwise requires fertiliser includes manure.
5.1.2 Footpaths etc. to be kept clean
An owner or occupier of premises shall take reasonable steps to keep in a clean and tidy condition any footpath, pavement area or right of way immediately adjacent to their premises which has been made unclean or untidy by any action of the owner or occupier or as a result of overhanging or overgrown vegetation.
5.1.3 Escape of smoke etc.
An owner or occupier of premises shall take reasonable measures to prevent 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.
5.1.4 Public vehicles to be kept clean
The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—
   (a) in a clean condition;
   (b) free from vectors of disease; and
   (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.
5.1.5 Prohibition against spitting
A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government’s jurisdiction.
5.1.6 Transportation, use and storage of offal or blood
(1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried or by some other effective method approved by an Authorised Officer.
(2) No person shall remove any offensive matter unless such offensive matter is carried in watertight barrels or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odours therefrom.
(3) Every person using any sealed containers or vehicle in the removal of any offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.
5.1.7 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 within 200 metres of townsite boundaries, or within townsites, unless it has been effectively treated to the satisfaction of an Authorised Officer;
   (b) human faeces; or
   (c) urine.
5.1.8 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
doable 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 dispatched from the premises is packed in such a manner so
as to prevent any nuisance arising during transit.

5.1.9 Storage of fertiliser and compost
(1) Subject to subclause (2) fertiliser and compost is not to be stored inside a dwelling house in a
habitable room, kitchen, laundry, bathroom, living area, passage way or bedroom.
(2) Fertiliser and compost can be stored—
   (a) in a non-habitable building such as a shed, garage or storage room which is fully enclosed,
   well ventilated and separated from the habitable areas of the dwelling house; or
   (b) in an outside area.
(3) The owner or occupier of premises where fertiliser or compost is stored shall—
   (a) prevent the escape of odours, dust or particles which could cause a nuisance;
   (b) treat the fertiliser or compost in such a manner so as to effectively prevent it attracting or
being a breeding place for flies or other insects; 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 Authorised Officer.

5.1.10 Vehicles used for transporting of animals and birds
Unless transporting a pet animal or bird, no person having the control or management of any vehicle
in which animals or birds are being or have been transported or confined shall allow such vehicle to
stand within a townsite until the vehicle has been thoroughly cleaned.

Division 2—Keeping of Animals and birds

5.2.1 Interpretation
In this division, unless the context otherwise requires—
  animal include dogs, rabbits, and ferrets or like;
  birds includes galahs, parrots, budgerigars, finches, pigeons and doves or the like.

5.2.2 Cleanliness
An owner or occupier of premises in or on which an animal or bird is kept shall—
(a) keep the premises free from excrement, filth, food waste and all other matters which is or is
likely to become offensive or injurious to health or to attract rats or other vermin and vectors
of disease;
(b) when so directed by an Authorised Officer, clean and disinfect the premises;
(c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by
spraying with a residual insecticide or other effective means; and
(d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or
dangerous to health.

5.2.3 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
Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all
enclosures used for the keeping of animals or birds.

5.2.4 Slaughter of animals
(1) Subject to subclause (2), a person shall not slaughter any animal within the district.
(2) Subclause (1) does not apply to—
   (a) euthanasia of animals by veterinarians or other duly authorised persons;
   (b) the slaughter of animals for human consumption in abattoirs approved by the local
government;
   (c) farmers, pastoralists and the like who slaughter stock for their own consumption and who are
exempted under Regulation 20 (2) of the Food Regulations 2009; and
   (d) slaughter of animals for the purposes of pet meat and game meat operations.
5.2.5 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.

(3) The requirements of subclauses (1) and (2) shall not limit the practice by farmers, pastoralists and the like of disposing of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.

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

Division 3—Keeping of Large Animals

5.3.1 Interpretation

In this division, unless the context otherwise requires—

approved animal includes a horse, cow, or other large animal the subject of an approval by the local government under clause 5.3.2;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey or pony; and

other large animal includes a pig, sheep, goat, deer or camel, cow, horse, lama, emu, ostrich or the like.

5.3.2 Conditions for keeping of an animal

(1) An owner or occupier of premises, within a townsite shall not keep a horse, cow, other large animal, more than 3 sheep or more than 3 goats on those premises without approval of the local government.

(2) An owner or occupier of premises shall not keep within a townsite an approved large animal or specified number of sheep or goats unless—

(a) the premise has an area of not less than 0.2 hectares of alienated land; and

(b) the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.

(3) The owner or occupier wanting to keep more than the above number of animals, on a block of land 0.2 hectares or larger and within a townsite, can do so only by obtaining the written approval of the local government. The approval will stipulate the maximum number of animals that may be kept. The number of animals will be calculated using the following—

(a) 4 large animals and 2 of their offspring up to the age of twelve months; or

(b) 12 sheep or 12 goats per 0.2 hectares or part thereof.

5.3.3 Stables

(1) An owner or occupier of premises within a townsite, who keeps an approved animal shall provide a stable which shall comply with the requirements of the Building Code, and which—

(a) is not situated within 30 metres of a house or other premises;

(b) has adequate space for each animal;

(c) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;

(d) provides adequate natural ventilation; and

(e) subject to subclause (2), has a floor, the upper surface of which shall—

(i) be at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete, or other similar impervious material approved by an Authorised Officer; and when required;

(iii) have a fall ratio 1:100 which effectively drains liquid wastes into a trapped gully situated outside the stable and shall discharged in a manner approved by local government.

(2) The construction of a stable with a sand floor may be permitted, subject to the following conditions—

(a) the site must be well drained with the highest known water table no closer than 1.5 metres below the ground or sand floor level, which may be achieved artificially;

(b) a 300 millimetres of thick bed of aggregate approved by an Authorised Officer, shall be laid under the sand of the stable;

(c) sand, whether natural or imported, it must be clean, coarse, free from dust and prevent pooling of liquids;

(d) footings to each stable shall be a minimum of 450 millimetres below ground level;

(e) the stable design must facilitate suitable access for cleaning and removal of waste materials and replenishment of clean sand;

(f) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;
(g) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall; and
(h) in all other respects subclause (1) shall apply to the stable.

(3) The owner or occupier of premises on which a stable is located shall—
(a) maintain the stable in a clean and hygienic condition at all times;
(b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
(c) comply with the relevant requirements of the Biosecurity and Agriculture Management Act 2007—Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 (as amended from time to time by the Department of Primary Industries and Regional Development).

(4) The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

5.3.4 Manure receptacle
An owner or occupier of premises on which a stable is constructed shall—
(a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and 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 coming 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 or comply with such other arrangements as approved by an Authorised Officer.

Division 4—Keeping of Poultry and Pigeons

5.4.1 Interpretation
(1) In this division, unless the context otherwise requires—

pigeons are birds that are classified within the family Columbidae and includes doves;
poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls.

(2) This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.

(3) Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the Environmental Code of Practice for Poultry Farms in Western Australia 2004 produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.4.2 Limitation on numbers of poultry and pigeons
(1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of the local government.

(2) An Authorised Officer may issue a written notice to the owner or occupier of land, whether within a townsite or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.

(3) An Authorised Officer may increase the number of poultry or pigeons that may be kept on a premises if satisfied that a health nuisance does not exist.

5.4.3 Conditions of keeping poultry in limited numbers
A person who keeps poultry or permits poultry to be kept shall ensure that—
(a) no poultry is able to approach within 9 metres of a dwelling house, public building, or premises where people are employed or premises 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 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, the 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; and
(f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Authorised Officer.
5.4.4 Roosters, Geese, Turkeys, Peafowl and Gamebirds
(1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl—
   (a) a rooster;
   (b) a goose or gander;
   (c) a turkey;
   (d) a peacock or peahen;
   (e) a gamebird;
   (f) an emu;
   (g) an ostrich.
(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises any one or more birds as specified in subclause (1).
(3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.
(4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

5.4.5 Conditions of keeping pigeons or doves
A person who keeps, or permits to be kept, pigeons or dove shall ensure that—
   (a) none is able to approach within 9 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—
      (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
      (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
      (iii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

5.4.6 Removal of nonconforming structure or enclosure
(1) If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.4.3 or 5.4.5, as applicable, the local government may direct the owner or occupier to amend it or remove it.
(2) An owner or occupier shall comply with a direction from the local government under this clause.

5.4.7 Restrictions on pigeon nesting or perching
(1) The local government may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance 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 clause.

5.4.8 Restrictions on feeding wild birds
A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.

5.5.1 Interpretation
In this division, unless the context otherwise requires—
   animal includes cattle, sheep, goats, deer and the like;
   birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches;
   feedlot means a confined area with watering and feeding facilities where animals are held and fed for the purpose of weight gain.

5.5.2 Premises to be approved
(1) No premises shall be used as a feedlot unless approved by local government.
(2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 13.
(3) Site unable to satisfy the separation requirements may be approved at the discretion of the local government when satisfied that approving the feedlot will not give rise to a health nuisance.

5.5.3 Site conditions
The owner or occupier of an approved feedlot must ensure that—
   (a) the premises is sited in an area where the land slope is no greater than 1:20 but no less than 1:100;
(b) the premises is sited on soils with sufficient filtration to avoid surface ponding and run-off;
(c) the premises has a minimum groundwater clearance of 2 metres;
(d) drainage diverts all uncontaminated stormwater from the general waste stream;
(e) stock numbers per pen do not cause dust and effluvia to become a nuisance; and
(f) the premises has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

5.5.4 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

PART 6—PEST CONTROL

Division 1—Flies

6.1.1 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.

6.1.2 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.

6.1.3 Measures to be taken the owner or occupier

An owner or occupier of the 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 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.

6.1.4 Persons in contact with an infectious disease sufferer

Where in an opinion of an Authorised Officer flies are prevalent or are breeding on any premises, the Authorised 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 Authorised Officer are necessary to—

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

6.1.5 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 subclause (1) may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.
6.2.1 Interpretation
In this division, unless the context otherwise requires—
mosquitoes means any of the two-winged insects constituting the family Diptera Clicidae commonly known as mosquitoes.

6.2.2 Measures to be taken to prevent mosquito breeding
An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—
(a) follow any direction or notice of an Authorised Officer for the purpose of—
(i) controlling the prevalence of mosquitoes;
(ii) eradication of mosquitoes; and
(iii) effectively preventing the breeding of mosquitoes;
(b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.2.3 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.

6.2.4 Removal of undergrowth or vegetation
Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.2.5 Filling in excavations etc.
A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.2.6 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 direction on the container, into the septic tank system, whenever directed to do so by an Authorised Officer; and
(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.

6.2.7 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; and
(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;
(ii) no water shall remain on any portion of the land other than the drains; and
(iii) keep all drains in good order and free from obstruction.

6.2.8 Local government may carry out work and recover costs
(1) Where—
(a) that person required under this division or directed by a notice given under this division, to carry out any work; and
(b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

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

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.
Division 3—Rodents

6.3.1 Interpretation
In this division, unless the context otherwise requires—

rodents means those animals belonging to the order Rodentia and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.3.2 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) A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.
(3) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

6.3.3 Food premises etc to be cleaned after use
An owner or occupier of a 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 has been used on that day or, if the use extends after midnight, then immediately after that use.

Division 4—Cockroaches

6.4.1 Interpretation
This this division, unless the context otherwise requires—

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

6.4.2 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) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
(3) An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

Division 5—Argentine Ants

6.5.1 Interpretation
In this division, unless the context otherwise requires—

Argentine ant means an ant belonging to the species Linepithema humile (formerly Irdomyrmex humilis).

6.5.2 Measures to be taken to keep premises free from Argentine ants
An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

Division 6—European Wasps

6.6.1 Interpretation
In this division, unless the context otherwise requires—

European wasp means a wasp Vespula germanica.

