Western Australian Government Gazette
ISSN 2204-4264 (online)
4309
PERTH, WEDNESDAY, 15 SEPTEMBER 2021 No. 161 SPECIAL
PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER
© STATE OF WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

HEALTH LOCAL LAW 2021

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

HEALTH LOCAL LAW 2021

CONTENTS

PART 1—PRELIMINARY

1.1 Citation
1.2 Commencement
1.3 Purpose and effect
1.4 Interpretation
1.5 Application
1.6 Repeal

PART 2—SANITATION
Division 1—Sanitary conveniences

2.1 Interpretation
2.2 Dwelling house
2.3 Premises other than a dwelling house
2.4 Events
2.5 Toilets
2.6 Temporary works
2.7 Maintenance of sanitary conveniences and fittings
2.8 Ventilation of toilets
2.9 Public sanitary conveniences
2.10 Lighting
2.11 Installation

Division 2—Bathrooms, laundries and toilets

2.12 Bathrooms
2.13 Laundries
2.14 Washing or keeping of clothes in kitchens
2.15 Kitchens

PART 3—HOUSING AND GENERAL
Division 1—Maintenance of dwelling houses

3.1 Dwelling house maintenance
3.2 Guttering and downpipes
3.3 Disposal of rainwater

Division 2—Ventilation of houses

3.4 Exemption for short term hostels and recreational campsites
3.5 Overcrowding
3.6 Calculated sufficient space
3.7 Ventilation
3.8 Sub-floor ventilation

Division 3—Water supply

3.9 Water supply
3.10 Rainwater tanks
3.11 Bores and wells
3.12 Pollution

Division 4—Second-hand furniture, bedding and clothing

3.13 Prohibition on sale
3.14 Prohibition on possession

Division 5—Morgues

3.15 Licensing of morgues

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

Division 1—Liquid refuse and liquid waste

4.1 Interpretation
4.2 Deposit of liquid refuse
4.3 Disposal of liquid waste

Division 2—Transport of butchers' waste

4.4 Interpretation
4.5 Restriction of vehicles
4.6 Transport of butchers' waste

Division 3—Rubbish and refuse

4.7 Interpretation
4.8 Deposit of refuse
4.9 Burning of rubbish or refuse
4.10 Suitable enclosure
4.11 Provision of refuse receptacles
4.12 Control of refuse
4.13 Unauthorised storage of materials
4.14 Removal of refuse and disused materials
4.15 Removal of unsightly overgrowth of vegetation
4.16 Storage of vehicles, vessels and machinery
4.17 Disposing of disused refrigerators or similar containers

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation
5.2 Escape of smoke etc.
5.3 Public vehicles to be kept clean
5.4 Prohibition against spitting
5.5 Dust management
5.6 Emission or reflection of light
5.7 Car parks
5.8 Transportation, use and storage of offal or blood
5.9 Use or storage of fertiliser
5.10 Storage and dispatch of artificial fertiliser
5.11 Storage of fertiliser and compost
5.12 Commercial vehicles
5.13 Bird Scaring Devices

Division 2—Keeping of animals

5.14 Cleanliness
5.15 Animal enclosures
5.16 Slaughter of animals
5.17 Disposal of dead animals

Division 3—Keeping of approved animals

5.18 Interpretation
5.19 Keeping of approved animals and provision of stables
5.20 Proximity of approved animals to a dwelling house
5.21 Manure receptacles

Division 4—Keeping of poultry and pigeons

5.22 Interpretation
5.23 Limitation on numbers of pigeons, poultry and miscellaneous birds
5.24 Conditions of keeping poultry
5.25 Roosters, geese, turkeys, peafowl and gamebirds
5.26 Conditions of keeping pigeons
5.27 Removal of nonconforming structures or enclosures
5.28 Restrictions on pigeon nesting or perching
5.29 Restrictions on feeding wild birds

Division 5—Feedlots

5.30 Interpretation
5.31 Premises to be approved

5.32 Management of beef cattle feedlots
5.33 Site conditions
5.34 Compliance with direction or notice of an Authorised Officer

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation
6.2 Control of flies

Division 2—Mosquitos

6.3 Interpretation
6.4 Measures to be taken to prevent mosquito breeding
6.5 Measures to be taken by occupier
6.6 Removal of undergrowth or vegetation
6.7 Filling in excavations etc.
6.8 Drains, channels and septic tanks
6.9 Drainage of land
6.10 Local government may execute work and recover costs

Division 3—Rodents

6.11 Interpretation
6.12 Measures to be taken to eradicate rodents

Division 4—Cockroaches

6.13 Interpretation
6.14 Measures to be taken to eradicate cockroaches

Division 5—Argentine ants

6.15 Interpretation
6.16 Measures to be taken to keep premises free from Argentine ants

Division 6—European wasps

6.17 Interpretation
6.18 Measures to be taken to keep premises free from European wasp nest

Division 7—Bee keeping

6.19 Interpretation
6.20 Limitation on numbers of hives
6.21 Restrictions on keeping of bees in hives
6.22 Bees which cause a nuisance not to be kept

Division 8—Arthropod vectors of disease

6.23 Interpretation
6.24 Responsibility of the owner or occupier

PART 7—INFECTIOUS DISEASES

Division 1—General provisions

7.1 Purpose of exercise of powers
7.2 Authorised Officer may visit, inspect and report
7.3 Requirements on owner or occupier to clean, disinfect and disinfest
7.4 Authorised Officer may disinfect or disinfest the premises
7.5 Insanitary houses, premises and things
7.6 Medical Officer may authorise disinfecting
7.7 Persons in contact with an infectious disease sufferer
7.8 Declaration of infected house or premises
7.9 Destruction of infected animals
7.10 Disposal of a body
7.11 Local government may carry out work and recover costs

Division 2—Disposal of used condoms and needles

7.12 Disposal of used condoms
7.13 Disposal of used needles

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation
8.2 Accommodation not to be kept unless registered
8.3 Application for registration

8.4 Certificate of Registration of Accommodation
8.5 Renewal of registration
8.6 Notification upon sale or transfer
8.7 Revocation of registration

Division 2—Construction and use requirements

8.8 General construction requirements
8.9 Insect screening
8.10 Sanitary conveniences
8.11 Laundry unit
8.12 Kitchen
8.13 Cooking facilities
8.14 Dining room
8.15 Lounge room
8.16 Fire prevention and control
8.17 Obstruction of passages and stairways
8.18 Fitting of locks
8.19 Restriction on use of rooms for sleeping
8.20 Sleeping accommodation short term hostels and recreational campsites
8.21 Furnishing etc. of sleeping apartments
8.22 Ventilation
8.23 Numbers to be placed on doors

Division 3—Management and care

8.24 Keeper or manager to reside in the lodging house
8.25 Register of lodgers
8.26 Keeper report
8.27 Certificate of Sleeping Accommodation
8.28 Duplicate keys and inspection
8.29 Room occupancy
8.30 Infectious disease
8.31 Maintenance of a room by a lodger or resident
8.32 Cleaning and maintenance requirements
8.33 Responsibilities of lodgers and residents
8.34 Approval for the storage of food

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation
9.2 Consent to establish an offensive trade
9.3 Notice of application
9.4 Registration of premises
9.5 Certificate of Registration of Premises for Offensive Trade
9.6 Change of occupier
9.7 Alterations to premises

