

**CITY OF GREATER GERALDTON**

**ANIMALS, ENVIRONMENT AND NUISANCE  
LOCAL LAW 2013**

## **Animals, Environment and Nuisance Local Law 2013**

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### CONTENTS

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#### **Part 1 — Preliminary**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

#### **Part 2 — Keeping of animals**

##### **Division 1 — Keeping of birds**

- 2.1 Keeping of poultry and pigeons in a residential zone
- 2.2 Conditions for keeping of poultry
- 2.3 Roosters, geese, turkeys and peafowl
- 2.4 Conditions for keeping of pigeons
- 2.5 Conditions of keeping aviary birds
- 2.6 Nuisance caused by birds

##### **Division 2 — Keeping of farm animals**

- 2.7 Keeping of farm animals
- 2.8 Conditions for keeping farm animals

#### **Part 3 — Building, development and land care**

##### **Division 1 — Litter and refuse on building sites**

- 3.1 Provision of refuse receptacles
- 3.2 Control of refuse
- 3.3 Unauthorised storage of materials

##### **Division 2 — Prevention of Dust and Liquid Waste**

- 3.4 Prohibited activities

##### **Division 3 — Smoke**

- 3.5 Burning of cleared vegetation prohibited

##### **Division 4 — Unsightly land and disused materials**

- 3.6 Storage of vehicles, vessels and machinery
- 3.7 Disposing of disused refrigerators or similar containers

#### **Part 4 — Nuisances and dangerous things**

##### **Division 1 — Light**

- 4.1 Use of exterior lights
- 4.2 Emission or reflection of light
- 4.3 Notice may require specified action to prevent emission or reflection of light

##### **Division 2 — Smoke, fumes, odours and other emissions**

- 4.4 Burning rubbish, refuse or other material
- 4.5 Escape of smoke, fumes, odours and other emissions

**Division 3 — Livestock Carrying Vehicles**

- 4.6 Livestock vehicles
- 4.7 Truck noise from residential land

**Division 4 — Stormwater management**

- 4.8 Containment of stormwater
- 4.9 Guttering and downpipes
- 4.10 Stormwater disposal systems
- 4.11 Containment and disposal of swimming pool and other wastewater

**Division 5 — Amusement activities**

- 4.12 Nuisance
- 4.13 Abatement by authorised person

**Division 6 — Advertising, bill posting and junk mail**

- 4.14 Placement of advertisement, bill posting or junk mail
- 4.15 Exemptions

**Division 7 — Bird nuisance**

- 4.16 Restrictions on feeding of birds

**Part 5 — Objections and appeals**

- 5.1 Objections and appeals

**Part 6 — Enforcement**

**Division 1 — Notice of breach**

- 6.1 Notice of breach
- 6.2 Form of notices

**Division 2 — Offences and penalties**

**Subdivision 1 — General**

- 6.3 Offences and penalties

**Subdivision 2 — Infringement notices and modified penalties**

- 6.4 Prescribed offences
- 6.5 Form of infringement notices

**Schedule 1 — Prescribed offences**

## **Animals, Environment and Nuisance Local Law 2013**

A Local Law to

- provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.
- and to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance, must comply
- and to remove obsolete and out-dated local laws relating to the district of the City of Greater Geraldton.

# LOCAL GOVERNMENT ACT 1995

## CITY OF GREATER GERALDTON

### ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2013

Under the powers conferred subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the [Insert date] to make the following local law.

#### Part 1 — Preliminary

##### 1.1 Citation

This local law may be cited as the *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2013*.

##### 1.2 Commencement

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

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Repeal

The following local laws are repealed –

- (a) the *City of Geraldton-Greenough Removal of Refuse, Rubbish and Disused Materials Local Law 2008* published in the *Government Gazette* of 24 November 2008;
- (b) the *Town of Geraldton By-law Relating to Clearing and Removal of Refuse, Rubbish or Material from Land* published in the *Government Gazette* of 1 May 1962;
- (c) the *Town of Geraldton Adoption of By-laws Relating to Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish and Vehicle Bodies from Land* published in the *Government Gazette* of 2 July 1982; and
- (d) the *Shire of Mullewa By-law Relating to Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish and Other Material from Land* published in the *Government Gazette* of 23 June 1964 and as amended and published in the *Government Gazette* of 24 April 1980.

##### 1.5 Interpretation

In this local law, unless the context specifies otherwise —

*Act* means the *Local Government Act 1995*;

**affiliated person** means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 1987*;

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

**AS/NZS 3500** means the standard called *AS/NZS 3500:2003 Plumbing and Drainage* published by the Standard Association of Australia;

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

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

**birds** includes poultry;

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

**Building Code** means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board;

**building permit** means a permit granted under section 20 of the *Building Act 2011*;

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

**Class 6 or 9 building** means any Class 6 or Class 9 building as defined by the Building Code;

**Code of Practice – Pigeon Keeping** means the document entitled *A Code of Practice – for Pigeon Keeping and Racing in Western Australia* published by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

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

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

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

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

**district** means the district of the local government;

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

**equipment** means equipment, machinery or vehicles used for or in connection with the development of land;

**farm animal** includes a horse, cow, sheep, goat, pig or other ungulates and Alpacas and Llamas of the Camelidae family;

**food business** means any premises or vehicle in which a food business, as defined in section 10 of the *Food Act 2008*, is being carried on;

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

**land** includes any building or structure on the land;

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

**livestock** includes cattle, sheep, pigs, goats and horses;

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

**local government** means the City of Greater Geraldton;

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

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

**manure receptacle** means a receptacle of sufficient capacity to receive all manure produced in one week on premises upon which a farm animal or farm animals are kept, constructed of smooth, durable, impervious materials, fitted with a fly proof, hinged cover and with no part of the floor lower than the adjoining ground;

**nuisance** means —

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

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

**permit** means a permit issued under this local law;

**permit holder** means a person who holds a valid permit;

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

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

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

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

**residential building** has the meaning given to it in the Residential Design Codes of Western Australia;

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

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

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

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

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

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

**townsite** means all townsites within the district which are —

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

**truck** means a motor vehicle having a tare weight in excess of 3000 kilograms;

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

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

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.
- (3) Where in this local law a duty, obligation or liability is imposed on an “owner or occupier” the duty shall be deemed to be imposed jointly and severally on each owner and occupier.
- (4) Where under this local law the local government is authorised to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the Act.



## **Part 2 — Keeping of animals**

### **Division 1 — Keeping of birds**

#### **2.1 Keeping of poultry and pigeons in a residential zone**

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

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

#### **2.2 Conditions for keeping of poultry**

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

- (a) no poultry shall be kept less than 9 metres from any residential building;
- (b) no poultry is able to approach within 15 metres of a public thoroughfare, public building, commercial premises or food premises;
- (c) all poultry is kept in a properly constructed and securely fastened structure;
- (d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;
- (e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
- (f) all poultry is kept continually confined.

#### **2.3 Roosters, geese, turkeys and peafowl**

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

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

#### **2.4 Conditions for keeping of pigeons**

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

- (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
- (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
- (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
- (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a thoroughfare, public building, commercial premises or food premises.

## **2.5 Conditions of keeping aviary birds**

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

## **2.6 Nuisance caused by birds**

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

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

## **Division 2 — Keeping of farm animals**

### **2.7 Keeping of farm animals**

Subject to clause 2.8, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

### **2.8 Conditions for keeping farm animals**

- (1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall maintain the place or places where the animals are kept in clean condition and good repair at all times.
- (2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig other than on premises registered as a piggery pursuant to the provisions of the *Health Act 1911*, except with the express written approval of the local government.

## **Part 3 — Building, development and land care**

### **Division 1 — Litter and refuse on building sites**

#### **3.1 Provision of refuse receptacles**

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

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

#### **3.2 Control of refuse**

- (1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall —
  - (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
  - (b) keep the site as free as is reasonably practicable from any refuse;
  - (c) maintain the thoroughfare verge, and any other reserve, immediately adjacent to the site free of refuse generated or originating from the building or development site; and

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

### **3.3 Unauthorised storage of materials**

- (1) No construction materials shall be stored on a building or development site without written approval of the local government
- (2) Written approval must be obtained from the local government prior to any proposal to store construction material on any thoroughfare verge.

## **Division 2 — Prevention of Dust and Liquid Waste**

### **3.4 Prohibited activities**

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

## **Division 3 — Smoke**

### **3.5 Burning of cleared vegetation prohibited**

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

## **Division 4 — Unsightly land and disused materials**

### **3.6 Storage of vehicles, vessels and machinery**

The owner or occupier of a lot shall not —

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

### **3.7 Disposing of disused refrigerators or similar containers**

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

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

## **Part 4 — Nuisances and dangerous things**

### **Division 1 — Light**

#### **4.1 Use of exterior lights**

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

#### **4.2 Emission or reflection of light**

An owner or occupier of land shall ensure that —

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

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

Where —

- (a) floodlights or other exterior lights shine directly onto any other premises;
- (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or
- (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare, the local government may by notice in writing direct the owner or occupier to take such actions as necessary within the time specified in the notice.

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

- (d) floodlights or other exterior lights are used only during the hours specified in the notice;
- (e) the direction in which the lights shine be altered as specified in the notice; or
- (f) any reflective surfaces be painted or otherwise treated so as to abate the nuisance;

or any combination of these measures that the local government believes to be appropriate to the circumstances.

### **Division 2 — Smoke, fumes, odours and other emissions**

#### **4.4 Burning rubbish, refuse or other material**

- (1) A person shall not on any land of an area 2000 square metres or less, set fire to rubbish, refuse or other materials on rural residential zoned property unless —
  - (a) written approval has first been obtained from the local government;
  - (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
  - (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the

generation of smoke or odour in such quantity as to cause a nuisance to other persons;

- (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
- (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

- (2) Subclauses (1) and (3) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (3) Subclause (4) is subject to any fire danger rating as determined by the Bureau of Meteorology.

#### **4.5 Escape of smoke, fumes, odours and other emissions**

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land so as to cause a nuisance to any person.

