SUBMISSION AND COMMENTS ON SHIRE OF DENMARK HEALTH LOCAL LAW 2008

Submission	Comment	Officer Response
1. Name Withheld	At various stages the contents of the Health Local Law appears contrary to the State Legislation in relation to animal keeping for farming pursuits. The process to apply to keep animals that are not cows and sheep should not be a process that takes the Shire's planning department 300 hours to review. There should be a density and fencing threshold and it should be in line with State Legislation. The Local Law currently in place appears to have been constructed considering intensive purposes only, not taking into account free range or rotational grazing. From personal experience, proposing a rotational, free range pig operation to keep two sows and their young as a means to turn over crops in paddocks over an acre area each, was met with a response from the Shire requiring the following report before the planners would consider it: An overall farm management plan "prepared by someone with appropriate environmental expertise to inform the acceptable layout, site capability/ suitability for these uses and any ongoing operation and management arrangements, noting likely environmental constraints on this site and proximity of nearby sensitive land uses. This would likely be expected to address and show things like soil analysis, slope, groundwater clearance, separation to mapped waterways, floodplain, native vegetation and surrounding land uses to inform the layout/ type of uses, and any ongoing management protocols such as pest control, arrangements for disposal of	Feedback regarding process and timing has been forwarded to the Shire's Planning Team. WA Planning Commission guidelines are taken into consideration An application for a piggery would consider the relevant WAPC guidance as part of the assessment. However, one piggery proposal could be quite different from another in terms of its scale, intensity, site characteristics and potential impacts. As a result, the supporting information required, and potentially the assessment process itself, would need to be determined having regard to the circumstances of any particular proposal. It is agreed that the scale and nature of an operation should inform the level of supporting information required. The Shire would ordinarily discuss these requirements with an applicant during the pre-application stage where possible. There can be many variables

	animals and waste, spraying, fertilising regime, appropriate buffers etc (particularly for the annual vegetable crops and piggery)". This type of report would be something we would expect to be requested for an intensive piggery (conventional piggery with concrete infrastructure and waste pools), not one that would have less than 20 pigs on grass paddocks at any given time. This seems particularly unrealistic given the Shire suffers a feral pig problem, and the proposed rural property has removed more feral pigs than it is proposing to keep; It is absurd that the procedure to apply for an intensive piggery would be the same as a small scale rotational grazing operation that includes pigs. We suggest the Shire adopts the Western Australian Planning Commissions' fact sheet "Piggeries" that was prepared to assist planners implementing "State Planning Policy 2.5 – Rural Planning". We submit that the requirement for development approval to keep pigs should be linked to a capacity per acre, rather than a blanket rule. In the Health Local Law there is a table that refers to buffer distances for intensive piggeries, and has a line item linked to 'less than 50 pigs'. There should be consideration given to buffer distances for places that keep pigs (not in the form of an intensive piggery), and that should be discretionary, not require public consultation if under a certain number of animals, and not take longer than a few hours for the Shire to provide approval so long as it is in keeping with Department of Water and Environmental Regulation guidance. This should be reflected in amendments to the Local Law for poultry and any other animal than a cow or sheep.	between proposals, and it is difficult to prescribe exactly what would be required for a small-scale or low-intensity operation compared with a more intensive operation. The WAPC guidance on piggeries does not make that distinction either. The Shire's Local Planning Scheme lists piggeries as an 'SA' use which means that consultation must take place with adjoining neighbour at a minimum. or advertise it the proposal in the local newspaper.

HEALTH ACT 1911

SHIRE OF DENMARK
HEALTH LOCAL LAW 1998

AS AMENDED

[Published in the Western Australian Government Gazette, No. 247, 18 December 1998, 6761].

[Reviewed by Council on Tuesday 22 April 2008].

[Amended by the Shire of Denmark Cats Local Law 2022, as published in the Government Gazette 21 October 2022, No. 151, 4979].

[Amended by the Shire of Denmark Waste Local Law, as published in the Western Australian Government Gazette, No. 152, 10 December 2024, 2941].

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF DENMARK

HEALTH LOCAL LAW 2008

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8	Certificate of Licence of a Morgue
9	Application for Consent to Establish an Offensive Trade
10	Application for Registration of Premises for Offensive Trade
11	Certificate of Registration of Premises for Offensive Trade
12	*Deleted*
13	*Deleted*

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF DENMARK
HEALTH LOCAL LAW 1998

Pursuant to the power under the Health Act 1911, the local government of the Shire of Denmark makes the following Local-laws.

PART 1—PRELIMINARY

1.1 These Local-laws may be cited as *"The Shire of Denmark Health Local-Laws 1998*, as amended."

Repeal

1.2 (1) The Health Local Laws adopted by the Shire of Denmark and published in the *Government Gazette* on 22nd August 1930, and amended from time to time, are repealed.

(2) The Health Local Laws adopted by the Shire of Denmark on 20th October 1956 and published in the *Government Gazette* on 27th January 1957, and amended from time to time, are repealed; and

(3) The Health Local Laws adopted by the Shire of Denmark on 20th February 1964 and published in the G*overnment Gazette* on 29th April 1964, and amended from time to time, are repealed.

