

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

HEALTH LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

HEALTH LOCAL LAW 2026

TABLE OF CONTENTS

Part 1 - Preliminary.....	7
1.1 Title.....	7
1.2 Commencement	7
1.3 Application	7
1.4 Repeal	7
1.5 Terms used.....	7
1.6 Interpretation.....	9
Part 2 - Sanitation.....	10
2.1 Terms used.....	10
2.2 Dwelling house	10
2.3 Premises other than a dwelling house.....	10
2.4 Toilets	11
2.5 Temporary works	11
2.6 Maintenance of sanitary conveniences and fittings	11
2.7 Ventilation of toilets.....	11
2.8 Public sanitary conveniences	11
2.9 Lighting	12
2.10 Installation.....	12
2.11 Bathrooms	12
2.12 Laundries.....	12
2.13 Kitchens.....	13
Part 3 - Housing and general.....	13
3.1 Dwelling house maintenance	13
3.2 Exemptions	14
3.3 Overcrowding.....	14
3.4 Ventilation	15
3.5 Sub-floor ventilation	15
3.6 Water supply.....	15
3.7 Water tanks.....	15

3.8	Wells.....	16
3.9	Pollution.....	16
Part 4 - Waste food and refuse.....		16
4.1	Terms used.....	16
4.2	Deposit of liquid refuse	16
4.3	Disposal of liquid waste.....	17
4.4	Removal of liquid waste from septic tanks etc.....	17
4.5	Disposal from wash down bays.....	17
4.6	Terms used.....	17
4.7	Location of receptacles	18
4.8	Use of receptacles	18
4.9	Use of other containers	19
4.10	Suitable enclosure	20
4.11	Building construction.....	20
4.12	Deposit of refuse.....	21
4.13	Removal from refuse disposal site	21
4.14	Removal of rubbish from premises or receptacle	21
4.15	Term used.....	22
4.16	Restriction of vehicles	22
4.17	Transport of butchers' waste	22
Part 5 - Nuisances and general		23
5.1	Term used.....	23
5.2	Burning rubbish, refuse or other material	23
5.3	Escape of smoke, fumes, odours and other emissions	23
5.4	Emission or reflection of light	23
5.5	Prevention of erosion and the escape of sand and dust.....	24
5.6	Works requiring approval	24
5.7	Application for approval.....	24
5.8	Terms used.....	25
5.9	Cleanliness	25
5.10	Animal enclosures.....	25
5.11	Slaughter of animals	26
5.12	Disposal of a dead animal.....	26
5.13	Terms used.....	26
5.14	Large animals	26
5.15	Stables.....	27
5.16	Manure and feed receptacles.....	27
5.17	Terms used.....	28

5.18	Limitation on numbers.....	28
5.19	Conditions for keeping aviary birds	29
5.20	Conditions for keeping poultry.....	29
5.21	Keeping of roosters, peafowl, geese and turkeys.....	30
5.22	Keeping of pigeons or doves.....	30
5.23	Removal of non-conforming structure or enclosure	30
5.24	Restrictions on pigeon nesting or perching	31
5.25	Nuisances.....	31
5.26	Terms used.....	31
5.27	Ventilation.....	31
5.28	Exhaust air discharge points and exhaust registers	31

Part 6 - Pest control 32

6.1	Term used.....	32
6.2	Restrictions on fly breeding matter.....	32
6.3	Measures to be taken	32
6.4	Notice directing measures to be taken	33
6.5	Local Government may execute work and recover costs	33
6.6	Term used.....	33
6.7	Measures to be taken to prevent mosquitoes breeding	33
6.8	Local Government may execute work and recover costs	34
6.9	Term used.....	34
6.10	Measures to be taken to eradicate rodents	34
6.11	Food and wastes to be kept in rodent proof receptacles	35
6.12	Food premises etc. to be cleaned after use.....	35
6.13	Restrictions on materials that may harbour rodents	35
6.14	Local Government may execute and recover costs.....	35
6.15	Term used.....	35
6.16	Measures to be taken to eradicate cockroaches	35
6.17	Local Government may execute and recover costs.....	36
6.18	Terms used.....	36
6.19	Limitation on numbers of hives.....	36
6.20	Restrictions on keeping of bees in hives	37
6.21	Bees which cause a nuisance not to be kept.....	37
6.22	Term used.....	37
6.23	Measures to be taken to keep premises free from European Wasp nests	37
6.24	Term used.....	37
6.25	Responsibility of the owner or occupier.....	38

Part 7 - Infectious diseases 38

7.1	Requirements to clean, disinfect and disinfest	38
7.2	Insanitary houses, premises and things	38
7.3	Local Government may execute work and recover costs	39
7.4	Disposal of used condoms	39
7.5	Disposal of used needles	39
7.6	Health (Skin Penetration Procedure) Regulations 1998	39
Part 8 - Lodging houses		39
8.1	Terms used.....	39
8.2	Lodging house not to be kept unless registered	40
8.3	Application for registration.....	41
8.4	Approval of application.....	41
8.5	Renewal of registration	41
8.6	Notification on sale or transfer.....	41
8.7	Revocation of registration	41
8.8	General construction requirements	42
8.9	Kitchen.....	42
8.10	Cooking facilities	43
8.11	Dining room	43
8.12	Lounge room.....	43
8.13	Sanitary conveniences	44
8.14	Laundry.....	44
8.15	Fire prevention and control	45
8.16	Obstruction of passages and stairways.....	45
8.17	Fitting of locks.....	45
8.18	Restriction on use of rooms for sleeping	45
8.19	Sleeping accommodation in a short term hostel or recreational campsites.....	46
8.20	Furnishing etc. of sleeping apartments.....	47
8.21	Ventilation	48
8.22	Numbers to be placed on doors	48
8.23	Keeper or manager to reside in the lodging house	48
8.24	Register of lodgers.....	49
8.25	Keeper report.....	49
8.26	Certificate in respect of sleeping accommodation	49
8.27	Duplicate keys and inspection.....	49
8.28	Room occupancy	49
8.29	Maintenance of a room by a lodger or resident	50
8.30	Cleaning and maintenance requirements.....	50
8.31	Responsibilities of lodgers and residents	51
8.32	Approval for storage of food	52

Part 9 - Laundries and other establishments	52
9.1 Terms used.....	52
9.2 Receiving depot	53
9.3 Reception room	53
9.4 Walls and floors	53
9.5 Escape of dust	53
9.6 Trolleys	53
9.7 Sleeping on premises	53
Part 10 - Objections and reviews	54
10.1 Objection and review rights.....	54
Part 11 - Enforcement	54
11.1 Notice of breach.....	54
11.2 Offences	54
11.3 Prescribed offences	55
11.4 Form of infringement notices.....	55

~~HEALTH ACT 1911~~ LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

HEALTH LOCAL LAW 2026 2003

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring resolved on **[insert date]** to make the following local law.

Part 1 - Preliminary

1.1 Title

This is the *Shire of Mundaring Health Local Law 2026*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Mundaring Health Local Laws 2003*, published in the *Government Gazette* on 30 May 2003, is repealed.

1.5 Terms used

(1) In this local law -

Act means *Local Government Act 1995*;

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/NZS ISO 717.1:2004 means the standard published by Standards Australia as AS/NZS ISO 717.1:2004 titled *Acoustics - Rating of sound insulation in buildings and of building elements, Part 1: Airborne sound insulation*;

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

AS 1668.2: 2024 means the standard published by Standards Australia as AS 1668.2:2024 titled *The use of ventilation and air conditioning in buildings - Part 2: mechanical ventilation in buildings*.