Division 2—General duties of an occupier

9.8 Interpretation
9.9 Cleanliness
9.10 Rats and other vectors of disease
9.11 Sanitary conveniences and hand wash basins
9.12 Painting of walls etc.
9.13 Effluvia, vapours or gases
9.14 Offensive material
9.15 Storage of materials
9.16 Directions

Division 3—Fat rendering establishments

9.17 Interpretation
9.18 Ventilation
9.19 Covering of apparatus
9.20 Rendering of walls

Division 4—Fish premises

9.21 Interpretation
9.22 Fish preparation room
9.23 Bench
9.24 Disposal of waste
9.25 Fish containers
9.26 Cooking of fish
9.27 Use of an approved portable box
9.28 Fish transport vehicle

Division 5—Laundries, dry cleaning establishments and dye works

9.29 Interpretation
9.30 Receiving depot
9.31 Reception room
9.32 Walls and floors
9.33 Laundry floor
9.34 Escape of dust
9.35 Precautions against combustion
9.36 Trolleys
9.37 Sleeping on premises

Division 6—Abattoirs

9.38 Construction

Division 7—Piggeries

9.39 Interpretation
9.40 Limitations to registration
9.41 Conditions of registration
9.42 Sites, enclosures or sheds
9.43 Slaughtering
9.44 Feed
9.45 Fencing
9.46 Water supply
9.47 Feeding troughs

PART 10—OFFENCES AND PENALTIES

10.1 Offences and penalties
10.2 Form of infringement notices
10.3 Other enforcement actions

PART 11—OBJECTION AND APPEAL

11.1 Objection and appeal rights

SCHEDULES

Schedule 1 Application for Registration of Accommodation

Schedule 2 Certificate of Registration of Accommodation

Schedule 3 Notice of Change of Owner of Accommodation

Schedule 4 Register of Lodgers

Schedule 5 List of Lodgers

Schedule 6 Certificate of Sleeping Accommodation

Schedule 7 Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments

Schedule 8 Application for Licence of a Morgue

Schedule 9 Certificate of Licence of a Morgue

Schedule 10 Application for Consent to Establish an Offensive Trade

Schedule 11 Application for Registration of Premises for Offensive Trade

Schedule 12 Certificate of Registration of Premises for Offensive Trade

Schedule 13 Offensive Trades

Schedule 14 Prescribed Offences

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

HEALTH LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Waroona resolved on 27 July 2021 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Waroona Health Local Law 2021*.

1.2 Commencement

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

1.3 Purpose and effect

(1) The purpose of this local law generally is to carry into effect the provisions of the *Health (Miscellaneous Provisions) Act 1911* and *Public Health Act 2016*.

(2) The effect of this local law is intended to result in the implementation of health regulations and rules, and enforcement of penalties for non-compliance throughout the district.

1.4 Interpretation

(1) In this local law unless the contrary intention appears—

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 an Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time;

AS 1530.2:1993 means Australian Standard for Methods for fire tests on building materials, components and structures—Test for flammability of materials;

AS 1530.3:1999 means Australian Standard for Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release;

AS 1668.2:2012 means Australian Standard for The use of ventilation and air conditioning in buildings—Mechanical ventilation in building;

AS 2001.5.4:2005 means Australian Standard for Methods of test for textiles—Dimensional change—Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD);

AS 2293.1:2018 means Australian Standard for Emergency lighting and exit signs for buildings—System design, installation and operation;

AS 3666.2:2011 means Australian Standard for Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning;

AS 3786:2014 means Australian Standard for Smoke alarms using scattered light, transmitted light or ionisation;

AS 4282 means Australian Standard for Control of obtrusive effects of outdoor lighting;

AS/NZS ISO 717.1:2004 means Australian Standard for Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation;

Authorised Officer means a person appointed under—

(a) the provisions of the *Public Health Act 2016*; or

(b) the *Local Government Act 1995*; and

(c) includes officers employed by the local government as a Development Officer, Environmental Health Officer, Assistance Environmental Health Officer, Acting Environmental Health Officer, Manager Environmental Health, Manager Governance and Principal Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

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

Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

CEO means the Chief Executive Officer of the local government 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 Shire of Waroona;

(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* developed by the National Health and Medical Research Council;

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

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 not for extended periods;

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

local government means the Shire of Waroona;

Medical Officer means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;

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

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

owner has the meaning given to it in section 1.4 of the *Local Government Act*;

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;

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;

Schedule means a Schedule to this local law;

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 work "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;

town site means the town sites within the district which are constituted under section 26(2) of the *Land Administration act 1997* or referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*; and

urinal may be—

(a) an individual stall or wall-hung urinal;

(b) each 600 millimetres of a continuous urinal trough; or

(c) a toilet bowl used in place of a urinal.

(2) Unless otherwise defined, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

(3) 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 and occupier.

(4) 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.

1.5 Application

(1) Unless the contrary is expressly provided, this local law shall apply throughout the district.

1.6 Repeal

(1) The following local laws are repealed—

(a) *Shire of Waroona Health Local Law 2001* published in the *Government Gazette* on 19 June 2002.

(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 date.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement date.

PART 2—SANITATION

Division 1—Sanitary Conveniences

2.1 Interpretation

In this part, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the Act;

event includes a fair, function or festival;

low lying land means land that has a height no more than 2 metres above Australian height datum; ***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;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and includes the irrigation effluent disposal area of an aerobic treatment system; 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.

2.2 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.

(3) A person shall not erect or place a dwelling house, or adapt any building for use as a dwelling house, on low lying land, unless the dwelling house—

(a) is provided with secure, efficient and proper drainage of the building to a sewer or an approved apparatus for the treatment of sewage; and

(b) is approved by the local government.

(4) An owner or occupier of a dwelling house erected on low lying land, may be required by an Authorised Officer to—

(a) assist an Authorised Officer with determining the separation distance from groundwater level to the base of the receptacle for drainage for the dwelling house; and

(b) provide an annual report to the local government containing accurate details of—

(i) the address or location of the property;

(ii) the name, telephone number and email address of the property owner;

(iii) the type of apparatus for the treatment of sewage connected to the dwelling house;

(iv) the date of last service of the apparatus for the treatment of sewage; and

(v) the depth from the base of the receptacle for drainage to the maximum groundwater level measured in the month of October.

(5) If, in the opinion of an Authorised Officer, the depth from the base of a receptacle for drainage is less than 600 millimetres to the maximum groundwater level, the Authorised Officer may by notice require the owner of the dwelling house to—

(a) raise the receptacle for drainage such that its base is no less than 600 millimetres to the maximum groundwater level; or

(b) cease using the dwelling house until such time as the depth from the base of the receptacle for drainage to the maximum groundwater level is no less than 600 millimetres.

2.3 Premises other than a dwelling house

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

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

(b) the toilets required by this 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.

2.4 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 organised gatherings".

2.5 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) unless otherwise approved 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.

2.6 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 (Temporary Sanitary Conveniences) Regulations 1997*.

2.7 Maintenance of sanitary conveniences and fittings

(1) The occupier of premises shall—

(a) keep clean, in good condition and repair; and

(b) whenever required by an Authorised Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of the premises shall—

(a) keep or cause to be kept in good repair; and

(b) maintain an adequate supply of water to;

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

2.8 Ventilation of toilets

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

(2) A mechanical ventilation system provided under subclause (1) shall be maintained in good working order and condition.