### **Division 3 — Livestock Carrying Vehicles**

#### **4.6 Livestock vehicles**

- (1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.
- (2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.
- (3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

#### **4.7 Truck noise from residential land**

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

### **Division 4 — Stormwater management**

#### **4.8 Containment of stormwater**

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

#### **4.9 Guttering and downpipes**

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

#### **4.10 Stormwater disposal systems**

- (1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.
- (2) The owner or occupier of a lot shall ensure that all stormwater from paved areas or other surfaced areas including any vehicle access ways of the lot is discharged into a stormwater drainage system of adequate capacity in accordance with AS/NZS 3500.
- (3) The owner or occupier of a lot shall ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

#### **4.11 Containment and disposal of swimming pool and other wastewater**

- (1) The owner or occupier of a lot shall ensure that all wastewater and backwash water from swimming pool filtration systems or other water storage systems associated with a swimming pool shall be contained within, and disposed onto or into the lot on which the swimming pool is located.
- (2) The owner or occupier of a lot shall ensure that the disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres, and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause (1).

### **Division 5 — Amusement activities**

#### **4.12 Nuisance**

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

#### **4.13 Abatement by authorised person**

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

### **Division 6 — Advertising, bill posting and junk mail**

#### **4.14 Placement of advertisement, bill posting or junk mail**

- (1) A person shall not without written approval from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or post.

- (2) A person shall not place in or on any letter box, gate, fence or generally leave or distribute to any property in the district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states “no junk mail” or words of similar effect.

#### **4.15 Exemptions**

Clause 4.14 does not apply to —

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

### **Division 7 — Bird nuisance**

#### **4.16 Restrictions on feeding of birds**

A person shall not feed a bird —

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

## **Part 5 — Objections and appeals**

### **5.1 Objections and appeals**

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

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

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

## **Part 6 — Enforcement**

### **Division 1 — Notice of breach**

#### **6.1 Notice of breach**

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to subclause (1) shall —
- (a) specify the provision of this local law which has been breached;



- (b) specify the particulars of the breach; and
  - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

## **6.2 Form of notices**

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

## **Division 2 — Offences and penalties**

### **Subdivision 1 — General**

## **6.3 Offences and penalties**

- (1) A person who —
  - (a) fails to do anything required or directed to be done under this local law;
  - (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
  - (c) does anything which under this local law that person is prohibited from doing;commits an offence.
- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) A person who commits an offence under this local law is liable to a maximum penalty of \$5000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

### **Subdivision 2 — Infringement notices and modified penalties**

## **6.4 Prescribed offences**

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 3 —
  - (a) in the case of a first offence the modified penalty will be that prescribed in column 3 of Schedule 3; and

- (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 4 of Schedule 3.

## **6.5 Form of infringement notices**

For the purposes of this local law —

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

## Schedule 1 — Prescribed offences

[cl. 6.5]

Clause	Description of offence	Modified penalty — first offence	Modified penalty — subsequent offence
2.1(a)	Keeping more than 12 poultry	\$250	\$500
2.1(b)	Keeping more than 12 pigeons	\$250	\$500
2.2(a)	Keeping poultry within 9 metres of a residential building	\$250	\$500
2.2(b)	Poultry approaching within 15 metres of a building or thoroughfare	\$250	\$500
2.2(c)	Poultry not kept in a secure structure	\$250	\$500
2.2(d)	Poultry structure not having an impervious floor	\$250	\$500
2.2(e)	Not maintaining a poultry structure in a clean condition	\$250	\$500
2.2(f)	All poultry not being continually confined	\$250	\$500
2.3(a)	Keeping of roosters on land under 1 hectare	\$250	\$500
2.3(b)	Keeping of geese on land under 1 hectare	\$250	\$500
2.3(c)	Keeping of turkeys on land under 1 hectare	\$250	\$500
2.3(d)	Keeping of peafowls on land under 1 hectare	\$250	\$500
2.4(a)	Keeping pigeons within 9 metres of a residential building	\$250	\$500
2.4(b)	Not maintaining a structure for pigeons in a clean condition	\$250	\$500
2.4(c)	Keeping of pigeons with 9 metres of a residential building	\$250	\$500
2.4(d)	A pigeon loft being within 15 metres of a thoroughfare or commercial building	\$250	\$500
2.5	Aviary cage not being kept in a clean condition	\$250	\$500
2.6(a)	Bird causing a nuisance	\$250	\$500
2.6(b)	Bird emitting and unreasonable noise	\$250	\$500
2.7	Keeping of a farm animal other than in a rural zone	\$250	\$500
2.8(1)	Fail to keep a place where farm animals are kept in a clean condition & good repair	\$250	\$500
2.8(2)	Keeping more than one pig other than on premises registered as a piggery	\$250	\$500
3.1	Failure to provide or maintain a refuse receptacle on a building or development site	\$250	\$500
3.2	Failure to control refuse on a building or development site	\$250	\$500
3.2 (2)(a)	Failure to clear all refuse generated by building site.	\$250	\$500
3.2(2)(b)	Failure to remove refuse receptacles from site	\$250	\$500
3.3	Unauthorised storage of materials	\$250	\$500
3.4	Release or escape of dust or liquid waste from land	\$250	\$500

3.5	Burning cleared vegetation or other material on site	\$250	\$500
3.8(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	\$250	\$500
3.8(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	\$250	\$500
3.8(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	\$250	\$500
3.8(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	\$250	\$500
3.8(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	\$250	\$500
3.8(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	\$250	\$500
3.9(a)	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$250	\$500
3.9(b)	Disposing of disused refrigerator or similar container without removing refrigerant	\$250	\$500
4.1	Erection or use of lighting installations other than in accordance with requirements	\$250	\$500
4.2	Emitting or reflecting excessive artificial light, or reflecting natural light that causes nuisance	\$250	\$500
4.4(1)	Set fire to rubbish, refuse or other materials	\$250	\$500
4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$250	\$500
4.6(1)	Parking a livestock vehicle in a townsite in excess of 30 minutes	\$250	\$500
4.7	Starting or driving a truck on residential land, or adjoining residential land, without consent	\$250	\$500
4.8(1)	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	\$250	\$500
4.9(1)	Failure to have adequate guttering and downpipes sufficient to receive all stormwater	\$250	\$500
4.9(2)	Failure to maintain all guttering and down pipes in a good state of repair and free from obstruction	\$250	\$500
4.10 (3)	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	\$250	\$500
4.11(1)	Failure to contain or dispose of swimming pool wastewater on the lot on which the swimming pool is located	\$250	\$500
4.11(2)	Failure to have approved disposal system or soakwell with minimum capacity of 140 litres	\$250	\$500

4.12	Conducting an amusement so as to create a nuisance	\$250	\$500
4.14(1)	Unauthorised placement of advertisement, bill posting or junk mail	\$250	\$500
4.14(2)	Placement of advertisement, bill posting or junk mail where a “no junk mail”, or equivalent, sign is displayed	\$250	\$500
4.16(1)(a)	Feeding a bird causing a nuisance	\$250	\$500
4.16(1)(b)	Feeding a bird a food/substance that is not a natural food	\$250	\$500
6.4(1)(b)	Failure to comply with notice	\$250	\$500
	All other Offences	\$250	\$500

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Dated

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

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Ian Carpenter  
Mayor

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Ken Diehm  
Chief Executive Officer

**CITY OF GREATER GERALDTON**

**HEALTH LOCAL LAW 2013**

## Health Local Law 2013

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### CONTENTS

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#### **Part 1 — Preliminary**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

#### **Part 2 — Sanitation**

##### **Division 1 — Sanitary conveniences**

- 2.1 Interpretation
- 2.2 Dwelling house
- 2.3 Floor of wet areas
- 2.4 Premises other than a dwelling house
- 2.5 Outdoor festivals
- 2.6 Temporary works
- 2.7 Maintenance of sanitary conveniences and fittings
- 2.8 Ventilation of toilet
- 2.9 Public sanitary conveniences
- 2.10 Lighting
- 2.11 Installation

##### **Division 2 — Bathroom, laundries and kitchens**

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

#### **Part 3 — Housing and general**

##### **Division 1 — Maintenance of dwelling houses**

- 3.1 Dwelling house maintenance

##### **Division 2 — Ventilation of dwelling houses**

- 3.2 Exemption for short-term hostels and recreational campsites
- 3.3 Overcrowding
- 3.4 Calculate sufficient space
- 3.5 Ventilation
- 3.6 Subfloor ventilation

##### **Division 3 — Water supply**

- 3.7 Water supply
- 3.8 Rain water tanks
- 3.9 Wells
- 3.10 Pollution

- Division 4 — Second-hand furniture, bedding and clothing**  
3.11 Prohibition on sale  
3.12 Prohibition of possession

- Division 5 — Morgues**  
3.13 Licensing of morgues

## **Part 4 — Waste food and liquid refuse**

- Division 1 — Liquid refuse**  
4.1 Interpretation  
4.2 Deposit of liquid refuse  
4.3 Disposal of liquid waste
- Division 2 — Transport of butchers' waste**  
4.4 Interpretation  
4.5 Restriction of vehicles  
4.6 Transport of butchers' waste

## **Part 5 — Nuisances and general**

- Division 1 — Nuisances**  
5.1 Interpretation  
5.2 Footpaths etc to be kept clean  
5.3 Public vehicles to be kept clean  
5.4 Prohibition against spitting  
5.5 Transportation, use and storage of offal or blood  
5.6 Use or storage of fertiliser  
5.7 Storage and dispatch of artificial fertiliser  
5.8 Storage of fertiliser in a dwelling house
- Division 2 — Keeping of animals**  
5.9 Interpretation  
5.10 Cleanliness  
5.11 Animal enclosures  
5.12 Cats  
5.13 Slaughter of animals  
5.14 Disposal of dead animals  
5.15 Restrictions on pigeon nesting or perching
- Division 3 — Keeping of feedlots**  
5.16 Interpretation  
5.17 Premises to be approved  
5.18 Site conditions
- Division 4 — Piggeries**  
5.19 Interpretation  
5.20 Premises to be approved  
5.21 Site conditions  
5.22 Prevention of nuisances

## **Part 6 — Pest control**

- Division 1 — Flies**  
6.1 Interpretation  
6.2 Fly breeding matter not to be left on premises unless covered or treated  
6.3 Measures to be taken by an occupier  
6.4 EHO may give notice directing measures to be taken  
6.5 Local government may execute work and recover costs



### **Division 2 — Mosquitoes**

- 6.6 Interpretation
- 6.7 Measures to be taken to prevent mosquitoes breeding
- 6.8 Local government may execute work and recover costs

### **Division 3 — Rodents**

- 6.9 Interpretation
- 6.10 Measures to be taken to eradicate rodents
- 6.11 Waste food etc to be kept in rodent proof receptacles
- 6.12 Restrictions on keeping of rodents

