Special Meeting of Council

Minutes

Section 5.22 of the Local Government Act 1995

6 July 2017

Unconfirmed Minutes

These minutes were approved for distribution on 7 July 2017

Stan Scott
CHIEF EXECUTIVE OFFICER

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as attachments to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Confirmed Minutes

These minutes were confirmed at a meeting held on 25 July 2017.

Signed: .....

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

Shire of Toodyay

SPECIAL MEETING – 6 JULY 2017

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Shire of Toodyay

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr D Dow, Shire President, declared the meeting open at 4.05pm.

2. RECORDS OF ATTENDANCE

Members

Cr D Dow	Shire President
Cr T Chitty	Deputy Shire President
Cr E Twine	
Cr J Dow	
Cr R Welburn	
Cr P Greenway	
Cr B Rayner	

Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Mrs T Phillips	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr S Patterson	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

G Appleby

L Graham

2.1 APOLOGIES

Nil

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil

5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)

Nil

6. PURPOSE OF MEETING

The Special Meeting of Council has been called by the Shire President in accordance with section 5.4 of the Local Government Act 1995.

The Special Meeting of Council is for the purpose of considering:

1. *Differential Rating and matters related thereto; and*
2. *Rescinding Council Resolution relative to Agenda Item 9.2.4 Adoption of Health Local Laws 2017 – Ordinary Council Meeting held on 27 June 2017.*

6.1 Differential Rating

Date of Report:	5 July 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	RAT2
Author:	S Scott – Chief Executive Officer
Responsible Officer:	S Scott – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	1. Draft Differential Rates Statement of Objects and Reasons
Attachments:	Executive
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To consider differential rating of properties for 2017/2018 Annual Budget.

BACKGROUND

Valuation schedules have been received from the Valuer General's Office regarding valuations for unimproved land (UV) properties in Toodyay. Changes in valuations have been quite volatile with large agricultural lots increasing in value and smaller lots reducing in value. A change in the differential rate will allow us to ensure that the relative proportion of total rates levied on each group will remain. There will however still be substantial differences between individual properties.

For UV valuations, based on the proposed rates in the dollar 8 properties have rate increases in excess of 20% and 73 properties have increases greater than 10%. Conversely 11 properties have rate decreases in excess of 20% and a further 44 have decreases in excess of 10%.

Over the last several months the Department of Local Government has considered proposals to change the basis of rates from UV to Gross Rental Value (GRV) for around 1,900 properties in Toodyay. The majority of these were approved and are with the Valuer General for valuation. At the time of drafting this report the new GRV Valuations have not been received for all properties, so modelling is based on those that we have received and assumptions extrapolating to those that we have not. After the comment period

we may need to make some minor adjustments if the remaining valuations do not reflect our estimates. Any adjustment is assumed to be minor.

Valuations for GRV land are received every 5 years with the last valuation update being for the 2014/2015 financial year. Valuations for existing GRV properties will not change.

We have determined rating categories based on the requirements of Section 6.33 of the *Local Government Act 1995*. Categories must be based on the use of the land or the zoning. This means that some properties that have changed from UV to GRV will be captured by existing classifications in the town site such as:

- GRV Residential
- GRV Commercial
- GRV Industrial
- GRV Rural

Properties falling into these categories have had the same rate in the dollar with the 2% increase as applies to existing properties in these groups.

A new category – GRV Rural Residential - based on the Rural Residential zoning has been created, and this applies to the vast majority of properties captured by the change from UV to GRV. Modelling for this category indicates that there will be significant changes in the rates paid by individual properties in this group. Of 1,493 affected properties, 703 will have a rate increase, 554 will have a rate decrease and 236 will remain on minimum rates.

Of those with a rate increase, 3 will increase by more than 75%, a further 49 will increase by more than 50%, and 305 by more than 20%. Collectively rates from this group of properties will increase by 2%.

CONSULTATION IMPLICATIONS

Advertising differential rates and inviting public comment in the formal consultation process required by the *Local Government Act.*

STRATEGIC IMPLICATIONS

The proposed rate increase is modest and much less than was contemplated in the Strategic Community Plan. This is reflective of the changed economic circumstances.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

During budget discussions all deliberations have been based on a 2% rate increase. The differential rates are a means to share the rate burden between groups of rate payers. The Perth CPI for the year ended March 2017 was 1%.

LEGAL AND STATUTORY IMPLICATIONS

Section 6.33 of the *Local Government Act 1995* states as follows:

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

Section 6.35 (6) *Local Government Act 1995.*

Differential minimum payment may be imposed.

Section 6.36 *Local Government Act 1995.* Subsection (1)

Local public notice must be given before imposing differential rates.

- May be published between 1st May and 30th June.
- Must contain
  - Details of each rate or minimum.
  - An invitation for submissions to be made by any elector or a ratepayer (within 21 days of the notice – or can be longer).
  - Any other information as per regulations.
  - Is to advise electors and ratepayers of the time and place where a document describing the objects of and reasons for each rate and minimum may be inspected.

Submissions must be considered before imposing the differential rates.

If more than 50% of the total number of properties are on the minimum rate, Council must seek Ministerial approval for this to occur.

6.35. Minimum payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —

(a) 50% of the total number of separately rated properties in the district; or

(b) 50% of the number of properties in each category referred to in subsection (6),

on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

Schedule 6.1 of the *Local Government Act 1995* makes allowance for the phasing in of valuations. In the case of properties newly changed from UV to GRV it does not allow us to distinguish on the basis of the extent of the increase, the phasing in is applied to all properties or no properties.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

The Act does however allow concessions to be applied. Regulation 69A of the *Local Government (Financial Management) Regulations 1996* provides the only

constraint on when concessions may be offered, and there is nothing to prevent Council providing a concession based on the quantum of the rate increase. There is no requirement to advertise any proposed concession at the time of advertising differential rates and this can be considered as part of budget deliberations.

RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

Setting differential rates for this year is more complex that in most years for the following reasons:

- Last year there was an error in the categories of rates which resulted in the rates being quashed and re-issued;
- Changes in UV values have been substantial and varied with some substantial increases and some substantial decreases; and
- There are several properties where the change from UV to GRV will result in a substantial increase in rates. While it could be argued that these properties have been getting a very good deal for a long time, there will still be considerable angst associated with the changes.

In addition to the above there have been substantial delays in the delivery of the new GRV valuations, which has resulted in the differential rates being worked out at the last possible minute.

The recommendation will be populated with proposed rates when the valuations have been received. All rates in the dollar have been calculated to ensure that as far as possible the proportion of total rates applying to each group of ratepayers remain in line with the previous proportions, and reflecting an overall increase in rate collection of 2%.