2.9 Public sanitary conveniences

(1) A person shall not—

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface;

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of *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

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

(a) is adequately lined with an impervious material and has 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.

(3) The floor of the bathroom must be properly surfaced with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—

(a) the sewer of a licensed water service operator; or

(b) an apparatus for the treatment of sewage approved by the local government.

2.13 Laundries

(1) A laundry must comply with the requirements of the *Health Act (Laundries 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, unless otherwise approved.

(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.

(4) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) has a floor of concrete or other approved impervious material of an approved thickness;

(d) is properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—

(i) the sewer of a licensed water service operator; or

(ii) an on-site waste water disposal system of a type approved as approved by the local government; and

(e) is provided with adequate ventilation.

(5) The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations*.

(6) In the case of a single occupancy dwelling, the laundry referred to in subclause (1) shall have—

(a) either—

(i) two wash troughs;

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either a mechanical clothes dryer or not less than 20 metres of clothes line erected externally.

(7) All wash troughs, sinks and washing machines shall be—

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) installed to manufacturer's specifications, and all wash troughs shall have a capacity of at least 36 litres.

(8) Sole or multiple occupancy units, each being a separate dwelling, shall have—

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

2.14 Washing or keeping of clothes in kitchens

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

(a) wash or permit to be washed any clothing or bed linen; or

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

2.15 Kitchens

(1) 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.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall—

(a) be installed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety, and the manufacturer's specifications; and

(b) not be installed or used in any room other than a kitchen.

(4) 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.

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

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Dwelling Houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house and any appurtenant buildings 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.

3.2 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.

3.3 Disposal of rainwater

(1) 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.

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

Division 2—Ventilation of Houses

3.4 Exemption for short term hostels and recreational campsites

This division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.5 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.

3.6 Calculated sufficient space

For the purpose of clause 3.5, 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.

3.7 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with *AS 1668.2:2012*.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system 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 3666.2:2011*; and

(b) in use at all times the building is occupied.

(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.

3.8 Sub-floor ventilation

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

Division 3—Water Supply

3.9 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.

3.10 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 *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council 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 6 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.

3.11 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*.

3.12 Pollution

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

Division 4—Second-Hand Furniture, Bedding and Clothing

3.13 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.

3.14 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

3.15 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 Sections 6.16 to 6.19 of the *Local Government Act 1995*.

(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.

(4) 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 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;*

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, other than effluent; 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.

4.2 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.

4.3 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 Chief Health Officer or the local government;

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer; or

(d) in the case of swimming pool water, discharging it into soak wells of adequate capacity.

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

(4) Subclause (3) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an Authorised Officer.

Division 2—Transport of Butchers' Waste

4.4 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.

4.5 Restriction of vehicles

(1) A person shall not use, for the transport of butchers' waste a vehicle used for the transport of food or anything intended to be used for the packing or handling of food for human consumption.

(2) A vehicle used for the transport of butchers' waste shall not be used to transport any other item, substance or material which is not butchers' waste in the same compartment.

4.6 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 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

4.7 Interpretation

In this division, unless the context otherwise requires—

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; and

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.

4.8 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.

4.9 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;

(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.

(4) An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site.

4.10 Suitable enclosure

(1) An owner or occupier of premises—

(a) consisting of more than 3 dwellings; or

(b) used for commercial or industrial purposes or a food premises;

shall if required by the local government provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

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

(3) For the purposes of this Section, a "suitable enclosure" means an enclosure—

(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the local government;

(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;

(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth and impervious floor—

(i) of not less than 75 millimetres in thickness; and

(ii) which is evenly graded to an approved liquid refuse disposal system;

(e) which is easily accessible to allow for the removal of the receptacles;

(f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and

(g) provided with a tap connected to an adequate supply of water.

4.11 Provision of refuse receptacles

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

(a) contain any refuse likely to be produced on the site; and

(b) prevent refuse being blown from the receptacle by wind.

4.12 Control of refuse

(1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall take reasonable measures to—

(a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;

(b) keep the site free from any refuse;

(c) keep the street verge, and any other reserve, immediately adjacent to the site, free of refuse from the site; and

(d) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site, the site and the street verge immediately adjacent to it, are cleared of all refuse and all refuse receptacles are removed from the site.

4.13 Unauthorised storage of materials

(1) All construction materials must be located on the building site or development site under construction, unless written approval has been given by the local government to store materials on another property (including a road reserve).

(2) An application for approval under subclause (1) must be—

(a) in writing; and

(b) accompanied by the written approval of the landowner of the land on which materials are proposed to be stored.

4.14 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind which in the opinion of the local government or an Authorised Officer is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an Authorised Officer may give notice in writing to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

4.15 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an Authorised Officer may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

4.16 Storage of vehicles, vessels and machinery

The owner or occupier of a lot shall not—

(a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain in public view on any lot, any vehicle parts, vessel parts or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle parts, vessel or machinery except where performed—

(i) inside a building; or

(ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or

(e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

4.17 Disposing of disused refrigerators or similar containers

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

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or

(b) rendering every door and lid incapable of being fastened; and

(c) arranging for the removal of any refrigerants by a suitably qualified person.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this division, unless the context otherwise requires—

bird scaring device means a device which produces a loud sound for the purpose of scaring birds away from land;

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

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

fertiliser includes manure;

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

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

public vehicle includes bus, tram, taxi or any other public transport;

sensitive land use means a land use that is sensitive to noise, and includes a residence, motel, hotel, retirement home, hospital, school, place of worship, day care or any lands used for campground, mobile home park, or picnic area; and

urban zone includes residential, urban, town centre or similar zones under a local planning scheme.

5.2 Escape of smoke etc.

(1) 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.

(2) A person shall not on any land of an area 0.4 hectares or less, set fire to rubbish, refuse or other materials unless—

(a) written approval has first been obtained from the local government;

(b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;

(c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;

(d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and

(e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

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

(4) Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

5.3 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.

5.4 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.

5.5 Dust management

(1) If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, the owner or occupier shall—

(a) submit to an Authorised Officer a Dust Management Plan in accordance with "A guideline for managing the impacts of dust and associated contaminants from land development sites, remediation and other related activities (2011)" as produced by the Department of Water and Environmental Regulation, and amended from time to time; and

(b) obtain written approval of the Dust Management Plan from an Authorised Officer before commencement of any work.

(2) An owner and or occupier of land must take effective measures to—

(a) stabilise dust on the land;

(b) contain all liquid waste on the land;

(c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and

(d) notify the owners or occupiers of adjoining land in writing 48 hours prior to the commencement of any activity that has the potential to cause the release or escape from the land of dust or liquid waste giving details of;

(i) the nature of the activity;

(ii) the proposed commencement time, frequency, duration time and location of the activity; and

(iii) the name of the person responsible for carrying out the activity and how and where that person may be contacted.

(3) The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following—

(a) comply with subclause (2)(a) or (2)(b);

(b) clean up and properly dispose of any released or escaped dust or liquid waste;

(c) clean up and make good any damage resulting from the released or escaped dust or liquid waste;

(d) take effective measures to stop any further release or escape of dust or liquid waste.

(4) The requirements set out in a notice issued under subclause (3) must be complied with—

(a) within 48 hours of service of the notice where no other time is specified;

(b) within such other period as is specified in the notice; or

(c) immediately, if the notice so specifies.