### **Division 4 — Cockroaches**

- 6.13 Interpretation
- 6.14 Measures to be taken to eradicate Cockroaches

### **Division 5 — Argentine Ants**

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

### **Division 6 — European Wasps**

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

### **Division 7 — Bee keeping**

- 6.19 Interpretation
- 6.20 Restrictions on keeping of bees in hives

### **Division 8 — Arthropod vectors of disease**

- 6.21 Interpretation
- 6.22 Responsibility of the owner or occupier

## **Part 7 — Infectious diseases**

### **Division 1 — General provisions**

- 7.1 Requirements on owner or occupier to clean, disinfect and disinfest
- 7.2 EHO may disinfect or disinfest premises
- 7.3 Insanitary houses, premises and things
- 7.4 Persons in contact with an infectious disease sufferer
- 7.5 Declaration of infected house or premises
- 7.6 Destruction of infected animals
- 7.7 Disposal of a body
- 7.8 Local government may carry out work and recover costs

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

- 7.9 Disposal of used condoms
- 7.10 Disposal of used needles

## **Part 8 — Lodging houses**

### **Division 1 — Registration**

- 8.1 Interpretation
- 8.2 Lodging house not to be kept unless registered
- 8.3 Application for registration
- 8.4 Approval of application
- 8.5 Renewal of registration
- 8.6 Notification upon sale or transfer
- 8.7 Revocation of registration

### **Division 2 — Construction and use requirements**

- 8.8 General construction requirements

- 8.9 Sanitary conveniences
- 8.10 Laundry
- 8.11 Kitchen
- 8.12 Dining room
- 8.13 Lounge room
- 8.14 Fire prevention and control
- 8.15 Obstruction of passages and stairways
- 8.16 Fitting of locks
- 8.17 Restriction on use of rooms for sleeping
- 8.18 Sleeping accommodation—short-term hostels and recreational campsites
- 8.19 Furnishing etc of sleeping apartments
- 8.20 Ventilation
- 8.21 Numbers to be placed on doors

**Division 3 — Management and care**

- 8.22 Keeper or manager to reside in the lodging house
- 8.23 Register of lodgers
- 8.24 Keeper report
- 8.25 Certificate in respect of sleeping accommodation
- 8.26 Duplicate keys and inspection
- 8.27 Room occupancy
- 8.28 Maintenance of a room by a lodger or resident
- 8.29 Cleaning and maintenance requirements
- 8.30 Responsibilities of lodgers and residents
- 8.31 Approval for storage of food

**Part 9 — Offensive trades**

**Division 1 — General**

- 9.1 Interpretation
- 9.2 Consent to establish an offensive trade
- 9.3 False statement
- 9.4 Registration of premises
- 9.5 Certificate of registration
- 9.6 Change of occupier
- 9.7 Alterations to premises

**Division 2 — General duties of an occupier**

- 9.8 Interpretation
- 9.9 Cleanliness
- 9.10 Rats and other vectors of disease
- 9.11 Sanitary conveniences and hand wash basins
- 9.12 Painting of walls etc
- 9.13 Effluvia, vapours or gases
- 9.14 Offensive material
- 9.15 Storage of materials
- 9.16 Specified offensive trades
- 9.17 Directions
- 9.18 Other duties of occupier

**Division 3 — Fish premises**

- 9.19 Interpretation
- 9.20 Duties of an occupier
- 9.21 Disposal of waste
- 9.22 Fish containers

**Division 4 — Laundries, dry cleaning establishments and dye works**

- 9.23 Interpretation
- 9.24 Receiving depot

- 9.25 Reception room
- 9.26 Walls and floors
- 9.27 Laundry floor
- 9.28 Escape of dust
- 9.29 Precautions against combustion
- 9.30 Trolleys
- 9.31 Sleeping on premises

## **Part 10 — Offences and penalties**

### **Division 1 — General**

- 10.1 Offences and penalties

#### **Schedule 1 — Application for licence of a morgue**

#### **Schedule 2 — Application for registration of a cattery**

#### **Schedule 3 — Certificate of registration of a cattery**

#### **Schedule 4 — Application for registration of a lodging house**

#### **Schedule 5 — Certificate of registration of a lodging house**

#### **Schedule 6 — Application for renewal of registration of a lodging house**

#### **Schedule 7 — Notice of change of owner of a lodging house**

#### **Schedule 8 — Register of lodgers**

#### **Schedule 9 — List of lodgers**

#### **Schedule 10 — Certificate of sleeping accommodation for a lodging house**

#### **Schedule 11 — Application for consent to establish an offensive trade**

#### **Schedule 12 — Application for registration of premises for offensive trade**

#### **Schedule 13 — Certificate of registration of premises for offensive trade**

## **Health Local Law 2013**

A Local Law to

- provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community.
- allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community
- and to remove obsolete local laws relating to the district of the City of Greater Geraldton.

## HEALTH ACT 1911

## LOCAL GOVERNMENT ACT 1995

## CITY OF GREATER GERALDTON

## HEALTH LOCAL LAW 2013

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the [insert date] to make the following local law.

### Part 1 — Preliminary

#### 1.1 Citation

This local law may be cited as the *City of Greater Geraldton Health Local Law 2012*.

#### 1.2 Commencement

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

#### 1.3 Application

This local law applies throughout the district.

#### 1.4 Repeal

The following local laws are repealed —

- (a) The *City of Geraldton Health Local Laws 2004* published in the *Government Gazette* on 10 September 2004;
- (b) The *Mullewa Road Board Model By-laws Series "A"* published in the *Government Gazette* on 11 May 1928;
- (c) The *Mullewa Road Board Health Model By-laws Series "A"* published in the *Government Gazette* on 2 May 1952;
- (d) The *Mullewa Road Board Health Local Law* published in the *Government Gazette* on 25 January 1957; and
- (e) The *Shire of Mullewa Health Model By-laws Series "A"* published in the *Government Gazette* on 3 September 1964 and as amended and published in the *Government Gazette* on 31 March 1989, 9 March 1993, 17 September 1996 and 4 October 1996.

## 1.5 Interpretation

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

**Act** means the *Health Act 1911*;

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

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

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

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

**AS 1668.2—2002** means the standard published by Standards Australia as AS 1668.2—2002 and called “The use of ventilation and air-conditioning in buildings — Part 2: Ventilation design for indoor-air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure)”;

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

**AS/NZS 3666.2:2002** means the standard published by Standards Australia as AS/NZS 3666.2:2002 and called “Air-handling and water systems of buildings — Microbial Control — Part 2: Operation and maintenance”;

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

**CEO** means the Chief Executive Officer of the local government;

**district** means —

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

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

**EHO** means an Environmental Health Officer appointed by the local government under the Act and includes any 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 or the like; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room and other spaces of a specialised nature occupied neither frequently nor for extended periods;

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

**local government** means the City of Greater Geraldton;

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

**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, including water channels constructed of stone, brick, concrete or any other material, including the property of the local government;

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

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

**townsite** means all townsites within the district which are —

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

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

**water** means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and

**window** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door or other device which transmits natural light directly into a building.

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

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

## **Part 2 — Sanitation**

### **Division 1 — Sanitary conveniences**

#### **2.1 Interpretation**

In this Part, unless the context otherwise requires —

*festival* includes a fair, function or event;

*organiser* means a person —

- (a) to whom approval has been granted by the local government to conduct the festival; or
- (b) responsible for the conduct of the festival;

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

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

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

#### **2.2 Dwelling house**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
- (2) A room in which a toilet is located must have adequate lighting.

#### **2.3 Floor of wet areas**

The owner of every premise shall ensure that the floor of every bathroom, en suite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

#### **2.4 Premises other than a dwelling house**

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless —
  - (a) the premises have toilets in accordance with the Building Code and this Part, including disabled facilities;
  - (b) the toilets required by this clause are situated within a reasonable distance of the premises and are easily accessible to the persons for whom they are provided; and
  - (c) the premises have hand wash basins that are —
    - (i) in accordance with the Building Code;
    - (ii) for the use of persons employed or engaged on the premises;



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

## **2.5 Outdoor festivals**

- (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale —
- (a) for the first 1,000 males —
    - (i) one water closet for each 333;
    - (ii) one urinal stall for each 100; and
    - (iii) one hand wash basin for each 500;
  - (b) for additional males —
    - (i) one water closet for each 500;
    - (ii) one urinal stall for each 100; and
    - (iii) one hand wash basin for each 500;
  - (c) for the first 1,000 females —
    - (i) one water closet for each 77; and
    - (ii) one hand wash basin for each 500; and
  - (d) for additional females —
    - (i) one water closet for each 100; and
    - (ii) one hand wash basin for each 500.
- (2) Where, under subclause (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide toilet facilities of a number as directed by an EHO.

## **2.6 Temporary works**

A person who undertakes temporary work at any place shall —

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

## **2.7 Maintenance of sanitary conveniences and fittings**

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

## **2.8 Ventilation of toilet**

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

## **2.9 Public sanitary conveniences**

- (1) A person shall not —
  - (a) foul;
  - (b) damage or vandalise; or
  - (c) write on or otherwise deface

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

- (2) A person using a public sanitary convenience shall, where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.
- (3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

## **2.10 Lighting**

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

## **2.11 Installation**

- (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Country Towns Sewerage Act 1948* and shall have an adequate supply of water.
- (2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

### **Division 2 — Bathroom, laundries and kitchens**

## **2.12 Bathrooms**

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

## **2.13 Laundries**

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

## **2.14 Washing or keeping of clothes in kitchens**

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

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

## **2.15 Kitchens**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with —
  - (a) a cooking facility which is adequate in the opinion of an EHO;
  - (b) a sink which shall —
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.

- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
  - (a) be installed in accordance with the requirements of Energy Safety WA and the Manufacturers Specifications; and
  - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be —
  - (a) carried to the outside air as directly as practicable; and
  - (b) boxed throughout.
- (5) In this clause, a *cooking facility* includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

## **Part 3 — Housing and general**

### **Division 1 — Maintenance of dwelling houses**

#### **3.1 Dwelling house maintenance**

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

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

## **Division 2 — Ventilation of dwelling houses**

### **3.2 Exemption for short-term hostels and recreational campsites**

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

### **3.3 Overcrowding**

The owner or occupier of a house shall not permit —

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

### **3.4 Calculate sufficient space**

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

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

### **3.5 Ventilation**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless the dwelling house is properly ventilated.
- (2) For the purpose of subclause (1) a dwelling house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of —
  - (a) natural ventilation; or
  - (b) a mechanical ventilation or air-conditioning system complying with AS 1668.2—2002.
- (3) The owner of a dwelling house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is —
  - (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2002; and
  - (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.
- (4) If, in the opinion of an EHO, a dwelling 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 dwelling house until it is properly ventilated.