AS/NZS 3666.2: 2011 means the standard published by Standards Association of Australia as AS/NZS 3666.2: 1995 and called *Air-handling and water systems of buildings – Microbial control, Part 2: Operation and maintenance*;

authorised person means a person appointed by the CEO under section 9.10 of the Act to be an authorised person for the purpose of this local law or specified provisions of this local law;

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

Chief Executive Officer, or **CEO**, means the Chief Executive Officer of the Local Government;

district means the district of the Local Government and includes any area approved by the Governor, for the purposes of this local law, under section 3.6 of the Act;

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

DWER means the Department of Water and Environmental Regulation or whatever other State government department is responsible, from time to time, for the administration of the *Environmental Protection Act 1986*;

Environmental Health Officer means an Environmental Health Officer appointed by the Local Government under the Health Laws;

habitable room means a room used for normal domestic activities and -

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

Health Laws means the *Health Act 1911*, the *Health (Miscellaneous Provisions) Act 1911* and the *Public Health Act 2016* and all subsidiary legislation made under any of these Acts;

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

Local Government means the Shire of Mundaring;

local planning scheme means a local planning scheme in force in the district from time to time;

nuisance means –

- (a) an activity or condition that is harmful or annoying and that constitutes a reasonable basis for legal liability in the tort of public or private nuisance;
- (b) an unreasonable interference with the use or enjoyment of a person of their ownership or occupation of land or premises; or
- (c) interference that causes material damage to land or other property on the premises that is affected by the interference;

Principal Environmental Health Officer means the most senior ~~an~~ Environmental Health Officer appointed by the Local Government under the Health laws;

sanitary convenience includes a urinal, water closet, earth-closet, privy, sink, bath, wash trough, apparatus for the treatment of sewage, ash-pit, ash-tub, or other receptacle for the deposit of ashes, faecal matter or refuse, and all similar conveniences;

National Construction Code means the *National Construction Code 2025*, 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;

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

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

sewer includes a sewer or drain of any kind, except –

- (a) a drain to which the Health Laws apply; or
- (b) a water channel constructed of stone, brick, concrete or any other material, including a water channel that is the property of the Local Government;

Standards Australia has the meaning in section 5 of the *Interpretation Act 1984*;

Note:

Standards Australia is defined in section 5 of the *Interpretation Act 1984* to mean Standards Australia International Limited (ACN 087 326 690) and includes a reference to the Standards Association of Australia as constituted before 1 July 1999.

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

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

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

water means drinking water within the meaning of the *Australian Drinking Water Guidelines* published by the National Health and Medical Research Council, 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 from outside a building to the room concerned when in the closed position.

- (2) A term that is used in this local law and is not defined in subclause (1) has the meaning in the Act.
- (3) Where in this local law, a duty or liability is imposed on an **owner or occupier**, the duty or liability is taken to be imposed jointly and severally on each of the owner or occupier.

1.6 Interpretation

- (1) 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.
- (2) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the Local Government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.
- (3) Nothing in this local law affects a person's obligation to obtain planning approval and/or a building licence for the use or development of land in the district.
- (4) Where, under this local law, a fee (except a transfer fee) is payable, it is to be calculated pro rata on a monthly basis for any period to 30 June of the relevant year.

Part 2 - Sanitation

Division 1 - Sanitary conveniences

2.1 Terms used

In this Part-

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 employees at a construction site or the like.

2.2 Dwelling house

- (1) A person must 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 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house must not use or occupy the premises, or permit the premises to be used or occupied, unless -
 - (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
 - (b) the toilets required by this clause are situated within 100 metres of the premises and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins -
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - (v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house must ensure that -
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with -
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

2.4 Toilets

Toilets on premises other than a dwelling house must be maintained in accordance with the following additional requirements -

- (a) a toilet for the exclusive use of males must not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a Sound Transmission Class of not less than 50 as required by AS/NZS ISO 717.1.2004; and
- (b) where more than one toilet is provided on the premises, the entrance to each toilet must bear a suitable sign indicating for which sex its use is intended.

2.5 Temporary works

- (1) In this clause –

Guideline means the guideline issued under the Health Laws by the Department of Health titled *Guidelines for the management of public health risk associated with temporary toilets in Western Australia*, as amended from time to time.

- (2) A person who undertakes temporary work at any place must ensure that every temporary toilet is -
 - (a) installed and maintained in accordance with the Guideline;
 - (b) removed within 48 hours of completion of the work.

2.6 Maintenance of sanitary conveniences and fittings

- (1) The occupier of premises must -
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an authorised person, effectively disinfect and clean,all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises must -
 - (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.

2.7 Ventilation of toilets

- (1) A toilet in any premises must be ventilated in accordance with the National Construction Code.
- (2) A mechanical ventilation system provided under subclause (1) must be maintained in good working order and condition.

2.8 Public sanitary conveniences

- (1) A person must not -
 - (a) foul;
 - (b) damage or vandalise; or

(c) write on or otherwise deface,

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

- (2) A person must 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.

2.9 Lighting

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

2.10 Installation

Every sanitary convenience –

- (a) must be installed in accordance with the requirements of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*, the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, the *Water Services Act 2012* and the Health Laws; and
- (b) must have an adequate supply of water.

Division 2 - Bathrooms, laundries and kitchens

2.11 Bathrooms

- (1) A person must not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that -
- (a) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
 - (b) is equipped with -
 - (i) a wash basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) The floor of the bathroom referred to in subclause (1) must be properly surfaced with an even fall to a floor waste, suitably trapped and discharging to -
- (a) the Water Corporation's sewer; or
 - (b) a treatment system approved pursuant to the provisions of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- (3) All baths, showers, hand basins and similar fittings must be provided with an adequate supply of hot and cold water.

2.12 Laundries

A person must not use or occupy, or permit to be used or occupied, a dwelling house or other building equipped with a laundry unless –

- (a) the laundry conforms to the provisions of the Building Code;
- (b) where the laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry is separated from the kitchen by a wall extending from the floor to the roof or ceiling; and

- (c) where there is an opening between the laundry and a kitchen or other room where food is stored or consumed, that opening –
 - (i) is not more than 1220 millimetres wide; and
 - (ii) has a door which completely fills the opening when closed.

2.13 Kitchens

- (1) In this clause –

cooking facility includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

- (2) A person must not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with –
 - (a) an electric, gas, wood or other fuel burning stove;
 - (b) an oven with a capacity of not less than 5 litres per person usually accommodated in the house with a minimum capacity of 30 litres; and
 - (c) a sink which must –
 - (i) be at least 380 millimetres long, 300 millimetres wide and millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house must ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility must –
 - (a) be installed in accordance with the requirements of the manufacturer's specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Any mechanical ventilation installed must be maintained in good working order and condition.
- (6) A person must not, in any kitchen or similar 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.

Part 3 - Housing and general

Division 1 - Maintenance of houses

3.1 Dwelling house maintenance

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

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps, which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any fixed obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage in sound condition and working order so that they comply in all respects with any 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 Building and Energy WA.

Division 2 - Ventilation of houses

3.2 Exemptions

This Division does not apply to a short term hostel or recreational campsite.

3.3 Overcrowding

- (1) The owner or occupier of a house must not permit -
 - (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
 - (b) a habitable room in the house to be used for sleeping purposes unless -
 - (i) for each 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 each person between the ages of 1 and 10 years using the room, there is at least 8 cubic metres of air space per person; or
 - (c) a garage, shed, or other outbuilding to be used for sleeping purposes.
- (2) For the purpose of subclause (1), in calculating the space required for each person -
 - (a) each room is to be considered separately and sufficient space must 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.