6.6.2 Measures to be taken to keep premises free from European wasp nest
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 Authorised Officer for the purpose of destroying the wasps and their nest; and
(c) assist an Authorised Officer, of his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

6.7.1 Interpretation
In this division, unless the context otherwise requires—

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

bee hive means a moveable or fixed structure, container or object in which a colony of bees is kept.
6.7.2 Limitation on numbers of hives
(1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
(2) Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
(3) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
(4) A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

6.7.3 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.

6.7.4 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) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

Division 8—Arthropod Vectors of Disease

6.8.1 Interpretation
In this division, unless the context otherwise requires—

arthropod vectors of disease includes—
(i) fleas (Siphonaptera);
(ii) bedbugs (Cimex lectularious);
(iii) crab lice (Phthirus pubis);
(iv) body lice (Pediculus humanus var. corporis); and
(v) head lice (Pediculus humanus var. capitis).

6.8.2 Responsibility of the owner or occupier
The owner or occupier of the 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 Authorised Officer to treat the premises, or anything on the premises, for the purpose of destroying any vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.1.1 Purpose of exercise of powers
The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

7.1.2 Authorised Officer may visit, inspect and report
An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, outbuildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

7.1.3 Insanitary houses, premises and things
(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
(2) Where 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 Authorised Officer considers that—
(a) a house or premises is not being maintained in a sanitary condition; or
(b) anything 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 who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.1.4 Requirements on owner or occupier to clean, disinfect and disinfest
An Authorised 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 Authorised Officer.

7.1.5 Local government may disinfect or disinfest the premises
(1) Where the local government is satisfied that any case of infectious disease has occurred on any premises, the local government may direct an Authorised 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 Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).

(3) The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.

(4) The local government is not 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 of any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.1.6 Authorised Officer may authorise disinfecting
Where an Authorised Officer believes that a person is or may be infected by an infectious disease, the Authorised 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 Authorised Officer.

7.1.7 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 may issue; and

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

7.1.8 Declaration of infected house or premises
(1) To prevent or check the spread of infectious disease, the local government 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 an Authorised Officer.

7.1.9 Destruction of infected animals
An Authorised 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 of 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.

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

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

7.1.11 Local government may carry out work and recover costs
(1) Where—

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

(b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

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

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.
Division 2—Disposal of Used Condoms and Needles

7.2.1 Disposal of used condoms
(1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—
   (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
   (b) disposed of in such a manner as may be directed by an Authorised Officer.
(2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.2.2 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

8.1.1 Interpretation
(1) In this part, unless the context otherwise requires—
   bed means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;
   bunk means a sleeping berth compromising one of two arranged vertically;
   Certificate of Registration of a Lodging House means a certificate issued under clause 8.1.4 in the form of Schedule 2;
   Certificate of Sleeping Accommodation means a certificate issued under clause 8.3.4 in the form of Schedule 6;
   Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments means a certificate issued under clause 8.3.4 in the form of Schedule 7;
   dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;
   Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth Food Standards Australia New Zealand Act 1991;
   keeper means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house and who is the person responsible for the care and management of the lodging house;
   laundry unit means a facility consisting of—
   (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
   (b) either an electric drying cabinet or not less than 30 metres of clothes line;
   (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
   (d) A hot water system that—
      (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
      (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer’s specification;
   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 and has the same meaning as defined in Section 3 of the Act;
   manager means a person duly appointed by the keeper in accordance with this division to reside in, and have the care and management of, a lodging house;
   recreational campsite means a lodging house—
   (a) situated on a campsite principally used for—
      (i) recreational, sporting, religious, ethnic or educational pursuits, or
      (ii) conferences or conventions; and
   (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;
   but does not include a camp or caravan within the meaning of the Caravan Parks and Camping Grounds Act 1995;
   register of keepers means a register kept in accordance with Section 146 of the Act by the local government in which is registered the names and residences of the keepers of all lodging houses within its district and the situation of every such house and the number of persons authorised by the local government to be resident therein;
   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 shall include youth hostels and backpacker hostels;
sleeping apartment means a room used for lodgers to sleep in; and
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 and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging
house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing
to be done the act so required to be done, or of preventing from being done the act so forbidden to be
done, as the case may be.

8.1.2 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 clause 8.1.4;
(c) the name of the person keeping 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 an Authorised Officer, has been appointed
        by the keeper to have the care and management of the lodging house;
        resides or intends to reside continuously in the lodging house whenever there is one or more
        lodgers in the lodging house.

8.1.3 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.

8.1.4 Certificate of Registration of a Lodging House
The local government may approve, with or without conditions, an application under clause 8.1.3 by
issuing to the applicant a Certificate of Registration of a Lodging House in the form of Schedule 2.

8.1.5 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
    at the time of making each application for renewal.

8.1.6 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
Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and
occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.1.7 Revocation of registration
(1) Subject to subclause (3), the local government may, at any time, revoke the registration of a
lodging house for any reason which, in the opinion of the local government, justifies the revocation.
(2) Without limiting the generality of subclause (1), the local government may revoke a registration
upon any one or more of the following grounds—
(a) that the lodging house has not, to the satisfaction of an Authorised Officer, 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 against these local laws in respect of the lodging house; or
    (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; and
(d) that, by reason of alterations or additions or neglect to repair or renovate, the condition of the
    lodging house is such as to render it, in the opinion of an Authorised Officer, unfit to remain
    registered.
(3) Before revoking the registration of a lodging house under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

**Division 2—Construction and use requirements**

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

8.2.2 Insect screening
The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.2.3 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 shower or bath (or both) and hand wash basin, in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—
   (a) be so situated, separated and screened so as to ensure privacy;
   (b) be apportioned to each sex;
   (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
   (d) be provided with adequate electric lighting.

(6) Subclauses (5) (a), (b) and (c) do not apply to a serviced apartment.

8.2.4 Laundry unit
(1) A keeper shall subject to subclause (2)—
   (a) provide on the premises a laundry unit for each 15 lodgers;
   (b) at all times maintain each 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 and washing machine; and
   (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.

(2) An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.2.5 Kitchen
The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the Food Act 2008, Food Regulations 2009 and Standards 3.1.1, 3.2.2, and 3.2.3 of the Food Standards Code as determined by an Authorised Officer.

8.2.6 Cooking facilities
The keeper of a lodging house where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.2.7 Dining room
The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—
   (a) 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
   (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.
8.2.8 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 the number of lodgers; and
   (ii) provided with a suitable floor covering.

8.2.9 Fire prevention and control

(1) A keeper shall—
   (a) ensure smoke alarms complying with AS 3786:2014 are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
   (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
   (c) ensure that evacuation lighting is kept separate from the general lighting system and kept illuminated during the hours of darkness;
   (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
   (e) ensure that illuminated exit signs are installed above exit doorways which comply with AS 2293.1:2005 and which are maintained in good working order at all times; and
   (f) provide firefighting equipment in accordance with the requirements of the Building Code and that the equipment 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 as required by the Building Code.

(3) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.

(4) A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.

(5) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that—
   (a) materials used in bedrooms and dormitory area comply with AS1530.2:1993 and AS1530.3:1995 as follows—
      (i) drapes, curtains and blinds—
         (i) a maximum flammability index of 6;
         (ii) flammable furniture, upholstery and beds—
            (i) a maximum spread of flame index of 6; and
            (ii) a maximum smoke developed index of 5; and
      (iii) floor coverings—
         (i) a maximum spread of flame index of 7; and
         (ii) a maximum smoke developed index of 5; and
   (b) Fire retardant coatings used to make a material comply with these indices must be—
      (i) certified by the manufacturer as approved for used with the fabric to achieve the required indices;
      (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-2005; and
      (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.

8.2.10 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.
8.2.11 Fitting of locks
A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device that prevents the door being opened from within a lodging house.

8.2.12 Restriction on use of rooms for sleeping
(1) Subject to subclause (3) and clause 8.3.11, 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, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;
(f) which is not naturally illuminated in accordance with the requirements of the Building Code;
(g) which is not ventilated in accordance with the requirements of the Building Code;
(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 an Authorised Officer.

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

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

8.2.13 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; or
(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subclause (1) will only apply if there 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 metre to each 10 square metres of floor area of the dormitories;
(b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
(c) mechanical ventilation in lieu of fixed ventilation.

(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; or
(ii) in recreational campsites—750 millimetres x 1.85 metres; and
(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall—
(a) ensure at all times there is 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 the passageway is kept clear of obstruction at all times; and
(c) ensure all doors, windows and ventilators are kept free from obstruction.

8.2.14 Furnishing etc. of sleeping apartments
A keeper shall—
(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
ensure that each bed—
(i) has a bed head, mattress and pillow;
(ii) is provided with a pillow case, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
(iii) has a mattress protector fitted;
(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
(d) 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 recreational campsite.

8.2.15 Ventilation
If, in the opinion of an Authorised 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.

8.2.16 Numbers to be placed on doors
(1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an Authorised Officer.
(2) The numbering system or alternative means of room identification is to be legible and easily identified.

Division 3—Management and Care

8.3.1 Keeper or manager to reside in the lodging house
Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—
(a) reside continuously in the lodging house; and
(b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.3.2 Register of lodgers
(1) A keeper shall keep a register of lodgers in the form of Schedule 4.
(2) The register of lodgers shall be—
(a) kept in the lodging house; and
(b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.3.3 Keeper report
A keeper shall, whenever required by the local government, provide, in the form of Schedule 5, the name of each lodger who lodges in the lodging house during the preceding day or night.

8.3.4 Certificate of Sleeping Accommodation
(1) An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in the form of Schedule 6 or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in the form of Schedule 7.
(2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
(3) When required by an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
(4) A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.3.5 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 Authorised Officer, open the door of any room for the purpose of inspection by the Officer.

8.3.6 Room occupancy
(1) A keeper of a lodging house shall not—
(a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of a 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) allow to be used for sleeping purposes, a room that—
   (i) has not been certified for that purpose; and
   (ii) the local government has forbidden to be used as a sleeping apartment.
(2) For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

8.3.7 Infectious disease
A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

8.3.8 Maintenance of a room by a lodger or resident
(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
(2) Where permission is given or a contract entered into under subclause (1), the keeper shall—
   (a) inspect each room the subject of the permission or agreement at least once a week; and
   (b) ensure that each room is being maintained in a clean condition.
(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.3.9 Cleaning and maintenance requirements
(1) In this clause—
   *bed linen* includes sheets, pillowcases, mattress protectors and mattress covers.
(2) A keeper of a lodging house shall—
   (a) maintain in a clean, sound and undamaged condition—
      (i) the floor, walls, ceilings, woodwork and painted surfaces;
      (ii) the floor coverings and window treatments; and
      (iii) the toilets, including toilet seats, cisterns and associated plumbing; and
   (b) maintain in a clean and in good working order—
      (i) all fixtures and fittings; and
      (ii) all windows, doors and door furniture;
   (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
   (d) ensure that all floors are kept clean at all times;
   (e) ensure that—
      (i) all bed linen, towels, and house linen in use is washed at least once a week;
      (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
      (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
      (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
      (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
      (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
   (f) when so directed by an Authorised Officer, ensure that—
      (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
   (g) ensure that the yard is kept clean at all times;
   (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
   (i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

8.3.10 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 which are inflammable or offensive;
(c) use a bath or hand wash basin other than for ablutionary purposes;
(d) use a bathroom facility or fitting for laundry purposes;
(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or 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 bed linen; or
   (ii) keep or permit to be kept any soiled clothing or bed linen;
(h) subject to clause 8.3.11—
   (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, bed linen or
    furniture, that is infested with vermin or 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.

8.3.11 Approval for the storage of food
(1) An Authorised 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 any nuisance, vector of disease, vermin or 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

9.1.1 Interpretation
In this part, unless the context otherwise requires—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under
clause 9.1.5 in the form of Schedule 12;
occupier in relation to premises includes the person registered as the occupier of the premises in
the Schedule 12 Certificate of Registration of Premises for Offensive Trade;
offensive trade means any trade as defined by section 186 of the Act; and
premises includes houses.