### **3.6 Subfloor ventilation**

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

## **Division 3 — Water supply**

### **3.7 Water supply**

- (1) The owner of a dwelling house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.
- (2) The water supply shall at all times be capable of delivering an adequate supply of water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source, not necessarily drinking water.

### **3.8 Rain water tanks**

- (1) The owner or occupier of a dwelling house for which part of the water supply is drawn from a rain water tank shall —
  - (a) maintain in a clean condition —
    - (i) the roof, guttering and downpipes forming the catchment for the tank; and
    - (ii) the guttering and downpipes appurtenant to the roof;
  - (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
  - (c) thoroughly clean and disinfect such tank at least once in each year, or whenever directed by an EHO to do so.
- (2) The owner or occupier of a house for which its entire water supply is drawn from a rain water tank shall ensure that the storage capacity of the tank is not less than 90,000 litres.

### **3.9 Wells**

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

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

### **3.10 Pollution**

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

## **Division 4 — Second-hand furniture, bedding and clothing**

### **3.11 Prohibition on sale**

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

### **3.12 Prohibition of possession**

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

## **Division 5 — Morgues**

### **3.13 Licensing of morgues**

- (1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
- (2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under section 344C of the Act.
- (3) An application for a morgue licence shall be in the form set out in Schedule 1.
- (4) A licence shall —
  - (a) be in the form as determined by the local government from time to time; and
  - (b) expire on 31 December after the date of its issue.
- (5) A licence shall not be granted in respect of any premises unless —
  - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
  - (d) all floors are constructed of impervious material, having a fall to an outlet discharging over a trapped gully; and
  - (e) the premises are adequately ventilated by direct communication with the outside air.

## **Part 4 — Waste food and liquid refuse**

### **Division 1 — Liquid refuse**

#### **4.1 Interpretation**

In this division, unless the context otherwise requires –

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

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

#### 4.2 Deposit of liquid refuse

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

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

#### 4.3 Disposal of liquid waste

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

### Division 2 — Transport of butchers' waste

#### 4.4 Interpretation

In this Division, unless the context otherwise requires —

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

#### 4.5 Restriction of vehicles

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

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

#### 4.6 Transport of butchers' waste

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



- (iii) the loading doors, if any, to be watertight and kept closed at all times except when loading; and
  - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an EHO, carried over and secured to the outside of the walls at least 300 millimetres from the top, so as to keep the load out of sight of the public; or
  - (b) a watertight durable and impervious container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are —
- (a) maintained in good order and condition; and
  - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport or unload butchers' waste in a manner that is or may be offensive due to —
- (a) the sight of animal skeletons, bones, offal or waste matter;
  - (b) the odour of putrefaction, offal or waste matter; or
  - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

## **Part 5 — Nuisances and general**

### **Division 1 — Nuisances**

#### **5.1 Interpretation**

In this Part, unless the context otherwise requires —

*fertiliser* includes manure; and

*public vehicle* includes bus, tram, taxi or any other public transport.

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

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

#### **5.3 Public vehicles to be kept clean**

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

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

#### **5.4 Prohibition against spitting**

A person must not spit —

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

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

### **5.5 Transportation, use and storage of offal or blood**

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

### **5.6 Use or storage of fertiliser**

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

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

### **5.7 Storage and dispatch of artificial fertiliser**

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

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

### **5.8 Storage of fertiliser in a dwelling house**

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

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

## **Division 2 — Keeping of animals**

### **5.9 Interpretation**

In this Division, unless the context otherwise requires —

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

*catteries* are premises registered for the breeding or caring of cats.

### **5.10 Cleanliness**

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

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

### **5.11 Animal enclosures**

- (1) A person shall not keep or cause or permit to be kept any animals on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals are kept shall, when directed by an EHO, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

### **5.12 Cats**

All enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease, and shall at any time be cleaned, disinfected or otherwise dealt with by the occupier as an EHO may direct.

### **5.13 Slaughter of animals**

- (1) Subject to subclause (2), a person, unless exempted under Regulation 20 of the *Food Regulations 2009*, shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to —
  - (a) euthanasia of animals by veterinarians or other duly authorised persons;
  - (b) slaughter of animals for the purposes of pet meat and game meat operations; and
  - (c) slaughter of animals for human consumption in abattoirs approved by the local government.

### **5.14 Disposal of dead animals**

- (1) An owner or 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 as soon as possible 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 as soon as possible remove the carcass and arrange for its disposal at an approved disposal site, except it may be buried on broadacre farmland by the owner.

### 5.15 Restrictions on pigeon nesting or perching

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

## Division 3 — Keeping of feedlots

### 5.16 Interpretation

In this Division, unless the context otherwise requires —

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

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

### 5.17 Premises to be approved

- (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 distances 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	5,000 m
Isolated rural dwellings, dairies and industries	1,000 m
Public roads and recreation areas	100 m
Neighbouring rural property boundaries	50 m
Major water courses and water impoundment	300 m
Bores, wells or soak wells used for drinking, stock or irrigation	300 m
Minor water courses	100 m

### 5.18 Site conditions

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

## **Division 4 — Piggeries**

### **5.19 Interpretation**

In this Division, unless the context otherwise requires —

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

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

### **5.20 Premises to be approved**

- (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 distances listed in Table 3; and
- (3) Sites unsuitable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

**Table 2 — Required buffer distances for piggeries**

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

### **5.21 Site conditions**

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

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

## 5.22 Prevention of nuisances

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

**Table 3 — Required buffer distances for intensive piggeries**

	Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbour -ing rural property boundaries	Surface water supply catchments	Water courses/ rural water impound-ments	Bores/ wells/ soaks/ drinking water supply
Piggeries and facilities catering for —							
more than 5,000 pigs	5,000 m	300 m	200 m	100 m	Not permitted	300 m	300 m
500—5,000 pigs	3,500 m	300 m	150 m	100 m	Not permitted	300 m	300 m
50—499 pigs	2,000 m	300 m	100 m	50 m	Not permitted	300 m	300 m
Less than 50 pigs	500 m	300 m	50 m	30 m	Not permitted	200 m	300 m
Land used to dispose of —							
raw or partly treated wastes	1,000 m	300 m	100 m	50 m	Not permitted	300 m	300 m
effectively treated wastes	200 m	50 m	50 m	20 m	Not permitted	100 m	100 m

## Part 6 — Pest control

### Division 1 — Flies

#### 6.1 Interpretation

In this Division, unless the context otherwise requires —

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

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

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

#### 6.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that —

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;

- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

**6.4 EHO may give notice directing measures to be taken**

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

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

of flies.

**6.5 Local government may execute work and recover costs**

- (1) Where —
  - (a) a person is required under this Division or directed by a notice given under clause 6.4, to execute any work; and
  - (b) that person fails or neglects to comply with the requirement
 the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these local laws.
- (2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).
- (3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

**Division 2 — Mosquitoes**

**6.6 Interpretation**

In this Division, unless the context otherwise requires —

*mosquitoes* means any of the insects constituting the family Culicidae in the order Diptera commonly known as mosquitoes.

**6.7 Measures to be taken to prevent mosquitoes breeding**

- (1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall —
  - (a) follow any direction or notice of an EHO for the purpose of —
    - (i) controlling the prevalence of mosquitoes;

- (ii) eradication of mosquitoes; or
    - (iii) effectively preventing the breeding of mosquitoes; and
  - (b) assist an EHO to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or occupier of any premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall —
    - (a) frequently change the water; and
    - (b) keep the water clean and free from vegetable matter and slime.
  - (3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in a sound condition at all times, and mesh having openings no larger than 1.2 millimetres covers any educt vent to the system.
  - (4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

### **6.8 Local government may execute work and recover costs**

- (1) Where —
  - (a) a person is required under this Division or directed by a notice given under clause 6.7 to execute any work; and
  - (b) that person fails or neglects to comply with the requirement,
 the local government may execute the work, and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.
- (2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

## **Division 3 — Rodents**

### **6.9 Interpretation**

In this Division, unless the context otherwise requires —

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

### **6.10 Measures to be taken to eradicate rodents**

- (1) An owner or occupier of any premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of an EHO, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.



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

#### **6.11 Waste food etc to be kept in rodent proof receptacles**

A person must not store or permit the storage upon any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

#### **6.12 Restrictions on keeping of rodents**

A person or body who keeps rodents shall —

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes —
  - (i) forthwith take all reasonable steps to destroy or recapture the rodent; and
  - (ii) comply with the requirements of clause 6.10.

### **Division 4 — Cockroaches**

#### **6.13 Interpretation**

In this Division, unless the context otherwise requires —

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

#### **6.14 Measures to be taken to eradicate Cockroaches**

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the EHO, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this clause.

### **Division 5 — Argentine Ants**

#### **6.15 Interpretation**

In this Division, unless the context otherwise requires —

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

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

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

- (a) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual-based insecticide; and

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

### **Division 6 — European Wasps**

#### **6.17 Interpretation**

In this Division, unless the context otherwise requires —

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

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

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

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

### **Division 7 — Bee keeping**

#### **6.19 Interpretation**

In this Division, unless the context otherwise requires —

*bee* means an insect belonging to any of the various hymenopterous insects of the superfamily Apoidea and commonly known as a bee; and

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

#### **6.20 Restrictions on keeping of bees in hives**

- (1) A person shall not keep or permit the keeping of bees in a hive anywhere within the district unless approval to do so has been given by the local government.
- (2) If, in the opinion of an EHO, the approved beehives are causing a nuisance, the local government may direct any bees or approved beehives to be removed.
- (3) A person shall comply with a direction within the time specified.

### **Division 8 — Arthropod vectors of disease**

#### **6.21 Interpretation**

In this Division, unless the context otherwise requires —

*arthropod vectors of disease* includes –

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) pubic lice (*Phthirus pubis*);

- (d) body lice (*Pediculus humanus humanus*, also known as *Pediculus humanus corporis*); and
- (e) head lice (*Pediculus humanus capitis*).