3.4 Ventilation

- (1) A person must not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1), a house is taken to be properly ventilated if it complies with the Building Code, including the provision of -
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2:2024.
- (3) The owner of a house, that has no natural ventilation, but is provided with mechanical ventilation or an airconditioning system, must ensure that the system is -
 - (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2011; and
 - (b) in use at all times the building is occupied.
- (4) If, in the opinion of an authorised person, a house is not properly ventilated, the Principal Environmental Health Officer may, by written notice, require the owner of the house -
 - (a) to provide a different, or additional method of ventilation; or
 - (b) to cease using the house until it is properly ventilated.
- (5) The owner must comply with a notice under subclause (4).

3.5 Sub-floor ventilation

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

Division 3 - Water supply

3.6 Water supply

- (1) The owner of a house must ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a bore or rainwater tank supply that complies with the requirements of the local or planning scheme.
- (2) The water supply must at all times deliver an adequate supply of drinking water to each tap in the house.

3.7 Water tanks

The owner or occupier of a house where part of the water supply is drawn from a water tank must-

- (a) maintain in a clean condition -
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each water tank is fitted with a cover that is sufficient to prevent access to mosquitoes; and

- (c) when directed by an Environmental Health Officer, empty, clean and disinfect any tank on the premises, used to store water for human consumption.

3.8 Wells

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

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

3.9 Pollution

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

Part 4 - Waste food and refuse

Division 1 - Liquid refuse

4.1 Terms used

In this Division -

approved liquid waste disposal site means a waste disposal or treatment site licensed under the *Environmental Protection Act 1986*;

licensed carrier means a carrier licensed under the *Environmental Protection (Controlled Waste) Regulations 2004*;

licensed water service operator means a water service operator licensed by the Economic Regulation Authority under the *Water Services Act 2012*;

liquid refuse includes swimming pool discharges, carpet cleaning, overflow, bleed off, condensate and drainage from commercial, industrial and multi-unit residential air conditioning equipment including evaporative coolers and other liquid used for cooling purposes; and

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

4.2 Deposit of liquid refuse

A person must not deposit or cause or permit to be deposited liquid refuse or liquid waste -

- (a) on a street;
- (b) in a Local Government stormwater disposal system;
- (c) on any land or place other than a place or depot duly authorised for that purpose; or
- (d) in the case of swimming pool discharge, on land other than that owned by the owner of the pool.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises must at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste must 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 under the Health Laws or by the Local Government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved under the Health Laws.

4.4 Removal of liquid waste from septic tanks etc

A person must not -

- (a) unless they are a licensed carrier; and
- (b) except in accordance with any terms and conditions imposed under the Health Laws in connection with the approval under or in connection with the licence of a licensed carrier,

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

4.5 Disposal from wash down bays

A person disposing of liquid waste from small-scale mechanical wash down bays must –

- (a) discharge the liquid waste to the sewer subject to approval of the sewerage service provider; or
- (b) where a sewer is not available –
 - (i) dispose of the liquid waste onsite as approved by an authorised person; or
 - (ii) dispose of the liquid waste off-site, in accordance with the requirements of the *Environmental Protection (Controlled Waste) Regulations 2004*.

Division 2 - Disposal of refuse

4.6 Terms used

In this Division -

carriageway means that part of street that is paved or constructed so as to allow the passage of motor vehicles;

collection day means the day of the week on which rubbish and refuse is collected and removed by the Local Government or its contractor;

collection time, where used in connection with any premises, means the time of the day on which rubbish and refuse is collected and removed from the premises by the Local Government or its contractor;

receptacle, where used in connection with any premises means -

- (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of 140 litres; or
- (b) a container provided by the Local Government or its contractor for the deposit, collection and recycling of specific materials; and supplied to the premises by the Local Government or its contractor;

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

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

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

4.7 Location of receptacles

An owner or occupier of premises must -

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises;
- (c) by no later than 6.00am on collection day, place the receptacle in the street as close as practicable to the carriageway of the premises and positioned so that the receptacle faces squarely to the road, with the wheels and handles located on the side of the receptacle furthest from the road, but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way; and
- (d) if the receptacle is damaged, defective, lost or stolen, notify the Local Government within 7 days after the event.

4.8 Use of receptacles

An owner or occupier of premises must -

- (a) not deposit or permit to be deposited in a receptacle -
 - (i) hot or burning ash;
 - (ii) oil, motor spirit, liquid paint, solvent or other liquid;
 - (iii) bricks, concrete, building rubble, earth or other like substances;
 - (iv) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (v) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (vi) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed, impervious, leak-proof and impenetrable container;
 - (vii) cytotoxics, radioactive substances and dangerous chemicals;

- (viii) sewage, manure, nightsoil, faeces or urine unless placed in a sealed impervious container;
 - (ix) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
 - (x) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- (b) unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (e) take all reasonable steps to prevent -
 - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - (ii) the emission of offensive and noxious odours from the receptacle;
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises; and
- (g) whenever directed to do so by an Environmental Health Officer, clean up and collect any rubbish or refuse which has been spilt, cast or otherwise removed from a receptacle prior to it being collected by the Local Government or its contractor, and dispose of the rubbish or refuse to the satisfaction of the Environmental Health Officer; and
- (h) unless authorised by the Principal Environmental Health Officer, not deposit rubbish or refuse from a premises in a receptacle or container other than the receptacle or container provided for that premises by the Local Government or its contractor.

4.9 Use of other containers

- (1) This clause applies to premises consisting of more than 4 dwellings.
- (2) The Principal Environmental Health Officer may, in respect of any premises used for commercial or industrial purposes or for food premises, authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (3) The owner or occupier of premises who is authorised under this clause to deposit rubbish or refuse in a container must -
 - (a) unless approved by the Principal Environmental Health Officer not deposit or permit to be deposited in the container anything specified in clause 4.8(a)(i) to (ix);
 - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;
 - (c) when directed by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

- (d) ensure that the container is located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

4.10 Suitable enclosure

- (1) An owner or occupier of premises –
 - (a) consisting of more than 4 dwellings; or
 - (b) used for commercial or industrial purposes that have been provided with receptacles, must, if required by the Principal Environmental Health Officer -
 - (c) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
 - (d) install in the enclosure a tap connected to an adequate supply of water.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause must keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this clause, a **suitable enclosure** means an enclosure -
 - (a)
 - (i) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer; and
 - (ii) in the case of premises consisting of more than 4 dwellings, have a minimum floor area of 2 square metres per dwelling;
 - (b) of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Principal Environmental Health Officer;
 - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self- closing gate;
 - (d) containing a smooth, non-slip and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
 - (e) which is easily accessible to allow for the removal of the receptacles.
- (4) An owner or occupier of premises must ensure that internal bin areas are sealed from internal rooms and are provided with mechanical ventilation capable of exhausting not less than 5 litres of air per second per 1 square metre of floor area, ducted to the outside area.

4.11 Building construction

- (1) During any period of construction on a building site, the builder must -
 - (a) when requested by an authorised person, provide and maintain on the site a rubbish disposal bin, being either –

- (i) a bin of not less than 4 cubic metres in capacity; or
 - (ii) a receptacle or other container approved by the Principal Environmental Health Officer;
 - (b) keep the site free of rubbish and offensive matter; and
 - (c) maintain the street verge immediately adjacent to the site free of rubbish or offensive matter.
- (2) On completion of construction, the builder must immediately clear the site and the adjacent street verge of all rubbish, waste materials and offensive matter and all rubbish bins provided by the builder.
- (3) In subclause (1) -
- rubbish** includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter, whether of the same kind or type or otherwise.