9.1.2 Consent to establish an 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 clause 9.1.3; and
    (b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

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

9.1.3 Notice of application
A notice required under subclause 9.1.2(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 local newspaper at least two weeks but not more than one month before the
        application under clause 9.1.2 (1) (b) is lodged with the Chief Executive Officer.

9.1.4 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 11;
    (b) accompanied by;
        (i) the fee prescribed in the Health (Offensive Trades Fees) Regulations 1976; and
        (ii) a comprehensive management plan; and
    (c) lodged with the Chief Executive Officer.
9.1.5 Certificate of Registration of Premises for Offensive Trade
Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in the form of Schedule 12.

9.1.6 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 Chief Executive Officer in writing of such change.

9.1.7 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 to the premises other than minor repairs, installations or interior refurbishment.

Division 2—General Duties of an Occupier

9.2.1 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

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

9.2.2 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.

9.2.3 Rats and other vectors of disease
The occupier shall—

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

(b) provide in and on the premises effective means and methods for the eradication and prevention of vermin, rodents, cockroaches, flies and other vectors of disease.

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

9.2.5 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 Authorised Officer.

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

(2) The occupier shall manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

9.2.7 Offensive material
The occupier shall—

(a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or other interval as may be directed by an Authorised Officer; and
(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.2.8 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 inhalation or otherwise and so as to prevent the creation of a nuisance.

9.2.9 Specified offensive trades
(1) For the purposes of this clause, “specified offensive trade” means one or more of the offensive trades carried on, in or connected with the following works or premises—
   (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and
   (b) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—
   (a) cause the floor of the premises to—
      (i) be properly paved and drained with impervious 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 into any drain outlet from any part of the premises; and
      (ii) directed through such screening or purifying treatment as an Authorised Officer may from time to time direct.

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

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

Division 3—Fat Rendering Establishments

9.3.1 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; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.3.2 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.

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

9.3.4 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, devoid of holes, cracks and crevices.
Division 4—Fish Premises

9.4.1 Interpretation
In this Division, unless the context otherwise requires—

- **appliance** includes a utensil, an instrument, a cover, a container or apparatus;
- **fish** means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs but does not include—
  (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
  (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;
- **fish premises** includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include retail fish shops in which no significant fish processing occurs;
- **fish transport vehicle** includes—
  (a) an appliance attached to, carried in or used in connection with a vehicle; and
  (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and
- **portable box** means a box for the transport or storage of fish and includes a fish transport vehicle.

9.4.2 Fish preparation room
(1) The occupier of a fish premises which requires a fish processing or preparation room shall ensure that this room complies with the following requirements—
   (a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks and crevices;
   (b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;
   (c) the minimum floor area shall be 9 square metres;
   (d) the room shall be furnished with a hand wash basin connected to a piped supply of hot and cold water; and
   (e) the room shall be fly-proofed and provided with adequate light and ventilation.
(2) The occupier shall ensure that all fish are prepared in the fish processing or preparation room and that room is to be used solely for that purpose.
(3) The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

9.4.3 Bench
The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

9.4.4 Disposal of waste
The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—
   (a) placed in the receptacles referred to in clause 9.14 and disposed of in accordance with that clause; or
   (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.4.5 Fish containers
The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to—
   (a) remain on the premises longer than is necessary for it to be emptied; or
   (b) be kept so as to cause a nuisance or to attract flies.

9.4.6 Cooking of fish
Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain—
   (a) a hood, which shall be of an approved design and construction in accordance with the requirements of AS 1668.2:2012 and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking;
   (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 intakes; and
      (ii) which shall discharge in such manner and in such a position that no nuisance is created.
9.4.7 Use of an approved portable box
An Authorised Officer may permit an approved portable box to be used for the transport or storage of fish.

9.4.8 Fish transport vehicle
A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—
(a) the frame is made of metal or other approved material;
(b) all internal surfaces—
(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
(ii) are smoothly finished;
(iii) are rigidly secured with a solid backing; and
(iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius, but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
(i) continuously welded; or
(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
(d) the vehicle is effectively insulated with a stable insulating material;
(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;
(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
(g) any containers used in the vehicle for fish are made of stainless steel, fibreglass or approved impervious plastic; and
(h) the vehicle is in good repair and condition and is thoroughly clean.

Division 5—Laundries, Dry Cleaning Establishments and Dye Works

9.5.1 Interpretation
In this Division, unless the context otherwise requires—

dry cleaning establishment—
(a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
(b) 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—
(a) 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;
(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;
laundromat means a public place with coin or card 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.

9.5.2 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 Authorised Officer who may at any time by written notice withdraw such permission.

9.5.3 Reception room
(1) The occupier of a laundry, dry cleaning establishment or dye works shall—
(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
(b) cause such articles as may be directed by an Authorised Officer to be thoroughly disinfected.
(2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.
9.5.4 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 and crevices;
(b) the floor to be impervious, constructed of concrete or other material approved by an Authorised Officer 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 spilt or may fall and be deposited on it.

9.5.5 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.

9.5.6 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.

9.5.7 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 Authorised Officer for that purpose.

9.5.8 Trolleys
The occupier of a 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.

9.5.9 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.

Division 6—Abattoirs

9.6.1 Construction
An abattoir shall conform to relevant Standards as adopted under the Food Act 2008 section 144 (6) and the requirements of Part 5 of the Food Regulations 2009.

Division 7—Piggeries

9.7.1 Interpretation
In this Division, unless the context otherwise requires—
intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds;
piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened for purposes of trade, and shall include any portion of the premises to which pigs have access.

9.7.2 Premises to be approved
(1) No premises shall be used as a piggery unless approved by the local government.
(2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Part 11, Schedule 14; or if it is an intensive piggery, the minimum separation distances listed in Part 11, Schedule 15.
(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government when satisfied that approving the piggery will not give rise to a health nuisance.

9.7.3 Site conditions
The owner or occupier of premises shall take effective measures to prevent the discharge of dust, which may involve—
(a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
(b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
(c) provision of adequate windbreaks to effectively prevent the discharge of dust.
9.7.4 Conditions of registration
Any person intending to establish a piggery within the district shall ensure the application made in the form of Schedule 10 is accompanied by plans and specifications in duplicate of the proposed piggery including—
   (a) details of the approximate number of pigs to be kept;
   (b) details of the drainage and effluent disposal system to be installed; and
   (c) details of the method by which cleanliness of the piggery shall be maintained.

9.7.5 Sties, enclosures or sheds
(1) The occupier of every piggery shall provide either—
   (a) sties and enclosures; or
   (b) enclosures; or
   (c) sheds;
within which pigs shall be kept.
(2) Where sties and enclosures are provided—
   (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
      (i) be constructed of similar materials;
      (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
      (iii) extend the whole length of the sty; and
      (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
   (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.
(3) Where enclosures only are provided, then—
   (a) the fences of such enclosures shall be movable; and
   (b) the fences shall be moved and re-erected to enclose a new site whenever—
      (i) the ground within a site is becoming offensive; or
      (ii) the occupier is directed to do so by an Authorised Officer.
(4) Where one or more sheds are provided, then—
   (a) the floor of every shed shall comply with subclause (2)(a);
   (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
   (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.7.6 Slaughtering
The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.7.7 Feed
The occupier of any piggery shall—
   (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
   (b) not feed the pigs upon the flesh or offal of diseased animals;
   (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
   (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

9.7.8 Fencing
Every piggery occupier shall securely fence all the enclosures.

9.7.9 Water supply
Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.7.10 Feeding troughs
(1) Every such occupier shall—
   (a) where sties and enclosures are provided under the provisions of clause 9.7.5(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
   (b) where enclosures are provided under the provisions of clause 9.7.5(3), provide feeding troughs in every such enclosure;
(c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
(d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.

(2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

**PART 10—OFFENCES AND PENALTIES**

**Division 1—General**

10.1.1 Offences and penalties

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

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

(a) a penalty which is not more than $2,500 and not less than—

(i) in the case of a first such offence, $250; and

(ii) in the case of a second such offence, $500; and

(iii) in the case of a third or subsequent such offence, $1,250 and

(b) if the offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

10.1.2 Other enforcement actions

(1) In addition to a penalty imposed under clause 10.1.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.

(2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.

**PART 11—SCHEDULES OF FORMS**

**SCHEDULE 1—Application for Registration of a Lodging House**

[clause 8.1.3]

To: Chief Executive Officer
Shire of Mt Marshall

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—

□ a lodging house;
□ a short term hostel;
□ serviced apartments;
□ a recreational campsite; or
□ other, (specify).

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys ....................

**Rooms for private use**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laundries/toilets/bathrooms</td>
<td>.................</td>
<td>.................</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>.................</td>
<td>.................</td>
</tr>
<tr>
<td>Dining Rooms</td>
<td>.................</td>
<td>.................</td>
</tr>
<tr>
<td>Kitchens</td>
<td>.................</td>
<td>.................</td>
</tr>
<tr>
<td>Sitting Rooms</td>
<td>.................</td>
<td>.................</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>.................</td>
<td>.................</td>
</tr>
</tbody>
</table>
## Rooms for lodgers

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dining Rooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kitchens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sitting Rooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (Specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Sanitary Conveniences for male lodgers

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilets</td>
<td></td>
</tr>
<tr>
<td>Urinals</td>
<td></td>
</tr>
<tr>
<td>Baths</td>
<td></td>
</tr>
<tr>
<td>Showers</td>
<td></td>
</tr>
<tr>
<td>Hand wash basins</td>
<td></td>
</tr>
</tbody>
</table>

### Sanitary Conveniences for female lodgers

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilets</td>
<td></td>
</tr>
<tr>
<td>Baths</td>
<td></td>
</tr>
<tr>
<td>Showers</td>
<td></td>
</tr>
<tr>
<td>Hand wash basins</td>
<td></td>
</tr>
</tbody>
</table>

### Laundry Facilities

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wash troughs</td>
<td></td>
</tr>
<tr>
<td>Washing machines</td>
<td></td>
</tr>
<tr>
<td>Drying cabinets or clothes lines</td>
<td></td>
</tr>
</tbody>
</table>

### 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—Certificate of Registration of a Lodging House

[clause 8.1.4]

This is to certify that the premises situated at

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

.................................................................................. are registered as Lodging House and classified as—

- a lodging house
- a short term hostel
- serviced apartments
- a recreational campsite
- other (specify)

until 30 June 20........., on the following conditions—

1. that ..................................................................................., whose name is entered on the register of keepers of the Shire of Mt Marshall, 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 of a Lodging House is not sooner cancelled or revoked;

That the maximum number of rooms to be used as sleeping apartments for lodgers is—

4. .............................................; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed ..................................................
This Certificate of Registration of a Lodging House is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Mt Marshall Health Local Law 2018* and is not transferable.

Dated ........................................... 20..............

Fee received: $....................... 

Signature
Authorised Officer
Shire of Mt Marshall

**SCHEDULE 3—Notice of Change of Owner of a Lodging House**  
[clause 8.1.6]

To: Chief Executive Officer  
Shire of Mt Marshall

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

of ...................................................................................................................................................................  
(Relidential Address of Applicant/s)

am/are the new owner/s 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—Register of Lodgers**  
[clause 8.3.2]

Location of Lodging House—  
...................................................................................................................................................................

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

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

................................................................................................ .............................. ................................  
Signature of Keeper Date

**SCHEDULE 5—List of Lodgers**  
[clause 8.3.3]

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

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

on the ........................................ day of ................................................................. 20..............

................................................................................................ .............................. ................................  
Signature of Keeper Date
SCHEDULE 6—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.

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

Signature of Authorised Officer Date

———

SCHEDULE 7—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.

<table>
<thead>
<tr>
<th>ROOM NUMBER</th>
<th>MAXIMUM OCCUPANCY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Signature of Authorised Officer Date

———

SCHEDULE 8—Application for Licence of a Morgue

To: Chief Executive Officer
Shire of Mt Marshall

I ......................................................................................................................................................................

(full name in block letters)

of ...................................................................................................................................................................

(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises ...........................................................................................................................................

Name of premises .............................................................................................................................................