OFFICER'S RECOMMENDATION

That Council, in accordance with the requirements of Section 6.36 *Local Government Act 1995* advertise its intention to adopt differential rating for Gross Rental Value and Unimproved Value properties as set out in the table below:

2017/2018 Differential Rates

Category of Property	Proposed Rate in $ 2017-18	Previous Rate in $ 2016-17
General Rate - Gross Rental Value		

(GRV)		
GRV Residential	0.1292	0.1262
GRV Commercial	0.1527	0.1504
GRV Industrial	0.1405	0.1378
GRV Rural	0.1292	0.1262
GRV Rural Residential	0.1141	New
General Rate - Unimproved Value (UV)		
UV General	0.01098	0.010167
UV Rural	0.008871	0.009189

2017/18 Minimum Payments

Category of Property	Proposed Minimum Payment $	Previous minimum Payment $
General Rate - Gross Rental Value (GRV)		
GRV Residential	1265	1265
GRV Commercial	1265	1265
GRV Industrial	1265	1265
GRV Rural	1265	1265
GRV Rural Residential	1265	New
General Rate - Unimproved Value (UV)		
UV General	1265	1265
UV Rural	1265	1265

Cr Chitty moved the Officer's Recommendation as follows:

That Council, in accordance with the requirements of Section 6.36 *Local Government Act 1995* advertise its intention to adopt differential rating for Gross Rental Value and Unimproved Value properties as set out in the table below:

2017/2018 Differential Rates

Category of Property	**Proposed Rate in $ 2017-18**	**Previous Rate in $ 2016-17**
General Rate - Gross Rental Value (GRV)		
GRV Residential	**0.1292**	**0.1262**

GRV Commercial	**0.1527**	**0.1504**
GRV Industrial	**0.1405**	**0.1378**
GRV Rural	**0.1292**	**0.1262**
GRV Rural Residential	**0.1141**	**New**
General Rate - Unimproved Value (UV)		
UV General	**0.01098**	**0.010167**
UV Rural	**0.008871**	**0.009189**

2017/18 Minimum Payments

Category of Property	Proposed Minimum Payment $	Previous minimum Payment $
General Rate - Gross Rental Value (GRV)		
GRV Residential	**1265**	**1265**
GRV Commercial	**1265**	**1265**
GRV Industrial	**1265**	**1265**
GRV Rural	**1265**	**1265**
GRV Rural Residential	**1265**	**New**
General Rate - Unimproved Value (UV)		
UV General	**1265**	**1265**
UV Rural	**1265**	**1265**

Cr Greenway seconded the motion.

Clarification was sought.

Cr Welburn moved an amendment to the motion as follows:

That the minimum rate be increased by $25.00 per assessment.

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 117/07/17

MOVED Cr Welburn

That the minimum rate be increased by $25.00 per assessment.

MOTION CARRIED 7/0

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 118/07/17

MOVED Cr Chitty **SECONDED** Cr Greenway

That:

1. the minimum rate be increased by $25.00 per assessment; and
2. Council, in accordance with the requirements of Section 6.36 *Local Government Act 1995* advertise its intention to adopt differential rating for Gross Rental Value and Unimproved Value properties as set out in the table below:

2017/2018 Differential Rates

Category of Property	Proposed Rate in $ 2017-18	Previous Rate in $ 2016-17
General Rate - Gross Rental Value (GRV)		
GRV Residential	0.1292	0.1262
GRV Commercial	0.1527	0.1504
GRV Industrial	0.1405	0.1378
GRV Rural	0.1292	0.1262
GRV Rural Residential	0.1141	New
General Rate - Unimproved Value (UV)		
UV General	0.01098	0.010167
UV Rural	0.008871	0.009189

2017/18 Minimum Payments

Category of Property	Proposed Minimum Payment $	Previous minimum Payment $
General Rate - Gross Rental Value (GRV)		
GRV Residential	1290	1265
GRV Commercial	1290	1265
GRV Industrial	1290	1265
GRV Rural	1290	1265
GRV Rural Residential	1290	New
General Rate - Unimproved Value (UV)		
UV General	1290	1265
UV Rural	1290	1265

MOTION CARRIED 7/0

6.2 Adoption of Health Local Laws 2017

Date of Report:	28 June 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	LAW1
Author:	K Stonham – Environmental Health Officer
Responsible Officer:	G Bissett – Manager Planning and Development
Previously Before Council:	OCM 18 April 2017 & 27 June 2017 Forum 3 March 2017
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. DRAFT Health Local Law 2017; 2. Proposed Public Advertisement; and 3. NCP review form/statement.
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To consider rescinding Council Resolution relative to Agenda item 9.2.4 Adoption of Health Local Laws 2017 - Ordinary Council meeting held on 27 June 2017.

BACKGROUND

At the 27 June 2017 Ordinary Meeting of Council, the following resolution (Res. No. 102/06/17 – carried by Absolute Majority 6/2) was passed:

That Council:

1. Adopt, by absolute majority, the DRAFT Shire of Toodyay Health Local Law 2017 with the changes incorporated as a result of the submissions received from advertising and other amendments as follows:
   - That at Clause 3.1.2 the words “dwelling house” be inserted following the words “The owner or occupier of a”;
   - That at Clause 3.1.2(a) the word “of” replace the word “or” (for the sentence to read good state of repair);
   - That at Clause 3.1.2(b) the words “take all reasonable and practical steps to prevent” replace the words “not permit”;
   - That at Clause 5.4.8(1) the words “and swallows” be inserted following the words “on which pigeons”; and
   - On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.
2. Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the *Local Government Act 1995* in relation to obtaining Gazettal of the *Shire of Toodyay Health Local Law 2017.*

When the DRAFT Health Local Law was advertised it did not include the schedule of modified penalties. While this amendment is captured by Council's resolution we now have advice from the Department of Local Government and Communities that this may be considered more than a minor change. If the Delegated Legislation Committee takes a similar view it could result in the Shire of Toodyay Health Local Law being disallowed. For this reason it is proposed that the adoption be rescinded and the amended DRAFT Shire of Toodyay Health Local Law (DRAFT HLL 2017) be re-advertised.

CONSULTATION IMPLICATIONS

It is proposed that the amended DRAFT HLL 2017 be readvertised with the changes recommended by the Department of Local Government and Communities, and the changes proposed by Council at the June 2017 Ordinary Council Meeting.

STRATEGIC IMPLICATIONS

Health Local Laws assist the Long-term Planning and Development to meet the outcomes that Council identified within the Community Strategic Plan to meet the aspirations for Toodyay as a liveable and thriving Shire in relation to Planning and Transport Services (Local Planning Strategy, Local Planning Scheme and Policies).

They also assist in responsible and responsive civic leadership in relation to governance Services provided by Council relating to Local Laws and Policies that Council identified within the Community Strategic Plan.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

This proposal will require re-advertisement incurring a one-off cost of approximately $1,000-$2,500.

LEGAL AND STATUTORY IMPLICATIONS

Section 13 of the *Local Government Act 1995* states as follows:

13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Regulation 10 of the *Local Government (Administration) Regulations 1996* provides as follows:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least $^1/_3$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $^1/_3$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

This means that if Council wishes to change it decision in relation to this matter it must:

Have a motion to rescind that is moved, and has two seconders, and must be passed by an absolute majority.