(5) Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on the owner and or occupier of the land and or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

(6) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

5.6 Emission or reflection of light

(1) Where artificial light is emitted or reflected from anything on a lot so as to contravene the requirements of Australian Standard AS 4282, then every owner and occupier of the lot commits an offence.

(2) Where natural light is reflected from anything on a lot so as to create or be a nuisance to any–

(a) owner or occupier of land; or

(b) person using a thoroughfare as a thoroughfare, then every owner and occupier of the lot commits an offence.

(3) All lighting installations as defined within the Australian Standard AS 4282 must be maintained in good working order and repair at all times.

(4) An owner and or occupier of a lot on which floodlights, lighting installations or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.

(5) The local government may give a notice to the owner and or occupier of a lot—

(a) requiring that any reflective surfaces creating a nuisance within clause 5.6(1) be painted or otherwise treated so as to abate the nuisance; and

(b) on which floodlights, lighting installations or other exterior lights are erected, requiring-

(i) the hours of use of the lighting to be limited to the hours specified in the notice; or

(ii) the direction in which the lights are shining to be altered as specified in the notice.

5.7 Car parks

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

(a) natural ventilation; or

(b) mechanical means, in accordance with *AS 1668.2:2012*.

(2) If, in the opinion of the local government, a car park is not properly ventilated, the local government may by notice require the occupier within a specified time to—

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An occupier shall comply with a notice under subclause (2).

(4) An owner or occupier shall ensure that—

(a) all exhaust air that is discharged from a car park shall be discharged at discharge points in accordance with AS 1668.2:2012;

(b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2:2012, at a velocity and in a direction so as not to be a danger to health or a nuisance;

(c) exhaust registers are located as far as possible from the source of supply air;

(d) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(e) any mechanical ventilation system is—

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

5.8 Transportation, use and storage of offal or blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried or by some other effective method approved by an Authorised Officer.

5.9 Use or storage of fertiliser

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

(a) pig manure;

(b) human faeces; or

(c) urine.

5.10 Storage and dispatch of artificial fertiliser

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

(a) keep all artificial fertiliser in a building—

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser dispatched from the premises is packed in such a manner so as to prevent any nuisance arising during transit.

5.11 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.

5.12 Commercial vehicles

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

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

(3) If a person parks a vehicle containing livestock in a town site in accordance with subclause

(1), then the person does not contravene subclause (2).

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

5.13 Bird Scaring Devices

(1) An owner and or occupier of land shall not use a bird scaring device, or permit a bird scaring device to be used, without the written approval of the local government.

(2) An application for approval to use a bird scaring device must—

(a) be in the form determined by the local government;

(b) state the full name and address of the applicant;

(c) be made by the owner or occupier of the land and be signed by the owner and occupier of the land;

(d) contain the information required by the form;

(e) relate to the overall extent of land owned or occupied by the applicant in the locality where the bird scaring device is to be used;

(f) contain a scaled plan or plans showing—

(i) the location of the land, including street names, lot numbers, adjoining streets, north point, lot boundaries and dimensions;

(ii) the location and type of all existing structures and features of the land including driveways, watercourses, wetlands, native vegetation and crops;

(iii) the location of any sensitive land uses on adjacent land;

(iv) the proposed positioning of the bird scaring device with distances to nearby sensitive land uses;

(g) contain colour photographs of the bird scaring device proposed to be used;

(h) contain a site-specific Bird Damage Management Plan prepared by a suitably qualified specialist;

(i) contain a site-specific Noise Management and Monitoring Plan prepared by a suitably qualified acoustic engineer;

(j) contain a Communication Plan;

(k) contain a Complaint Management Procedure;

(l) contain any other plan or information that the local government may require;

(m) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may refuse to consider an application for approval to use a bird scaring device that does not satisfy the requirements within clause 5.13 (2).

(4) The local government may determine that a requirement within clause 5.13 (2) is not necessary for a particular application.

(5) The local government may consult with owners and occupiers of nearby premises and provide them with a reasonable opportunity to make a submission on the application for approval to use a bird scaring device.

(6) In determining an application for approval to use a bird scaring device, the local government is to have regard to—

(a) the provisions of this local law;

(b) any relevant local government policies;

(c) the locality the bird scaring device is proposed to be used, including the character and amenity of the locality;

(d) the likely effect, including the likely cumulative effect, of noise on health, safety or amenity and any means that are proposed to protect or mitigate the impacts of noise;

(e) whether the use of a bird scaring device would be likely to create a nuisance;

(f) the past conduct of the applicant, including if any breaches to this local law have occurred, complaints received and how complaints have been addressed;

(g) the desirability of the proposed use of a bird scaring device;

(h) any submissions received on the application;

(i) any other matters that the local government considers relevant.

(7) The local government may—

(a) approve an application for approval to use a bird scaring device;

(b) approve an application for approval to use a bird scaring device, subject to conditions; or

(c) refuse to approve an application for approval to use a bird scaring device.

(8) If the local government approves an application for approval to use a bird scaring device with or without conditions, it must issue the applicant an approval in the form approved by the local government.

(9) If the local government refuses to approve an application for the use of a bird scaring device, it must give written notice of that refusal to the applicant and include reasons for the decision.

(10) Where a provision of this local law refers to conditions which may be imposed on an approval to use a bird scaring device or the grounds on which an application for approval may be refused, the clause does not limit the power of the local government to impose other conditions on the approval or to refuse the application on other grounds.

(11) The following minimum conditions apply to all approvals to use a bird scaring device—

(a) a bird scaring device must only be used in conjunction with other means of bird deterrent;

(b) a bird scaring device must not be used within 500 metres of a residential dwelling on an adjacent lot;

(c) a bird scaring device must not be used within 50 metres of a property boundary abutting a road;

(d) a bird scaring device must not be used before sunrise or after sunset as published by the Bureau of Meteorology on any day, and in any case not before 6am on any day;

(e) a bird scaring device must not be used between the hours of 11am and 2pm on any day;

(f) the interval between blasts from an individual bird scaring device must not be less than six minutes. A blast sequence from a multiple blast bird scaring device may be counted as a single blast, provided the time between the first blast and last blast in a sequence does not exceed 5 seconds;

(12) Notwithstanding 5.13 (11), the local government may impose additional conditions as it considers appropriate on an approval to use a bird scaring device relating to—

(a) the duration and commencement of the approval;

(b) the range of bird scaring devices that may be used, with a preference toward those which do not detract from the amenity of the locality, particularly in relation to noise;

(c) the make, model and setting of a bird scaring device permitted to be used under the approval;

(d) the type of timing device that must be used to control the timing and frequency of the blasts from the bird scaring device;

(e) the days and hours within which a bird scaring device may be used or are prohibited;

(f) the location on the land or the part of the land where a bird scaring device may be used or are prohibited, including any setbacks to lot boundaries or adjacent sensitive land uses;

(g) whether the bird scaring device must be set on the ground or the maximum level the bird scaring device may be set above ground level;

(h) a maximum level of noise that the use of a bird scaring device may make at a specified location at a specified time;

(i) the means that must be used to protect or mitigate the impacts of noise;

(j) the maximum number of bird scaring devices that may be used;

(k) the maximum number of blasts from an individual bird scaring device or collectively from a specified number of bird scaring devices over a specified period of time;

(l) the means that owners and occupiers of adjacent properties must be notified of the approval and associated operating conditions;

(m) the noise monitoring and reporting that must be undertaken;

(n) the complaint management procedures that must be undertaken;

(o) any other matter that the local government considers appropriate.