Dated this ........................................... day of ................................................. 20...............

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

Signature of Applicant
SCHEDULE 9—Certificate of Licence of a Morgue
[clause 3.5.1(3) (a)]

This is to certify the following premises is licensed as a morgue from—

.................................................. day of .................................................. 20......

until 30th day of June 20............

Address of premises ...........................................................................................................

Name of premises ..............................................................................................................

Signature of Authorised Officer ......................................................................................

Date ................................

SCHEDULE 10—Application for Consent to Establish an Offensive Trade
[clause 9.1.2(1)(b)]

To: Chief Executive Officer
Shire of Mt Marshall

I/We, ...............................................................................................................................

(Full Name of Applicant/s)

(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being ..............................................................................

Description of Offensive Trade
in or upon .........................................................................................................................

Location of the 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 11—Application for Registration of Premises for Offensive Trade
[clause 9.1.4 (a)]

To: Chief Executive Officer
Shire of Mt Marshall

I/We, ...............................................................................................................................

(Full Name of Applicant/s)

(Residential Address of Applicant/s)

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

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

(Location of Premises)

(Description of Offensive Trade)

under the business name of..........................................................................................

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

Signature of Applicant/s ..............................................................................................

Date ................................
SCHEDULE 12—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 ....................... day of .................................................. 20.......... Dated this ............... day of .................................................. 20.............

................................................................................................ .............................. ................................
Signature of Authorised Officer Date

SCHEDULE 13—Required Buffer Distances for Feedlots

Required buffer distances for feedlots

<table>
<thead>
<tr>
<th>Buffer</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townsite boundaries</td>
<td>5,000 m</td>
</tr>
<tr>
<td>Isolated rural dwellings, dairies and industries</td>
<td>1,000 m</td>
</tr>
<tr>
<td>Public roads and recreation areas</td>
<td>100 m</td>
</tr>
<tr>
<td>Neighbouring rural property boundaries</td>
<td>50 m</td>
</tr>
<tr>
<td>Major water course and water impoundments</td>
<td>300 m</td>
</tr>
<tr>
<td>Bores, wells or soaks used for drinking, stock or irrigation</td>
<td>300 m</td>
</tr>
<tr>
<td>Minor water courses</td>
<td>100 m</td>
</tr>
</tbody>
</table>

SCHEDULE 14—Required Buffer Distances for Piggeries

Required Buffer Distances for Piggeries

<table>
<thead>
<tr>
<th>Buffer</th>
<th>Distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townsite boundaries</td>
<td>5,000 m</td>
</tr>
<tr>
<td>Isolated rural dwellings, dairies and industries</td>
<td>1,000 m</td>
</tr>
<tr>
<td>Public roads and recreation areas</td>
<td>100 m</td>
</tr>
<tr>
<td>Neighbouring rural property boundaries</td>
<td>50 m</td>
</tr>
<tr>
<td>Major water course and water impoundments</td>
<td>300 m</td>
</tr>
<tr>
<td>Bores, wells or soaks used for drinking, stock or irrigation</td>
<td>300 m</td>
</tr>
<tr>
<td>Minor water courses</td>
<td>100 m</td>
</tr>
</tbody>
</table>

SCHEDULE 15—Required buffer distances for intensive piggeries

Required buffer distances for intensive piggeries

<table>
<thead>
<tr>
<th>Buffer</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townsite boundaries</td>
<td>A</td>
</tr>
<tr>
<td>Isolated rural dwellings, dairies and industries</td>
<td>B</td>
</tr>
<tr>
<td>Public roads and recreation areas</td>
<td>C</td>
</tr>
<tr>
<td>Neighbouring rural property boundaries</td>
<td>D</td>
</tr>
<tr>
<td>Surface water supply catchments</td>
<td>E</td>
</tr>
<tr>
<td>Water courses/rural water impoundments</td>
<td>F</td>
</tr>
<tr>
<td>Bores/wells/soaks drinking water supply</td>
<td>G</td>
</tr>
<tr>
<td>Stock irrigation supply</td>
<td>H</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Piggeries and land use</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piggeries and facilities</td>
<td>5000m</td>
<td>1000m</td>
<td>200m</td>
<td>50m</td>
<td>not permitted</td>
<td>800m</td>
<td>300m</td>
<td>100m</td>
</tr>
<tr>
<td>Piggeries and land use</td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
<td>G</td>
<td>H</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>--------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>500 to 5000 pigs</td>
<td>3500m</td>
<td>1000m</td>
<td>150m</td>
<td>50m</td>
<td>not permitted</td>
<td>800m</td>
<td>300m</td>
<td>100m</td>
</tr>
<tr>
<td>50 to 499 pigs</td>
<td>2000m</td>
<td>1000m</td>
<td>100m</td>
<td>50m</td>
<td>not permitted</td>
<td>800m</td>
<td>300m</td>
<td>100m</td>
</tr>
<tr>
<td>Less than 50 pigs</td>
<td>500m</td>
<td>1000m</td>
<td>50m</td>
<td>30m</td>
<td>not permitted</td>
<td>800m</td>
<td>300m</td>
<td>100m</td>
</tr>
<tr>
<td>Land used to dispose of raw or partly treated wastes</td>
<td>1000m</td>
<td>1000m</td>
<td>100m</td>
<td>50m</td>
<td>not permitted</td>
<td>300m</td>
<td>300m</td>
<td>300m</td>
</tr>
<tr>
<td>Land used to dispose of effectively treated wastes</td>
<td>200m</td>
<td>1000m</td>
<td>20m</td>
<td>20m</td>
<td>not permitted</td>
<td>100m</td>
<td>100m</td>
<td>100m</td>
</tr>
</tbody>
</table>

Passed at an ordinary Meeting of the Shire of Mt Marshall held on this 17th day of July 2018.

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

Cr TONY SACHSE, Shire President.
JOHN NUTTALL, Chief Executive Officer.
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Joondalup resolved on 26 June 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Joondalup Animals Amendment Local Law 2018.

1.2 Commencement
This local law commences 14 days after the day on which it is published in the Government Gazette.

1.3 Purpose and effect
(1) The purpose of this local law is to remove the ability under the local law to establish dog exercise areas and dog prohibited areas in the district.
(2) The effect of this local law is to remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas.

1.4 Principal local law amended

PART 2—AMENDMENTS

2.1 Clause 10 deleted
Delete clause 10.

2.2 First Schedule amended
In the First Schedule, delete item 1.

2.3 Second Schedule deleted
Delete Second Schedule.

2.4 Third Schedule amended
(1) In the Third Schedule, delete the words “and dog” from the title.
(2) In Diagram 2 of the Third Schedule, delete the words “and dog” from the title.

Dated this 24th day of July 2018.
The Common Seal of the City of Joondalup was affixed by authority of a resolution of the Council in the presence of—

Hon ALBERT JACOB JP, Mayor.
GARRY HUNT PSM, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

City of Joondalup

PARKING AMENDMENT LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Joondalup resolved on 26 June 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Joondalup Parking Amendment Local Law 2018.

1.2 Commencement
This local law commences 14 days after the day on which it is published in the Government Gazette.

1.3 Purpose and effect
(1) The purpose of this local law is to amend certain provisions within the City of Joondalup Parking Local Law 2013.

(2) The effect of this local law is to better clarify the provisions relating to the control of parking throughout the district.

PART 2—AMENDMENTS

2.1 City of Joondalup Parking Local Law 2013 amended
This Part of the local law amends the City of Joondalup Parking Local Law 2013 as published in the Government Gazette on 19 August 2013 and amended in the Government Gazette on 4 September 2015.

2.2 Clause 1.5 amended
In clause 1.5 insert the following definitions in alphabetical order—

<table>
<thead>
<tr>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>dividing strip</td>
</tr>
<tr>
<td>painted island</td>
</tr>
</tbody>
</table>

2.3 Clause 6.8 amended
Delete Clause 6.8 and insert—

6.8 Stopping on a path, median strip, traffic island, painted island or dividing strip
The driver of a vehicle (other than a bicycle) shall not stop so that any portion of the vehicle is on a path, median strip, traffic island, painted island or dividing strip unless the driver stops in an area to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

2.4 Schedule 2 amended
Schedule 2 is amended as follows—

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>64</td>
<td>6.8</td>
<td>Stop on path, median strip, traffic island, painted island or dividing strip</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

Dated this 24th day of July 2018.

The Common Seal of the City of Joondalup was affixed by authority of a resolution) of the Council in the presence of—

Hon ALBERT JACOB JP, Mayor.
GARRY HUNT PSM, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

EXTRACTIVE INDUSTRIES LOCAL LAW 2018

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  1.4 Repeal
  1.5 Transitional provisions
  1.6 Definitions

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10.2 General penalty
10.3 Modified penalties
10.4 Forms

SCHEDULE—PRESCRIBED OFFENCES
Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Morawa resolved on 21 June 2018 to make the following local law.

**PART 1—PRELIMINARY**

1.1 Citation
This local law may be cited as the *Shire of Morawa Extractive Industries Local Law 2018*.

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

1.3 Application
The provisions of this local law—
(a) subject to paragraphs (b), (c) and (d)—
   (i) apply and have force and effect throughout the whole of the district;
   (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law; and
   (iii) apply to a previous licence as if it was issued under this local law;
(b) do not apply to the extraction of minerals under the *Mining Act 1978*;
(c) do not apply to the carrying on of an extractive industry on Crown land; and
(d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land.

1.4 Repeal
The *Shire of Morawa Extractive Industries Local Law 2008* as published in the Government Gazette on 16 July 2008, is repealed.

1.5 Transitional provisions
(1) Within 90 days of commencement of this local law or within 90 days of the date of the annual licence fee of a previous licence becoming due and payable (under clause 7.3), the local government may in respect of the licence—
   (a) vary or delete a condition; or
   (b) impose one or more other conditions, as specified in clause 4.3(2).
(2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or longer period that is specified by the local government) after written notice of the condition is given by the local government to the licensee.

1.6 Definitions
In this local law unless the context otherwise requires—
*Act* means the *Local Government Act 1995*;
*application for licence* includes application to renew, transfer, vary or cancel a licence as the context requires;
*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;
*carry on an extractive industry* means quarrying and excavating for stone, gravel, sand and other material, and the transporting of the material off the site, but excludes extractive activities undertaken by statutory authorities;
*CEO* means the Chief Executive Officer of the local government;
cessation of operations means termination of activities associated with the extraction and transport of the materials whether permanent or temporary, but does not include activities under clauses 6.3 for the care and maintenance of the site, or clause 6.4.
district means the district of the Shire of Morawa;
excavation includes quarry;
infringement notice means the notice referred to in clause 10.4(a);
land, unless the context requires otherwise, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates, and includes adjoining lots or locations in the same occupation or ownership;
licence means a licence issued under this local law and a previous licence;
licensee means the person named in the licence as the licensee;
local government means the Shire of Morawa;
local planning scheme means a planning scheme of the local government made under the Planning and Development Act 2005;
owner has the meaning given to it in section 1.4 of the Act;
occupier has the meaning given to it in section 1.4 of the Act;
person does not include the local government;
planning approval means an approval for a development or a land use that is issued under a local planning scheme administered by the local government;
previous licence means a licence that is in force at the date of commencement of this local law;
Schedule means a schedule to this local law;
secured sum means the sum required to be paid or the amount of a bond, bank guarantee or other security under clause 3.7;
set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;
site means the land specified by the local government in a licence;
thoroughfare has the meaning given to it in section 1.4 of the Act; and transferee means a person who applies for the transfer of a licence to her or him under clause 4.8.