Interpretation

1.3 (1) In these Local-Laws, unless the context otherwise requires—

"Act" means *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;

"adequate supply of water" means a flow of water of not less than 0.076 litres per second;

"approved" means approved by the local government of the Shire of Denmark;

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

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

"Chief Executive Officer" means the Chief Executive Officer of the Shire of Denmark and includes the Acting Chief Executive Officer;

"district" means the district of the Shire of Denmark and includes any area placed under the jurisdiction of the local government pursuant to Section 22 of the Act;

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

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act and includes an Acting or Assistant Environmental Health Officer;

"habitable room" means a room used for normal domestic activities; and

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

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

"local government" means the Shire of Denmark;

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

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

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

"sanitary convenience" includes urinals, water closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

"sewage" means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

"street" includes any highway, any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"toilet" means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Australian Drinking Water Guidelines—1996 as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local-Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

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

PART 2—SANITATION

Division 1—Sanitary Conveniences

Interpretation

2.1.1 In this Part, unless the context otherwise requires—

"festival" includes a fair, function or event;

"organiser" means a person—

(a) to whom approval has been granted by the local government to conduct the festival; or

(b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by—

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

"urinal" may be—

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

(ii) each 600mm length of a continuous urinal trough; or

(iii) a closet pan used in place of a urinal.

Dwelling House

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

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

Premises other that a Dwelling House

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

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

(b) the toilets required by this section are situated within 90m and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins—

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each hand wash basin is provided with—

(i) an adequate supply of soap or other hand cleaning substances; and

(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

Outdoor Festivals

2.1.4 (1) The organiser of an outdoor festival at which not more than 20,000 people

are expected to attend shall provide sanitary conveniences in accordance with the following scale—

(a) for the first 250 males—
  (i) one water closet for each 150;
  (ii) one urinal stall for each 50; and
  (iii) one hand wash basin for each 50;
(b) for additional males—
  (i) one water closet for each 200;
  (ii) one urinal stall for each 100; and
  (iii) one hand wash basin for each 200;
(c) for the first 250 females—
  (i) one water closet for each 40; and
  (ii) one wash hand basin for each 50;
(d) for additional females—
  (i) one water closet for each 100; and
  (ii) one wash hand basin for each 200.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

Toilets

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

Temporary Works

2.1.6 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*.

Maintenance of Sanitary Conveniences and Fittings

2.1.7 (1) The occupier of premises shall—

(a) keep clean, in good condition and repair; and
(b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall—

(a) keep or cause to be kept in good repair; and
(b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

Ventilation of Toilets

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

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

Public Sanitary Conveniences

2.1.9 (1) A person shall not—

(a) foul

(b) damage or vandalise; or

(c) write on or otherwise deface,

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

Lighting

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

Installation

2.1.11 Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Supply Sewage and Drainage Act 1909* and shall have an adequate supply of water.

Division 2—Bathroom, Laundries and Kitchens

Bathrooms

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

(a) is adequately lined with an impervious material and has an adequate ceiling;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and

(c) is equipped with—

(i) a wash hand basin; and

(ii) either a shower in a shower recess or a bath.

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

Laundries

2.2.2 (1) A laundry must conform to the provisions of the Building Code.

(2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -

(a) not be more than 1220 millimetres wide; and

(b) have a door which when closed shall completely fill the opening.

Washing or Keeping of Clothes in Kitchens

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

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

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

Kitchens

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

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

(a) a cooking facility; and

(b) a sink which shall—

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millilitres deep; and

(ii) have an adequate supply of hot and cold water.

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

(4) A cooking facility shall—

(a) be installed in accordance with the requirements of the "Manufacturers' Specifications"; and

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

(5) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be -

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

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

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

Dwelling House Maintenance

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

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps which are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even and level in surface and free from cracks and gaps;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof

condition;

(k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

Guttering and Downpipes

3.1.2 Unless approved by the local government the owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—

(a) the house is provided with adequate guttering, downpipes and drains sufficient to receive normal intensities of rainwater flowing into them and for the rain water to be effectively disposed of to the satisfaction of an Environmental Health Officer;

(b) the guttering and downpipes are fixed to the eaves of the house so that all normal intensities of rain water flowing from the roof shall be received by such guttering and downpipes;

(c) all downpipes from guttering are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water system or rainwater tanks;

(d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block; and

(e) any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.8 metres of any house.

Maintenance of Guttering and Downpipes and Disposal of Rainwater

3.1.3 The owner or occupier of a house shall—

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstructions; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2—Ventilation of Houses

Exemption for Short Term Hostels and Recreational Campsites

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

Overcrowding

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

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless—

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic

metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

Calculated Sufficient Space

3.2.3 For the purpose of Section 3.2.2, in calculating the space required for each person—

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

Ventilation

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

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

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS1668.2.

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

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—

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

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

(5) the owner shall comply with a notice under subsection (4).

Sub-Floor Ventilation

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

Division 3—Water Supply

Water Supply

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

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

(3) The water supply to toilets, or for garden use may be from an alternative source, not necessarily drinking water.

Rain Water Tanks

3.3.2 The owner or occupier of a house where part of the water supply is drawn from a

rain water tank shall—

(a) maintain in a clean condition—
  (i) the roof forming the catchment for the tank; and
  (ii) the guttering and downpipes appurtenant to the roof;
(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
(c) annually clean any tank which is used to store water for human consumption;
(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

Wells

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

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

Pollution

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

Division 4—Secondhand Furniture, Bedding and Clothing

Prohibition of Sale

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

Prohibition of Possession

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

Division 5—Morgues

Application and Licensing of Morgues

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

(2) An application for a licence of a morgue shall be—

(a) made by the applicant;
(b) made in the form prescribed in schedule (7); and
(c) forwarded to the Chief Executive Officer with the fee as fixed from time to time by the local government under Section 344c of the Act.