In accordance with s.3.12 (8) of the *Local Government Act 1995* "making" in relation to a local law, includes making a local law to amend the test of, or repeal, a local law. This procedure must be adhered to in the sequence in which it is described within the Act. If during the procedure for making the local laws the local government decides to make a local law which is significantly different to what was first proposed, the procedure is to be recommenced.

In accordance with s.3.12 (3) and (3a) of the *Local Government Act 1995* State-wide and local public notice needs to occur in the making of a local law.

RISK IMPLICATIONS (including DAIP)

If Council chooses not to rescind the resolution and pushes ahead with sending the Adopted HLL 2017 to continue to follow the process as outlined in Section 3.12 of the *Local Government Act 1995* the Delegated Legislation Standing Committee may choose to not approve the Adopted HLL 2017 which would mean Council would be required to repeat the Adoption of the DRAFT HLL 2017 again.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

The amendments adopted by Council at its June 2017 Council meeting, and the amendments proposed as a result of the submissions received from initial advertising have been incorporated into the DRAFT HLL 2017 (**Att.1**).

Advice received on Wednesday 28 June 2017 from the Department of Local Government and Communities in respect to what constitutes "substantially different" under s.3.12 of the *Local Government Act* 1995 was as follows:

> *"…. it is up to the Shire to make the decision on whether or not to readvertise. However, in making the decision the Shire may want to consider the impact of the changes. For example, you may want to ask: how is this different to what the Shire had originally, what is the result of the difference and could this result be considered significantly different.*
>
> *The general rule has been that, amendments relating to minor edits such as grammatical or formatting changes would not constitute a significant difference. However, where there are any changes made to obligations such as the addition of modified penalties, it would be suggested to restart the process."*

After considering the content of this report, it is recommended that Council rescind Council Resolution No. 102/06/17 in favour of recommencing the process and Council resolving its intent to adopt the amended DRAFT *Shire of Toodyay Health Local Law 2017.*

In accordance with *Local Government Act 1995* s.3.12 (2) states:

> *"At a Council Meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed law in the prescribed manner."*

It is recommended the Presiding Person read out the following:

1. Pursuant to s.3.12 of the *Local Government Act 1995* the Shire of Toodyay resolves its intent to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017:
   a) The **purpose** of which is to regulate, protect, and manage public health within the district.
   b) The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

OFFICER'S RECOMMENDATION

That Council:

1 Rescind Council Resolution No. 102/06/17 which reads as follows:

That Council;

1. Adopt, by absolute majority, the DRAFT Shire of Toodyay Health Local Law 2017 with the changes incorporated as a result of the submissions received from advertising and other amendments as follows:

2. *That at Clause 3.1.2 the words "dwelling house" be inserted following the words "The owner or occupier of a";*

3. *That at Clause 3.1.2(a) the word "of" replace the word "or" (for the sentence to read good state of repair);*

4. *That at Clause 3.1.2(b) the words "take all reasonable and practical steps to prevent" replace the words "not permit";*

5. *That at Clause 5.4.8(1) the words "and swallows" be inserted following the words "on which pigeons"; and*

6. *On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.*

7. *Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the Local Government Act 1995 in relation to obtaining Gazettal of the Shire of Toodyay Health Local Law 2017.*

2 Substitute the following resolution:

That Council:

1. Pursuant to section 3.12 of the *Local Government Act 1995* resolves its intent to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017:

   The **purpose** of which is to regulate, protect, and manage public health within the district.

   The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

   The **justification** for the local law is that it will provide:

   - Enforcement options for issues that previously are unable to be dealt with by the Shire's authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation.
   - For clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced.

2. In accordance with the provisions of s.3.12(3) and (3a) of the *Local Government Act 1995*, advertise for public comment the proposal to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017 as shown in Attachment 1.

3. Authorise the CEO to send to the Minister a copy of:

(a) The proposed local law – Refer to Attachment 1;

(b) A copy of the public Notice – Refer to Attachment 2; and

(c) An Executive Summary – Refer to Attachment 3;

in accordance with the provisions of s.3.12 (3) of the *Local Government Act 1995* as shown in Attachment 3.

4. Authorise the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it in accordance with the provisions of s.3.12 (3) (c) of the *Local Government Act 1995.*

Cr Rayner moved the Officer's Recommendation.

Cr J Dow and Cr Chitty seconded the motion.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 119/07/17

MOVED Cr Rayner **SECONDED** Cr J Dow

SECONDED Cr Chitty

That Council:

1 Rescind Council Resolution No. 102/06/17 which reads as follows:

That Council;

1. Adopt, by absolute majority, the DRAFT Shire of Toodyay Health Local Law 2017 with the changes incorporated as a result of the submissions received from advertising and other amendments as follows:

2. That at Clause 3.1.2 the words "dwelling house" be inserted following the words "The owner or occupier of a";

3. That at Clause 3.1.2(a) the word "of" replace the word "or" (for the sentence to read good state of repair);

4. That at Clause 3.1.2(b) the words "take all reasonable and practical steps to prevent" replace the words "not permit";

5. That at Clause 5.4.8(1) the words "and swallows" be inserted following the words "on which pigeons"; and

6. On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.

7. Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the Local Government Act 1995 in relation to obtaining Gazettal of the Shire of Toodyay Health Local Law 2017.

2 Substitute the following resolution:

That Council:

1. Pursuant to section 3.12 of the *Local Government Act 1995* resolves its intent to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017:

The **purpose** of which is to regulate, protect, and manage public health within the district.

The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

The **justification** for the local law is that it will provide:

- Enforcement options for issues that previously are unable to be dealt with by the Shire's authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation.
- For clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced.

2. In accordance with the provisions of s.3.12(3) and (3a) of the *Local Government Act 1995*, advertise for public comment the proposal to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017 as shown in Attachment 1.

3. Authorise the CEO to send to the Minister a copy of:

   (a) The proposed local law – Refer to Attachment 1;

   (b) A copy of the public Notice – Refer to Attachment 2; and

   (c) An Executive Summary – Refer to Attachment 3;

   in accordance with the provisions of s.3.12 (3) of the *Local Government Act 1995* as shown in Attachment 3.

4. Authorise the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it in accordance with the provisions of s.3.12 (3) (c) of the *Local Government Act 1995*.

MOTION CARRIED 7/0

7. CLOSURE OF MEETING

The Chairperson declared the meeting closed at 4.31pm.

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Special Meeting of Council **Tuesday 6 July 2017**

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SHIRE OF TOODYAY

STATEMENT OF OBJECTS AND REASONS FOR DIFFERENTIAL RATING

All land except exempt land in the Shire of Toodyay is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in accordance with the requirements of s6.28 of the Local Government Act 1995. The rates in the dollar ($) for the various differential rates are calculated to provide the shortfall in income required to enable the Shire to provide necessary works and services in the 2017-18 financial year after taking into account all non-rate sources of income. This statement is provided pursuant to S6.36 of the Local Government Act 1995.