4.12 Deposit of refuse

- (1) A person must not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.
- (2) The driver of a vehicle, upon entering a refuse disposal site, must present or display a current pass issued by the Local Government, to the attendant or person in charge of the site and must not deposit any rubbish or refuse until authorised to do so by that attendant or person in charge.
- (3) A person must not deposit rubbish or refuse in or on a refuse disposal site except -
 - (a) at such place on the site as may be directed by the person in charge of the site; or
 - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.13 Removal from refuse disposal site

- (1) A person must not remove any rubbish or refuse from a refuse disposal site without the written approval of the Principal Environmental Health Officer.
- (2) A person who obtains approval from the Principal Environmental Health Officer must comply with any conditions imposed by the Principal Environmental Health Officer that are set out in the approval.

4.14 Removal of rubbish from premises or receptacle

- (1) Subject to subclause (3), a person must not remove any rubbish or refuse from premises unless that person is -
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the Local Government.
- (2) A person must not, without the approval of the Local Government or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.
- (3) Where the Local Government has undertaken or contracted for the efficient execution of the removal of house and trade refuse and other rubbish from premises within its district, or any part

of its district, no person other than the Local Government or its contractor is to execute or undertake the execution of the work specified in this subclause as long as the Local Government or its contractor is prepared and willing to execute or continue the execution of the work.

(4) Where the Local Government is not prepared or willing to execute or contract for the efficient execution of the removal of house and trade refuse and other rubbish from premises within its district, or any part of its district, it may authorise in writing a person other than its contractor to execute or undertake the execution of the work specified in this subclause.

(5) Subclause (3) does not apply to -

- (a) industrial or commercial premises that are located within the district;
- (b) an owner or occupier of premises, other than a veterinary practice, on which there is a dead animal; or
- (c) an owner, or a person having the care, of any animal that dies or is killed in a public or private place.

Division 3 - Transport of butchers' waste

4.15 Term used

In this Division -

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

4.16 Restriction of vehicles

A person must 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.

4.17 Transport of butchers' waste

(1) A person must not transport butchers' waste other than in -

- (a) a compartment complying with the following specifications -
 - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
 - (ii) all joints to be sealed and made 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 material approved by an authorised person, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a sealed container fitted with a lid, which can be tightly closed.

(2) A person must not transport 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 must 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 Term used

In this Division -

fertiliser includes manure.

5.2 Burning rubbish, refuse or other material

- (1) An owner or occupier of land must not set fire to, or cause to be set on fire, any rubbish, refuse or other material listed in Schedule 2 on the land, unless approved under a written law.
- (2) Subclause (1) does not apply to any barbeque, solid fuel water heater, space heater or oven fired with dry paper, dry wood, synthetic charcoal or charcoal type fuel.

5.3 Escape of smoke, fumes, odours and other emissions

- (1) Subject to subclause (2), an owner or occupier of premises must not cause or permit the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such nature as to cause or to be a nuisance, in the opinion of the Principal Environmental Health Officer.
- (2) Subclause (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Emission or reflection of light

- (1) An owner or occupier of land must not –
 - (a) permit artificial light to be emitted or reflected from any thing on the land so as to illuminate premises outside that land at a level that causes a nuisance;
 - (b) permit natural light to be reflected from any thing on the land so as to cause a nuisance to an owner or occupier of adjoining land or a person using a street as a thoroughfare; or
 - (c) on land on which a floodlight, lighting installation or other exterior light is erected or used - allow the floodlight, lighting installation or other exterior light to shine directly onto adjoining land so as to cause a nuisance.
- (2) If an authorised person is satisfied that an owner or occupier of land has not complied with subclause (1), the authorised person may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice –
 - (a) to avoid or abate the nuisance by, for example –
 - (i) preventing artificial light from being emitted or reflected from the land;

- (ii) treating any reflective surfaces;
 - (iii) restricting the hours of use of the floodlights, lighting installations or other exterior lights; and/or
 - (iv) requiring alterations to the direction in which any lights are shining; and/or
- (b) to take the actions specified in the notice that the authorised person considers are adequate and reasonable to avoid or abate the nuisance.
- (3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the notice within the time specified in the notice.

5.5 Prevention of erosion and the escape of sand and dust

- (1) An owner or occupier of land must take adequate and reasonable measures to -
 - (a) stabilise sand on the land; and
 - (b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.
- (2) If the Local Government is satisfied that an owner or occupier of land has not complied with subclause (1) in respect of any sand or dust, the Local Government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to do one or more of the following –
 - (a) to comply with subclause (1) in respect of any sand or dust;
 - (b) to clean up and make good any damage resulting from the release or escape of sand or dust from the land; or
 - (c) to take the actions specified in the notice that the Local Government considers are adequate and reasonable to stabilise sand on the land and/or to prevent or stop the escape, release or carriage of sand or dust from the land.
- (3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the notice within the time specified in the notice.
- (4) Where any sand has been released, escaped or been carried from any land, an authorised person may by notice in writing direct the owner or occupier of the land from which the sand has been released, escaped or been carried, within a time specified in the notice, to clean up the sand and make good any damage resulting from that release or escape.

Dust management plan

5.6 Works requiring approval

- (1) Where a development application or approval for subdivision that involves the clearing, excavation or filling of land has the potential to cause significant sand or dust release, the owner or occupier of the land to which the development application or approval for subdivision relates must prepare and submit for approval to the Local Government a dust management plan in accordance with clause 5.7.
- (2) A dust management plan must be approved by the Local Government prior to any clearing, excavation or filling of the land commencing.

5.7 Application for approval

- (1) An application for approval of a dust management plan must -

- (a) be in the form determined by the CEO;
 - (b) be made and signed by the owner or occupier of the land;
 - (c) include an outline of the strategies, control measures and contingency arrangements to prevent or minimise the release of sand or dust;
 - (d) provide any other information required by the form; and
 - (e) be forwarded to the Local Government together with any fee imposed by the Local Government under sections 6.16 to 6.19 of the Act.
- (2) Before determining an application for approval, the Local Government may request the applicant –
- (a) to consult with those nearby owners and/or occupiers who are specified in the request;
 - (b) to advise those nearby owners and/or occupiers that they may, within 14 days of receiving that advice, make submissions to the Local Government on the application for approval; and/or
 - (c) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.
- (3) The Local Government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.
- (4) A person must not make a false or misleading statement in connection with an application.

Division 2 - Keeping of animals and birds

5.8 Terms used

In this Division -

animal includes a cat, dog, rabbit, ferret or guinea pig; and

bird includes a galah, parrot, budgerigar, finch, pigeon and dove.

5.9 Cleanliness

An owner or occupier of premises, in or on which an animal or bird is kept must -

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

5.10 Animal enclosures

- (1) A person must not keep, cause or permit to be kept, an animal or bird on premises that are not effectively drained to the satisfaction of the Principal Environmental Health Officer.

- (2) The owner or occupier of premises where animals or birds are kept must, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of an animal or bird.

5.11 Slaughter of animals

- (1) Subject to subclause (2), a person must not slaughter an animal within the district.
- (2) Subclause (1) does not apply to -
- (a) the euthanasia of an animal by a veterinarian or other person who has been duly authorised;
 - (b) the slaughter of an animal for the purpose of pet meat or game meat operations;
 - (c) the slaughter of an animal for human consumption in an abattoir approved by the Local Government; or
 - (d) the slaughter of an animal, on land zoned General Rural under a local planning scheme, by an occupier of that land preparing meat for their own consumption.