(3) Deleted

(4) A licence shall—

(a) be in the form prescribed in Schedule (8); and

(b) expire on 30 June next and after the date of its issue.

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

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of an approved impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

Interpretation

4.1.1 In this division, unless the context otherwise requires—

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

"liquid waste" means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, 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; and

"approved carrier" means a carrier approved by the local government.

Deposit of Liquid Refuse

4.1.2 A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

Disposal of Liquid Waste

4.1.3 (1) The owner or occupier of premises shall—

(a) provide, one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and

(b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one of the following methods—

(a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;

(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government;

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

Approval for Septic Tank Pumpouts and Removal of Liquid Waste

4.1.4 A person shall not—

(a) unless he or she is an approved carrier;

(b) without the written approval of the local government; and

(c) except in accordance with any terms and conditions imposed by the local government or the Executive Director, Public Health in connection with the approval under paragraph (b),

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

Application for Approval

4.1.5 (1) A carrier may apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

(2) the local government may grant or refuse an application under this section subject to conditions relating to—

(a) the time and method of collection, removal or disposal of the contents; or

(b) the route to be followed by a vehicle used in collection, removal or disposal of the contents; or

(c) the type of liquid waste that can be collected.

(3) Any conditions imposed by the local government under this section shall be—

(a) specified in the written approval of the local government; and

(b) in addition to any conditions imposed by the Executive Director of Public Health or conditions applying under any other law.

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

Provision of Quarterly Reports

4.1.6 The approved carrier may be required to provide Quarterly Reports to the local government containing accurate details of—

(a) the date of servicing the liquid waste system;

(b) the address or location of the involved property; and

(c) the type of system serviced.

Division 2—Disposal of Refuse

Interpretation

4.2.1 In this division, unless the context otherwise requires—

"receptacle" means a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of 120 litres or 240 litres, or other type of receptacle specified or approved by the local government; and

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

[Clause 4.2.1 amended by the Shire of Denmark Waste Local Law 2024]

[Clause 4.2.2 – 4.2.6 deleted by the Shire of Denmark Waste Local Law 2024]

Use of Other Containers

4.2.6 (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or a food premises, the local government may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this Section to deposit rubbish or refuse in a container shall—

(a) unless approved by the local government not deposit or permit to be deposited in the container anything specified in Section 4.2.4 (a) (ii) to (xiii);
(b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;
(c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the local government;
(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
(f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall—

(a) ensure that there are a sufficient number of containers provided to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
(b) ensure that each container on the premises—
  (i) has a close fitting lid;
  (ii) is constructed of non-absorbent and non-corrosive material; and
  (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
(d) place any rubbish or refuse in, and only in, a container marked for that purpose;
(e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
(f) ensure that each container is emptied at least weekly or as directed by the local government.

Suitable Enclosure

4.2.7 (1) An owner or occupier of premises—

(a) consisting of more than three (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 Section shall keep the enclosure thoroughly clean and disinfected.

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

(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the 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, non-slip 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.

[Clause 4.2.8 – 4.2.9 deleted by the Shire of Denmark Waste Local Law 2024]

Burning Rubbish or Refuse

4.2.10 (1) A person shall not—
(a) without the approval of the local government; and
(b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either—
  (i) in any incinerator; or
  (ii) on the ground.

(2) Subject to subsection (3), an approval of the local government is issued subject to the following conditions—
(a) the material to be burnt—
  (i) does not include any plastic, rubber, food scraps, green garden cuttings 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's refuse collection service;
(b) there is no other appropriate means of disposal;
(c) burning shall not take place—
  (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
  (ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;
(d) an incinerator must meet the standards specified by the local government; and
(e) an incinerator unit used for fire must be located—
  (i) at least 2 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 the local fire rules the local government may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation.

[Clause 4.2.11 deleted by the Shire of Denmark Waste Local Law 2024]

Method of Removal of Rubbish

4.2.12 A person engaged in the removal of rubbish from premises shall—
(a) convey all rubbish from the receptacles of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold the

rubbish; and

(b) replace the receptacle in the position it was lifted from.

[Clause 4.2.13 deleted by the Shire of Denmark Waste Local Law 2024]

Division 3—Transport of Butchers' Waste

Interpretation

4.3.1 In this Division, unless the context otherwise requires—

"butchers' waste" includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

Restriction of Vehicles

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

(a) a vehicle or container not approved by the local government; or

(b) a vehicle used for the transport of food or drugs; or

(c) anything intended to be used for the packing or handling of food or drugs.

Transport of Butchers' Waste

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

(a) a compartment complying with the following specifications—

(i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;

(ii) all joints to be sealed and made water-tight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious material approved by the local government, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a sealed container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are—

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to—

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

Interpretation

5.1.1 In this Division, unless the context otherwise requires—

"fertiliser" includes manure.

Footpaths etc. to be kept clean

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

Escape of Smoke etc.

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

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

Public Vehicles to be kept clean

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

(a) maintain the vehicle at all times—

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

Prohibition against Spitting

5.1.5 A person shall not spit—

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

Transportation, Use and Storage of Offal, Blood or other Offensive Matter

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

(2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.

(3) Every person using any sealed containers or vehicle for the removal of offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

Use or Storage of Fertiliser

5.1.7 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.