GRV - Residential

The rate in the $ of 0.1292 has been set to ensure that the proportion of total rate revenue derived from residential property remains consistent with previous years. This is based on the total raised from all properties now rated as Residential.

GRV - Commercial

The rate in the $ of 0.1527 has been set to ensure that the proportion of total rate revenue derived from commercial property remains consistent with previous years and recognises the higher demand on Shire infrastructure and services from the activity on the commercial property.

GRV - Industrial

The rate in the $ of 0.1405 of has been set to ensure that the proportion of total rate revenue derived from industrial property remains consistent with previous years and recognises the higher demand on Shire infrastructure and services from the activity on the industrial property.

GRV - Rural

The rate in the $ of 0.1292 has been set to ensure that the proportion of total rate revenue derived from these properties remains consistent with previous years.

GRV - Rural Residential

The rate in the $ of 0.1141 has been set to ensure that the proportion of total rate revenue derived from these properties remains consistent with previous years, notwithstanding that in previous years these properties had been rated as UV General.

UV - General

The rate in the $ of 0.01098 has been set to ensure that the proportion of total rate revenue derived from rural small holdings remain consistent with previous years.

UV - Rural

The rate of 0.008871 has been set to ensure that broadacre farming properties, those over 100 hectares and used for grazing or cropping, are not adversely affected by the valuation changes resulting from the preponderance of rural small holdings.

Minimum Payment all categories

A minimum payment of $1,265 is applied to GRV & UV properties in recognition that every property receives some minimum level of benefit from works and services provided. The minimum payment helps encourage development and discourage speculation. The minimum rate has not increased.

LOCAL GOVERNMENT ACT 1995

Shire of Toodyay

Health Local Law

2017

Gazette Date: t.b.a

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Under the powers conferred by Section 342 of the *Health (Miscellaneous Provisions) Act 1911,* subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on [insert date] to make the following local law.

PART 1 – PRELIMINARY

1.1.1 Citation

1.1.1 This local law may be cited as the *Shire of Toodyay Health Local Law 2017.*

1.1.2 Repeal

1.1.2 (i) The Model By-Laws-Series "A" published in the *Government Gazette* on 20 November 1914 that were adopted at a meeting of the Toodyay Road Board on 15 July 1924 and published in the *Government Gazette* on 15 July 1924, and amended from time to time, are repealed;

(ii) The Model By-Laws-Series "A" published in the *Government Gazette* on 4 December 1944 that were adopted at a meeting of the Toodyay Road Board on 17 May 1954 and published in the *Government Gazette* on 20 August 1954, and amended from time to time, are repealed;

(iii) The Model By-Laws-Series "A" published in the *Government Gazette* on 9 August 1956 that were adopted at a meeting of the Toodyay District Road Board on 13 October 1956 and published in the *Government Gazette* on 12 December 1956, and amended from time to time, are repealed;

(iv) The Model By-Laws-Series "A" published in the Government Gazette on 17 July 1963 that were adopted at a meeting of the Shire of Toodyay Council on 17 February 1964 and published in the Government Gazette on 29 April 1964, and amended from time to time, are repealed.

1.1.3 Commencement

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

1.1.4 Application

1.1.4 This local law applies throughout the district.

1.1.5 Interpretation

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

Act means *Health (Miscellaneous Provisions) Act 1911* and includes subsidiary legislation made under the *Health (Miscellaneous Provisions) Act 1911*;

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

approved means approved by the local government of the Shire of Toodyay;

AS or AS/NZS means Australian Standard or Australian/New Zealand Standard published by the Standards Association of Australia as amended from time to time;

AS/NZS ISO 717.1:2004 means the standard published by the Standards Association of Australia as AS/NZS ISO 717.1:2004 as amended from time to time and called 'Acoustics – Rating of sound insulation in building and of building elements - Airborne sound insulation';

AS/NZS 3666.2:2011 means the standard published by the Standards Association of Australia as AS/NZS 3666.2:2011 as amended from time to time and called 'Air-handling and water systems of buildings – Microbial control operation and maintenance';

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AS 1668.2-2002 means the standard published by the Standards Association of Australia as AS 1668.2-2002 as amended from time to time and called 'The use of ventilation and airconditioning in buildings – Ventilation design for indoor air contaminant control';
AS 1668.2:2012 means the standard published by the Standards Association of Australia as AS 1668.2:2012 as amended from time to time and called 'The use of ventilation and airconditiong in building – Mechanical ventilation in buildings';
AS 1875-1976 means the standard published by the Standards Association of Australia as AS 1875-1976 as amended from time to time and called 'Domestic incinerators (fire safety)';
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;
Certificate of Registration means a certificate issued under clause 9.1.5;
CEO means the Chief Executive Officer of the Shire of Toodyay and includes an Acting Chief Executive Officer;
Council means the local government of the Shire of Toodyay;
district means the district of the Shire of Toodyay and included any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;
dwelling house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;
Energy Safety WA means the Energy Safety division of the Department of Commerce;
Environmental Health Officer means an Environmental Health Officer appointed by the local government under the Act and included an Acting or Assistant Environmental Health Officer;
flies means any of the two-winged insects constituting the order Diptera commonly known as flies
Food Standards Code means the *Australian New Zealand Food Standards Code* as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991* as amended from time to time;
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 not for extended periods;
hot water means at a temperature of at least 65 degrees Celsius;
local government means the Shire of Toodyay;
Local Planning Scheme has the meaning given to it by the *Planning and Development Act 2005*;
Medical Officer means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;
public place includes every place to which the public ordinarily have access, whether by payment of fee or not;
sanitary convenience includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, 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;
sewage means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;
sewer includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of local government;

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street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
toilet means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these are located;
townsite means all townsites within the district which are –

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

vectors of disease mean 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;
water means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia 2011 as published by the National Health and Medical Research Council; 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 the building to the room concerned when in the closed position.

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

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

PART 2 – SANITATION

Division 1 – Sanitary Conveniences

2.1.1 Interpretation

2.1.1 In this Part, unless the context otherwise requires –
festival includes a fair, function or event;
organiser means a person –

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

public sanitary convenience means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not;
temporary sanitary convenience means a sanitary convenience, temporarily placed for use by –

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

urinal may by –

(a) an individual stall or wall-hung urinal; or
(b) each 600mm length or a continuous urinal trough; or
(c) a closet pan used in place of a urinal.

2.1.2. Dwelling house

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

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

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2.1.3 Premises other than a dwelling house

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

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

(b) the toilets required by this local law are situated within close proximity 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 within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

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

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

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

(c) each hand wash basin is provided with –

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

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

2.1.4 Outdoor festivals

2.1.4 (1) The organiser of an outdoor festival must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's *Guidelines for concerts, events, and organised gatherings*.