5.12 Disposal of a dead animal

- (1) An owner or operator of a veterinary practice where a dead animal is kept for more than 12 hours, must 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 must immediately remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of an animal that dies or is killed in a public or private place must immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3 - Keeping of large animals

5.13 Terms used

In this Division –

cow includes an ox, calf, or bull;

horse includes an ass, mule, donkey or pony;

keep, in relation to an animal, includes to have the animal in their possession, care or custody, whether confined or otherwise;

large animal includes an alpaca, cow, horse, sheep, goat, pig, deer, camel, llama, emu, ostrich, kangaroo or a similar animal;

stable means a building or structure for the keeping, care and feeding of a horse; and

stall means a single compartment for one horse in a stable.

5.14 Large animals

- (1) A person must not keep a large animal on land within the district except in accordance with the provisions of the local planning scheme.
- (2) Subject to subclause (3) an owner or occupier of premises must not permit a large animal to be kept within 15 metres of a dwelling house.

- (3) The Principal Environmental Health Officer may permit the keeping of a native animal within 15 metres of a dwelling house if it is satisfied the keeping of the animal would not adversely affect the health or amenity of residents in the area.

5.15 Stables

- (1) A stable must –
- (a) not be situated within 15 metres of a habitable room of a dwelling house;
 - (b) have a separate stall for each horse;
 - (c) have each wall and roof constructed of an approved impervious material approved by the Principal Environmental Health Officer;
 - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and
 - (e) have a floor, the upper surface of which must-
 - (i) be raised at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials; and
 - (iii) have a fall of 1 in 100 to a drain that is to empty into a trapped gully situated outside the stable and is to discharge in a manner approved by the Principal Environmental Health Officer.
- (2) The owner or occupier of premises on which a stable is located must-
- (a) maintain the stable in a clean condition and clean, wash and disinfect it when directed by an Environmental Health Officer;
 - (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - (c) when ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Manure and feed receptacles

An owner or occupier of premises on which a stable is located must -

- (a) provide mobile or free standing fly-proof manure and feed receptacles that are –
 - (i) of a size, number and construction required by an Environmental Health Officer; and
 - (ii) situated at not less than 15 metres from a dwelling house;
- (b) keep the lid of the manure receptacle closed except when manure is being deposited or removed;
- (c) ensure that all manure and feed receptacles are emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep all manure receptacles so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

- (e) ensure that all manure produced on the premises are collected daily and placed in the nominated receptacle.

Division 4 - Keeping of poultry and birds

5.17 Terms used

In this Division -

affiliated person means a person who is a member of a properly constituted pigeon club;

aviary bird means a bird, other than poultry, a pigeon or a dove, that is kept or ordinarily kept in a cage or aviary;

dove means a bird of the family *Columbidae*;

“pigeons” includes any breed of means feral pigeons of the species *Columba livia* includes all breeds of domestic pigeon of the genus *Columba livia domestica*;

pigeon club means a club or association established for the keeping, breeding, training or racing of pigeons;

poultry includes fowls, ducks and other domestic fowls, but does not include peafowl, geese, roosters or turkeys; and

young bird includes -

- (a) a pigeon under 24 days of age and recognised as a bird without feathers on the flesh under their wings; and
- (b) an aviary bird under 24 days of age and recognised as confined to its nest.

5.18 Limitation on numbers

- (1) An owner or occupier of premises -
 - (a) who is not an affiliated person - must not keep more than 20 pigeons or doves, excluding young birds, on land having an area of 600m² or greater, unless approved by the Principal Environmental Health Officer; and
 - (b) who is an affiliated person - may, with the written approval of the Principal Environmental Health Officer, keep up to 75 pigeons.
- (2) An owner or occupier of a residential lot may keep poultry on the residential lot only in accordance with the limits specified in the table below, unless otherwise approved in writing by the Local Government –

Maximum number of ducks and/or fowls that can be kept on a residential lot	
Lot area (m ²)	Number
Up to 599	9
600to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15

1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 or greater	20

- (3) If, in relation to particular premises, one or more of the conditions in clause 5.20 or clause 5.22 has not been complied with or if there is excessive noise relating to the keeping of the pigeons, doves or poultry (as the case may be), the Principal Environmental Health Officer may, by written notice, require the owner or occupier of the premises –
- (a) to reduce the number of pigeons, doves or poultry (as the case may be) that might otherwise be kept on the premises under this clause; and
 - (b) to remove all the pigeons, doves or poultry (as the case may be) from the premises for the period specified in the notice.
- (4) An owner or occupier given a notice under this clause must comply with the notice.

5.19 Conditions for keeping aviary birds

A person who keeps, or permits to be kept, aviary birds must ensure that –

- (a) the aviary or cage in which the birds are kept are in a clean condition and good repair at all times; and
- (b) unless exempted by the Local Government, the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building on any other lot.

5.20 Conditions for keeping poultry

A person who keeps poultry, or permits poultry to be kept, must ensure that -

- (a) no poultry is kept within 10 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a securely fastened enclosure that –
 - (i) has an area that is equal to at least one square metre for each bird kept in it;
 - (ii) is located at least one metre from any boundary;
 - (iii) has a roofed structure within the enclosure of sufficient area to enable all poultry to obtain shade and shelter;
 - (iv) has a floor beneath the structure constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the structure; and
 - (v) is kept in a clean condition at all times;
- (c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;
- (d) all wastes (including husks, seed, feathers, dead birds and faecal matter) are placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle that has a tightfitting lid and is inaccessible to flies, rodents and other vectors of disease;

- (e) no poultry is able to approach within 15 metres of a street, other than a pedestrian access way, except where the land is at the junction of 2 or more streets, in which case the Principal Environmental Health Officer may approve a lesser distance; and
- (f) the enclosure and roofed structure are kept in clean condition and good repair at all times, with effective measures taken to control offensive odours, flies, rodents and other vectors of disease in accordance with a direction of an authorised person.

5.21 Keeping of roosters, peafowl, geese and turkeys

An owner or occupier of premises must not keep a rooster, peafowl, goose or turkey on land that is zoned residential without the written approval of the Principal Environmental Health Officer and in accordance with any conditions imposed by the Principal Environmental Health Officer.

5.22 Keeping of pigeons or doves

- (1) A person who keeps, or permits to be kept, pigeons or doves must ensure that -
 - (a) none is able to approach within 10 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
 - (b) each pigeon and dove is kept in a properly constructed weatherproof loft, cage or enclosure, except when a homing or racing pigeon is released for exercise;
 - (c) each loft, cages and enclosure is maintained at all times in a clean and sanitary condition;
 - (d) no opening to a pigeon loft, including any ventilation opening, is situated within 10 metres of –
 - (i) a dwelling on another lot unless otherwise approved by the Principal Environmental Health Services, and is located at least 1 metre from any lot boundary; and
 - (ii) a public street, public building, commercial premises or food business;
 - (e) except when homing or racing pigeons are released for exercise, pigeons are confined at all times;
 - (f) no more than 40 pigeons are released for exercise at any one time; and
 - (g) the keeping of pigeons or doves does not cause a nuisance.
- (2) The Principal Environmental Health Officer may, by written notice, require a person keeping pigeons or doves to -
 - (a) reduce the number of pigeons or doves kept on the premises;
 - (b) relocate, alter or remove a loft, cage or enclosure; or
 - (c) undertake any action that is considered by the Principal Environmental Health Officer to be necessary to prevent or abate a nuisance.

5.23 Removal of non-conforming structure or enclosure

- (1) If a structure or enclosure is used for the keeping of poultry, or of pigeons or doves, contrary to this Division, the Principal Environmental Health Officer may direct the owner or occupier to remove it.
- (2) An owner or occupier must comply with a direction given by the Principal Environmental Health Officer under this clause.