Storage and Dispatch of Artificial Fertiliser

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

(a) keep all artificial fertiliser in a building—
  (i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
  (ii) that protects it from the absorption of moisture; and
  (iii) that is adequately ventilated;
(b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
(c) ensure that all artificial fertiliser despatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

Storage of Fertiliser in a House

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

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

Vehicles Used for Transporting of Animals and Birds

5.1.10 No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

Division 2—Keeping of Animals and Birds

Interpretation

5.2.1 In this division, unless the context otherwise requires—

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

"bird" includes galahs, parrots, budgerigars, finches, pigeons and doves or the like.

Cleanliness

5.2.2 An owner or occupier of premises, excluding an extensive farming premises, in or on which an animal or bird is kept shall—

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

Animal Enclosures

5.2.3 (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.

(2) The owner or occupier of premises, where animals or birds are kept shall, when directed by the local government, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

[Clause 5.2.4 deleted by the Cats Local Law 22]

Slaughter of Animals

5.2.5 (1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to—

(a) euthanasia of animals by veterinarians or other duly authorised persons;

(b) slaughter of animals for the purposes of pet meat and game meat operations—

(c) slaughter of animals for human consumption in abattoirs approved by the local government; and

(d) farming or grazing property occupiers preparing meat for their own consumption.

Disposal of Dead Animals

5.2.6 (1) 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.

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

(3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3—Keeping of Large Animals

Interpretation

5.3.1 In this Division, unless the context otherwise requires—

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

"cow" includes an ox, calf, or bull;

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

"large animal" includes a pig, sheep, goat, deer or camel.

Conditions for keeping of an animal

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

(2) An owner or occupier of premises who has an approved animal shall ensure—

(a) the premises has an area of not less than 0.2 hectares for the exclusive use of the approved animal; and

(b) the approved animal does not approach within 30 metres of a dwelling.

Stables

5.3.3 (1) The owner or occupier of premises within a townsite, who has an approved animal may provide for its use a stable which shall—

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

(b) have a proper separate stall—

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

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

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

(e) subject to subsection (2), have a floor, the surface of which shall—

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

(ii) be constructed of cement, concrete or other similar impervious materials;

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government.

(2) A stable constructed with a sand floor may be permitted by the local government, subject to the following -

(i) the site must be well drained with the highest known water table at least 1.5 metres below the sand

(ii) floor level, which may be achieved artificially;

(iii) a 300mm thick bed of crushed limestone shall be laid under the sand of the stable;

(iv) sand whether natural or imported, must be clean, coarse and free from dust;

(v) the stable design must allow for the access of small earth moving machinery such as a skid steer loader,

(vi) into each stall, to maintain the correct floor height;

(vii) the minimum floor area of each stall shall be not less than 28 square metres and walls shall be not

(viii) less than 3 metres vertically or 4 metres horizontally;

(ix) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.

(3) The owner or occupier of any premises on which a stable is located shall—

(a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by an Environmental Health Officer, spray the stable or such parts as maybe directed, with a residual insecticide.

Manure Receptacle

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

(a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;

(b) keep the lid of the receptacle closed except when manure is being deposited or

removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

(d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4—Keeping of Poultry and Pigeons

Interpretation

5.4.1 In this Division, unless the context otherwise requires—

"poultry" includes bantams, ducks and other domestic fowls;

Limitation on Numbers of Poultry and Pigeons

5.4.2 An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of the local government, on any one lot of land.

Conditions for Keeping Poultry in Limited Numbers

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

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

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

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

(d) 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, the local government has approved a lesser distance; and

(e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

Roosters, Geese, Turkeys, Peafowl's and Gamebirds

5.4.4 (1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl—

(a) a rooster;

(b) a goose or gander;

(c) a turkey;

(d) a peacock or peahen;

(e) a gamebird (includes emus and ostriches)

(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1).

(3) A person who has been granted approval under this Section to keep a bird may

keep the bird on the premises only while he is the occupier thereof.

(4) The local government may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

Pigeons or Doves

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

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

(b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that—

(i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and

(ii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

Removal of Non-Conforming Structure or Enclosure

5.4.6 (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provisions of Sections 5.4.3 and 5.4.5, the local government may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the local government made under this Section.

Restrictions on Pigeon Nesting or Perching

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

(2) An owner or occupier shall comply with a local government order made under this Section.

Division 5—Feedlots

Interpretation

5.5.1 For the purpose of this division—

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

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

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

Premises to be approved

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

(2) Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

Table 1. Required Buffer Distances for Feedlots

Buffer	Distances
Townsite boundaries	5 000m
Isolated rural dwellings, dairies & industries	1 000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

Site Conditions

5.5.3 (1) The owner or occupier of the approved feedlot shall ensure the premises—

(a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
(b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;
(c) has a minimum groundwater clearance of 3 metres;
(d) drainage diverts all uncontaminated stormwater from the general waste stream;
(e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve—

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

Division 6—Piggeries

Interpretation

5.6.1 For the purpose of this division—

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

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

Premises to be Approved

5.6.2(1) No premises shall be used as a piggery unless approved by the local government;

(2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2. Required Buffer Distances for Piggeries

Buffer	Distances
Townsite boundaries	5 000m
Isolated rural dwellings, dairies & industries	1 000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

Site Conditions

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

(a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or

(b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or

(c) provision of adequate windbreaks to effectively prevent the discharge of dust.