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

2.1.5 Toilets

2.1.5 (1) Toilets on premises shall be maintained in accordance with the following requirements –

(a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;

(b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;

(2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements –

(a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from the floor to ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by AS/NZS ISO 717.1:2004; and

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.1.6 Temporary works

2.1.6 A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

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2.1.7 Maintenance of sanitary conveniences and fittings

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

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

2.1.8 Ventilation of toilet

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

2.1.9 Public sanitary conveniences

2.1.9 (1) A person shall not –
(a) foul;
(b) damage or vandalise; or
(c) write on or otherwise deface,
a public sanitary convenience or sanitary fittings on the premises in or on which the sanitary convenience is located.

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

2.1.10 Lighting

2.1.10 The owner and the occupier of a premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain sufficient natural or a minimum of 80 lux of artificial lighting for persons using the convenience.

2.1.11 Installation

2.1.11 Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water.

Division 2 – Bathrooms, Laundries and Kitchens

2.2.1 Bathrooms

2.2.1 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that –
(a) is adequately lined with an impervious material and has an adequate ceiling;
(b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
(c) is equipped with –
(i) a hand wash basin; and
(ii) either a shower in a shower recess or a bath.

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

2.2.2 Laundries and toilets

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

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

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(3) Where there is an opening in a wall between a laundry and a kitchen or room where food is prepared or consumed, the opening shall –
  (a) not be more than 1220 millimetres wide; and
  (b) have a door which when closed shall completely fill the opening.

(4) Toilets not to be situated adjacent to a kitchen or a room where food is stored or consumed however if a toilet is situated adjacent to a kitchen or a room where food is stored or consumed it shall be separated by a self-closing door.

2.2.3 Kitchens

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

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

(3) A cooking facility shall –
  (a) be installed in accordance with the requirements of Energy Safety WA and the manufacturer's written specifications; and
  (b) not be installed in any other room other than a kitchen.

(4) Mechanical ventilation is to be provided in a kitchen and the exhaust air shall be -
  (a) carried to the outside air as directly as practicable unless adequately filtered for recirculation; and
  (b) boxed throughout.

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

PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Dwelling Houses

3.1.1 Dwelling house maintenance

3.1.1 The owner or occupier of a dwelling house shall maintain the dwelling house or any appurtenant buildings in sound condition and fit for use and, in particular, shall –
  (a) maintain all roofs and where required to be provided, guttering and downpipes in sound weatherproof conditions;
  (b) maintain any footing, foundations and walls, either external or internal, in a sound condition;
  (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material or sound quality;
  (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of controlling any termites;
  (e) maintain any brick, stone, mortar or cement work in a sound condition;
  (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
  (g) maintain all ventilators in good order and repair;
  (h) maintain all floors even in surface and free from cracks;
  (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
  (j) maintain all doors and windows in good working order and weatherproof condition;
  (k) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of 10% of the floor area;

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(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply with all aspects with the provisions of the *Water Services Act 2012* and any other legal requirements to which they are subject; and

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

3.1.2 Maintenance of guttering and downpipes and disposal of rainwater

3.1.2 The owner or occupier of a dwelling house shall –

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

(b) take all reasonable and practicable steps to prevent any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2 – Ventilation of Dwelling Houses

3.2.1 Exemption for short term hostels and recreation campsites

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

3.2.2 Overcrowding

3.2.2 The owner or occupier of a dwelling house shall not permit –

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

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

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

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic meters of air space per person; or

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

3.2.3 Calculate sufficient space

3.2.3 For the purposes of clause 3.2.2, in calculating the space required for each area –

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

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

3.2.4 Ventilation

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

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

(a) natural ventilation; or

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

(3) The owner of a dwelling house provided with a mechanical ventilation or air-conditioning system as its only or prime means of ventilation shall ensure that the system is –

(a) maintained in good working condition in accordance with AS/NZS 3666.2:2011 as amended from time to time; and

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

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

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

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

(5) The owner shall comply with a notice under subclause (4).

3.2.5 Sub-floor ventilation

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

Division 3 – Water Supply

3.3.1 Water supply

3.3.1 (1) The owner of a dwelling house shall provide a continuous supply of potable drinking water obtained from –

(a) a licensed water service operator;

(b) an underground bore;

(c) a rainwater storage system with a storage capacity to the satisfaction of the local government; and

such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.

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

(3) The water supply to toilets or for garden use may be from a source other than drinking water that will not create a health hazard.

3.3.2 Rainwater tanks

3.3.2 (1) The owner or occupier of a dwelling house for which part of the water supply is drawn from a rainwater tank shall –

(a) maintain in a clean condition –

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rainwater tank is fitted with tight-fitting mosquito proof cover or be otherwise sealed to prevent mosquitoes entering the tank which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tanks;

(c) thoroughly clean and disinfect each tank when appropriate, or when directed by an Environmental Health Officer to do so.

(2) The owner or occupier of any non-residential premises in which rainwater and/ or bore water is used for human consumption shall –

(a) once every calendar month, and prior to first use, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council;

(b) disinfect the water supply prior to entry into the premises and monitor and record the level of disinfection and pH of the water on a daily basis;

(c) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2 milligrams per litre and 0.5 milligram per litre in the water received from any outlet used for drinking purposes; and

(d) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8.

3.3.3 Bores and wells

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

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(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health;
(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
(c) tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council, for bacterial and chemical quality, or as directed by an Environmental Health Officer.

3.3.4 Pollution

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

Division 4 – Second-hand Furniture, Bedding and Clothing

3.4.1 Prohibition on sale

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

3.4.2 Prohibition of possession

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

Division 5 – Morgues

3.5.1 Licensing of morgues

3.5.1 (1) All morgues, other than those of any public hospital or any local government morgues or police morgue, shall be licensed annually in accordance with the requirements of this Division.
(2) The annual fee for a licence for a place for the temporary reception and keeping of bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under Section 344C of the Act.
(3) An application for a morgue licence shall be in the form set out in Schedule 8.
(4) A licence shall
(a) be in the form set out in Schedule 9; and
(b) expire on 30 June next after the date of its issue.
(5) A licence shall not be granted in respect of any premises unless –
(a) provision has been made for the keeping of bodies of the dead at temperature not exceeding zero degrees Celsius;
(b) the walls are constructed of stone or brickwork or other approved materials;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
(d) all floors are constructed of impervious material, having a fall to an outlet discharging over a trapped gully;
(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 – WASTE FOOD AND REFUSE

Division 1 – Liquid Refuse

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4.1.1 Interpretation

4.1.1 In this Division, unless the context otherwise requires –

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

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

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

4.1.2 Drainage of liquid refuse

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

(a) on a street;

(b) in a stormwater disposal system; and

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

4.1.3 Disposal of liquid waste

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

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

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

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

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

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

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

4.1.4 Approval for septic tank pump outs and removal of liquid waste

4.1.4 A person shall not –

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

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

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

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

Division 2 – Disposal of Refuse

4.2.1 Interpretation

4.2.1 In this division, unless the context otherwise requires –

collection time, where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractors;

public place includes a street, way or place which the public are allowed to use, whether street, way or place is or is not on private property;

receptacle, where used in connection with any premises, means –

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 240 litres; or

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(b) a container provided by the local government or its contractor for the deposit, collection and recycling of specific materials;

refuse disposal site means land set apart by the local government under the Act as a site for the deposit 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;

street includes –

(a) a highway;

(b) a thoroughfare;

which the public are allowed to use and included every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

street alignment means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribes under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

4.2.2 Receptacles

4.2.2 An owner or occupier of premises shall –

(a) except for a reasonable period before and after collection time, keep the receptacle on the premises and located –

(i) behind the street alignment and so as not be visible from a street or public place; or

(ii) in such other position as is approved by the local government;

(b) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;

(c) ensure that the premises is provided with an adequate number of receptacles and maintain the receptacles in a serviceable condition.