PART 2—REQUIREMENT FOR LICENCE

2.1 Extractive industries prohibited without licence
A person must not carry on an extractive industry—
(a) unless the person is the holder of a valid and current licence; and
(b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

PART 3—APPLICATION REQUIREMENTS

3.1 Applicant to advertise proposal
(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before making an application for a licence—
(a) forward a notice to—
(i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence; and
(ii) every authority or person having control or jurisdiction over any of the things referred to in clause 3.3(1)(g) and (h) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
(b) as soon as practicable after complying with the requirements of paragraph (a)—
(i) forward a copy of the notice to the CEO; and
(ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
(2) The information contained in the notice referred to in subclause (1) shall include but is not limited to—
(a) particulars of the proposed excavation; and
(b) inviting objections or comments to be made to the CEO within 21 days of date of receipt of the notice.
(3) The local government may undertake a public consultation process including but not limited to—
(a) provision of information by mail or similar;
(b) electronically through a website or similar; and
(c) public meetings.
(4) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—
(a) in a form approved by the local government;
(b) the content, size, construction and position of which have been approved by the local government;
(c) specifying particulars of the proposed excavation; and
(d) inviting objections or comments within 21 days from the placement of the notice.

3.2 Application for licence
(1) An application for a licence shall—
(a) be made in writing;
(b) state—
(i) name of person or company for whom the application is being lodged;
(ii) name of primary contact person for the company and in relation to the application;
(iii) telephone, mobile phone and email contact details; and
(iv) postal and street address.
(c) be accompanied by—
(i) the set fee;
(ii) a current certificate of currency for public liability policy in accordance with clause 7.1;
(iii) the consent in writing to the application from the owner of the excavation site; and
(iv) a copy of the planning approval for an extractive industry to be conducted on the land;
(d) include any information that the local government may reasonably require; and
(e) be signed by the applicant.
(2) An application for a licence must be lodged with the local government together with details of the proposed excavation, including but not limited to—
(a) a plan of the excavation site in accordance with clause 3.3;
(b) a works and excavation program in accordance with clause 3.4;
(c) a rehabilitation and decommissioning program in accordance with clause 3.5;
(d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
(e) a certificate from a licensed surveyor;
(f) evidence that the requirements of clause 3.1(1), (3) and (4) have been carried out;
(g) copies of all land use planning approvals required under any planning legislation;
(h) copies of any environmental approval required under any environmental legislation;
(i) copies of any geotechnical information relating to the excavation site;
(j) evidence that an application for a clearing permit has been lodged with the Department of Water and Environmental Regulation if that is required under regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and
(k) any other information that the local government may reasonably require.
(3) The application under subclause (1) and detailed information under subclause (2) shall consist of one signed paper copy and an electronic copy.
(4) The local government may exempt a person making an application for a licence from supplying any of the data specified in subclause (2)(c), (d), (e) or (i), where—
(a) the surface area does not exceed 2000 square metres; and
(b) the material to be extracted from the proposed excavation does not exceed 2000 cubic metres.

3.3 Plan of excavation site
(1) The plan referred to in clause 3.2(2)(a) shall be in a scale of between 1:500 and 1:2000 showing—
(a) the existing and proposed land contours based on the Australian Height Datum and plotted at one metre contour intervals;
(b) the land on which the excavation site is to be located;
(c) the external surface dimensions of the land;
(d) the location and depth of the existing and proposed excavation of the land;
(e) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
(f) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
(g) the location of existing infrastructure services including but not limited to powerlines and communication cables, and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
(h) the location of all existing bores, dams, watercourses, drains or sumps on or adjacent to the land;
(i) the location and description of existing and proposed fences, gates and warning signs around the land; and
(j) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.

(2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.

3.4 Works and excavation program
The works and excavation program referred to in clause 3.2(2)(b) shall contain—
(a) the nature and estimated duration of the proposed excavation for which the licence is applied;
(b) the stages and the timing of the stages in which it is proposed to carry out the excavation;
(c) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
(d) details of the depth and extent of the existing and proposed excavation of the site;
(e) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
(f) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
(g) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
(h) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
(i) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
(j) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
(k) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
(l) a noise management plan, including a description of the measures to be taken to comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997;
(m) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
(n) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation;
(o) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas; and
(p) details of measures to reduce impact on the adjoining owners and occupiers, and the wider community.

3.5 Rehabilitation and decommissioning program
The rehabilitation and decommissioning program referred to in clause 3.2(2)(c) shall indicate—
(a) the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
(b) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
(c) how any face is to be made safe and batters sloped;
(d) the method by which topsoil is to be replaced and revegetated;
(e) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
(f) how rehabilitated areas are to be maintained; and
(g) the program for the removal of buildings, plant, waste and final site clean up.

3.6 Certificate of a licensed surveyor
The certificate in subclause 3.2(2)(e) shall certify the correctness of—
(a) the datum peg and related point referred to in subclause 3.2(2)(d); and
(b) the plan referred to in subclause 3.2(2)(a).

3.7 Security for restoration of excavation site and for road infrastructure
(1) The local government may require that the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government, for the purposes of—
(a) ensuring that an excavation site is properly restored or reinstated; and
(b) ensuring that road infrastructure is repaired and maintained to the standard agreed in accordance with subclauses 4.5(2) and (3).
(2) The security required under subclause (1) may be required to be provided by the applicant to the local government—
   (a) as a condition of a licence; or
   (b) before the issue of a licence.

(3) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

(4) If a bank guarantee or other security required under subclause (1) ceases to be current, excavation is to cease until a further security in a form acceptable to the local government has been provided.

(5) Subject to clause 7.4, any interest accrued in respect of the bond paid into the fund under subclause (3) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

PART 4—LICENCING

4.1 When an application may be determined

An application for a licence is not to be determined by the local government until—
   (a) the applicant submits proof that the requirements for notices, public information and consultation have been undertaken in accordance with subclauses 3.1(1) and (2);
   (b) the applicant has made an application for licence in accordance with subclause 3.2(1) and (2);
   (c) the local government has considered any written submissions received within the time specified in subclauses 3.1(2)(b) and 3.1(4), and
   (d) planning approval for an extractive industry use of the land has been obtained.

4.2 Determination of application

(1) Upon receipt of an application, the local government may—
   (a) refuse the application; or
   (b) approve the application—
      (i) over the whole or part of the land in respect of which the application is made; and
      (ii) on such terms and conditions, if any, as it sees fit.

(2) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 3.2.

(3) Where the local government approves an application for a licence, it shall—
   (a) determine the licence period, not exceeding 21 years from the date of issue; and
   (b) approve the issue of a licence in the form determined by the local government from time to time.

(4) Where the local government approves the issue of a licence, the CEO shall issue the licence to the applicant upon receipt by the local government of—
   (a) payment of the annual set fee;
   (b) payment of the secured sum if any, imposed under clause 3.7;
   (c) the documents, if any, executed to the satisfaction of the CEO, under clause 3.7; and
   (d) a copy of the public liability insurance policy required under clause 7.1(1).

4.3 Conditions which may be imposed

(1) Clause 4.5 applies as a condition to all licences.

(2) Without limiting subclause 4.2(1), the local government may impose conditions in respect of the following matters, including but not limited to—
   (a) the orientation of the excavation to reduce visibility from other land;
   (b) the appropriate siting of access thoroughfares, buildings and plant;
   (c) the stockpiling of material;
   (d) the hours during which any excavation work may be carried out;
   (e) the hours during which any processing plant associated with, or located on, the site may be operated;
   (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
   (g) the depths below which a person shall not excavate;
   (h) distances from adjoining land or roads within which a person must not excavate;
   (i) the safety of persons employed at or visiting the excavation site;
   (j) the control of dust and wind-blown material;
   (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
   (l) the prevention of the spread of dieback or other disease;
   (m) the drainage of the excavation site and the disposal of water;
(n) the restoration and reinstatement of the excavation site, the staging of such works, and the
minimising of the destruction of vegetation;
(o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of
land abutting the excavation;
(p) requiring the licensee to furnish to the local government a surveyor's certificate each year,
 prior to the renewal fee being payable, to certify the quantity of material extracted and that
material has not been excavated below the final contour levels outlined within the approved
excavation program;
(q) requiring the licensee to enter into an agreement with the local government to pay a
contribution in respect of thoroughfares in the district used by heavy or extraordinary
traffic conducted by or on behalf of the licensee under the licence, in accordance with
subclauses 4.5(2) and (3)—
   (i) any extraordinary expenses incurred by the local government;
   (ii) requirement for increased maintenance; and
   (iii) repair of damage caused;
(r) requiring the licensee to enter into an agreement with the local government in respect of any
condition or conditions imposed under this local law; and
(s) any other matter for properly regulating the carrying on of an extractive industry.

4.4 Variation of conditions
(1) Within 30 days of the date of the annual licence fee becoming due and payable (under clause 7.3),
the local government may, in respect of the licence—
   (a) Vary or delete a condition; and
   (b) May impose one or more other conditions, as specified in clause 4.3(2).
(2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until
90 days (or such longer period as is specified by the local government) after written notice of the
condition is given by the local government to the licensee.

4.5 Transport of materials
(1) The local government may, from time to time, prescribe by giving written notice to the licensee—
   (a) determine routes to be taken by the licensee for the transport of materials from the site
       through the roads within the district, if the proposed routes are not suitable for the proposed
       haulage;
   (b) the tonnage limits to be transported along a particular route; and
   (c) the times during which materials from the site may be transported through the roads within
       the district.
(2) If a road on a route prescribed under subclause (1) is inadequate for the transport of materials
from the site, the local government may require the licensee to pay all or part of the costs or
estimated costs, as determined by the local government, of upgrading the road to the standard
required by the local government for these purposes.
(3) The licensee must pay to the local government, as and when required by the local government, the
costs or estimated costs, as determined by the local government, of repairs and maintenance to any
road that are required as a result of the transport of materials from the site.
(4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this
clause.

4.6 Renewal of licence
(1) An application to renew a licence is not to be determined by the local government until the
applicant has complied with subclause (2).
(2) An application to renew a licence shall—
   (a) be made in writing;
   (b) state—
      (i) name of person or company for whom the application is being lodged;
      (ii) name of primary contact person for the company and in relation to the application;
      (iii) telephone, mobile phone and email contact details; and
      (iv) postal and street address.
   (c) be accompanied by—
      (i) the set fee;
      (ii) by a copy of the current licence;
      (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
   (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;
   (e) include a plan showing the contours of the excavation carried out to the date of that
       application;
   (f) detail the works, excavation and rehabilitation stages reached and of any changes or
       proposed changes with respect to any of the things referred to in subclauses 3.2(2)(b) and (c);
       and
   (g) submit any other things referred to in clauses 3.2 and 4.2.
(3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).

(4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if—
   (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
   (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.

(5) Upon receipt of an application for renewal of a licence, the local government may—
   (a) refuse the application; or
   (b) approve the application on such terms and conditions as it sees fit.

(6) Where the local government renews a licence under subclause (5), it shall notify the licensee in writing.

4.7 Variation of licence

(1) An application to vary a licence by a licensee—
   (a) may be made at any time; and
   (b) is not to be determined by the local government until the applicant has complied with subclause (2). 

(2) An application to vary a licence shall—
   (a) be made in writing;
   (b) state—
      (i) name of person or company for whom the application is being lodged;
      (ii) name of primary contact person for the company and in relation to the application;
      (iii) telephone, mobile phone and email contact details; and
      (iv) postal and street address;
   (c) be accompanied by—
      (i) the set fee;
      (ii) by a copy of the current licence; and
      (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
   (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;
   (e) include a plan showing the contours of the excavation carried out to the date of that application;
   (f) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
   (g) any other things referred to in clauses 3.2 and 4.2.
   (h) include any information that the local government may reasonably require; and
   (i) be signed by the licensee and the owner of the excavation site (if different to the licensee);

(3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).

(4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if—
   (a) an application to vary a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
   (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.

(5) Upon receipt of an application to vary a licence, the local government may—
   (a) refuse the application; or
   (b) approve the application on such terms and conditions as it sees fit.

(6) Where the local government approves a licence variation under subclause (5), it shall notify the licensee in writing.

4.8 Transfer of licence

(1) An application to transfer a licence is not to be determined by the local government until the applicant has complied with subclause (2). 