## **6.22 Responsibility of the owner or occupier**

The owner or occupier of premises shall —

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

# **Part 7 — Infectious diseases**

## **Division 1 — General provisions**

### **7.1 Requirements on owner or occupier to clean, disinfect and disinfect**

- (1) The local government or an EHO may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect —
  - (a) the premises; or
  - (b) such things in or on the premises as are specified in the notice

or both, to the satisfaction of the EHO.

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

### **7.2 EHO may disinfect or disinfect premises**

- (1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an EHO, other local government officer or other person to disinfect and disinfect 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 EHO, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
- (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 clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

### **7.3 Insanitary houses, premises and things**

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

- (2) Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
- (3) Where an EHO considers that —
  - (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) any thing is insanitary
 the EHO may, by notice in writing, direct, as the case may be —
  - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
  - (ii) the owner or occupier of the thing to destroy or amend it
 within the time and in the manner specified in the notice.
- (4) A person to whom a notice has been given under subclauses (2) or (3) shall comply with the terms of the notice.

#### **7.4 Persons in contact with an infectious disease sufferer**

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

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

#### **7.5 Declaration of infected house or premises**

- (1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.
- (2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an EHO.

#### **7.6 Destruction of infected animals**

- (1) An EHO, upon being satisfied that an animal is or may be infected, or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer, and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of —
  - (a) in the manner and within the time specified in the notice; and
  - (b) by the person in whose possession, or upon whose premises, the animal is located.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under subclause (1), shall comply with the terms of the notice.

### **7.7 Disposal of a body**

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
- (2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

### **7.8 Local government may carry out work and recover costs**

- (1) Where —
  - (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
  - (b) that person fails or neglects to comply with the requirementthat person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered in a court of competent jurisdiction from the person referred to in subclause (1)(a).
- (3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

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

### **7.9 Disposal of used condoms**

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

### **7.10 Disposal of used needles**

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

## Part 8 — Lodging houses

### Division 1 — Registration

#### 8.1 Interpretation

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

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

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

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

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

**keeper** means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

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

- (a) a washing machine with a capacity of not less than 4 kilograms weight of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water;
- (c) either an electric drying cabinet or not less than 30 metres of clothes line; and
- (d) a hot water system that —
  - (i) is capable of delivering an adequate supply of water at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and
  - (ii) has a delivery rate of not less than 0.076 litres per second to each washing machine.

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

**lodging house** includes a recreational campsite, a serviced apartment 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, but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

*register of lodgers* means the register kept in accordance with section 157 of the Act and this Part;

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

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

*short-term hostel* means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and includes a youth hostel or a backpacker hostel; 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 the act to be done, or of preventing the act so forbidden from being done, as the case may be.

## **8.2 Lodging house not to be kept unless registered**

A person shall not keep or cause or allow to be kept a lodging house unless —

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) when required by the local government either —
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of an EHO, has been appointed by the keeper to have the care and management of the lodging house

resides or intends to reside continuously in the lodging house, whenever there is one or more lodgers in the lodging house.

## **8.3 Application for registration**

An application for registration of a lodging house shall be —

- (a) submitted on the approved form as prescribed in Schedule 4;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by —
  - (i) the approved fee as fixed from time to time by the local government under section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging house.

#### **8.4 Approval of application**

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a certificate of registration in the form prescribed in Schedule 5.

#### **8.5 Renewal of registration**

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house in the form prescribed in Schedule 6; and
- (b) pay the approved fee as fixed from time to time by the local government under section 344C of the Act at the time of making each application for renewal.

#### **8.6 Notification upon sale or transfer**

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government in the form prescribed in Schedule 7, written notice of the full name, address and occupation of the person to whom the lodging house has been or is to be sold or transferred.

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

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



## **Division 2 — Construction and use requirements**

### **8.8 General construction requirements**

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

### **8.9 Sanitary conveniences**

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises —
  - (a) toilets; and
  - (b) bathrooms, each fitted with a hand wash basin and either a shower or a bath in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall —
  - (a) be so situated, separated and screened as to ensure privacy;
  - (b) be apportioned to each sex;
  - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
  - (d) be provided with adequate electric lighting and ventilation.
- (6) Paragraphs (b) and (c) of subclause (5) do not apply to a serviced apartment.

### **8.10 Laundry**

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

### **8.11 Kitchen**

A keeper of a lodging house shall provide in that lodging house a kitchen 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; and
- (b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.

### **8.12 Dining room**

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

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

### **8.13 Lounge room**

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

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

### **8.14 Fire prevention and control**

- (1) The keeper of a lodging house must —
  - (a) in each passage in the lodging house provide an emergency light —
    - (i) in the position and pattern approved by an EHO; and
    - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
  - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times; and

- (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) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

#### **8.15 Obstruction of passages and stairways**

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

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

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

#### **8.16 Fitting of locks**

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

#### **8.17 Restriction on use of rooms for sleeping**

- (1) Subject to subclause (3) and clause 8.31, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house —
  - (a) which contains food;
  - (b) which contains or is fitted with a cooking appliance or kitchen sink;
  - (c) which is used as a kitchen, scullery, storeroom, dining room, general sitting room, or lounge room or for the preparation or storage of food;
  - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
  - (e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
  - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metres of unobstructed glass to every 1.0 square metre of floor area;
  - (g) which is ventilated at a ratio of less than 0.5 square metres of unobstructed ventilating area to every 10 square metres of floor area;
  - (h) in which the lighting or ventilation referred to in 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 EHO.
- (2) For the purposes of this clause, 2 children under the age of 10 years are counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

## **8.18 Sleeping accommodation—short-term hostels and recreational campsites**

- (1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than —
  - (a) 4 square metres per person in each dormitory utilising beds; and
  - (b) 2.5 square metres per person in each dormitory utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there 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; and
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government.
- (6) The keeper of any short-term hostel or recreational campsite shall provide —
  - (a) beds with a minimum size of —
    - (i) in short-term hostels — 800 millimetres x 1.9 metres; and
    - (ii) in recreational campsites — 750 millimetres x 1.85 metres; and
  - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short-term hostel or recreational campsite shall —
  - (a) arrange at all times a distance of 750 millimetres between beds, and a distance of 900 millimetres between bunks;
  - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short-term hostel or recreational campsite shall ensure that —
  - (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS/NZS 1530.3:1999 as follows —
    - (i) drapes, curtains, blinds and bedcovers —  
a maximum Flammability Index of 6;

- (ii) upholstery & bedding —
  - a maximum Spread of Flame Index of 6; and
  - a maximum Smoke Developed Index of 5;
- (iii) floor coverings —
  - a maximum Spread of Flame Index of 7; and
  - a maximum Smoke Developed Index of 5;
- (b) fire retardant coatings used to make a material comply with the indices set out in subclause (8)(a) must be —
  - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
  - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4—2005, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer’s 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; and
- (e) all mattresses in a short-term hostel or recreational campsite are fitted with a mattress protector.

**8.19 Furnishing etc of sleeping apartments**

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

## **8.20 Ventilation**

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

## **8.21 Numbers to be placed on doors**

- (1) A keeper must 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 subclause (1) must be —
  - (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or shown by other legible means.

### **Division 3 — Management and care**

## **8.22 Keeper or manager to reside in the lodging house**

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

## **8.23 Register of lodgers**

- (1) A keeper shall keep a register of lodgers in the form prescribed in Schedule 8.
- (2) The register of lodgers shall be —
  - (a) kept in the lodging house; and
  - (b) open to inspection at any time on demand by any member of the Police Service or by an EHO.

## **8.24 Keeper report**

A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 9, the name of each lodger who lodged in the lodging house during the preceding day or night.

## **8.25 Certificate in respect of sleeping accommodation**

- (1) An EHO may issue to a keeper, a certificate, in respect of each room, which shall be in the form of Schedule 10.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons permitted to occupy each room of a sleeping apartment at any one time.
- (3) When required by an EHO, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which it refers.

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

#### **8.26 Duplicate keys and inspection**

Each keeper and manager of a lodging house shall —

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

#### **8.27 Room occupancy**

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

#### **8.28 Maintenance of a room by a lodger or resident**

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

#### **8.29 Cleaning and maintenance requirements**

- (1) In this clause —

***bed linen*** includes sheets, pillow cases and mattress covers.
- (2) A keeper of a lodging house shall —
  - (a) maintain in a clean, sound and undamaged condition —
    - (i) the floor, walls, ceilings, woodwork and painted surfaces;
    - (ii) the floor coverings and window treatments; and

- (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order —
  - (i) all fixtures and fittings; and
  - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that —
  - (i) all bed linen, towels and house linen in use are washed at least once a week;
  - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
  - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
  - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease; and
  - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
  - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by an EHO, ensure that —
  - (i) a room, together with its contents and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an EHO.

### **8.30 Responsibilities of lodgers and residents**

A lodger or resident shall not —

- (a) use any room available to lodgers —
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials that are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;



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

### **8.31 Approval for storage of food**

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

## **Part 9 — Offensive trades**

### **Division 1 — General**

#### **9.1 Interpretation**

In this Part, unless the context otherwise requires —

*occupier* in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;

*offensive trade* means any trades as defined by section 186 of the Act; and

*premises* includes houses.

#### **9.2 Consent to establish an offensive trade**

A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall make an application in the form prescribed in Schedule 11 and in accordance with the local government’s Local Planning Scheme.

### 9.3 False statement

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

### 9.4 Registration of premises

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

- (a) in the form prescribed in Schedule 12;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the local government.