4.2.3 Exemption

4.2.3 (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 4.2.2(b) and (c).

(2) The local government may grant or refuse, with or without conditions, an application from exemption from compliance under this clause.

(3) An exemption granted under this clause shall state –

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the Local government.

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

4.2.4 Use of receptacles

4.2.4 An owner or occupier shall –

(a) not deposit or permit to be deposited in a receptacle –

(i) more than 70 kilograms of rubbish or refuse;

(ii) hot or burning ashes;

(iii) oil, motor spirit or other flammable liquid;

(iv) liquid including liquid paint or other solvent;

(v) bricks, concrete, building rubble, earth or other like substances;

(vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;

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(vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious leak-proof container;
(viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
(ix) cytotoxics, radioactive substances and dangerous chemicals;
(x) sewage, manure, nightsoil, faeces or urine;
(xi) 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;
(xii) 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; or
(xiii) hazardous products including ammunition or flares;

(b) keep the receptacle in a reasonably clean condition;
(c) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
(d) 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; and
(e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

4.2.5 Ownership of receptacles

4.2.5 (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be.
(2) The owner or occupier of a premises supplied with a receptacle remains responsible for any rubbish or refuse placed or deposited in the receptacle until such time as it has been removed by local government or its contractor.

4.2.6 Damage to receptacles

4.2.6 A person, other than the local government or its contractor, shall not damage, destroy or interfere with a receptacle.

4.2.7 Use of other containers

4.2.7 (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the CEO may authorise rubbish or refuse to be deposited in a container other than a receptacle.
(2) The owner or occupier of a premises who is authorised under this clause to deposit rubbish or refuse in a container shall –
(a) unless approved by the CEO, not deposit or permit to be deposited in the container anything specified in clause 4.2.4(a)(ii)-(xii);
(b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
(c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the CEO;
(e) ensure that the container is not visible from the street but is readily accessible for the purpose of collection; and
(f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

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(3) An owner or occupier shall –

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises –

(i) has a close fitting lids; and

(ii) is constructed of non-absorbent and non-corrosive material;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.2.8 Suitable enclosure

4.2.8 (1) An owner or occupier of premises –

(a) consisting of more than 3 dwelling that have not been provided with individual receptacles; or

(b) used for commercial, industrial, or as a food premises,

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

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

(3) For the purposes of this clause, a "suitable enclosure" means an enclosure –

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

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

(c) having walls not less than 1.5 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;

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

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

4.2.9 Building construction

4.2.9 (1) During all periods of construction on any building site, the builder shall –

(a) when requested by an Environmental Health Officer, provide and maintain on such 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 CEO;

(b) keep such site free of rubbish and offensive matter; and

(c) maintain the street verge immediately adjacent to such site free of rubbish or offensive matter.

(2) On completion of construction, the builder shall 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 subclauses (1) and (2), "rubbish" includes all discarded stone, brick, lime, timber, metal, tiles, bags, plastics, and any broken, used, or discarded matter.

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4.2.10 Deposit of refuse

4.2.10 (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) The driver of a vehicle, upon entering a refuse disposal site, shall present or display a current pass issued by the local government, to the attendant or person in charge of the site and shall not deposit any rubbish or refuse until authorised to do so by the attendant or person in charge.

(3) A person shall not deposit refuse or rubbish in or on a refuse disposal site except –

(a) at such 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.

4.2.11 Removal from refuse disposal site

4.2.11 (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government.

(2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.

4.2.12 Removal of rubbish from premises or receptacle

4.2.12 (1) A person shall 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 shall 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.

4.2.13 Burning or rubbish or refuse

4.2.13 (1) A person shall not -

(a) without the approval of the local government; and

(b) except in accordance with the terms and condition to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either –

(i) in any incinerator; or

(ii) on the ground.

(2) Subject to subclause (3), an approval of the local government is issued subject to the following conditions –

(a) the material to be burnt –

(i) does not include any plastic, rubber, food scraps and other material which may become offensive when burnt; and

(ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government's refuse collection service; and

(b) there is no other appropriate means of disposal.

(3) Burning shall not take place, unless approved by the local government, -

(a) during any period for which an air dispersion alert for the area has been issued by the Bureau of Meteorology;

(b) where there is no current dispersion alert outside of the dwelling house between 10:00am to 3:00pm; or

(c) a Total Fire Ban has been declared by Department of Fire and Emergency Services.

(4) An incinerator used for burning must meet the standards specified in AS 1875-1976; and

(a) be located at least 3 metres from any boundary, building or inflammable matter; and

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(b) in such a position so as not to create a nuisance or be offensive to other persons.

(5) Notwithstanding, Part 3 of the *Bush Fires Act 1954* must be adhered to at all times and does not apply to approved bushfire fuel load reduction activities.

Division 3 – Transport of Butchers' Waste

4.3.1 Interpretation

4.3.1 In this Division, unless the context otherwise requires –
butchers' waste includes animal skeletons and rib cages from a boning room and the inedible products from an abattoir.

4.3.2 Restriction of vehicles

4.3.2 A person shall not use, for the transport of butcher' waste –
(a) a vehicle or container other than a vehicle or container which meets the requirements of clause 4.3.3;
(b) a vehicle used for the transport of food or drugs; or
(c) anything intended to be used for the packing or handling of food or drugs.

4.3.3 Transport of butchers' waste

4.3.3 (1) A person shall not transport butchers' waste otherwise 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 door, if any, to be water-tight and kept closed at all times except when loading; and
(iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an Environmental Health Officer, 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;
(b) a water-tight metal container fitted with a lid which can be tightly closed.

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

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to –
(a) the sight of animal skeletons, bones, offal, or waste matter; or
(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

5.1.1 Interpretation

5.1.1 In this division, unless the context otherwise requires –
fertiliser includes manure; and
public vehicle means any vehicle to which the public ordinarily has access, whether by payment of a fee or not and includes a taxi or bus.

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5.1.2 Footpaths etc. to be kept clean

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

5.1.3 Escape of smoke etc.

5.1.3 An owner or occupier shall take reasonable steps to 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 a nature as to cause or to be a nuisance.