(13) The local government may refuse to approve an application to use a bird scaring device on any one or more of the following grounds—

(a) the application is inconsistent with a local government policy or would result in the use of a bird scaring device being carried out contrary to this local law or any other written law;

(b) the applicant has committed a breach of any provision of this local law or of any other written law relevant to the use of a bird scaring device;

(c) the applicant is not a desirable or suitable person to hold an approval to use a bird scaring device;

(d) the use of a bird scaring device, including the cumulative use of multiple bird scaring devices, may result in a nuisance or health, safety or amenity being adversely impacted;

(e) the use of a bird scaring device is not in keeping with the surrounding land uses;

(f) insufficient means, other than a bird scaring device, are proposed to be used to mitigate bird damage to crops;

(g) such other grounds as the local government considers relevant.

(14) The local government must not approve an application for the use of a bird scaring device—

(a) unless the land it relates to has been approved for the growing of crops under a local planning scheme, or the growing of crops is otherwise permitted under a local planning scheme, and the land is being used for the growing of crops;

(b) where it would result in the use of a bird scaring device within two kilometres of an urban zone;

(c) unless the use of a bird scaring device is part of a holistic strategy for scaring or deterring birds from damaging crops and it can be demonstrated that all reasonable means are proposed to be used to protect or mitigate the impacts of noise;

(15) An owner and or occupier must not use or permit to be used a bird scaring device except in accordance with 5.13 (11) and any additional terms and conditions imposed on an approval to use a bird scaring device in accordance with 5.13 (12).

(16) The applicant may apply to the local government to vary or remove any conditions imposed on an approval to use a bird scaring device.

(17) In determining whether to vary or remove any condition imposed on an approval, the local government must have regard to the provisions of this local law.

(18) An applicant may apply to the local government in writing prior to expiry of an approval to use a bird scaring device for the renewal of the approval.

(19) The provisions of 5.13 of this local law regarding an application for approval to use a bird scaring device apply to an application for the renewal of an approval, with any necessary modifications.

(20) An approval to use a bird scaring device may be cancelled by the local government if—

(a) the approval holder has not complied with a term or condition of the approval;

(b) the approval holder has not complied with a provision of any written law which relates to the use of a bird scaring device; or

(c) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the approval and which renders the approval invalid, ineffective or contrary to law.

Division 2—Keeping of Animals

5.14 Cleanliness

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

(a) keep the premises free from excrement, filth, food waste and all other 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; and

(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.

5.15 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.

(3) The owner or occupier of premises where an animal is kept must ensure that each animal is kept in a suitable enclosure that effectively prevents it from escaping.

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

5.16 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 officers;

(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.

5.17 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 Approved Animals

5.18 Interpretation

In this division, unless the context otherwise requires—

approved animal includes a horse, cow, pig, sheep, camel, alpaca, llama, deer, goat or other large animal;

cow includes an ox, calf or bull;

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

natural shelter means a mature tree or belt of trees.

5.19 Keeping of approved animals and provision of stables

(1) An owner or occupier of premises shall not keep an approved animal within a town site or on a property of 0.5 hectares or less, without approval of the local government.

(2) An owner or occupier of premises who keeps an approved animal shall provide adequate natural shelter if approved by the local government or a stable which shall comply with the requirements of the Building Code, and which—

(a) is not situated within 15 metres of a house or other premises;

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

(c) provides adequate natural ventilation;

(d) prevents the animal from escaping; and

(e) subject to subclauses (6) and (8), has a floor, which—

(i) is constructed of a material approved by an Authorised Officer; and

(ii) has a fall which effectively drains liquid wastes into a trapped gully situated outside the stable and discharged in a manner approved by an Authorised Officer.

(3) An application for approval of an approved animal shall include the following information—

(a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building on another lot, or commercial premises;

(b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal; and

(c) a detailed written plan for the management of manure which addresses—

(i) control of flies and other vermin;

(ii) disease prevention; and

(iii) prevention of nuisance odours.

(4) The local government may vary the conditions of approval after it has been issued, and shall give notice of such variation to the owner or occupier within 14 days of such variation.

(5) The local government may cancel its approval in the event that the owner or occupier—

(a) fails to comply with any condition of the approval; or

(b) breaches this clause.

(6) 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* and the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016* (as amended from time to time by the Department of Primary Industries and Regional Development).

(7) 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.

(8) The owner or occupier of premises that contains a stable is to ensure a stable shall—

(a) have a proper separate stall—

(i) for each horse or cow; and

(ii) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subclause (8)(f); and

(iii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subclause (8)(f);

(b) have each wall and roof constructed of an approved impervious material;

(c) have a roof that covers the entire floor area of the stall;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) subject to subclause (8)(f), have 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 materials; and
  (iii) have a fall ratio of 1:100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government; or

(f) have a sand floor, if permitted by the local government, subject to the following—
  (i) the site must be well drained with the highest known water table at least 0.6 metres below the sand floor level, which may be achieved artificially;
  (ii) a 300 millimetres thick bed of aggregate approved by an authorised officer shall be laid under the sand of the stable;
  (iii) sand, whether natural or imported, must be clean, coarse and free from dust;
  (iv) footings to each stable shall be a minimum of 450 millimetres below ground level;
  (v) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
  (vi) 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; and
  (vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.

5.20 Proximity of approved animals to a dwelling house

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

5.21 Manure receptacles

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.

Division 4—Keeping of Poultry and Pigeons

5.22 Interpretation

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

poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;

pigeons are birds that are classified within the family Columbidae and includes doves; and ***miscellaneous birds*** includes all birds other than poultry and pigeons.

(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.

5.23 Limitation on numbers of pigeons, poultry and miscellaneous birds

(1) An owner or occupier of premises in a town site shall not keep a combined total of more than 12 poultry and 12 pigeons on any one lot of land.

(2) An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a town site 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 kept on any one lot of land if satisfied that a health nuisance does not exist.

(4) An owner or occupier shall not keep more than 20 miscellaneous birds on any premises within the district unless otherwise approved.

(5) An owner or occupier shall not keep pigeons, poultry or miscellaneous birds so as to create a nuisance.

(6) An Authorised Officer may apply relevant conditions, or require a reduction of the approved number of poultry, pigeons, or miscellaneous birds on any premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or miscellaneous birds on a particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.

(7) An owner or occupier shall comply with a direction of an authorised officer under this clause.

(8) Subclause (4) does not apply to premises used for veterinary purposes or as a pet shop.

5.24 Conditions of keeping poultry

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

(a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;

(b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and

(c) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.

(2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 15 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

5.25 Roosters, geese, turkeys, peafowl and gamebirds

(1) An owner or occupier of premises shall not within a town site or on properties with an area of 2 hectares or less, keep or permit to be kept on those premises, any one or more of the following birds without the written approval of the local government—

(a) a rooster;

(b) a goose or gander;

(c) a turkey;

(d) a peacock or peahen; and

(e) a gamebird (includes emus and ostriches).

(2) An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of birds under this clause.

(3) An Authorised Officer may rescind approval for the keeping of birds under this clause if they cause a nuisance.

5.26 Conditions of keeping pigeons

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

(a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and

(b) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres.

5.27 Removal of nonconforming structures or enclosures

If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.23 or 5.25, as applicable, an Authorised Officer may direct the owner or occupier to amend it or remove it.