### 9.5 Certificate of registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 13.

### 9.6 Change of occupier

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

### 9.7 Alterations to premises

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

## Division 2 — General duties of an occupier

### 9.8 Interpretation

In this Division, unless the context otherwise requires —

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

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

### 9.9 Cleanliness

The occupier shall—

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

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

#### **9.10 Rats and other vectors of disease**

The occupier shall —

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

#### **9.11 Sanitary conveniences and hand wash basins**

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

#### **9.12 Painting of walls etc**

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

#### **9.13 Effluvia, vapours or gases**

The occupier shall —

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

#### **9.14 Offensive material**

The occupier shall —

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

### 9.15 Storage of materials

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

### 9.16 Specified offensive trades

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

### 9.17 Directions

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

### 9.18 Other duties of occupier

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

## Division 3 — Fish premises

### 9.19 Interpretation

In this Division, unless the context otherwise requires —

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

## 9.20 Duties of an occupier

The occupier of a fish premises shall —

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

## 9.21 Disposal of waste

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

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

## 9.22 Fish containers

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

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

## Division 4 — Laundries, dry cleaning establishments and dye works

### 9.23 Interpretation

In this Division, unless the context otherwise requires —

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

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

***exempt laundromat*** means a premises in which —

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

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

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

#### **9.24 Receiving depot**

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

#### **9.25 Reception room**

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall —
  - (a) provided a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
  - (b) cause such articles, as may be directed by an EHO, to be thoroughly disinfected to the satisfaction of the officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

#### **9.26 Walls and floors**

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

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

#### **9.27 Laundry floor**

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

#### **9.28 Escape of dust**

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

#### **9.29 Precautions against combustion**

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

### **9.30 Trolleys**

The occupier of a laundry or dry cleaning establishment shall —

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

### **9.31 Sleeping on premises**

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

## **Part 10 — Offences and penalties**

### **Division 1 — General**

#### **10.1 Offences and penalties**

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under subclause (1) is liable —
  - (a) to a penalty which is not more than \$2,500 and not less than —
    - (i) in the case of a first such offence, \$250;
    - (ii) in the case of a second such offence, \$500; and
    - (iii) in the case of a third or subsequent such offence, \$1,250; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

**Schedule 1 — Application for licence of a morgue**

[cl 3.13]

City of Greater Geraldton  
APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer  
City of Greater Geraldton

I .....  
(Full name of applicant)

of .....  
(Residential address of applicant)

apply to licence the premises listed below as a Morgue.

Address of premises: .....

Name of premises: .....

.....  
(Signature of applicant)

.....  
(Date)

**Schedule 2 — Application for registration of a cattery**

[cl 5.12(7)(b)]

City of Greater Geraldton  
APPLICATION FOR REGISTRATION OF CATTERY

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 the premises in or upon which there is (or is to be) a Cattery, namely

.....  
(Description of Cattery)

under the business name of .....

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

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

.....  
(Date)



**Schedule 3 — Certificate of registration of a cattery**

[cl 5.12(8)(a)]

City of Greater Geraldton  
CERTIFICATE OF REGISTRATION OF CATTERY

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

.....

of which ..... is the occupier;

are registered as a Cattery .....

Trade Name .....

This registration expires on .....

.....  
(Environmental Health Officer)

.....  
(Date)

**Schedule 4 — Application for registration of a lodging house**

[cl 8.3]

City of Greater Geraldton  
APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer  
City of Greater Geraldton

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
- a recreational campsite
- serviced apartments

(Tick 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 —	<u>Number</u>	<u>Area</u>
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify):		
.....	.....	.....
Rooms for lodgers —	<u>Number</u>	<u>Area</u>
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify):		
.....	.....	.....
Sanitary conveniences for male lodgers	<u>Number</u>	
Toilets	.....	
Urinals	.....	
Baths	.....	
Showers	.....	
Hand wash basins	.....	
Sanitary conveniences for female lodgers	<u>Number</u>	
Toilets	.....	
Baths	.....	
Showers	.....	
Hand wash basins	.....	
Laundry facilities	<u>Number</u>	
Wash-troughs	.....	
Washing machines	.....	
Drying cabinets or clothes lines	.....	

Additional Details —

- (a) Lodgers' meals will/will not 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.

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

.....  
(Date)

**Schedule 5 — Certificate of registration of a lodging house**

[cl 8.4]

City of Greater Geraldton  
CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

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

is registered as a Lodging house and classified as —

- a lodging house
- a short-term hostel
- a recreational campsite
- serviced apartments

(Specify which is to apply)

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

- (3) that ....., whose name is entered on the register of keepers of the City of Greater Geraldton, continues to be the keeper of the lodging house;
- (4) that the Certificate of Registration is not sooner cancelled or revoked;
- (5) that the maximum number of rooms to be used as sleeping apartments for lodgers is .....; and
- (6) that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of Registration is issued subject to the *Health Act 1911* and the *City of Greater Geraldton Health Local Law 2012* and is not transferable.

.....  
(Environmental Health Officer)

.....  
(Date)

**Schedule 6 — Application for renewal of registration of a lodging house**

[cl 8.5]

City of Greater Geraldton  
APPLICATION FOR RENEWAL OF REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer  
City of Greater Geraldton

I/We .....  
(Full name of applicant/s)

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

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

as a lodging house to be classified as —

- a lodging house
  - a short-term hostel
  - a recreational campsite
  - serviced apartments
- (Tick which is to apply)

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

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

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

.....  
(Date)

**Schedule 7 — Notice of change of owner of a lodging house**

[cl 8.6]

City of Greater Geraldton  
**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

To: Chief Executive Officer  
City of Greater Geraldton

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 carrying on of the lodging house business.

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

.....  
(Date)

**Schedule 8 — Register of lodgers**

[cl 8.23]

City of Greater Geraldton  
**REGISTER OF LODGERS**

Location of lodging house: .....

.....

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

**Schedule 9 — List of lodgers**

[cl 8.24]

City of Greater Geraldton  
LIST OF LODGERS

To: Chief Executive Officer  
City of Greater Geraldton

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

.....

on .....  
(Date)

Lodger's name —

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

.....  
(Signature of keeper)

.....  
(Date)

**Schedule 10 — Certificate of sleeping accommodation for a lodging house**

[cl 8.25]

City of Greater Geraldton  
CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

To .....  
(Full name of Keeper)

of .....  
(Residential 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 —

<u>Room Number</u>	<u>Maximum Occupancy</u>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

.....  
(Environmental Health Officer)

.....  
(Date)

**Schedule 11 — Application for consent to establish an offensive trade**

[cl 9.2]

City of Greater Geraldton  
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer  
City of Greater Geraldton

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)

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 12 — Application for registration of premises for offensive trade**

[cl 9.4]

City of Greater Geraldton  
APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer  
City of Greater Geraldton

I/We .....  
(Full name of applicant/s)

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

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

of .....  
(Location of premises)

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

.....  
(Description of offensive trade)

under the business name of.....

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

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

.....  
(Date)

**Schedule 13 — Certificate of registration of premises for offensive trade**

[cl 9.5]

City of Greater Geraldton  
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 .....

.....  
(Environmental Health Officer)

.....  
(Date)

\_\_\_\_\_

Dated

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

\_\_\_\_\_  
Ian Carpenter  
Mayor

\_\_\_\_\_  
Anthony Brun  
Chief Executive Officer

Consented to

\_\_\_\_\_  
Executive Director  
Public Health

dated this

LOCAL GOVERNMENT ACT 1995

**CITY OF  
GREATER GERALDTON**

**LOCAL GOVERNMENT  
AND PUBLIC  
PROPERTY LOCAL  
LAW 2013**

**LOCAL GOVERNMENT ACT  
1995**

CITY OF GREATER GERALDTON

**LOCAL GOVERNMENT  
AND PUBLIC PROPERTY  
LOCAL LAW 2013**

ARRANGEMENT

PART 1—Preliminary.....	Clauses 1 -5
PART 2—Approvals and Fees.....	Clauses 6-9
PART 3—General.....	Clauses 10 -16
PART 4—Use Of Local Government Property.....	Clauses 17 -25
PART 5—Swimming Pools.....	Clauses 26 -28
PART 6—Reserves, Beaches And Bathing.....	Clauses 29 -35
PART 7—Shopping Trolleys.....	Clauses 36 -39
PART 8—Offences and Penalties.....	Clauses 40 -44
Schedule 1	

**LOCAL GOVERNMENT  
AND PUBLIC PROPERTY  
LOCAL LAW 2013**

A Local Law to

- regulate the care, control and management of all property of the local government except on thoroughfares.
- control the use of local government property and prevent inappropriate behaviour in or on local government property.
- and to remove obsolete and out-dated local laws relating to the new district of the City of Greater Geraldton.

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Greater Geraldton resolved to make the following local law on the **Date** .

## **PART 1—PRELIMINARY**

### **Title**

1. This local law may be referred to as the City of Greater Geraldton Local Government and Public Property Local Law 2013.

### **Commencement**

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

### **Purpose and intent**

3. (1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government buildings and land and public property within the district.  
(2) The effect of this local law is to establish the requirements with which any person using or being on local government and public property within the district, must comply.

### **Repeal**

The following local laws are repealed:

- 4 (a) Municipality of the Town of Geraldton By-laws for the Prohibition of Playing Golf on Reserves published in the Government Gazette on the 9 December 1977;
- (b) City of Geraldton Local Government Property Local Law published in the Government Gazette on the 7 November 2001;
- (c) Greenough Road Board By-laws for the Control and Management of Halls published in the Government Gazette on the 17 June 1938;
- (d) Shire of Greenough Reserves, Rivers and Foreshores Local Law, published in the Government Gazette on 31 October 2001;
- (e) Mullewa Road Board By-laws relating to the Management and Use of the Town Hall and Other Buildings under the Control of the Board published in the Government Gazette on 8 December 1939 and amended and published in the Government Gazette on 5 January 1961, 23 January 1973, 13 February 1981 and 19 August 1988; and
- (f) Municipality of the Shire of Mullewa By-laws relating to Swimming Pool published in the Government Gazette on 28 May 1969 and amended and published in the Government Gazette on 23 January 1973, 17 January 1975, 29 July 1977, 28 October 1983, 10 July 1987 and 2 September 1988.