5.24 Restrictions on pigeon nesting or perching

- (1) The Principal Environmental Health Officer may, by written notice, require an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with a notice given under this clause.

5.25 Nuisances

- (1) A person must not keep poultry or any other bird referred to in this Division in a way that causes, or is likely to cause, a nuisance.
- (2) If the keeping of poultry or any other bird referred to in this Division causes, or is likely to cause, a nuisance, the Principal Environmental Health Officer may, by written notice, require the owner or occupier to remove the poultry or other bird (as the case may be) or to take other action specified in the notice.
- (3) An owner or occupier given a notice under this clause must comply with the notice.

Division 5 - Car parks

5.26 Terms used

In this Division -

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

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

5.27 Ventilation

- (1) A person must not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -
 - (a) natural ventilation; or
 - (b) mechanical means,in accordance with AS1668.2:2024.
- (2) If, in the opinion of the Local Government, a car park is not properly ventilated, the Local Government may, by written notice, require the occupier within a specified time -
 - (a) to provide a different or additional method of ventilation; and
 - (b) to cease using the car park until it is properly ventilated.
- (3) An occupier must comply with a notice under subclause (2).

5.28 Exhaust air discharge points and exhaust registers

An owner or occupier must ensure that -

- (a) all exhaust air that is discharged from a car park must be discharged -
 - (i) at discharge points -
 - (A) in accordance with AS1668.2:2024; and

- (B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1668.2:2024;
- (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;
- (b) exhaust registers are located as far as possible from the source of supply air;
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation system is -
 - (i) maintained in good working condition; and
 - (ii) in operation at all times when the car park is in use.

Part 6 - Pest control

Division 1 – Flies

6.1 Term used

In this Division -

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

6.2 Restrictions on fly breeding matter

An owner or occupier of premises must 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 being a breeding place for flies.

6.3 Measures to be taken

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

6.4 Notice directing measures to be taken

Where, in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, or are likely to cause infectious disease, the Environmental Health Officer may give to the owner or occupier of the premises notice in writing directing them to take, within the time specified in the notice, the measures that, in the opinion of the Environmental Health Officer, are necessary to -

- (a) control the prevalence of flies;
- (b) effect the eradication of flies; 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 this local law.

(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).

Division 2 – Mosquitoes

6.6 Term used

In this Division -

mosquitoes means any of the two-winged insects constituting the family *Diptera Culicidae*, commonly known as mosquitoes.

6.7 Measures to be taken to prevent mosquitoes breeding

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

- (a) comply with a direction of an Environmental Health Officer for the purpose of-
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication; or
 - (iii) effectively preventing the breeding of mosquitoes,to prevent the spread of mosquito-borne infectious disease; and
- (b) assist the Environmental Health Officer to locate any possible mosquito breeding site that may be present in or about the premises.

(2) An owner or occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle must -

- (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 must ensure the fixture is in 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 must ensure that all open drains and channels in or on the land are kept in good order and free from obstruction.
- (5) An owner or occupier of premises –
- (a) where there is a fountain, pool, pond, swimming pool, spa, excavation or container of any kind which retains water suitable for the breeding of mosquitoes - must keep the water treated with an approved larvicide or undertake other control measures as directed by an Environmental Health Officer; and
 - (b) where there is a water tank, well, cistern, vat or barrel –
 - (i) must keep it protected with a mosquito-proof cover; and
 - (ii) must screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres in area.

6.8 Local Government may execute work and recover costs

- (1) Where-
- (a) a person is required under this Division or directed by an Environmental Health Officer 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 execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from that person.

Division 3 – Rodents

6.9 Term used

In this Division -

rodents means those animals belonging to the order *Rodentia*, and includes rats and mice but does not include animals 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 premises must at all times take effective measures to eradicate any rodents in or on the premises.
- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents and the spread of infectious disease in or on the premises.

- (3) An owner or occupier must, within the time specified, comply with a direction given by an Environmental Health Officer under this clause.

6.11 Food and wastes to be kept in rodent proof receptacles

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

6.12 Food premises etc. to be cleaned after use

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

6.13 Restrictions on materials that may harbour rodents

- (1) An owner or occupier of premises must ensure that –
- (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises,
- that might afford access or harbourage to rodents are altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.
- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier must within the time specified comply with a direction given by an Environmental Health Officer under this clause.

6.14 Local Government may execute and recover costs

- (1) Where–
- (a) a person is required under this Division or directed by an Environmental Health Officer under clause 6.13 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.

Division 4 – Cockroaches

6.15 Term used

In this Division –

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

6.16 Measures to be taken to eradicate cockroaches

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

- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches and the spread of infectious disease, in or on the premises.
- (3) An owner or occupier must, within the time specified, comply with a direction given by an Environmental Health Officer under this clause.

6.17 Local Government may execute and recover costs

- (1) Where-
 - (a) a person is required under this Division or directed by an Environmental Health Officer under clause 6.16 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.

Division 5 – Bee keeping

6.18 Terms used

In this Division -

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

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

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

lot has the meaning given in the *Planning and Development Act 2005*; and

private street means a street, court, alley, lane, yard, passage, or thoroughfare-

- (a) which is not dedicated, whether under an Act or at common law, to use as such by the public; and
- (b) which forms a common access to lands, or premises, separately occupied; or
- (c) which is accessible from a street court, alley, lane, yard, passage, thoroughfare, or public place, which is dedicated, whether under an Act or at common law, to use as such by the public.

6.19 Limitation on numbers of hives

- (1) A person must not keep or permit the keeping of bees except on a lot in accordance with this Division.
- (2) Subject to subclauses (3) and (4), a person must not keep or permit the keeping of bees in more than 2 hives on a lot, other than on lots zoned General Rural or within 100 metres of land zoned other than General Rural under the local planning scheme.
- (3) The Local Government may, on written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is zoned or classified other than General Rural under the local planning scheme.

- (4) A person must comply with any conditions imposed by the Local Government under subclause (3).

6.20 Restrictions on keeping of bees in hives

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

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

6.21 Bees which cause a nuisance not to be kept

- (1) A person must not keep, or permit the keeping of, bees which cause a nuisance.
- (2) The Principal Environmental Health Officer may direct a person, within the time specified in the direction, to remove any bees or beehives which are causing a nuisance.
- (3) A person must comply with a direction under subclause (2) within the time specified.

Division 6 - European Wasps

6.22 Term used

In this Division -

European Wasp means a wasp of the species *Vespula germanica*.

6.23 Measures to be taken to keep premises free from European Wasp nests

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

- (a) follow a direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7 - Arthropod vectors of disease

6.24 Term used

In this Division -

arthropod vectors of disease includes -

- (a) fleas (Siphonaptera);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirius pubis*);

- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*);

6.25 Responsibility of the owner or occupier

The owner or occupier of premises must -

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

Part 7 - Infectious diseases

Division 1 - General provisions

7.1 Requirements to clean, disinfect and disinfect

- (1) The Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect -
 - (a) the premises; or
 - (b) any things in or on the premises that is specified in the notice,
 or both, to the satisfaction of an Environmental Health Officer.
- (2) An owner or occupier must comply with a notice given under subclause (1).

7.2 Insanitary houses, premises and things

- (1) An owner or occupier of any house or premises must maintain the house or premises free from any insanitary condition or thing.
- (2) Where an Environmental Health Officer considers that a house is insanitary, the Principal Environmental Health Officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.
- (3) Where an Environmental Health Officer considers that -
 - (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) any thing is insanitary,
 the Principal Environmental Health Officer may, by notice in writing, direct, as the case may be -
 - (c) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (d) 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 subclause (2) or subclause (3) must comply with the terms of the notice.