5.28 Restrictions on pigeon nesting or perching

An Authorised Officer 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.

5.29 Restrictions on feeding wild birds

(1) A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird—

(a) so as to cause a nuisance or be injurious or dangerous to health; or

(b) with a food or substance that is not a natural food of a bird.

(2) Where an authorised officer forms the opinion that a person has not complied with subclause (1) the authorised officer may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Division 5—Feedlots

5.30 Interpretation

In this division, unless the context otherwise requires—

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

animal includes cattle, sheep, goats, deer and the like; and

sensitive land use means land use sensitive to emissions from industry and infrastructure, and includes land uses of residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

5.31 Premises to be approved

(1) No premises shall be used as a feedlot unless approved by the local government.

(2) Notwithstanding subclause (1), cattle feedlots with more than 500 animals are to be licensed under Schedule 1 (Category 1) of the *Environmental Protection Regulations 1987* being premises—

(a) situated less than 100 metres from a watercourse; and

(b) on which the number of cattle per hectare exceeds 50; or

registered under Schedule 1, Part 2 (Category 68) for premises—

(c) situated 100 metres or more from a watercourse; and

(d) on which the number of cattle per hectare exceeds 50.

(3) Feedlots are to be sited so that every portion of the feedlot is—

(a) greater than 50 metres from neighbouring rural property boundaries;

(b) greater than 100 metres from any public road or recreation area;

(c) greater than 300 metres from any major water courses, lakes, wetlands;

(d) greater than 300 metres from any bore, well or soak well used for drinking, stock or irrigation;

(e) greater than 1000 metres from any sensitive land use; and

(f) greater than 5000 metres from any town site.

5.32 Management of beef cattle feedlots

Beef cattle feedlots are to be operated and managed in accordance with the *Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia (2004).*

5.33 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 sandy loam soils rather than coarse sand;

(c) the premises has a minimum groundwater clearance of 3 metres;

(d) drainage diverts all uncontaminated storm water 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.

5.34 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 Interpretation

In this division, unless the context otherwise requires—

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

6.2 Control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the *Fly Eradication Regulations*.

Division 2—Mosquitoes

6.3 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.

6.4 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; and

(b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.5 Measures to be taken by occupier

(1) 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. Where it appears to the authorised officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the authorised officer may direct the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) Every person who is the owner or occupier of a dwelling house within 2000 metres of the high water level of the Peel-Harvey Estuary shall install mosquito proof screens onto the external windows and doors of dwelling houses, and maintain any such mosquito proof screens in good order and repair.

6.6 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.

6.7 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.

6.8 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.

6.9 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.

6.10 Local government may execute work and recover costs

(1) Where—

(a) a person is required under this part or directed by a notice given under clause 6.4 to execute any work; and

(b) that person fails or neglects to comply with the requirement, the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

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

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

(4) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act* and any power of entry exercised under this local law is subject to the Part 3, Subdivision 3 of this Act.

Division 3—Rodents

6.11 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.

6.12 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.

Division 4—Cockroaches

6.13 Interpretation

This this division, unless the context otherwise requires—

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

6.14 Measures to be taken to eradicate cockroaches

(1) An owner or occupier of premises shall take 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

6.15 Interpretation

In this division, unless the context otherwise requires—

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

6.16 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

6.17 Interpretation

In this division, unless the context otherwise requires—

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

6.18 Measures to be taken to keep premises free from European wasp 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, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

6.19 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

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.20 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).

6.21 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 which is readily accessible to bees;

(b) no more than 2 hives are kept on land of less than 2,000 square metres in area unless otherwise approved;

(c) 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;

(d) the hive is enclosed on all sides by a fence, wall or other enclosure to encourage bees to fly at a height over the property boundary; and

(e) the person is registered as a beekeeper if required by the *Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

6.22 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

6.23 Interpretation

In this division, unless the context otherwise requires—

arthropod vectors of disease includes—

(a) fleas (*Siphonaptera*);

(b) bedbugs (*Cimex lectularious*);

(c) crab lice (*Phthirus pubis*);

(d) body lice (*Pediculus humanus var. corporis*); and

(e) head lice (*Pediculus humanus var. capitis*).

6.24 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 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.

7.2 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.

7.3 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.

7.4 Authorised Officer may disinfect or disinfest the premises

(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an 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.

7.5 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.

7.6 Medical Officer may authorise disinfecting

Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Medical Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

7.7 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 or the Medical Officer may issue; and

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

7.8 Declaration of infected house or premises

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

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Authorised Officer.

7.9 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.

7.10 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 the Medical Officer.

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

7.11 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

7.12 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).

7.13 Disposal of used needles

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

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

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

accommodation means one or more buildings used for boarding purposes referred to in this part;

bed means a sleeping berth consisting of—

(a) a single berth; or

(b) a double berth provided for the use of couples, which shall have the same floor space requirements as two single beds;

bed and breakfast means a dwelling used by a resident of the dwelling to provide short-term accommodation on a commercial basis for not more than 4 adults or one family, and contains not more than 2 guest bedrooms;

bunk means a sleeping berth compromising one of two beds arranged vertically;

Certificate of Registration of a Lodging House means a certificate issued under clause 8.4 in the form of Schedule 2;

Certificate of Sleeping Accommodation means a certificate issued under clause 8.27 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 8.27 in the form of Schedule 7;

holiday accommodation excludes buildings on a caravan park, excludes a lodging house, and means a building for not more than six (6) adults where the period of occupancy of any lodger is not more than 14 consecutive days and includes a bed and breakfast, chalet, cottage or holiday house;

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 accommodation, as the keeper of that accommodation;

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 specifications;

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

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 *Health (Miscellaneous Provisions) Act 1911*;

manager means a person duly appointed by the keeper in accordance with this division to have the care and management of, accommodation;

manufacturer's specifications means a data sheet describing the technical characteristics of a product which is published by a manufacturer to help consumers use the product;

recreational campsite means a lodging house—

(a) situated on a campsite principally used for—

(i) recreational, sporting, religious, ethnic or educational pursuits, or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with this Part;

register of keepers means a register by the local government in which is registered the names and residences of the keepers of all accommodation within its district and the situation of every such accommodation and the number of persons authorised by the local government to be resident therein;

resident means a person, other than a lodger, who resides in accommodation;

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.

8.2 Accommodation not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept accommodation unless—

(a) the accommodation is constructed in accordance with the requirements of this Part;

(b) the accommodation is registered by the local government under clause 8.4;

(c) the name of the person keeping the accommodation is entered in the register of keepers;

(d) in the case of holiday accommodation, a management plan is approved by the local government that includes—

(i) a code of conduct detailing the expected behaviour and obligations of lodgers, which is also to be displayed within the premises;

(ii) a complaints management procedure;

(iii) details of lodger check-in and check-out procedures;

(iv) details of waste management procedures;

(v) an emergency management plan; and

(vi) the keeper or manager's mobile telephone number.

8.3 Application for registration

An application for registration of accommodation 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 Sections 6.16 to 6.19 of the *Local Government Act 1995*; and

(ii) detailed plans and specifications of the accommodation.

8.4 Certificate of Registration of Accommodation

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of Accommodation in the form of Schedule 2.

8.5 Renewal of registration

A person who keeps accommodation 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 accommodation; and

(b) pay the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995* at the time of making each application for renewal.