5.1.4 Public vehicles to be kept clean

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

(a) maintain the vehicle at all time –
  (i) in a clean condition; and
  (ii) free from vectors of disease; and

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

5.1.5 Transportation, use and storage or offal or blood

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

5.1.6 Use or storage of fertiliser

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

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

5.1.7 Storage and dispatch of artificial fertiliser

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

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

5.1.8 Storage of fertiliser in a dwelling house

5.1.8 The owner or occupier of a dwelling house where fertiliser or compost is stored or used shall –

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

Division 2 – Keeping of Animals and Birds

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5.2.1 Interpretation

5.2.1 In this Division, unless the context otherwise requires –
animal includes cats, dogs, rabbits and ferrets; and
bird includes galahs, parrots, budgerigars, finches, pigeons and doves and other domesticated birds.

5.2.2 Cleanliness

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

5.2.3 Animal enclosures

5.2.3 (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.
(2) The owner or occupier of premises, where animals or birds are kept shall, when directed by an 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 animals and birds.

5.2.4 Slaughter of animals

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

5.2.5 Disposal of dead animals

5.2.5 (1) An owner or occupier of premises, other than a veterinary practise, on which there is a dead animal shall immediately remove the carcass as soon as possible, for its disposal at a local government approved disposal site.
(2) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcasses prior to their removal and disposal, at a local government approved disposal site.
(3) An owner, or a person having the care of any animal that dies or is killed in a public or private place shall, as soon as possible, remove the carcass and arrange for its disposal at an approved disposal site, except where it may be buried on broadacre farmland by the owner or occupier.

Division 3 – Keeping of Large Animals

5.3.1 Interpretation

5.3.1 In this Division, unless the context otherwise requires –

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cow includes an ox, calf or bull;
horse includes an ass, mule, donkey or pony; and
large animal includes an alpaca, cow, horse, sheep, goat, pig, deer, camel, llama, emu, ostrich, kangaroo or the like.

5.3.2 Keeping of pigs

5.3.2 An owner or occupier of premises within a townsite shall not keep a pig.

5.3.3 Keeping of large animals and provision of stables

5.3.3 (1) An owner or occupier of premises within a townsite shall –
- (a) keep large animals in a manner so as not to create a nuisance and in this respect the local government may limit or vary the number of large animals that may be kept on an allotment;
- (b) not keep a horse or cow on those premises without the written approval of the local government and such approval notice shall prescribe the number of horses or cows permitted to be kept; and
- (c) not keep a horse or cow on an allotment of less than 2000m^2 save that local government may, at its discretion, waive strict compliance with this requirement with respect to any stable in existence prior to the day of this clause coming into force.

(2) Subject to subclause (3) an owner or occupier of premises shall not permit a large animal to be kept within 15 metres of a dwelling house.

(3) Local government may permit the keeping of native animals within 15 metres of a dwelling house, if it is satisfied the keeping of such animal(s) would not adversely affect the health or amenity of residents in the area.

(4) An owner or occupier of premises who is required to and has obtained approval to keep a horse shall provide for its use a stable which shall –
- (a) not be situated within 15 metres of a dwelling house or other premises;
- (b) have a proper separate stall for each horse or cow and the floor area of which shall be a minimum of 11 square metres;
- (c) have each wall and roof constructed of an impervious material;
- (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and
- (e) subject to subclause (3), have a floor, the upper surface of which shall –
  - (i) be raised at least 75 millimetres above the surface of the ground;
  - (ii) be constructed of approved material; and when required
  - (iii) have a fall of 1 in 100 to a drain which shall empty in a trapped gully outside the stable and shall discharge in a manner approved by the local government.

(5) The construction of any stable with a sand floor may be permitted by local government, subject to the following conditions -
- (a) the site must be well drained with the highest known water table no closer than 1.5 metres off the ground or sand floor level, which may be achieved artificially;
- (b) whether natural or imported sand, it must be clean, coarse and free of dust;
- (c) footings to each stable shall be a minimum of 450mm below ground level;
- (d) the stable design must allow for the access of small machinery, such a bobcat, into each individual stall to maintain the correct floor height;
- (e) the minimum floor area of each stall shall not be less than 28 metres and wall shall not be less than 50% of the floor area; and
- (f) in all other respects, subclause (2) shall apply to the stable building.

(6) The owner of occupier of premises on which a stable is located shall –
- (a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

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

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

(7) In areas other than residential areas, the local government may vary the requirements to provide a stable.

5.3.4 Manure receptacle

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

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

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

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

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

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

Division 4 – Keeping of Poultry and Pigeons

5.4.1 Interpretation

5.4.1 In this Division, unless the context otherwise requires –

affiliated person means any person who is a member of –

(a) The Pigeon Racing Federation of Western Australia;

(b) The Fancy Utility Pigeon Club of Western Australia; or

(c) any other properly constituted Pigeon Club, Bantam Club and the like.

poultry includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls.

5.4.2 Limitation on numbers of poultry

5.4.2 An owner or occupier of premises within a townsite shall not keep a combined total of more than 6 poultry without the approval of local government, on any one lot of land.

5.4.3 Conditions of keeping poultry in limited numbers

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

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

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

(c) the structure or enclosure is in the yard having an otherwise obstructed area of at least 30 square metres;

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

(e) no poultry is able to approach within 1 metre of boundary of the premises.

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5.4.4 Keeping of poultry within a townsite

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

(a) a goose or gander;
(b) a turkey;
(c) a peacock or peahen; or
(d) a gamebird (includes emus and ostriches).

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

(3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.

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

5.4.5 Roosters

5.4.5 (1) An owner or occupier of premises shall not –

(a) without the written approval of the local government; or
(b) except in accordance with any conditions imposed by the local government in connection with the approval under paragraph (a), or

keep or permit a rooster to be kept on the premises.

(2) The local government may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.

5.4.6 Pigeons or doves

5.4.6 (1) A person who keeps, or permits to be kept, pigeons or doves shall ensure that –

(a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
(b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in properly constructed pigeon lofts or dovecote that –
(i) is in a yard having an otherwise unobstructed area of at least 30 metres; and
(ii) is maintained in such a manner as not to create a nuisance by emission of dust, effluvia or odours.
(c) where pigeons are kept in accordance with the Code of Practice – and where there is any inconsistency with this local law and the Code of Practise, the provisions of this local law shall prevail.

(2) An owner or occupier of a premises in prescribed areas -

(a) who is not an Affiliated Person, shall not keep a combined total of more than 6 pigeons or doves; and
(b) who is an Affiliated Person, shall not keep a combined total of more than 20 pigeons or doves.

5.4.7 Removal of non-conforming structures or enclosures

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

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

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5.4.8 Restrictions on pigeons and swallows nesting or perching

5.4.8 (1) The local government may order an owner or occupier of a residential, industrial or commercial property in or on which pigeons and swallows are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government order under this clause.

Division 7 – Car Parks

5.7.1 Interpretation

5.7.1 In this division, unless the context otherwise requires –

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

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

5.7.2 Ventilation

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

(a) natural ventilation; or

(b) mechanical ventilation,

in accordance with AS1688.2 – 2002 as amended from time to time.