Prevention of Nuisances

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

Table 3. Required Buffer Distances for Intensive Piggeries

	Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water-courses/rural water impoundments	Bores/wells/ soaks Drinking water supply	Stock irrigation supply
Piggeries & facilities catering for more than								
5000 pigs	5 000m	300m	200m	50m	not permitted	300m	300m	100m
500 - 5000 pigs	3 500m	300m	150m	50m	not permitted	300m	300m	100m
50 - 500 pigs	2 000m	300m	100m	50m	not permitted	300m	300m	100m
less than 50 pigs	500m	300m	50m	30m	not permitted	200m	300m	100m
Land used to dispose of raw or partly treated wastes								
	1000m	300m	100m	50m	not permitted	300m	300m	300m
Land used to dispose of effecively treated wastes								
	200m	50m	20m	20m	not permitted	100m	100m	100m

Division 7—Car Parks

Interpretation

5.7.1 In this Division, unless the context otherwise requires—

"car parks" means premises, or part of premises, set aside for parking of 3 or more vehicles; and

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

Ventilation

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

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

(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 subsection (2).

Exhaust Air Discharge Points and Exhaust Registers

5.7.3 An owner or occupier shall ensure that—

(a) all exhaust air that is discharged from a car park shall be discharged—

(i) at discharge points—

(a) in accordance with AS1668.2 Part 2 1991; and

(b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

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

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

(d) any mechanical ventilation system is—

(i) maintained in good working condition; and

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

PART 6—PEST CONTROL

Division 1—Flies

Interpretation

6.1.1 In this Division, unless the context otherwise requires—

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

Fly breeding matter not to be left on Premises unless Covered or Treated

6.1.2 An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

Measures to be taken by an Occupier

6.1.3 An owner or occupier of premises shall ensure that—

(a) rubbish receptacles are kept clean and tightly sealed at all times except when

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

Officer may give Notice directing Measures to be Taken

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

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

Local government may Execute Work and Recover Costs

6.1.5 (1) Where—

(a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,

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

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

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this Section.

Division 2—Mosquitoes

Interpretation

6.2.1 In this Division, unless the context otherwise requires—

"mosquitoes" means any of the two-winged insects constituting the family Diptera Culicidae commonly know as mosquitoes.

Measures to be taken to prevent mosquitoes breeding

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

(a) follow any direction of an Environmental Health Officer for the purpose of—
(i) controlling the prevalence of mosquitoes;
(ii) eradication; or
(iii) effectively preventing the breeding of mosquitoes.

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

(2) An owner or 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.

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

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

Local government may Execute Work and Recover Costs

6.2.3 (1) Where—

(a) a person is required under this division or directed by a notice given under Section 6.2.2. 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 subsection (1) may be recovered in a court of competent jurisdiction from that person.

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government.

Division 3—Rodents

Interpretation

6.3.1 In this Division, unless the context otherwise requires—

"rodents" means those animals belonging to the order Rodentia and includes rats, mice and rabbits but does not

include animals kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

Measures to be taken to eradicate Rodents

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

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

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

Food and Wastes to be kept in rodent proof Receptacles

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

(a) any food, refuse or other waste matter which might attract rodents to the

premises or which might afford harbourage for rodents; or

(b) any food intended for birds or other animals,

unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restrictions on the Keeping of Rodents

6.3.4 A person or body which keeps rodents shall—

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

(b) if a rodent escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

Food Premises etc. to be cleaned after Use

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

Division 4—Cockroaches

Interpretation

6.4.1 In this Division, unless the context otherwise requires—

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

Measures to be taken to eradicate Cockroaches

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

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

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

Division 5—Argentine Ants

Interpretation

6.5.1 In this Division, unless the context otherwise requires—

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

Measures to be taken to keep premises free from Argentine Ants

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

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

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

(c) whenever required by an Environmental Health Officer—

(i) treat any area or infestation with an insecticide referred to in paragraph (b); and

(ii) removed any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

Division 6—European Wasps

Interpretation

6.6.1 In this Division, unless the context otherwise requires—

"European Wasp" means a wasp *Vespula germanica*.

Measures to be taken to keep premises free from European Wasp Nests

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

(a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7—Bee keeping

Interpretation

6.7.1 In this Division, unless the context otherwise requires—

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

Restrictions on keeping of Bees in Hives

6.7.2 (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 the local government.

(2) If, in the opinion of an Environmental Health Officer, the approved bee hives are causing a nuisance, the local government may direct any bees or approved bee hives to be removed.

(3) A person shall comply with a direction within the time specified.

Division 8—Arthropod Vectors of Disease

Interpretation

6.8.1 In this Division, unless the context otherwise requires—

"Arthropod vectors of disease" includes—

(a) fleas *(Siphonaptera);*

(b) bedbugs *(Cimex lectularius);*

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

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

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

Responsibility of the Owner or Occupier

6.8.2 The owner or occupier of premises shall—

(a) keep the premises and any person residing in or on the premises, free from any

arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

Requirements for an owner or occupier to clean, disinfect and disinfest.

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

(a) the premises; or

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

or both, to the satisfaction of an Environmental Health Officer.

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

Environmental Health Officer may disinfect or disinfest premises

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

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

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

(4) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff or employees under this Section.

Insanitary houses, premises and things

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

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

(3) Where an Environmental Health Officer considers that—

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

(b) any thing is insanitary,

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

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

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

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

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply

with the terms of the notice.