(2) An application to transfer a licence shall—
   (a) be made in writing;
   (b) state—
      (i) name of person or company for whom the application is being lodged;
      (ii) name of primary contact person for the company and in relation to the application;
      (iii) telephone, mobile phone and email contact details; and
      (iv) postal and street address.
(c) be accompanied by—
   (i) the set fee;
   (ii) a copy of the current licence;
   (iii) a certificate of currency in the name of the proposed transferee for public liability policy
        in accordance with clause 7.1;
   (iv) the consent in writing to the transfer from the owner of the excavation site;
(d) be lodged by the licensee at least 90 days before the date of proposed transfer of the licence;
(e) comply with and satisfy all conditions and requirements of the current licence;
(f) provide equivalent security under clause 3.7 as is required by the current licence; and
(g) include any information that the local government may reasonably require; and
(h) be signed by the licensee and the proposed transferee.

(3) Upon receipt of an application to transfer a licence, the local government may—
   (a) refuse the application; or
   (b) approve the application on such terms and conditions as it sees fit.

(4) Where the local government approves the transfer of a licence under subclause (3), it shall notify
    the licensee and owner of the excavation site in writing.

(5) Where the local government approves the transfer of a licence it shall not be required to refund
    any part of the fees and charges paid by the former licensee in respect of the transferred licence.

(6) Where the local government does not approve the transfer of a licence—
   (a) the local government may cancel the licence in accordance with clause 4.9, or
   (b) the licensee may—
      (i) continue operations in accordance with the licence issued;
      (ii) give notice of cessation of operations in accordance with clauses 6.1; or
      (iii) give notice of temporary cessation of operations in accordance with clause 6.3.

4.9 Cancellation of licence by the local government

(1) The local government may cancel a licence where the licensee has—
   (a) ceased to substantially carry on the extractive industry for a period in excess of 12 months or
       has not advised the local government of cessation of operations under clause 6.1;
   (b) been convicted of an offence against—
       (i) this local law; or
       (ii) any other law relating to carrying on an extractive industry;
   (c) failed to comply with—
       (i) any of the conditions of the licence;
       (ii) any provisions of this local law; or
       (iii) any term of an agreement made with the local government in accordance with this local
            law and default continues for a period of 14 days from service on the licensee of written
            notice of default;
   (d) transferred or assigned or attempted to transfer or assign the licence without the consent of
       the local government;
   (e) permitted another person to carry on an extractive industry otherwise than in accordance
       with the terms and conditions of the licence and of the provisions of this local law;
   (f) failed to pay the annual licence fee under clause 7.3;
   (g) failed to have a current public liability insurance policy under clause 7.1(1); or
   (h) failed to provide a copy of the policy or evidence of its renewal as the case may be, under
       clause 7.1(2).

(2) Where the local government cancels a licence under this clause—
   (a) the cancellation takes effect on and from the day on which the licensee is served with the
       notice, and
   (b) the local government shall advise the licensee and owner of the excavation site in writing.

(3) Where the local government cancels a licence under subclause (1), the local government shall not
    be required to refund any part of the fees and charges paid by the licensee in respect of the cancelled
    licence.

(4) Where the local government cancels a licence under subclause (1), the licensee shall comply with
    clause 6.4, unless otherwise approved by the local government.

PART 5—LIMITATIONS, OBLIGATIONS AND PROHIBITIONS ON LICENSEE

5.1 Obligations of the licensee

A licensee shall—
   (a) where the local government so requires, securely fence the excavation to a standard
       determined by the local government and keep the gateways locked when not actually in use
       in order to prevent unauthorised entry;
(b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
   (i) is not more than 200 metres apart;
   (ii) is not less than 300 mm high and not less than 450 mm wide;
   (iii) the top of the sign is between 1.2 metres and 1.8 metres above ground level; and
   (iv) bears the words “DANGER EXCAVATIONS—KEEP OUT”;
(c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
(d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;
(e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
(f) comply with the conditions imposed by the local government in accordance with clause 4.3.

5.2 Limits on excavation near boundary
Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—
(a) 500 metres of any residence unless with the consent of the adjoining neighbours;
(b) 50 metres of any bore, watercourse, wetland, swamp or other water reserve;
(c) 50 metres of any thoroughfare;
(d) 20 metres of the boundary of any land on which the excavation site is located;
(e) 20 metres of any land affected by a registered grant of easement; or
(f) 2 metres of the estimated maximum groundwater level as determined from time to time by the Department of Water and Environmental Regulation or otherwise as adopted by the local government.

5.3 Prohibitions
A licensee shall not—
(a) remove any trees or shrubs within 40 metres of the boundary of any thoroughfare on land in respect of which a licence has been granted without written permission from the local government and if required, the Department of Water and Environmental Regulation, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 4.3;
(b) store, or permit to be stored, except in the case of approved rock quarry sites, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or
(c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government.

5.4 Blasting
(1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—
   (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
   (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
   (c) the blasting is carried out in strict accordance with the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986, and all relevant local laws of the local government; and
   (d) in compliance with any other conditions imposed by the local government concerning—
      (i) the time and duration of blasting;
      (ii) the purposes for which the blasting may be used; and
      (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
   (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 6—CESSATION OF OPERATIONS

6.1 Notice of cessation of operations by licensee
(1) A notice of cessation shall—
   (a) be made in writing:
(b) state—
   (i) name of person or company for whom the application is being lodged;
   (ii) name of primary contact person for the company and in relation to the application;
   (iii) telephone, mobile phone and email contact details; and
   (iv) postal and street address;
(c) be accompanied by—
   (i) a copy of the current licence; and
   (ii) a current certificate of currency for public liability policy in accordance with clause 7.1;
(d) advise if the cessation is to be—
   (i) temporary and the expected duration or circumstances for re-commencement; or
   (ii) permanent,
(e) detail arrangements for meeting any ongoing liabilities or environmental obligations—
   (i) name of person or company to whom matters are to be referred;
   (ii) name of primary contact person for the company;
   (iii) telephone, mobile phone and email contact details; and
   (iv) postal and street address;
(f) be lodged by the licensee as soon as cessation of operations has been determined by the
   licensee and not more than seven days after the operations have ceased in any event;
(g) include a plan showing the contours of the excavation carried out to the date of that
   application;
(h) detail the works, excavation and rehabilitation stages reached and of any changes or
   proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
(i) any other things referred to in clauses 3.2 and 4.2.
(j) include any information that the local government may reasonably require; and
(k) be signed by the licensee.

(2) Upon notice of cessation of operations, the local government shall—
   (a) acknowledge the notice of cessation of operations; and
   (b) confirm the acceptability or otherwise of the arrangements for the cessation of operations.

6.2 Cessation of operations—permanent
(1) Where a licensee has given written notice to the local government of the intention to permanently
   cease carrying on an extractive industry on the site to which the licence applies, the licence is deemed
   to have expired on the date such cessation is so notified.
(2) The permanent cessation of the carrying on of an extractive industry on a site or the deemed
    expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.3 Cessation of operation—temporary
(1) Where a licensee has given written notice of temporary cessation of operations, then on or before
    the annual licence date each year, the licensee shall—
    (a) confirm to the local government the matters in subclauses 6.1(1)(d) and (e); and
    (b) provide a copy of the current public liability certificate required under clause 7.1.
(2) For the duration of the cessation—
    (a) contributions or payments agreed under subclauses 4.3(q) or (r) are suspended until such
        time as operations are resumed, but all other conditions and obligations remain in place; and
    (b) the annual licence fee under clause 7.3 is suspended.
(3) The licence granted under clause 4.2 shall remain valid for the term of the licence and shall not be
    extended by the duration of cessation of operations.
(4) The temporary cessation of the carrying on of an extractive industry on a site or the deemed
    expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.4 Works to be carried out on cessation of operations
Where the carrying on of an extractive industry on the site permanently ceases or on the expiration
or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as
complying with the provisions of clause 6.1—
(a) restore and reinstate the excavated site in accordance with the proposals approved by the
    local government or in such other manner as the local government may subsequently agree in
    writing with the licensee;
(b) ensure that any face permitted to remain upon the excavation site is left safe with all loose
    materials removed and where the excavation site is—
    (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
    (ii) limestone or material other than sand, the sides are sloped to a batter which, in the
        opinion of the local government, would enable the site to be left in a stable condition;
(c) ensure that the agreed floor level of the excavation is graded to an even surface or is
    otherwise in accordance with the rehabilitation and decommissioning program approved by
    the local government;
(d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;

(e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;

(f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and

(g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 7—MISCELLANEOUS

7.1 Public liability
(1) A licensee shall have at all times a current public liability insurance policy naming the local government and indemnifying the licensee and the local government for a sum of not less than $20,000,000 in respect of any one claim relating to any of the excavation operations.

(2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of policy renewal within 14 days of each policy renewal date.

7.2 Mines Safety and Inspection Act 1994 and Environmental Protection Act 1986
(1) In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.

(2) In this clause, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.

7.3 Annual licence fee
On or before 30 June in each year, a licensee must pay to the local government the set fee for the annual licence.

7.4 Use of secured sum by the local government
(1) If a licensee fails to pay any fees and charges or carry out or complete the restoration and reinstatement works required by the licence conditions either—

(a) within the time specified in those conditions; or

(b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then, subject to the local government giving the licensee 14 days' notice of its intention to do so—

(i) the local government may carry out or cause to be carried out the required work or so much of that work as remains undone; and

(ii) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.

(2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 3.7 towards its costs under this clause.

(3) The liability of a licensee to pay the local government’s costs or any outstanding fees and charges under this clause is not limited to the amount, if any, secured under clause 3.7.

(4) For avoidance of doubt, the local government’s powers under this clause are in addition to its other enforcement powers under this local law.

PART 8—NOTICES

8.1 Notice to remedy non-compliance
Where anything is required to be done or not permitted to be done by this local law, an authorised person may give the licensee a notice in writing requiring the licensee to comply with the requirements of this local law.

8.2 Notice requirements
A notice given must—

(a) be in writing;

(b) specify the reason for giving the notice, the work or action that is required to be undertaken; and

(c) the time within which the work or action is to be undertaken.
8.3 Local government may undertake requirements of notice
If a person fails to comply with a notice referred to in clause 8.1, the local government may—
   (a) do the thing specified in the notice;
   (a) take whatever remedial action it considers appropriate and which would have been if the
       breach or failure had not occurred; and
   (b) recover all costs from the licensee, as a debt.

8.4 Offence to fail to comply with notice
A person who fails to comply with a notice given under this local law commits an offence.

PART 9—OBJECTIONS AND REVIEW

9.1 Objection and review rights
(1) The provisions of Division 1 of Part 9 of the Act and regulation 33 of the Local Government
Functions and General) Regulations 1996 shall apply when the local government makes a decision as
to whether it will—
   (a) grant a person a licence under this local law; or
   (b) renew, vary, or cancel a licence that a person has under this local law.
(2) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of
the Local Government Act 1995 and any power of entry exercised by the local government under this
local law is subject to Part 3, Division 3 of the Local Government Act 1995.

PART 10—OFFENCES AND PENALTIES

10.1 Offences
A person who fails to do anything required or directed to be done under this local law, or who does
anything which under this local law that person is prohibited from doing, commits an offence.

10.2 General penalty
A person who commits an offence under this local law is liable, on conviction, to a penalty not
exceeding $5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding
$500 for each day or part of the day during which the offence has continued.

10.3 Modified penalties
(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of
section 9.16(1) of the Act.
(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause
in the Schedule.