8.6 Notification upon sale or transfer

If the owner of accommodation house sells or transfers or agrees to sell or transfer the accommodation 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.

8.7 Revocation of registration

(1) Subject to subclause (3), the local government may, at any time, revoke the registration of accommodation 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 accommodation 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 accommodation is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.

(3) Before revoking the registration of accommodation 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 accommodation, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and Use Requirements

8.8 General construction requirements

The general construction requirements of accommodation shall comply with the Building Code.

8.9 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.

8.10 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 in a lodging house 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) (b) and (c) do not apply to a serviced apartment.

8.11 Laundry unit

(1) A keeper of a lodging house 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.

8.12 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.

8.13 Cooking facilities

The keeper of accommodation where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.14 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.

8.15 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.

8.16 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) provide evacuation lighting if required by the Building Code to be 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 if required by the Building Code 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 ensure that the equipment is clearly visible, accessible and maintained in good working order at all times.

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

(3) 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.

(4) 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 *AS 1530.2:1993* and *AS 1530.3:1999* 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 specifications.

8.17 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.

8.18 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.

8.19 Restriction on use of rooms for sleeping

(1) Subject to subclause (3) and clause 8.34, 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.

8.20 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.

8.21 Furnishing etc. of sleeping apartments

A keeper of a lodging house shall, unless otherwise approved by the local government—

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;

(b) 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.

8.22 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.

8.23 Numbers to be placed on doors

(1) A keeper shall number each room available to a lodger in a lodging house 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

8.24 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.

8.25 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 accommodation; and

(b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.26 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 accommodation during the preceding day or night.

8.27 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.

8.28 Duplicate keys and inspection

Each keeper and manager of accommodation 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 Authorised Officer.

8.29 Room occupancy

(1) A keeper shall not—

(a) allow more than the maximum number of persons permitted by the Certificate of Registration of accommodation to be lodged at any one time in the accommodation;

(b) allow to be placed or kept in any sleeping apartments—

(i) a larger number of beds; or

(ii) a larger quantity of bed linen 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 or the Medical Officer has forbidden to be used as a sleeping apartment.

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

8.30 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.

8.31 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.

8.32 Cleaning and maintenance requirements

A keeper of accommodation 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 a disinfected; and

(ii) a bed, or other article of furniture that is infested is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

8.33 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 8.34—

(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.

8.34 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 accommodation.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

In this part, unless the context otherwise requires—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 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 of the trades listed in Schedule 13; and

premises includes houses.

9.2 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 9.3; 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.

9.3 Notice of application

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

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a local newspaper at least two weeks but not more than one month before the application under clause 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of premises

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

(a) in the form of Schedule 11;

(b) accompanied by;

(i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and

(ii) a comprehensive management plan; and

(c) lodged with the Chief Executive Officer.

9.5 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.

9.6 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.

9.7 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

9.8 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.

9.9 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) keep 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.

9.10 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.

9.11 Sanitary conveniences and hand wash basins

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

9.12 Painting of walls etc.

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

9.13 Effluvia, vapours or gases

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

9.14 Offensive material

The occupier shall—

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

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

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

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or 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.

9.15 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

9.16 Directions

An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

Division 3—Fat Rendering Establishments

9.17 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.

9.18 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.

9.19 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.

9.20 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

9.21 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.

9.22 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.

9.23 Bench

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

9.24 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.

9.25 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.

9.26 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.

9.27 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.

9.28 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

9.29 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.

9.30 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.

9.31 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.

9.32 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 spilled or may fall and be deposited on it.

9.33 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.

9.34 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.

9.35 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.

9.36 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.

9.37 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

9.38 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

9.39 Interpretation

In this Division, unless the context otherwise requires—

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened, and shall include any portion of the premises to which pigs have access.

sensitive land use means land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

9.40 Limitations to registration

Unless otherwise approved, no premises shall be registered as a piggery unless every portion of such piggery is—

(a) greater than 200 metres from the lot boundary of the lot upon which the piggery is to be situated;

(b) greater than 1000 metres from any sensitive land use; and

(c) greater than 2000 metres from any town site.

9.41 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.

9.42 Sties, enclosures or sheds

(1) The occupier of every piggery shall provide either—

(a) sties and enclosures;

(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 3 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.

9.43 Slaughtering

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

9.44 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.

9.45 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.46 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.

9.47 Feeding troughs

(1) Every such occupier shall—

(a) where sties and enclosures are provided under the provisions of clause 9.42(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 9.42(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

10.1 Offences and penalties

(1) A person who—

(a) fails to do anything required or directed to be done under this local law; or

(b) fails to comply with the requirements of a notice issued under this local law by an Authorised Officer; or

(c) does anything which under this local law that person is prohibited from doing;

commits an offence.

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

(a) a penalty which is not more than $5,000 and not less than—

(i) in the case of a first such offence, $500; and

(ii) in the case of a second such offence, $1000; and

(iii) in the case of a third or subsequent such offence, $2,500 and

(b) if the offence is a continuing offence, a daily penalty which is not more than $500 and not less than $250.

(3) An offence against a clause specified in Schedule 14 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 14.

10.2 Form of infringement notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;

(2) The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(3) The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

10.3 Other enforcement actions

(1) In addition to a penalty imposed under clause 10.1, 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—OBJECTION AND APPEAL

11.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel an approval.

SCHEDULE 1—APPLICATION FOR REGISTRATION OF ACCOMMODATION

[clause 8.3]

To— Chief Executive Officer Shire of Waroona

I/We,.....

(Full name of Applicant/s)

of.....

.....

(Residential Address of Applicant/s)

contactable by

.....

(Mobile phone)

.....

(Email address)

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

.....

as accommodation to be classified as— □ a lodging house;

□ a short term hostel;

□ serviced apartments;

□ holiday accommodation

□ bed and breakfast

□ chalet

□ a recreational campsite; or

□ other, (specify).

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

DESCRIPTION OF ACCOMMODATION

Number of storeys .....

Rooms for private use

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

Rooms for lodgers

	Number	Area
Bedroom	……..	……..
Dining Rooms	……..	……..
Kitchens	……..	……..
Sitting Rooms	……..	……..
Other (Specify)	……..	……..

Sanitary Conveniences for male lodgers

	Number
Toilets	……..
Urinals	……..
Baths	……..
Showers	……..
Hand wash basins	……..

Sanitary Conveniences for female lodgers

	Number
Toilets	……..
Baths	……..
Showers	……..…
Hand wash basins	……..

Laundry Facilities

	Number
Wash troughs	……..
Washing machines	……..
Drying cabinets or clothes lines	……

Additional Details

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

Application fee of $.....is attached.

.....
.....
(Signature of Applicant/s) (Date)

SCHEDULE 2—CERTIFICATE OF REGISTRATION OF ACCOMMODATION

[clause 8.4]

This is to certify that the premises situated at

.....

..... are registered as accommodation and classified as—

□ a lodging house

□ a short term hostel

□ serviced apartments

□ a recreational campsite

□ holiday accommodation

□ chalet

□ bed and breakfast

□ 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 Waroona, continues to be the keeper of the accommodation;

2. that ……., appointed by the keeper to be the

manager of the lodging house, continues to be the manager of the accommodation;

3. that the Certificate of Registration of Accommodation 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 Accommodation is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Waroona Health Local Law 2021* and is not transferable.

Dated ……. 20……

Fee received— $.....