Medical Officer may Examine Persons

7.1.4 The Medical Officer may enter any house and examine bacteriologically or otherwise any inmate of the house, or any person found thereon at the time, for the purpose of ascertaining whether the inmate or person is suffering from an infectious disease or is a medium for the transmission of an infectious disease, and the person shall submit to an examination and shall permit the medical officer to remove whatever specimens are considered necessary for proper examination.

Medical Officer may authorise disinfecting

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

(2) A person shall comply with any direction of the Medical Officer under this Section.

Persons in contact with an infectious disease sufferer

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

(a) shall obey such instructions or directions as the local government or the Medical Officer may issue;

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

Declaration of infected house or premises

7.1.7 (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 Environmental Health Officer.

Destruction of infected animals

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

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

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

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

Disposal of a body

7.1.9 (1) An occupier of premises in or on which is located the body of a person who has died of any infectious disease shall, subject to subsection (2), cause the body to be

buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
(2) A body shall not be removed from premises where death occurred except to a morgue.

Local government may carry out work and recover costs
7.1.10 (1) Where—
(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
(b) that person fails or neglects to comply with the requirement,
that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
(2) The costs and expenses incurred by the local government in the execution of a power under this Section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).
(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1)(a) in relation to any action taken by the local government under this Section.

Division 2—Disposal of used Condoms and Needles

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

Disposal of used needles
7.2.2 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

Interpretation
8.1.1 (1) In this Part, unless the context otherwise requires—
"bed" means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;
"bunk" means a sleeping berth comprising one of two arranged vertically;
"dormitory" means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;
"keeper" means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

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

"lodging house" includes a recreational campsite, a serviced apartment and a short term hostel.

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

"recreational campsite" means a lodging-house—

(a) situated on a campsite principally used for—

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

(ii) conferences or conventions.

and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days;

and includes youth camps, youth education camps, church camps and riding schools;

"register of lodgers" means the register kept in accordance with Section 157 of the Act and this Part;

"resident" means a person, other than a lodger, who resides in a lodging house;

"serviced apartment" means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

"short term hostel" means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; 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, body lice and head lice.

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

Lodging House Not to be Kept Unless Registered

8.1.2 A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

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

(b) the lodging house is registered by the local government under Section 8.1.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either—

(i) the keeper; or

(ii) a manager who, with the written approval of an Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house; shall not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house.

Application for Registration

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

(a) in the form prescribed in Schedule (1);

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by—

(i) the fee as fixed from time to time by the local government under Section 344C of the Act; and

(ii) detailed plans and specification of the lodging house.

Approval of Application

8.1.4 The local government may approve, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate in the form prescribed in Schedule (2).

Renewal of Registration

8.1.5 A person who keeps a lodging house which is registered under this Part shall—

(a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by the local government under Section 344C of the Act at the time of making each application for renewal.

Notification upon Sale or Transfer

8.1.6 If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government written notice in the form prescribed in Schedule (3) of the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

Revocation of Registration

8.1.7 (1) Subject to subsection (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of subsection (1), the local government may revoke a registration upon any one or more of the following grounds—

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has—

(i) been convicted of an offence against these local laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered;

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time

specified in the notice, to show cause why the registration should not be revoked.
(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and Use Requirements

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

Kitchen
8.2.2 A keeper of a lodging house shall provide in that lodging house a kitchen which—
(a) has adequate—
(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
(ii) refrigerator space for storage of perishable goods;
(b) may be required by the local government to comply with the requirements of the *Health (Food Hygiene) Regulations 1993.*

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

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

Sanitary Conveniences
8.2.5 (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—
(a) toilets; and

(b) bathrooms, each fitted with a wash basin and a shower or a bath;

in accordance with the requirements of the Building Code.

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

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

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

(5) Each toilet and bathroom shall—

(a) be situated, separated and screened as to ensure privacy;

(b) be apportioned to each sex;

(c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(d) be provided with adequate electric lighting.

(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

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Laundry

8.2.6 (1) A keeper shall—

(a) subject to subsection (2)—

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry 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 is properly surfaced with an even fall to a floor waste.

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

(3) In this section—

"laundry unit" means a group of facilities consisting of—

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that—

(d) is capable of delivering 136 litres of water per hour at a temperature of at least 75^0C for each washing machine provided with the communal facilities; and

(e) has a delivery rate of not less than 18 litres per minute to each washing machine.

Fire Prevention and Control

8.2.7 (1) A keeper shall—

(a) in each passage of the lodging house provide an emergency light—

(i) in such a position and of such a pattern, as shall be approved by an Environmental Health Officer; and
(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;

(c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times;

(d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Fire and Emergency Services Authority of Western Australia and approved by the local government where a reference to being fitted with fire protection equipment in accordance with the Building Code of Australia.

(3) **"Building Code of Australia"** 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.

"fire authority" means the Fire and Emergency Services of Authority of Western Australia, Fire and Emergency Services of WA, or the Western Australian Fire Brigades Board;

Obstruction of Passages and Stairways

8.2.8 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.

Fitting of Locks

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

Restriction on use of Rooms for Sleeping

8.2.10 (1) Subject to subsection (3) and Section 8.3.10, 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, lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite,

contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Environmental Health Officer.