10.4 Forms
For the purposes of this local law—
   (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in
Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
   (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice
is that of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

SCHEDULE—PRESCRIBED OFFENCES

| Item | Clause | Nature of offence                                              | Modified penalty $
------|-------|---------------------------------------------------------------|---------------------|
<p>| 1    | 2.1(a)| Carry on an extractive industry without a valid and current   | 500         |
|      |       | licence                                                      |                     |
| 2    | 2.1(b)| Carry on an extractive industry not in accordance with       | 500         |
|      |       | conditions of licence                                        |                     |
| 3    | 4.5(1)| Failure to comply with notice regarding transport of materials| 500         |
| 4    | 5.1(a)| Failure to securely fence or keep gateways locked            | 500         |
| 5    | 5.1(b)| Failure to comply with boundary signage requirements         | 500         |
| 6    | 5.1(c)| Failure to provide adequate drainage                        | 500         |
| 7    | 5.1(d)| Failure to restore and reinstate site in accordance with     | 500         |
|      |       | approved plan                                                |                     |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Clause</th>
<th>Nature of offence</th>
<th>Modified penalty $</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>5.1(e)</td>
<td>Failure to control dust, noise, vibration and other nuisances</td>
<td>500</td>
</tr>
<tr>
<td>9</td>
<td>5.1(f)</td>
<td>Failure to comply with conditions of licence</td>
<td>500</td>
</tr>
<tr>
<td>10</td>
<td>5.2(a)</td>
<td>Excavate within 500 metres of a residence without approval</td>
<td>500</td>
</tr>
<tr>
<td>11</td>
<td>5.2(b)</td>
<td>Excavate within 50 metres of a bore, watercourse, wetland swamp or other water reserve without approval</td>
<td>500</td>
</tr>
<tr>
<td>12</td>
<td>5.2(c)</td>
<td>Excavate within 50 metres of a thoroughfare without approval</td>
<td>500</td>
</tr>
<tr>
<td>13</td>
<td>5.2(d)</td>
<td>Excavate within 20 metres of the boundary of any land on which the excavation is situated without approval</td>
<td>500</td>
</tr>
<tr>
<td>14</td>
<td>5.2(e)</td>
<td>Excavate within 20 metres of land affected by a registered grant of easement without approval</td>
<td>500</td>
</tr>
<tr>
<td>15</td>
<td>5.2(f)</td>
<td>Excavate within 2 metres of estimated maximum groundwater level without approval</td>
<td>500</td>
</tr>
<tr>
<td>16</td>
<td>5.3(a)</td>
<td>Removal of trees or shrubs within 40 metres of any boundary with a thoroughfare reserve without approval</td>
<td>500</td>
</tr>
<tr>
<td>17</td>
<td>5.3(b)</td>
<td>Store or permit to be stored explosives or explosive devices without approval</td>
<td>500</td>
</tr>
<tr>
<td>18</td>
<td>5.3(c)</td>
<td>Fill or excavate other than in accordance with the conditions of licence</td>
<td>500</td>
</tr>
<tr>
<td>19</td>
<td>5.4(1)(a)</td>
<td>Carry out or permit to be carried out blasting without approval</td>
<td>500</td>
</tr>
<tr>
<td>20</td>
<td>5.4(1)(b)</td>
<td>Carry out or permit to be carried out blasting outside the hours approved by the local government</td>
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<tr>
<td>21</td>
<td>5.4(1)(d)</td>
<td>Failure to comply with conditions relating to blasting imposed by the local government</td>
<td>500</td>
</tr>
<tr>
<td>22</td>
<td>5.4(2)</td>
<td>Carry out or permit to be carried out blasting on a Saturday, Sunday or public holiday without approval</td>
<td>500</td>
</tr>
<tr>
<td>23</td>
<td>6.1(1)</td>
<td>Failure to provide notice of cessation of operations</td>
<td>500</td>
</tr>
<tr>
<td>24</td>
<td>6.3(1)</td>
<td>Failure to provide annual confirmation of details during period of temporary cessation of operations</td>
<td>500</td>
</tr>
<tr>
<td>25</td>
<td>6.4</td>
<td>Failure to undertake restoration and reinstatement as required on cessation of operations</td>
<td>500</td>
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<tr>
<td>26</td>
<td>8.4</td>
<td>Failure to comply with requirements of notice</td>
<td>500</td>
</tr>
<tr>
<td>27</td>
<td>10.1</td>
<td>Other offences not specified</td>
<td>500</td>
</tr>
</tbody>
</table>


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

K. J. CHAPPEL, President.
C. P. M. LINNELL, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

FENCING LOCAL LAW 2018

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SCHEDULE 4—PRESCRIBED OFFENCES
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Morawa resolved on 21 June 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Shire of Morawa Fencing Local Law 2018.

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

1.3 Application
This local law applies throughout the district.

1.4 Repeal

1.5 Definitions
In this local law unless the context otherwise requires—

applicant means a person who makes an application for approval under this local law;
approval means a favourable decision in respect of an application which is in writing, may be subject to conditions and which allows a proposal to proceed;
AS or AS/NZS means an Australian or Australian/New Zealand Standard published by Standards Australia, and available for viewing free of charge at the Shire of Morawa Administration Centre;
authorised person means a person appointed by the local government to perform any of the functions under this local law;
boundary fence means a fence constructed on the boundary of a lot which abuts a thoroughfare, and results in the application of section 16(1) of the Dividing Fences Act 1961;
Building Code has the meaning given in section 3 of the Building Regulations 2012;
commercial lot means a lot zoned as commercial under the local planning scheme;
CEO means the Chief Executive Officer of the local government;
dangerous in relation to any fence means—
(a) an electrified fence which does not comply with clause 5.2 of this local law;
(b) a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;
(c) a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes or any other potentially harmful projection or material; or
(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;
district means the district of the local government;
dividing fence has the meaning given in section 5 of the Dividing Fences Act 1961;
electrified fence means a fence carrying or designed to carry an electric charge;
estate boundary fence means the fence constructed around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;
estate entry statement means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;
fence means any structure used or functioning as a barrier, irrespective of where it is located and includes any affixed gate or screening;
front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;
front setback area means the area between the building line of a lot and the front boundary of that lot;
height in relation to a fence means the vertical distance between the top of the fence at any point and—
(a) the ground level; or
(b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point; or
(c) where the fence is constructed on a retaining wall approved by the local government, from the top of the retaining wall;
industrial lot means a lot zoned as industrial under the local planning scheme;
local government means the Shire of Morawa;
local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the Planning and Development Act 2005;
lot has the meaning given to it in and for the purposes of the Planning and Development Act 2005;
notice of breach means a notice referred to in clause 8.1;
occupier has the meaning given to it in section 1.4 of the Local Government Act 1995;
owner has the meaning given to it in section 5 of the Dividing Fences Act 1961;
repair has the meaning given to it under section 5 of the Dividing Fences Act 1961;
residential lot means a lot zoned as residential under the local planning scheme;
retaining wall means any structure prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;
rural lot means a lot zoned as rural under the local planning scheme;
rural residential lot means a lot zoned as rural residential under the local planning scheme;
Schedule means a Schedule to this local law;
screening means any perforated panels or trellises composed of solid or obscured translucent panels;
set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Local Government Act 1995;
special use lot means a lot zoned as special use under the local planning scheme;
sufficient fence means a fence described in clause 2.2 or 2.3 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.2 or 2.3;
thoroughfare has the meaning given to it in section 1.4 of the Local Government Act 1995; and
townsite lot means a lot zoned as townsite under the local planning scheme.

1.6 Requirements of local planning scheme
In the event of any inconsistency between the provisions of a local planning scheme and the provisions of this local law, the provisions of the local planning scheme are to prevail.

1.7 Requirements of Building Act 2011
Nothing in this local law affects a provision in any written law in respect of a building permit for a fence.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences—requirement
A person shall not construct a dividing fence or a boundary fence that is not a sufficient fence.

2.2 Sufficient fences—generally
Subject to clause 2.3 a sufficient fence—
(a) on a residential lot or townsite lot is a dividing fence or a boundary fence constructed in accordance with Schedule 1;
(b) on a commercial lot, industrial lot or special use lot is a dividing fence or a boundary fence constructed in accordance with Schedule 2; and
(c) on a rural lot or rural residential lot is a dividing fence or a boundary fence constructed in accordance with Schedule 3.

2.3 Sufficient fences—between lots having different requirements
Where a fence is constructed on or near the boundary between—
(a) a residential lot or townsite lot and a lot zoned for any other purpose, a sufficient fence is a fence constructed in accordance with Schedule 1; and
(b) a commercial lot or industrial lot and a rural lot or rural residential lot, a sufficient fence is a fence constructed in accordance with Schedule 3.
2.4 General discretion of the local government
(1) Notwithstanding the provisions of clause 2.1, an authorised person may give written consent for
the construction or repair of a fence which is not a sufficient fence where all of the owners of the lots
adjoin the fence make an application for approval for that purpose.
(2) In determining whether to grant its approval under subclause (1), the local government may
consider whether the construction or repair of the fence would have an adverse effect on—
(a) the safe or convenient use of any land;
(b) the safety or convenience of any person;
(c) the visual amenity of the locality; and
(d) any other matter considered relevant.

2.5 Transitional provision
A dividing fence or fence lawfully constructed prior to this local law coming into operation constitutes
a sufficient fence.

PART 3—FENCING GENERALLY

3.1 Fences within front and secondary setback areas
(1) A person shall not, without the written consent of an authorised person, construct a free-standing
fence greater than 1200mm in height, within the front setback area of a residential lot or townsite lot.
(2) An authorised person may approve the construction of a fence of a height greater than 1200mm in
the front setback area of a residential lot or townsite lot, if provision is made for lines of vision for a
motorist using the driveway to access a thoroughfare where the fence on each side of the driveway
into the lot across the front boundary is angled—
(a) into the lot for a distance of not less than 1500mm along the frontage, and
(b) to a distance of not less than 1500mm from the frontage.
(3) The provision of subclause (2) shall not apply to a fence of open construction that does not obscure
the lines of vision of a motorist using the driveway for access to a thoroughfare.
(4) The provision of subclause (2) shall apply to a secondary setback area where a driveway in the
secondary setback area is used as the primary driveway access.

3.2 Alteration of ground levels
(1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a
lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm
without the approval of an authorised person.
(2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than
150mm difference in the ground levels on each side of the fence.
(3) Where land has been filled or retained to a height of more than 500mm above natural ground level
at or within 1000mm of a boundary of a lot, a person shall only construct a dividing fence that is a
sufficient fence on the said filled land or retaining wall if the person produces to an authorised person
the written agreement of the owners of the adjoining lot.

3.3 Obstruction of watercourse
No person shall construct a fence of impervious material in any place, position or location where it
will, or is likely to, act as a barrier to or restrict the flow of a natural watercourse.

3.4 Gates or doors in fences
A person shall not construct a gate or door in a fence which encroaches into or over any other
property.

3.5 Retaining walls
A person must not commence to construct a retaining wall which is on the boundary line unless—
(a) an application has been lodged with the local government including—
(i) two copies of a plan and specifications of the proposed retaining wall; and
(ii) in the case of a retaining wall exceeding 500mm in height and when required by an
authorised person, engineering calculations in respect of the proposed retaining wall;
and
(b) an authorised person has approved the application.

3.6 Estate fencing
(1) A person shall not construct an estate entry statement or estate boundary fence without the
approval of an authorised person.
(2) Where an estate entry statement or estate boundary fence is constructed and contains an estate
name, the entry statement or estate boundary fence shall also depict the locality name in at least
equal prominence.
(3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is
damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar
materials with which it was first constructed, so as far as practicable the repaired or replaced section
shall be the same as the original fence.
3.7 Maintenance of fences
An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition and suitably enclosed so as to prevent it from becoming damaged, dangerous, dilapidated, unfit for purpose or unsightly.

3.8 Fences across rights-of-way, public access ways or thoroughfares
A person must not construct or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed without the approval of an authorised person.

PART 4—FENCING MATERIALS, SCREENING AND MAINTENANCE

4.1 Prohibited materials
A person must not construct a fence which is comprised, in whole or in part of spikes, broken glass, jagged materials, barbed wire, razor wire, asbestos or any other dangerous material except to the extent provided for in Part 5.

4.2 Pre-used fencing materials
(1) A person shall not construct a boundary fence, dividing fence or estate fence from pre-used materials without the approval of an authorised person.
(2) Where an authorised person approves the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.
(3) Conditions for use of pre-used fencing materials may include but are not limited to—
   (a) painting;
   (b) treated;
   (c) specific use or placement; and
   (d) upgrading.