### **Definitions**

5. In this local law unless the context otherwise requires—

“Act” means the Local Government Act 1995;

“adjacent owner” means the owner of any property or lot adjoining a thoroughfare which is subject to a verge treatment;

“applicant ” means a person who has lodged an application for an approval, or certificate, required for any activity under this local law;

“application” means the completed form lodged by an applicant as required by this local law;

“approval holder” means the person issued with an approval;

“article” in respect of lost property, includes money;

“attendant ” means an employee of the local government duly authorised to perform duties in connection with a pool premises, or other recreational facility;

“authorised person” means a person authorised by the local government under section 9.10 of the Act;

“bathing” means the act of entering the sea, a swimming pool, or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

“bathing appliance” means a float of any material, including kick boards, paddle boards, body boards, or any other device used or capable of being used for the purpose of bathing;

“boat ” means any structure or vessel, excluding personal watercraft, whether motorised or not and made or used to travel or float on water or travel under water;

“camp” has the same meaning as defined in the Caravan Parks and Camping Grounds Act 1995;

“CEO” means the chief executive officer of the local government;

“decency” means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“district” means the district of the local government;

“firework” means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

“fireworks display” means a show of a number of fireworks set off over a pre-arranged time period, for the purpose of providing enjoyment to those persons able to view them;

“fishing” means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

“function” means an event or activity characterised by any or all of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) it is organised by or on behalf of an association or other body;
- (d) payment of a fee is required for attendance; and
- (e) there is systematic recurrence in relation to the day, time and place;

“lifesaving club” means a lifesaving club affiliated with Surf Lifesaving WA Inc. or any branch;

“lifesaving gear”  
means any gear or appliance for use in the provision of life saving or for training of life saving club members in their duties;

“lifesaving patrol” means a patrol comprising such members of a lifesaving club as are appointed by that club from time to time to provide lifesaving services in a defined area and the term includes an employee of the local government appointed as a beach patrol officer or inspector;

“liquor” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

“local government ” means the City of Greater Geraldton;

“local government building” means a structure, hall, room, corridor, stairway or annex, and includes all plumbing, electrical installations, fixtures, fittings, furniture and other contents, owned or under the care, control and management of the local government;

“local government property” means anything which belongs to, is owned by or is under the care control and management of the local government, other than a thoroughfare;

“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

“manager” means the person for the time being employed by the local government to manage a swimming pool premises or recreation centre and includes any assistant or deputy;

“nuisance” means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place;

or

- (c) anything a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“patrol flag” means a flag or notice erected at the limits of a bathing area to indicate the extremities of that area;

“person” means any person, company, employer and includes an owner, occupier, licensee and approval holder;

“personal watercraft” means any vessel designed for the transport of 1, 2, or 3 persons that —

- (a) is propelled by means of an inboard motor powering a water jet pump;

and

- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

“pool premises” means and includes any swimming pool for the time being under the control and management of the local government and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool or used in connection with it;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the care, control or management of the local government;

“public property” means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;

“retailer” means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

“sand board” means a board designed to be used for sliding down a slope of land and sand boarding has a correlative meaning;

“shopping trolley” means a container or receptacle on wheels provided by a retailer for customers to transport goods;

“sign” includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

“surf board” means a flotation device designed and used for riding or surfing waves, including surf skis or any other device used or capable of being used for the purpose;

“thoroughfare” means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;

“vehicle” includes every conveyance, and every object capable of being propelled or drawn, on wheels or tracks, by any means, not being a train, vessel or aircraft while being used as such;

“vehicle crossing specification” means the design details, measurements and materials, approved by the local government as the standard vehicle crossing, which when first constructed on any land in the district, will be eligible for a subsidy as determined by the local government.

“verge” means that portion of land that lies between the front of a property and the edge of the thoroughfare and between imaginary lines extended at a 90 degree angle with the thoroughfare, from the edge of the thoroughfare to meet the side boundaries at the front of the property;

“verge treatment” means any of the treatments permitted by this local law and includes any reticulation pipes and sprinklers;

“zoned” means zoned under a town planning scheme of the local government.

## **PART 2 — APPROVALS AND FEES**

### **Application for approval**

6. An application for a written approval required in accordance with clause 10 shall be made on the form provided for the purpose.

### **Determination of application**



7. The local government may, in respect of an application for an approval—

- (a) refuse the application; or
- (b) approve the application with or without conditions.

#### **Term and validity of approval**

8. Subject to clause 9, an approval remains valid until—

- (a) the expiration date and time detailed in the approval is reached;
- (b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;
- (c) the approval is cancelled by the local government; or
- (d) the public liability and/or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

#### **Cancellation of approval**

9 (1). The local government may cancel an approval if—

- (a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;
- (b) the approval holder is convicted of an offence against this local law; or
- (c) the approval holder fails to abide by a notice served in accordance with Part 9 of the Act.

9 (2). In the event of cancellation of an approval, the approval holder shall not be entitled to a refund of the approval fees if any, for the remainder of the approval period.

## **PART 3 – GENERAL**

#### **Activities requiring approval**

10. A person shall not on or from any local government property, without having first obtained a written approval from the local government to do so—

- (a) consume any liquor;
- (b) erect a structure for public amusement or for any performance for personal gain or otherwise;
- (c) conduct any function;
- (d) light or set off any fireworks or conduct a fireworks display;
- (e) light any fire;
- (f) erect any tent, camp, hut or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;
- (g) carry out any works in a street, thoroughfare or other public place, including but not limited to—
  - (i) verge treatments;
  - (ii) vehicle crossing treatments; and
  - (iii) includes crossing a footpath with a vehicle which is likely to or does cause damage to the footpath ;
- (h) hire or use a building, reserve or other local government facility;
- (i) plant any plant or sow any seeds;
- (j) coach, teach, instruct or train for a fee, any person on or in a swimming pool, tennis court, or other recreation facility;
- (k) charge a person for entry;

- (l) make an excavation on, or erect or remove, any fence or other structure;
  - (m) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
  - (n) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind;
  - (o) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed;
- or
- (p) erect or display any sign.

#### **Personal behaviour**

11. A person on any local government property shall not behave in a manner which causes a nuisance;

#### **Decency and adequate clothing**

12. (1) A person over the age of 6 years shall not -

- (a) expose their genitals on any reserve, beach or other public place;
  - (b) appear in public unless properly dressed in a bathing costume or other clothing which covers the body to prevent indecent exposure;
  - (c) loiter outside or act in an unacceptable manner, in any portion of a toilet or dressing room set aside for the opposite or same sex;
- or
- (d) without the consent of the occupier, enter or attempt to enter any dressing room or other compartment which is already occupied.

(2) Where an authorised person considers that the clothing of any person on local government property is not proper and adequate to secure decency, the authorised person may direct that person to put on adequate clothing or leave that area and that person shall comply with the direction immediately.

#### **Property loss**

13. A person shall not remove from any local government property any fixtures, fittings, chattels or things provided for the safety, enjoyment or use by another person.

#### **Property damage**

14. A person shall not damage, destroy, deface or interfere with in any way, any local government property provided for the safety, enjoyment or use by another person.

#### **Actions of authorised person**

15. A manager, controller, attendant or authorised person may direct any person on local government property to—

- (a) stop doing anything which they are in the process of doing, which is contrary to this local law or any other local law applying in the district, or
- (b) leave that property.

#### **Direction of authorised person to be obeyed**

16. (1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.

(2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

### **PART 4—USE OF LOCAL GOVERNMENT PROPERTY**

#### **Setting aside property**

17. (1) The local government may set aside any local government property, local government building or reserve or portion of such for a specific use or uses and may designate by signs that use and conditions of use, including but not limited to any areas where—

- (a) the entry of persons is restricted or prohibited;
  - (b) bathing is permitted at all times or is restricted or prohibited;
  - (c) boats, personal watercraft or surfboards , either generally or of a particular class are permitted, restricted or prohibited;
  - (d) boats and/or personal watercraft may be launched or retrieved;
  - (e) motorised vehicles of a particular class or classes are permitted;
  - (f) the speed limit at which vehicles generally or of a particular class, must travel;
  - (g) the age of persons permitted, restricted or prohibited, from playing on children’s play equipment ;
  - (h) motorised model aero planes may be flown;
  - (i) the practice or playing of games of any type is permitted, restricted or prohibited;
  - (j) riding a bicycle, skateboards , rollerblades or sand boards or similar devices are permitted, restricted or prohibited; and
  - (k) fishing is permitted, prohibited or restricted to fishing in a particular manner.
- (2) In the process of setting aside property, the local government may specify the extent to which and the manner in which a use or activity in sub clause (1) may be pursued and in particular —
- (a) the days and times during which the use or activity may be pursued;
  - (b) that a use or activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that a use or activity is taken to be prohibited on all local government property other than that set aside for the specific use or activity;
  - (d) may limit the use or activity to a class of vehicles, boats, equipment or things or may extend it to all vehicles, boats, equipment or things;
  - (e) may specify that the use or activity can be pursued by a class of persons or all persons; and
  - (f) may distinguish between different classes of use or activity.
- (3) Where local government property, a local government building or reserve has been set aside for a specific use in accordance with sub clause (1), a person shall not use that property other than for its specific use and in accordance with any conditions imposed.
- (4) The local government may permit a local government property, local government building or reserve to be temporarily used for a use or activity other than that for which it has been set aside, provided written approval is first obtained from the local government for that temporary use or activity.
- (5) A person who uses a local government property, local government building or reserve for any use or activity other than that for which the local government property, local government building or reserve has been set aside, without first obtaining written approval, commits an offence.
- (6) A condition of use specified on a sign erected under sub clause (1) is—
- (a) not to be inconsistent with any provision of this local law; and
  - (b) for the purpose of giving notice of the effect of a provision of this local law.

**Restrictions on or in local government property and buildings**

18. While on or in any local government property or local government building, a person shall not—

- (a) sell, supply or consume liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988 for that purpose and the local government has issued an approval for the consumption of liquor;
- (b) act in a way that endangers themselves or any person;
- (c) be under the influence of liquor or a prohibited drug;
- (d) use any volatile, explosive or flammable matter;
- (e) smoke inside a building where smoking is prohibited;

- (f) take any prohibited drug onto, or consume or use any prohibited drug;
- (g) enter any place that has been fenced off or closed to the public; or
- (h) carry firearms unless specifically authorised to do so under the Firearms Act 1973.

#### **Prohibited activities**

19. Unless indicated by a sign that any of the following activities are permissible on any reserve or other local government property set aside for the purpose, a person shall not—

- (a) play or practice golf, archery, pistol or rifle shooting;
- (b) ride a skateboard or roller blades;
- (c) ride a sand board or similar device; or
- (d) launch a personal watercraft or boat.

#### **Entry to local government property and buildings**

20. A person, other than an authorised person or contractor appointed by the local government carrying out their normal duties, shall not—

- (a) enter or leave any local government property or local government building other than by the public entrance or exit ways, except in an emergency; or
- (b) enter or remain on any local government property or local government building except on those days and during those times when access is available to the public.

#### **Payment of applicable fees**

21. Where a fee or charge applies to the entry to or participation in an activity on or in any local government property or building, a person shall not enter that property or building without first paying the applicable fee or charge, unless that person has been exempted by the local government in writing from paying that fee or charge.

#### **No refund of fees**

22. A person will not be entitled to a refund of any fee paid for—

- (a) bathing, swimming or using any facilities provided for public use in a pool premises; or
- (b) where a booking for the use of a local government building, property or facility is cancelled by a hirer, provided that in special circumstances the local government may authorise repayment of a part or all of the amount paid.