7.3 Local Government may execute work and recover costs

- (1) Where -
- (a) a person is required under this Division, or by a notice given under this Division, to execute any work; and
 - (b) that person fails or neglects to comply with the requirement,
- that person commits an offence and the Local Government may execute the work or arrange for the work to be executed 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).

Division 2 - Disposal of used condoms and needles

7.4 Disposal of used condoms

- (1) An occupier of premises on or from which a used condom is produced must ensure that the condom is -
- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in the manner that may be directed by the Local Government.
- (2) A person must not dispose of a used condom in a public place except in accordance with subclause (1).

7.5 Disposal of used needles

A person must 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.

Division 3 – Skin penetration establishments

7.6 Health (Skin Penetration Procedure) Regulations 1998

A person must not carry on the business of, or any process or procedure involving skin penetration other than in accordance with the *Health (Skin Penetration Procedure) Regulations 1998*.

Part 8 - Lodging houses

Division 1 – Registration

8.1 Terms used

- (1) In this Part -

bed means a single sleeping berth only;

bunk means a sleeping berth comprising 1 of 2 arranged vertically;

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

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

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

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

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

recreational campsite means a lodging-house -

- (a) situated on a campsite principally used for --
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days;

and includes a youth camp, youth education camp, church camp and riding school;

register of lodgers means the register kept in accordance with the Health Laws 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 and 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 to be done the act required to be done, or of preventing from being done the act forbidden to be done, as the case may be.
- (3) In this Part, for the purpose of determining floor space requirements, a double bed provided for the use of 2 persons is to be counted as 2 beds.

8.2 Lodging house not to be kept unless registered

A person must not keep or cause, suffer or permit to be kept a lodging house unless -

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the Local Government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either -
 - (i) the keeper; or
 - (ii) a manager who 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 must be -

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by -
 - (i) the fee imposed and determined from time to time by the Local Government under sections 6.16-6.19 of the Act; and
 - (ii) detailed plans and specification 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.

8.5 Renewal of registration

A person who keeps a lodging house, which is registered under this Part, must -

- (a) during the month of December in each year apply to the Local Government for the renewal of the registration of the lodging house; and
- (b) pay the fee imposed and determined from time to time by the Local Government under sections 6.16-19 of the Act at the time of making each application for renewal.

8.6 Notification on 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, the owner must, within 14 days of the date of sale, transfer or agreement, give to the Local Government written notice in the format of the approved form 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 that, 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 on any one or more of the following grounds -
 - (a) that the lodging house has not, to the satisfaction of the Local Government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has -
 - (i) been convicted of an offence against 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; and

- (c) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is in a condition that, in the opinion of an Environmental Health Officer, renders it unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, the Local Government must give notice to the keeper requiring the keeper, within the time specified in the notice, to show cause why the registration should not be revoked.
- (4) If the Local Government revokes the registration of a lodging house, it must give the keeper notice of the revocation and the registration is to be revoked 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 must comply with the Building Code and the Act.

8.9 Kitchen

The keeper of a lodging house must provide in that lodging house a kitchen that –

- (a) has a minimum floor area –
 - (i) where lodgers prepare their own meals – 0.65 square metres per person;
 - (ii) where meals are provided by the keeper or manager – 0.125 square metres per person; and
 - (iii) where a kitchen and dining are combined – 1 square metre per person;but in any case not less than 16 square metres;
- (b) has adequate –
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods; and
- (c) complies with the Health Laws and the *Food Act 2008*.

8.10 Cooking facilities

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

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

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

8.11 Dining room

The keeper of a lodging house must 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 is to be not less than the greater of –
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres and
- (c) which is to be -
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.12 Lounge room

The keeper of a lodging house must provide in that lodging house a lounge room-

- (a) with a floor area of -
 - (i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room - not less than 1.2 square metres per person,but in either case having a minimum of 13 square metres; and
- (b) which is to 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 Sanitary conveniences

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

8.14 Laundry

- (1) The keeper must -
 - (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 in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.
- (2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this clause -

laundry unit means a group of facilities consisting of --

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

- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
 - (c) either an electric drying cabinet or not less than 30 metres of clothes line,
- and for which a hot water system is provided that --
- (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
 - (e) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.15 Fire prevention and control

The keeper must -

- (a) in each passage of the lodging house provide an emergency light-
 - (i) in the position and the pattern that are approved by the Principal Environmental Health Officer; and
 - (ii) that is to be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
- (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times;
- (d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in a condition that enables their proper performance; and
- (e) ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

8.16 Obstruction of passages and stairways

The keeper must not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on -

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

in a manner that obstructs the free passage of lodgers, residents or persons in or occupying the lodging house.

8.17 Fitting of locks

A person must 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 without the use of a key.

8.18 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 8.32, the keeper must not use or permit to be used as a sleeping apartment a room in a lodging house -
 - (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;

- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
 - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.
- (2) For the purpose of this clause, 2 children under the age of 10 years are to be counted as one lodger.
 - (3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

8.19 Sleeping accommodation in a short term hostel or recreational campsites

- (1) The keeper of a short term hostel or recreational campsite must 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) must 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 must be 2.4 metres in a dormitory utilising beds, and 2.7 metres in a dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) apply only if the short term hostel or recreation or campsite has ventilation, separation distances, fire egress and other safety measures in accordance with the Building Code.
- (5) The keeper of a short term hostel or recreational campsite must 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 must 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 practicable; and
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the Principal Environmental Health Officer.
- (6) The keeper of a short term hostel or recreational campsite must 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 a short term hostel or recreational campsite must -
- (a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and must ensure that the passageway is kept clear of obstruction at all times; and
 - (c) ensure that all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short term hostel or recreational campsite must ensure that -
- (a) materials used in dormitory areas comply with AS 1530.2 - 1993 and AS 1530.3:1999 as follows-
 - (i) drapes, curtains, blinds and bed covers - maximum Flammability Index of 6;
 - (ii) upholstery & bedding - a maximum Spread of Flame Index of 6 and a maximum Smoke Developed Index of 5; and

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 complying with the indices in paragraph (a) must be-
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardant effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.1 – 1995, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
 - (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; and
 - (e) each mattress is fitted with a mattress protector.

8.20 Furnishing etc. of sleeping apartments

- (1) The keeper must -
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

- (b) ensure that each bed -
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) The keeper must not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.
 - (3) A keeper may make the materials referred to in subclause (1)(b)(ii) available for hire by a lodger and if so -
 - (a) those materials are to be taken to have been provided by the keeper; and
 - (b) each lodger must either provide clean materials 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.

8.21 Ventilation

- (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, the Environmental Health Officer may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper must comply with a direction given under subclause (1) within the time specified in the direction.

8.22 Numbers to be placed on doors

- (1) The 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 by other legible means.

Division 3 - Management and care

8.23 Keeper or manager to reside in the lodging house

Whenever there is one or more lodgers in a lodging house, the keeper or manager must not be absent from the house without leaving a reputable person in charge of the house.

8.24 Register of lodgers

- (1) The keeper must keep a register of lodgers in the approved form.
- (2) The register of lodgers must be -
 - (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police Force or by an Environmental Health Officer.