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

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

Sleeping Accommodation, Short Term Hostels and Recreational Campsites

8.2.11 (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than-

(a) 4 square metres per person in each dormitory utilising beds;

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

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

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

(4) The minimum floor area requirements in subsection (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide -

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide -

(a) beds with a minimum size of -

(i) in short term hostels - 800 millimetres x 1.9 metres; and
(ii) in recreational campsites - 750 millimetres x 1.85 metres.

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall -

(a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;

(b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite shall ensure that—

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows -

Drapes, curtains, blinds and bed covers — a maximum Flammability Index of 6;

Upholstery & bedding	—a maximum Spread of Flame Index of 6;
	—a maximum Smoke Developed Index of 5;
Floor coverings	—a maximum Spread of Flame Index of 7;
	—a maximum Smoke Developed Index of 5;

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

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and

(ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(c) emergency lighting is provided in accordance with the Building Code;

(d) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;

(e) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

Furnishing etc. of Sleeping Apartments

8.2.12 (1) The keeper shall—

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

(b) ensure that each bed—

(i) has a bed head, mattress and pillow; and

(ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and

(c) furnish each bedroom so that there are adequate storage facilities for

belongings within the room.

(2) The keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

(3) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

(4) In a short term hostel or recreational campsite, the storage facilities required by subsection (1) (c) may be located in a separate secure storage room or locker room.

Ventilation

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

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

Numbers to be Placed on Doors

8.2.14 (1) A keeper shall, place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be—

(a) not less than 40 millimetres in height;
(b) 1.5 metres from the floor; and
(c) permanently fixed either by being painted on the doors or by other legible means.

Division 3—Management and Care

Keeper or Manager to Reside in the Lodging House

8.3.1 Whenever there is 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.

Register of Lodgers

8.3.2 (1) A keeper shall keep a register of lodgers in the form prescribed in Schedule

(4).
(2) The Register of lodgers shall be—
(a) kept in the lodging house; and
(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

Keeper Report
8.3.3 A keeper shall, whenever required by the local government, report to the local government in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night.

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

Duplicate Keys and Inspection
8.3.5 Each keeper and manager of a lodging house shall—
(a) retain possession of a duplicate key to the door of each room; and
(b) when required by an Environmental Health Officer, open the door of any room for the purpose of inspection by the Officer.

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

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

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall—

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean and sanitary 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 and sanitary condition.

Cleaning and Maintenance Requirements

8.3.8 (1) In this Section—

"bed linen" includes sheets, pillow cases, mattress protectors and mattress covers.

(2) A keeper of a lodging house shall—

(a) maintain in a clean, sound and undamaged condition—

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order—

(i) all fixtures and fittings; and

(ii) windows, doors and furniture;

(c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;

(e) ensure that—

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedheads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room which is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by an Environmental Health Officer, ensure that—

(i) a room, together with it contents, and any other part of the lodging house, is cleaned and disinfected; and

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

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

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

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

Responsibilities of Lodgers and Residents

8.3.9 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, obnoxious or offensive;
(c) use a bath or wash hand basin other than for ablutionary purposes;
(d) use a bathroom facility or fixture for laundry purposes;
(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
(f) deposit rubbish or waste food other than into a proper rubbish receptacle;
(g) in a kitchen or other place where food is kept—
  (i) wash or permit the washing of clothing or bedding; or
  (ii) keep or permit to be kept any soiled clothing or bedding;
(h) subject to Section 8.3.10—
  (i) keep, store, prepare or cook food in any sleeping apartment; or
  (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
(j) store or keep items other than personal effects—
  (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.

Approval for storage of food

8.3.10 (1) An Environmental Health Officer may—

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

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

PART 9—OFFENSIVE TRADES

Division 1—General

Interpretation

9.1.1 In this Part, unless the context otherwise requires—

"occupier" in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;

"offensive trade" means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments—

(a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;

(b) laundries, dry cleaning premises and dye works; and

(c) any trade as defined by Section 186 of the Act.

"premises" includes houses.

Consent to Establish an Offensive Trade

9.1.2 A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule (9) and in accordance with the local government's Town Planning Scheme.

False Statement

9.1.3 A person who makes a false statement in an application under Section 9.1.2 shall be guilty of an offence.

Registration of Premises

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

(a) in the form prescribed in Schedule (10);

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976* as amended from time to time; and

(c) lodged with the Chief Executive Officer.

Certificate of Registration

9.1.5 Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form prescribed in Schedule (11).

Change of Occupier

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

Alterations to Premises

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

Occupier Includes Employee

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

Division 2—General Duties of an Occupier

Interpretation

9.2.1 In this Division, unless the context otherwise requires—

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

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

Cleanliness

9.2.2 The occupier shall—

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

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

Rats and Other Vectors of Disease

9.2.3 The occupier shall—

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

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

Sanitary Conveniences and Wash Basins

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

Painting of Walls etc.

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

Effluvia, Vapours, Gases or Dust

9.2.6 The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any

process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

Offensive Material

9.2.7 The occupier shall—

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

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

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

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by an Environmental Health Officer; and

(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Storage of Materials

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

Specified Offensive Trade

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

(a) fish processing premises, fish curing premises, and shellfish and crustacean processing establishments; and

(b) laundries, dry cleaning premises and dye works.

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

(a) cause the floor of the premises to—

(i) be properly paved and drained with impervious material;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and

(c) cause all liquid refuse to be—

(i) cooled to a temperature not exceeding 26 degrees Celsius and be in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

Directions

9.2.10 (1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this Section.