#### **Application for hire**

23. An application for the hire and use of a local government property or building shall be in the form provided for the purpose and shall be forwarded to the local government together with the application and hire fees.

#### **Conditions of hire and use**

24. The conditions that may relate to an approval for hire and use of a local government property or building include—

- (a) when fees and charges are to be paid and the amount;
- (b) the purpose for which the building may be used;
- (c) the duration of the hire;
- (d) payment of a bond against possible damage, cleaning or other expenses;
- (e) restrictions on the erection of decorations inside the building and externally;
- (f) restrictions on use of furniture, plants and effects;
- (g) the number of persons that may attend any function in a building;
- (h) the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;
- (i) the prohibition of the consumption of liquor unless an approval has been issued by the local government;

- (j) the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988, for that purpose;
- (k) securing the building at the end of each hire period;
- (l) the prohibition on the conduct of gaming unless a gaming approval has been obtained under the Gaming Act 1987;
- (m) restrictions on the type of container (glass, metal, plastic or other) that drinks may be provided and served in or consumed from;
- (n) the amplification of, or any noise complies at all times with the Environmental Protection (Noise) Regulations 1997; and
- (o) any other condition that the local government considers fit.

#### **Responsibilities of hirer**

25. The hirer of a local government property or building shall—

- (a) maintain law and order and decent behaviour by all in attendance at any function for which the local government property or building has been hired;
- (b) make good any damage to the local government property which occurs during the term of hire, or at the option of the local government, pay to the local government the costs of the repair and replacement of any such property;
- (c) ensure that an authorised person has unobstructed access to the property for the purpose of inspecting the property or enforcing any provision of this local law;
- (d) prevent overcrowding;
- (e) leave the local government property or building in a clean and tidy condition after its use;
- (f) prevent the sale and consumption of any liquor unless a licence has been obtained under the Liquor Licensing Act 1988 for that purpose and the local government has issued an approval for consumption;
- (g) report any damage or defacement to the local government; and
- (h) comply with all conditions that are imposed on the hire and use of the local government property or building.

## **PART 5—SWIMMING POOLS**

#### **Directions of manager and attendant to be observed**

26. (1) Every person, coach and spectator at a pool premises shall at all times observe any reasonable direction given by the manager or attendant.
- (2) The manager or attendant may at any time, refuse admission to or remove, or cause to be removed from the pool premises, any person who, in the opinion of the manager or attendant is—
- (a) under the age of 10 years and is unaccompanied by a responsible person over the age of 18 years;
  - (b) under the age of 4 years not being supervised in the water by a responsible person over the age of 18 years;
  - (c) apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; or
  - (d) under, or apparently under, the influence of intoxicating liquor or drugs.
- (3) A person shall on being requested by the manager or attendant to leave the pool premises, quietly and peaceably, do so immediately.
- (4) The manager or attendant may temporarily suspend admission to, or remove from the pool premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.
- (5) At the discretion of the manager, the pool premises or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

### **Swimming carnivals**

27. (1) A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior approval of the manager.
- (2) A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall take reasonable steps to prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that this local law is observed by all competitors, officials and spectators attending the carnival or event.

### **Responsibilities of swimming pool users**

28. A person while in the swimming pool premises shall not—
- (a) smoke, consume foodstuffs or drinks in any specific area in which smoking or food consumption is prohibited;
  - (b) climb up or upon any roof, fence, wall or partition on the pool premises; or
  - (c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the swimming pool, spa or pool premises.

## **PART 6—RESERVES, BEACHES AND BATHING**

### **Beaches, reserves and sand dune protection**

29. A person shall not—
- (a) use a sand board or any other board or thing to slide down sand dunes;
  - (b) take onto any sand dunes a sand board or other thing used for sliding down sand dunes;
  - (c) traverse sand dunes except along pathways designated by signs or fences for the purpose; or
  - (d) unless authorised in writing by the local government to do so in the course of their duties, or otherwise permitted by a sign, take a vehicle of any kind onto any beach or sand dunes.

### **Boat Launching**

30. (1) A person shall not launch a boat into the sea other than at a boat launching ramp designed, constructed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.
- (2) Sub clause (1) does not apply to any member of a surf lifesaving club or lifesaving patrol in the course of their duties, training or in competition.

### **Surf lifesaving activities**

31. An authorised person or a member of surf lifesaving club may perform all or any of the following functions in the interests of maintaining safety at beaches in the district—
- (a) patrol any beach;
  - (b) take onto any beach any lifesaving gear including vehicles or boats that are used for lifesaving activities;
  - (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted;
  - (d) indicate by signs any areas of a beach and the adjacent water beyond the beach where:
    - (i) riding of surfboards or any other bathing appliance is prohibited;
    - (ii) driving of boats is prohibited; and
    - (iii) fishing is prohibited;
  - (e) regulate, prohibit, restrict or set aside by signs, rope, wire, cloth or other flexible sheeting, any areas for the following activities:
    - (i) entry by any persons;

- (ii) playing of games;
- (iii) conduct of training or surf club carnivals; and
- (iv) establishing a first aid or command post;
- (f) direct any person to—
  - (i) bathe within the designated permitted bathing area indicated by signs or patrol flags; or
  - (ii) leave the water adjacent a beach during any period of potential dangerous conditions or sighting of a shark.

#### **Identification of life saving patrol**

32. (1) A member of a lifesaving patrol on duty at any beach shall wear a red and yellow quartered swimming cap for the time they are on patrol.
- (2) A person who is not a member of and on duty lifesaving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty lifesaving patrol.

#### **Compliance with signs and directions**

33. A person attending any beach in the district shall—
- (a) comply with any sign erected on the beach;
  - (b) comply with any lawful direction given by a patrolling member of a surf lifesaving club patrolling the beach or authorised person; and
  - (c) not enter any area set aside for any lifesaving activity, training, competition or carnival.

#### **Fishing**

34. (1) A person shall not fish in any area—
- (a) where fishing is prohibited and the prohibition is designated by signs; or
  - (b) set aside by a beach inspector or member of a lifesaving patrol as a designated permitted bathing area.
- (2) A person shall not at any place whether fishing is permitted or not—
- (a) clean fish or cut bait on any seat or hand rail;
  - (b) leave or deposit fish offal on any reserve.

#### **Surfboards and boats**

35. A person shall not ride a surfboard or drive a personal watercraft or boat in any area set aside by a member of a surf lifesaving patrol or authorised person, as a designated permitted bathing area.

## **PART 7—SHOPPING TROLLEYS**

#### **Name of owner of shopping trolley**

36. A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### **Shopping trolleys in public places**

37. A person shall not leave a shopping trolley in a public place, other than in the area set aside for the storage of shopping trolleys.

#### **Shopping trolley to be removed by owner**

38. Where a shopping trolley is found abandoned in a public place and the owner has been advised verbally or in writing of its location by the local government, the owner shall remove the shopping trolley from the public place within 24 hours of being advised.

#### **Retailer taken to own shopping trolley**

39. In the absence of any proof to the contrary, a shopping trolley is to be taken to be owned by a retailer whose

## **PART 8 —OFFENCES AND PENALTIES**

### **Offences**

40. (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16 (1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000 , and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### **Infringement and infringement withdrawal notices**

41. For the purposes of this local law—
- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First schedule of the Local Government (Functions and General) Regulations 1996.

### **Offence description and modified penalty**

42. The amount appearing in the final column of the First Schedule directly opposite an offence described in that schedule is the modified penalty for that offence.

### **Prosecution for offences**

43. A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Magistrates Court.

### **Review**

#### **44. Right of Appeal**

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

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law;

and the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.



—  
**First Schedule**

**CITY OF GREATER GERALDTON**

**Local Government and Public Property Local Law 2013**

**OFFENCES AND MODIFIED PENALTIES**

<b>Clause</b>	<b>Description of offence</b>	<b>Modified penalty — first offence</b>	<b>Modified penalty — subsequent offence</b>
10	Fail to obtain a written approval.	100	200
11	Behaviour likely to interrupt, disturb or interfere with enjoyment of other persons	100	200
12(1)(d)	Without consent of the occupier, enter or attempt to enter a dressing room already occupied.	100	200
16 (1)	Fail to comply with a lawful direction of an authorised person.	250	500
18 (c)	Be under the influence of liquor or a prohibited drug.	100	100
18 (d)	Use any volatile, explosive or flammable matter.	250	500
18 (e)	Smoke inside a building where smoking is prohibited.	100	200
18 (g)	Enter any place that has been fenced off, obstructed or closed to the public	100	200
19 (a)	Play/practice golf, archery, pistol or rifle shooting	250	500
19 (b)	Ride a skateboard or roller blades	100	200
20 (a)	Enter or leave any local government property or building other than by the public entrance or exit ways	100	200
20 (b)	Enter or remain on any local government property or building except during times access is available to the public	100	200
21	Enter local government property or building without first paying the applicable fee or charge	100	200
25	Fail to meet responsibilities of hirer of local government property or building	250	500
26(1)	Failure to observe a reasonable direction given by the manager or attendant	100	200
26(3)	Fail to leave pool premises quietly and peaceably when requested to do so	250	500
28	Fail to meet responsibilities of swimming pool users	100	200
29(a)	Use a sand board, other board or thing to slide down a sand dunes	100	200
29(b)	Take onto any sand dune a sand board or other thing used for sliding down sand dunes	100	200
29(c)	Traverse sand dunes other than along designated paths	100	200
29(d)	Take a vehicle onto any beach or sand dunes	250	500
30(1)	Launch a boat into sea from area not approved or not permitted by signs	250	500
33(a)	Fail to comply with a sign erected on a beach	100	200
33(b)	Fail to comply with a lawful direction given by a patrolling member of a surf life saving	100	200
33(c)	Enter an area set aside for lifesaving activities	100	200
34(1)(a)	Fish in an area set aside as designated permitted bathing area	100	200
34(2)(a)	Clean fish or cut bait on any seat or handrail	100	200
34(2)(b)	Leave or deposit fish offal on any reserve	100	200
35	Ride a surf board, drive a personal watercraft or boat in a designated permitted bathing area	250	500
37	Leave a shopping trolley in a public place in precinct of the shopping centre	200	400
38	Failure of owner to remove shopping trolley within 24 hours of being advised by local government	250	500



Dated

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

\_\_\_\_\_  
Ian Carpenter  
Mayor

\_\_\_\_\_  
Ken Diehm  
Chief Executive Officer