4.3 Approved materials
Subject to clause 4.2, a person shall only construct a dividing fence or boundary fence from materials specified in the Schedules of this local law, unless otherwise approved or required by an authorised person.

4.4 Screening
(1) Screening may be fixed to a sufficient fence that is compliant with Schedule 1 which is consistent with the colours, materials and specification of that sufficient fence.
(2) Screening is not to be affixed to a fence so that the maximum height exceeds 2.1m.
(3) Screening affixed to a fence shall be installed and maintained in accordance with the manufacturer’s specifications and not compromise the structural integrity of a fence.

PART 5—RESTRICTED FENCING

5.1 Barbed wire fencing
(1) An owner or occupier of a residential lot shall not affix or allow to remain any barbed wire on any fence bounding that lot.
(2) An owner or occupier of a townsite lot, rural lot or rural residential lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the top or the side of the fence posts furthest from the thoroughfare or other public place.
(3) An owner or occupier of a commercial lot, industrial lot or special use lot shall not construct or affix to any fence bounding that lot any barbed wire unless—
   (a) the wire or material are attached on posts vertically or at an angle of 45 degrees; and
   (b) the bottom row of wire or other materials is not less than 2000mm above the ground level.
(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach onto or over adjoining land.

5.2 Electrified fencing
(1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining approval of an authorised person.
(2) Notwithstanding subclause (1), approval is not required for an electrified fence if—
   (a) constructed on a rural lot or rural residential lot;
   (b) for the purpose of animal control;
   (c) installed in accordance with the manufacturer’s specifications; and
   (d) which is not the dividing fence with a residential lot, townsite lot or special use lot.
An electrified fence for the purpose of security must not be present on a lot unless it complies with AS/NZS 3016:2002 Electrical Installations—Electric Security Fences, as amended from time to time, and which is available for viewing free of charge at the Shire of Morawa Administration Centre.

Approval to have and use an electrified fence for the purpose of security shall not be issued—

(a) in respect of a lot which is or which abuts a residential lot or townsite lot; and
(b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is constructed.

5.3 Razor wire fencing

(1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without first obtaining approval under subclause (2).

(2) Approval to have a fence constructed wholly or partly of razor wire shall not be issued—

(a) in respect of a lot which is or which abuts a residential lot or townsite lot;
(b) if the fence is within 3m of the boundary of the lot; or
(c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6—APPROVALS

6.1 Application for approval

(1) An owner of a lot may apply to the local government for approval of any discretionary matter contained within this local law.

(2) An application for approval under this local law shall—

(a) provide all necessary documentation and information required for a decision;
(b) provide two copies of a plan and specifications of the proposed;
(c) engineering certification of structural or electrical engineering specifications, if required;
(d) be signed by the owner of the lot;
(e) be forwarded to the CEO together with any set fee; and
(f) be in the form determined by the local government from time to time.

(3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for approval.

(4) An authorised person may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

6.2 Decision on application for approval

(1) An application submitted to the local government under this local law may be—

(a) approved by an authorised person;
(b) approved by an authorised person subject to conditions as the authorised person sees fit; or
(c) rejected by an authorised person.

(2) In determining whether to grant its consent to the construction or installation, an authorised person may consider, in addition to any other matter that it is authorised to consider, whether the construction or retention of the fence would have an adverse impact on—

(a) the safe or convenient use of any land;
(b) the safety or convenience of any person; or
(c) the visual amenity of the streetscape or neighbouring properties.

(3) An authorised person may by written notice amend a condition imposed under subclause (1)(b) at any time.

(4) An amendment under subclause (3) is effective from the date specified in the notice.

(5) If an authorised person approves an application for approval, it is to give written notice of the approval and any conditions applied, to the applicant.

(6) If an authorised person refuses to approve an application for approval, it is to give written notice of that refusal and the reasons for the decision to the applicant.

6.3 Compliance with approval

Where an application for approval has been approved under clause 6.2, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

6.4 Cancellation of an approval

An authorised person may cancel an approval if—

(a) the owner or occupier requests an authorised person to do so;
(b) the fence to which the approval applies has been demolished and is not rebuilt for a period of 6 months;
(c) the circumstances have changed in such a way that an approval for the fence could no longer be granted under the local law;
(d) the owner or occupier fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence; or
(e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.

6.5 Duration of approval
(1) Unless otherwise stated in the form of approval, an approval granted under this local law transfers with the lot to which it relates and is deemed to transfer to each successive owner or occupier of the lot to which the approval applies.
(2) Where an approval is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.
(3) For the avoidance of doubt, approval granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review
Where an authorised person exercises a discretion pursuant to this local law, an affected person has a right of objection and appeal under Division 1 of Part 9 of the Local Government Act 1995.

PART 8—ENFORCEMENT

8.1 Notices of breach
(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.
(2) A notice of breach shall—
   (a) specify the provision of this local law which has been breached;
   (b) specify the particulars of the breach; and
   (c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.
(3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.
(4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
(5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Local Government Act 1995 and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3 of the Local Government Act 1995.

8.2 Offences and penalties
(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
(2) Any person who commits an offence under this local law is liable, upon conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

8.3 Modified penalties
The amount appearing in the final column of Schedule 4 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.

8.4 Form of notices
For the purposes of this local law—
(1) the form of the infringement notice referred to in section 9.17 of the Local Government Act 1995 is to be in the form of Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
(2) the form of the withdrawal of infringement notice referred to in section 9.20 of the Local Government Act 1995 is to be in the form of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

SCHEDULE 1—SUFFICIENT FENCE—RESIDENTIAL AND TOWNSITE LOTS

[Clause 2.2(a)]

Each of the following is a sufficient fence on residential and townsite lots—
(a) except with respect to the front setback area for which there is no minimum height but which is subject to clause 3.1; and
(b) where constructed to an average height of 1800mm.

1. Timber fence
(1) Any type of professionally manufactured timber fence, constructed in accordance with the manufacturer's specifications.
(2) A dense brushwood constructed in accordance with the manufacturer's specifications.
(3) A timber fence constructed as follows—
   (a) corner posts to be 125mm x 125mm x 2 400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
   (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
   (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
   (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
   (e) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered; and
   (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail.

2. Corrugated fence
   (1) Any fence constructed of corrugated fibre reinforced pressed cement sheet fence or steel sheeting fence in accordance with the manufacturer’s specifications.
   (2) A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer’s specifications or which satisfies the following specifications—
      (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
      (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet; and
      (c) the sheets to be lapped and capped with extruded snap-fit type capping in accordance with the manufacturer’s specifications.

3. Brick, stone or concrete fence
   Any type of brick stone or concrete fence that—
   (a) is constructed in accordance with the Building Code, finished plumb, true and level and appropriately jointed, cleaned and of good general appearance.
   (a) has footings having a minimum of 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
   (b) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres; and
   (c) expansion joints in accordance with the manufacturer’s specifications.

4. Composite fence
   (1) A composite fence which satisfies the following specifications for the brick construction—
      (a) brick piers shall have a minimum of 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
      (b) each brick pier shall be reinforced with one R10 galvanised starting rod 1 500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
      (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
      (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
      (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres;
   (2) Notwithstanding paragraphs (1)(a) and (b), a composite fence may be constructed so that—
      (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall;
      (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified, and
      (c) all other requirements are as previously specified.

SCHEDULE 2—SUFFICIENT FENCE—COMMERCIAL, INDUSTRIAL AND SPECIAL USE LOTS

Each of the following is a sufficient fence on commercial and industrial lots—

(1) A fence constructed of galvanized or PVC coated—
      (a) rail-less link;
      (b) chain; or
      (c) steel mesh.
(2) A fence constructed in accordance with clause (1) shall be constructed in accordance with the following specifications—

   (a) to a height of 2000mm;
   (b) corner posts to be a minimum of 50mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
   (c) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 4 metre centres and with footings of a 225mm diameter x 600mm;
   (d) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
   (e) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
   (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables;
   (g) vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework; and
   (h) gates shall be fixed with a drop bolt and locking attachment.

(3) A fence constructed in accordance with paragraph (2) may have up to 3 strands of plain or barbed wire, none being less than 1800mm above ground level, not more than 2400mm above ground level

(4) Fences constructed in accordance with Schedule 1.

SCHEDULE 3—SUFFICIENT FENCE—RURAL AND RURAL RESIDENTIAL LOTS

Each of the following is a sufficient fence on rural and rural residential lots—

(1) In the case of a non-electrified fence, a fence of posts and wire construction, the minimum specifications for which are—

   (a) wire shall be—
        (i) high tensile wire and not less than 2.5mm; and
        (ii) a minimum of seven wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
   (b) posts shall be of indigenous timber or other suitable material including—
        (i) timber impregnated with a termite and fungicidal preservative, and not less than 1650mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn;
        (ii) standard iron star pickets; or
        (iii) concrete;
   (c) posts to be set minimum 400mm in the ground and 1200mm above the ground; and
   (d) strainer posts shall be—
        (i) not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter);
        (ii) cut from indigenous timber or other suitable material; and
        (iii) placed a minimum of 1000mm in the ground.

(2) An electrified fence having five wires only is a sufficient fence if constructed generally in accordance with clause (1).

SCHEDULE 4—PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Item</th>
<th>Clause</th>
<th>Nature of offence</th>
<th>Modified penalty $</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>2.1</td>
<td>Construction of a dividing fence or boundary fence on a lot that is not a sufficient fence without approval</td>
<td>200</td>
</tr>
<tr>
<td>2</td>
<td>3.1</td>
<td>Construction of a non-compliant fence within setback area without approval</td>
<td>200</td>
</tr>
<tr>
<td>3</td>
<td>3.2(1)</td>
<td>Alteration of ground levels without approval</td>
<td>500</td>
</tr>
<tr>
<td>Item</td>
<td>Clause</td>
<td>Nature of offence</td>
<td>Modified penalty $</td>
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<tr>
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<tr>
<td>4</td>
<td>3.3</td>
<td>Obstruction of a watercourse</td>
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<tr>
<td>5</td>
<td>3.4</td>
<td>Construction of a gate or fence encroaching over other property</td>
<td>200</td>
</tr>
<tr>
<td>6</td>
<td>3.5</td>
<td>Construction of retaining wall without approval</td>
<td>500</td>
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<tr>
<td>7</td>
<td>3.6(1)</td>
<td>Construction of estate fencing without approval</td>
<td>500</td>
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<tr>
<td>8</td>
<td>3.7</td>
<td>Failure to maintain fence in good condition</td>
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<td>9</td>
<td>3.8</td>
<td>Construction of a fence across right-of-way etc. without approval</td>
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<tr>
<td>10</td>
<td>4.1</td>
<td>Use of prohibited materials in a fence</td>
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<td>11</td>
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<td>13</td>
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<td>14</td>
<td>5.1(2)</td>
<td>Non-compliant use of barbed wire on a townsite, rural or rural residential lot</td>
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<tr>
<td>15</td>
<td>5.1(3)</td>
<td>Non-compliant use of barbed wire on a commercial, industrial or special use lots</td>
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<tr>
<td>16</td>
<td>5.2</td>
<td>Construction of an electric fence without approval</td>
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<tr>
<td>17</td>
<td>5.3</td>
<td>Construction of a razor wire fence without approval</td>
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<td>6.3</td>
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<td>19</td>
<td>8.1(3)</td>
<td>Failure to comply with notice of breach in relation to Part 5—Restricted Fencing</td>
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<td>20</td>
<td>8.1(3)</td>
<td>Failure to comply with notice of breach in relation to all matters other than Part 5—Restricted Fencing</td>
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<tr>
<td>21</td>
<td>8.2(1)</td>
<td>Other offences not specified</td>
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</tr>
</tbody>
</table>


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

K. J. CHAPPEL, President.

C. P. M. LINNELL, Chief Executive Officer.