Other Duties of Occupier

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

Division 3—Fish Premises

Interpretation

9.3.1 In this Division, unless the context otherwise requires—

"fish premises" may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment;

Duties of an Occupier

9.3.2 The occupier of a Fish premises shall—

(a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;

(b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and

(c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

Disposal of Waste

9.3.3 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 9.2.7 and disposed of in accordance with that Section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

Fish Containers

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

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, Dry Cleaning Establishments and Dye Works

Interpretation

9.4.1 In this Division, unless the context otherwise requires—

"dry cleaning establishment"—

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

"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 there from, into a public sewer;

"exempt laundromat" means a premises in which—

(a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons;

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

"laundry" means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

Receiving Depot

9.4.2 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 local government who may at any time by written notice withdraw such permission.

Reception Room

9.4.3 (1) The occupier of a laundry or 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 Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

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

Walls and Floors

9.4.4 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 with a smooth impervious surface;

(b) the floor to be constructed of concrete and finished with a smooth impervious surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

Laundry Floor

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

Escape of Dust

9.4.6 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.

Precautions Against Combustion

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

Trolleys

9.4.8 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.

Sleeping on Premises

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

PART 10—OFFENCES AND PENALTIES

Division 1—General

Penalties

10.1.1 (1) A person who contravenes a provision of these Local-Laws commits an offence.

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

(a) a penalty which is not more than $1,000 and not less than—

(i) in the case of a first such offence, $100;

(ii) in the case of a second such offence, $200; and

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

(b) if the offence is a continuing offence, a daily penalty which is not more than $100 and not less than $50 for each day during which the offence continues.

Schedule 1

Shire of Denmark

HEALTH ACT 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
Shire of Denmark

I/We, ...
(Full name of Applicant/s)
of .....
.....
(Residential Address of Applicant/s)
apply for the registration of premises situated (or to be situated) at .....
.....
.....
as a lodging house to be classified as—

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

(Specify which is to apply)
and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use

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

Rooms for lodgers

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

Sanitary Conveniences for male lodgers

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

Sanitary Conveniences for female lodgers

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

Laundry Facilities

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

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises.

(c) Name and occupation of proposed manager if keeper resides elsewhere—

(d) There will be ..... family members residing on the premises with the keeper/manager.

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

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

.....
(Date)

Schedule 2

Shire of Denmark

HEALTH ACT 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at ..... are registered as a Lodging House and classified as—

* a lodging house;
* a short term hostel;
* a recreational campsite; or
* serviced apartments.

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

1. That ....., whose name is entered on the register of keepers of the Shire of Denmark, continues to be the keeper of the lodging house;
2. That ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. That the Certificate of Registration is not cancelled or revoked;
4. That the maximum number of rooms to be used as sleeping apartments for lodgers
   is .....; and
5. That the maximum number of lodgers accommodated on the premises shall not exceed ..... .

This certificate of registration is issued subject to the Health Act and the Shire of Denmark Health Local Laws and is not transferable.

Dated .....

.....

Environmental Health Officer.

Fee Received: $ .....

Schedule 3

Shire of Denmark

HEALTH ACT 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
Shire of Denmark

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 house business.

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

.....
(Date)

Schedule 4

Shire of Denmark

HEALTH ACT 1911

REGISTER OF LODGERS

Location of Lodging House .....

.....

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

Schedule 5
Shire of Denmark
HEALTH ACT 1911

LIST OF LODGERS

TO: The Chief Executive Officer
Shire of Denmark

The following is the name of every person who resided in the lodging house at .....
.....
on the ..... day of ..... 20 .....

(Signed) .....
(Keeper)

Date: .....

Schedule 6

Shire of Denmark

HEALTH ACT 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

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

.....

.....

.....

.....

.....

.....

Date: .....

.....

Environmental Health Officer.

Schedule 7

Shire of Denmark

HEALTH ACT 1911

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer
Shire of Denmark

I .....
(Full name in block letters)
of .....
(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 8

Shire of Denmark

HEALTH ACT 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the ..... day of ..... until 30th Day of June .....

Address of premises: .....

.....

Name of Premises:.....

.....

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

.....

Environmental Health Officer.

Schedule 9

Shire of Denmark

HEALTH ACT 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Denmark

I/We, ...
(Full Name of Applicant/s)
of .....
(Residential Address of Applicant/s)
apply for consent to establish an offensive trade being
.....
(Description of Offensive Trade)
in or upon .....
(Location of the House or Premises)
Notice of my/our intention to make this application was advertised in
.....
(Name of Newspaper)
on .....
(Date of Advertisement)
Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

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

Schedule 10

Shire of Denmark

HEALTH ACT 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Denmark

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 $ ..... is attached.

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

.....(Date)

Schedule 11
Shire of Denmark
HEALTH ACT 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at.....
.....
of which ..... is the occupier;
are registered for the carrying on of the trade of .....
.....
Trade Name .....
This registration expires on .....
Dated this ..... day of ..... 20 .....

.....
Environmental Health Officer, Shire of Denmark.

Passed by resolution of the Denmark Shire Council held on the 22nd September 1998.
Dated this 2nd day of October 1998.

The Common Seal of the Shire of Denmark was hereunto affixed in the presence of—
Hendrik Johan Versluis, President
Pascoe Durtanovich, Chief Executive Officer.

Consented to—

Dr C. F. QUADROS, Executive Director, Public Health.

Dated this 11th day of November, 1998.