……

Signature

Authorised Officer

Shire of Waroona

SCHEDULE 3—NOTICE OF CHANGE OF OWNER OF ACCOMMODATION

[clause 8.6]

To— Chief Executive Officer Shire of Waroona

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

....
Signature of Applicant/s Date

SCHEDULE 4—REGISTER OF LODGERS

[clause 8.25]

Location of Accommodation—

.....

.....

Date of Arrival .....

Name .....

Previous Address.....

Signature .....

Room No. .....

Date of Departure .....

....

Signature of Keeper Date

SCHEDULE 5—LIST OF LODGERS

[clause 8.26]

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

.....

.....

.....

.....

.....

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

....

Signature of Keeper Date

SCHEDULE 6—CERTIFICATE OF SLEEPING ACCOMMODATION

[clause 8.27]

To.....

(Name of Keeper)

of.....

(Address of Keeper)

For the registered accommodation 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 OfficerDate

SCHEDULE 7—CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS

[clause 8.27]

To.....

(Name of Keeper)

of.....

(Address of Keeper)

for the registered lodging house situated at .....

.....

.....

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

ROOM NUMBER	**MAXIMUM OCCUPANCY**
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

....

Signature of Authorised Officer Date

SCHEDULE 8—APPLICATION FOR LICENCE OF A MORGUE

[clause 3.15(2)]

To— Chief Executive Officer Shire of Waroona

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 3.15(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 9.2(1)(b)]

To— Chief Executive Officer Shire of Waroona

I/We,.....

(Full Name of Applicant/s)

of.....

.....

(Residential Address of Applicant/s)

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

.....

(Description of Offensive Trade)

in or upon .....

(Location of 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 9.4(a)]

To— Chief Executive Officer
Shire of Waroona

I/We,.....
(Full Name of Applicant/s)
of.....
.....
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended .....
of.....
(Location of Premises)
being premises in or upon which there is (or is to be) carried on an offensive trade, namely
.....
.....
(Description of Offensive Trade)
under the business name of.....
.....

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

....
Signature of Applicant/s Date

SCHEDULE 12—CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

[clause 9.5]

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 .....

SCHEDULE 13—OFFENSIVE TRADES

[clause 9.1]

Offensive trades are any of the trades, businesses or occupations usually carried on, in or connected with the undermentioned works or establishments—

- Abattoirs or slaughter houses;
- Bone mills or bone manure depots;
- Bones, hides, hoofs or skins storing, drying, or preserving establishments;
- Cleaning establishments, dye works;
- Fat rendering establishments;
- Fellmongeries, tanneries;
- Fish-curing, fish processing (excluding retail fish shops) and fish canning establishments;
- Flock factories;
- Gut scraping, preparation of sausage skins;
- Knackeries;
- Laundromats, dry cleaning establishments;
- Livestock saleyards;
- Manure works;
- Piggeries;
- Poultry processing establishments;
- Poultry farming employing caged poultry housing;
- Rabbit farming employing caged rabbit housing;
- Shellfish and crustacean processing establishments (excluding retail fish shops);
- Tripe-boiling establishments; and
- Works for boiling down meat, bones, blood, or offal.

SCHEDULE 14—PRESCRIBED OFFENCES

[clause 10.1]

Item No.	Clause No.	Description	Modified Penalty $
1	3.3(1)	Failed to ensure that rainwater does not cause a nuisance	$200
2	4.2	Released or allowed the escape of liquid waste from land	$250
3	4.9(4)	Burnt cleared vegetation or other material from a building or development site	$250
4	4.11	Failed to provide or maintain a refuse receptacle on a building or development site	$500
5	4.12	Failed to control refuse on a building or development site	$500
6	4.13	Stored unauthorised materials	$500
7	4.16(a)	Stored, or allowed to remain on land, more than 1 vehicle, vessel or machinery in a state of disrepair	$200
8	4.16(b)	Stored, or allowed to remain on land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$200
9	4.16(c)	Stored, or allowed to remain on land, any vehicle parts, vessel parts or machinery parts (including tyres)	$200
10	4.16(d)(i)	Wrecked, dismantled or broke up any vehicle part or body, vessel or machinery not inside a building	$200
11	4.16(d)(ii)	Wrecked, dismantled or broke up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	$200
12	4.16(e)	Wrecked, dismantled or broke up a vehicle, vessel or machinery so as to cause a nuisance	$200
13	4.17	Disposed of disused refrigerator or similar container with door/lid that could be fastened	$250
14	5.2	Permitted the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	$200
15	5.5(1)	Commenced works involving clearing of land without an approved Dust Management Plan	$250
16	5.6(2)	Emitted light so as to create or cause a nuisance	$250
17	5.6(4)	Erected or used lighting installations other than in accordance with this local law	$250
18	5.12(1)	Parked a livestock vehicle in an urban area or town site in excess of 30 minutes	$200
19	5.12(4)	Started or drove a truck on residential land, or adjoining residential land, without consent of the local government	$100
20	5.13 (1)	Used a bird scaring device, or permitted a bird scaring device to be used, without the written approval of the local government	$500
21	5.13 (15)	Used or permitted to be used a bird scaring device except in accordance with 5.13 (11) and any additional terms and conditions imposed on an approval to use a bird scaring device in accordance with 5.13 (12)	$500
22	5.14(a)	Failed to keep premises free from matter likely to be offensive or injurious to health or attracts vermin or insects	$200
23	5.14(b)	Failed to keep premises clean and disinfected when directed by an Authorised Officer	$500
24	5.14(c)	Failed to keep premises free of flies, or when directed by an Authorised Officer, spray premises with means to kill or repel flies	$500
25	5.15(1)	Failed to keep enclosures effectively drained	$200
26	5.15(3)	Failed to keep property fenced in a manner capable of confining livestock	$200
27	5.15(4)	Permitted livestock to stray, or be at large in a street, public place or private property without consent	$200
28	5.19(1)	Kept an approved animal without approval	$200

Item No.	Clause No.	Description	Modified Penalty $
29	5.19(6)	Failed to maintain stable	$200
30	5.23(1)	Failed to comply with limitations on number of birds	$200
31	5.23(5)	Kept birds so as to create a nuisance	$200
32	5.24	Kept, or permitted to be kept, any poultry, not in accordance with conditions of this local law	$200
33	5.25(1)	Kept, or suffered to remain in a town site or lot of 2 hectares or less, a rooster, turkey, goose or geese, gamebird or peafowl	$200
34	5.28	Failed to prevent pigeons nesting or perching	$200
35	5.29(1)(a)	Fed a wild bird so as to create or cause a nuisance	$200
36	5.29(1)(b)	Fed a wild bird a food/substance that is not a natural food	$200
37	6.20(1)	Kept bees without approval	$200
38	6.20(4)	Failed to comply with a condition of approval to keep bees	$200
39	6.22(1)	Created a nuisance from keeping of bees or bee hives	$200
40	6.22(2)	Failed to comply with a notice to remove bees or bee hives for contravention of local law	$200
41	10.1(1)(b)	Failed to comply with notice	$500
42	All other offences not specified		$100

Dated the 27th of July 2021.

The Common Seal of the Shire of Waroona was affixed by the authority of a resolution of council in the presence of—

CR JOHN MICHAEL WALMSLEY, Shire President.
DEAN LEONARD UNSWORTH, Chief Executive Officer.