8.25 Keeper report

The keeper must, whenever required by the Local Government, report to the Local Government in the approved form, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.26 Certificate in respect of sleeping accommodation

- (1) An Environmental Health Officer may issue to the keeper, in the approved form, a certificate in respect of each room.
- (2) The certificate issued under subclause (1) must specify the maximum number of persons who are to be permitted to occupy each room as a sleeping apartment at any one time.
- (3) The keeper must exhibit the certificate issued under this clause in a conspicuous place.
- (4) A person must not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.27 Duplicate keys and inspection

Each keeper and manager of a lodging house must -

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

8.28 Room occupancy

- (1) The keeper must not -
 - (a) cause, suffer or permit more than the maximum number of persons permitted by the certificate of registration of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartments -
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or cause, suffer or permit to be used for sleeping purposes a room that -
 - (i) has not been certified for that purpose; and
 - (ii) the Local Government has forbidden to be used as a sleeping apartment.

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

8.29 Maintenance of a room by a lodger or resident

- (1) The 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 must -
- (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean and sanitary condition.
- (3) A lodger or resident who contracts with the keeper to service, clean or maintain a room that they occupy, must maintain the room in a clean and sanitary condition.

8.30 Cleaning and maintenance requirements

- (1) In this clause -
- bed linen** includes sheets, pillowcases, mattress protectors and mattress covers.
- (2) The keeper of a lodging house must -
- (a) maintain in a clean, sound and undamaged condition -
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order -
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and furniture;
 - (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
 - (d) whenever there are one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
 - (e) ensure that -
 - (i) subject to subparagraph (ii), all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed, which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedheads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

- (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
- (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
- (f) when directed by an Environmental Health Officer, ensure that-
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with a direction, whether orally or in writing, given by an Environmental Health Officer.

8.31 Responsibilities of lodgers and residents

A lodger or resident must not -

- (a) use any room available to lodgers -
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are flammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fixture for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept -
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 8.32 -
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;

- (j) store or keep items other than personal effects -
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for storage of food

- (1) The Principal Environmental Health Officer may -
 - (a) on written application from the 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 - Laundries and other establishments

9.1 Terms used

In this Division -

dry cleaning establishment -

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water;
- (b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

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

exempt laundromat means premises in which –

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

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

laundry means a place where articles are laundered for the purpose of trade, but does not include an exempt laundromat.

9.2 Receiving depot

An owner or occupier of premises must 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 approval of the Principal Environmental Health Officer who may at any time by written notice withdraw the approval.

9.3 Reception room

The occupier of a laundry or dry cleaning establishment must –

- (a) provide a reception room in which all articles brought to the premises for treatment must be received and must not receive, or permit to be received, any articles for treatment except in that room; and
- (b) ensure that the articles that are directed by an Environmental Health Officer are thoroughly disinfected to the satisfaction of the Environmental Health Officer.

9.4 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works must ensure that -

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

9.5 Escape of dust

The occupier of a dry cleaning establishment must take effective measures to prevent the escape into the open air of all dust or other material from the premises.

9.6 Trolleys

The occupier of a dry cleaning establishment must -

- (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.

9.7 Sleeping on premises

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

Part 10 - Objections and reviews

10.1 Objection and review rights

Part 9 Division 1 of the Act and regulation 33 of the Regulations apply to a decision of the Local Government -

- (a) to refuse to grant an approval or exemption;
- (b) to vary or cancel an approval or exemption; and
- (c) to impose, or amend, a condition of approval; or
- (d) to give a person a notice.

Part 11 - Enforcement

Division 1 – Notice of breach

11.1 Notice of breach

- (1) Where a breach of a provision of this local law has occurred, the CEO or an authorised person may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take the action that is specified in the notice for the purpose of remedying the breach.
- (2) A notice given under subclause (1) must specify –
 - (a) the provision of this local law that has been breached;
 - (b) the particulars of the breach; and
 - (c) the actions the person must take to remedy the breach; and
 - (d) the time and date by which the actions in the notice must be completed.
- (3) A person given a notice of breach must remedy the breach within the time specified in the notice.
- (4) If the person fails to comply with a notice given under this local law, the Local Government may do, or arrange to be done, the actions specified in the notice and recover from the person to whom the notice is given, as a debt, the costs incurred in doing so.

Division 2 - Offences

11.2 Offences

- (1) A person who –
 - (a) fails to do anything required or directed under this local law;
 - (b) fails to comply with a notice issued to the person under this local law; or
 - (c) does an act or omits to do an act contrary to this local law,commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction –
 - (a) to a penalty not exceeding \$5,000; and

- (b) if the offence is a continuing offence, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Division 3 – Modified penalties

11.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 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 the relevant amount specified for that offence in Schedule 1.

11.4 Form of infringement notices

- (1) 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 that may be 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 that may be given under section 9.20 of the Act to withdraw an infringement notice for a prescribed offence is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1 - Prescribed offences

Clause	Description	Modified Penalty First Offence (\$)	Modified Penalty Subsequent Offence (\$)
3.9	Depositing sewage, offensive matter or any other thing which may pollute or render unfit for human consumption water from a well or other underground source	250	500
4.2	Deposit of liquid refuse	500	1000
4.3	Failure to dispose of liquid waste into an approved system	250	500
4.5	Failure to dispose of liquid waste from small-scale mechanical wash down bays into an approved system	500	1000
4.10	Failure to provide and/or maintain a suitable enclosure for refuse disposal	500	1000
4.11	Failure to control deposit of refuse on a building Construction site	500	1000
5.2	Burning rubbish, refuse or other material	250	500
5.3	Allowing the escape of smoke, fumes, odours or other emissions so as to cause a nuisance	150	300
5.4	Allowing the emission or reflection of light	150	300
5.5	Allowing of erosion and the escape of sand and dust	150	300
5.11	Slaughter of an animal	250	500
5.12	Failure to immediately dispose of a dead animal	250	500
5.14	Failing to comply with a condition for the keeping of large animals	150	300
5.15	Failure to comply with a requirement for a large animal stable	150	300
5.18	Keeping pigeons, doves or poultry in excess of the numbers permitted	150	300
5.19	Failure to comply with conditions of keeping aviary birds.	150	300
5.20	Failure to comply with conditions for keeping of poultry	150	300
5.21	Keeping a rooster, peafowl, geese or turkey on residential land without approval or contrary to a condition of approval	150	300
5.22	Failure to comply with condition for keeping of pigeons or doves	150	300
5.25	Permitting a bird or birds to cause a nuisance	150	300
6.2	Permitting fly breeding matter on premises	150	300
6.7	Failure to comply with measures to prevent mosquitos breeding	250	500
6.10	Failure to take measures to eradicate rodents	150	300
6.16	Failure to take measures to eradicate cockroaches	150	300
6.20	Failure to comply with restrictions on keeping bees in hives	150	300
6.21	Creation of nuisance from keeping of bees or beehives	250	500
6.21(2)-(3)	Failure to comply with a notice to remove beehives	250	500
6.23	Failure to keep premises free from European Wasp nests	150	300
11.1	Failure to comply with requirements of written notice	250	500
11.2	All other offences not specified	150	300

Schedule 2 - Materials not to be burned [clause 5.2(1)]

The following materials, in addition to rubbish and refuse, must not be burned -

- (a) batteries;
- (b) carpet;
- (c) electrical products;
- (d) fabrics or textiles;
- (e) solvent paint;
- (f) plastic, including polystyrene and similar materials;
- (g) rubber;
- (h) timber treated with preservatives;
- (i) tyres;
- (j) vehicles or vessels, and any parts of vehicles or vessels; and
- (k) waste oil, fats or grease.

Dated this of 2026.

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

.....
PAIGE MCNEIL
SHIRE PRESIDENT

.....
JASON WHITEAKER
CHIEF EXECUTIVE OFFICER