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

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

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

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

5.7.3 Exhaust air discharge points and exhaust registers

5.7.3 An owner or occupier shall ensure that –

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

(i) at discharge points

(a) in accordance with AS1688.2 – 2002 as amended from time to time; and

(b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1688.2 – 2002 as amended from time to time.

(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 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

6.1.1 Interpretation

6.1.1 In this division, unless the context otherwise requires –

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

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

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

6.1.3 Measures to be taken by an occupier

6.1.3 An owner or occupier of premises shall ensure that –

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

6.1.4 Officer may give notice directing measures to be taken

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

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

6.1.5 Local government may execute work and recover costs

6.1.5 (1) Where -

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

the local government may execute the work and recover from the 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).

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

Division 2 – Mosquitoes

6.2.1 Interpretation

6.2.1 In the Division, unless the context otherwise requires –

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

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6.2.2 Premises to be kept free of mosquito breeding matter

6.2.2 An owner or occupier of premises shall keep the premises free of –

(a) refuse; and

(b) water located as to be,

liable to become the breeding place of mosquitoes.

6.2.3 Measures to be taken to prevent mosquito breeding

6.2.3 (1) An owner or occupier of premises shall ensure that the premises is kept free from possible mosquito breeding sites and shall –

(a) follow any direction of an Environmental Health Officer for the purpose of

(i) controlling the prevalence of mosquitoes;

(ii) eradication; or

(ii) effectively preventing the breeding of mosquitoes.

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

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

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

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

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

6.2.4 Local government may execute and recover costs

6.2.4 (1) Where –

(a) a person is required under this division or directed by a notice under 6.2.2 to execute any work; and

(b) that person fails or neglects to comply with the requirement;

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

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

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

Division 3 – Rodents

6.3.1 Interpretation

6.3.1 In this division, unless the context otherwise requires –

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

6.3.2 Measures to be taken to eradicate rodents

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

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer,

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is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

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

6.3.3 Food and wastes to be kept in rodent proof receptacles

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

(a) any waste food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or

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

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

6.3.4 Restrictions on the keeping of rats

6.3.4 A person or body which keeps rodents shall –

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

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

(c) not keep a combined total of more than 6 rats at any one time.

6.3.5 Food Premises etc. to be cleaned after use

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

Division 4 – Cockroaches

6.4.1 Interpretation

6.4.1 In this division, unless the context otherwise requires –
cockroach means any of the various orthopterous insects commonly known as cockroaches.

6.4.2 Measures to be taken to eradicate cockroaches

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

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

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

Division 5 – Argentine Ants

6.5.1 Interpretation

6.5.1 In this division, unless the context otherwise requires –
Argentine Ants means an ant belonging to the species *Irdomyrmex humilis*.

6.5.2 Measures to be taken to keep premises free from Argentine ants

6.5.2 An owner or occupier of premises shall ensure that premise are kept free from Argentine Ants colonies and shall –

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(a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
(b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
(c) whenever directed by an Environmental Health Officer –
  (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
  (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

Division 6 – European Wasps

6.6.1 Interpretation

6.6.1 In this division, unless the context otherwise requires –
European Wasps means a wasp *Vespula germanica*.

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

6.6.2 An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall –
(a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
(b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7 – Bee Keeping

6.7.1 Interpretation

6.7.1 In this division, unless the context otherwise requires –
bees means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;
footpath includes a path used by, or set aside or intended for use by, pedestrians, 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 to it in the *Planning and Development Act 2005*; and
private street has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

6.7.2 Limitation on number of hives

6.7.2 (1) A person shall 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 shall not keep or permit the keeping of bees in more than 2 hives on a lot.
(3) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned for residential purposes.
(4) A person shall comply with any conditions imposed by the local government under subclause (3).

6.7.3 Restrictions on keeping of bees in hives

6.7.3 A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times –
(a) an adequate and permanent supply of water is supplies on the lot within 10 metres of the hives;

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

6.7.4 Bees which cause a nuisance are not to be kept

6.7.4 (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
(2) If, in the opinion of an Environmental Health Officer, the approved hives are causing a nuisance, the local government may direct any bees or approved hives to be removed.
(3) A person shall comply with a direction within the time specified.

Division 8 – Arthropod Vectors of Disease

6.8.1 Interpretation

6.8.1 In this division, unless the context otherwise requires –
arthropod vectors of disease includes –
(a) fleas (Siphonaptera);
(b) bedbugs (Cimex lectularius);
(c) crab lice (Phthirus pubis);
(d) body lice (Pediculus humanus var. corporis)';
(e) head lice (Pediculus humanus var. capitis); and
(f) any other insect prescribed by the local government.

6.8.2 Responsibility of the owner or occupier

6.8.2 The owner or occupier of premises shall –
(a) keep the premises and any person residing in or on the premises free from any vectors of disease; and
(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purposes of destroying any vectors of disease.

PART 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

7.1.1 Requirement for an owner or occupier to clean, disinfect and disinfest

7.1.1 (1) The local government or an Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest –
  (a) the premises; or
  (b) such things in or on the premises as are specified in the notice,
or both, to the satisfaction of an Environmental Health Officer.
(2) An owner or occupier shall comply with a notice given under subclause (1).

7.1.2 Environmental Health Officers may disinfect or disinfest premises

7.1.2 (1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
(2) An owner or occupier shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subclause (1).

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

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

7.1.3 Insanitary dwelling houses, premises and things

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

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

(3) Where an Environmental Health Officer considers that –

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

(b) any thing is insanitary,

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

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

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

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

(4) A person to whom a notice has been given under subclauses (2) or (3) shall comply with the terms of the notice.

7.1.4 Medical Officer may authorise disinfecting

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

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

7.1.5 Persons in contact with an infectious disease sufferer

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

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

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

7.1.6 Declaration of infected dwelling house or premises

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

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

7.1.7 Destruction of infected animals

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

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

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

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

7.1.8 Disposal of a body

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

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

7.1.9 Local government may carry out work and recover costs

7.1.9 (1) Where –

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

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

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

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

Division 2 – Disposal of used condoms and needles

7.2.1 Disposal of used condoms

7.2.1 (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are –

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the local government.

(2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.2.2 Disposal of used needles

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

PART 8 – LODGING HOUSES

Division 1 – Registration

8.1.1 Interpretation

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

bed means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

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

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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;

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

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

recreational campsite means a lodging house –

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

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

register of keepers means the register kept in accordance with Section 147 of the Act and this Part;

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

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

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

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpackers hostels; and

vectors of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

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

8.1.2 Lodging house not to be kept unless registered

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

(a) the lodging house is constructed in accordance with the requirements of this Part;
(b) the lodging house is registered by the local government under clause 8.1.4;
(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
(d) either –
  (i) the keeper; or
  (ii) a manager who, with the written approval by an Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house;

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

8.1.3 Application for registration

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

(a) in the form prescribed in Schedule 1;
(b) duly completed and signed by the proposed keeper; and

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(c) accompanied by –
  (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
  (ii) detailed plans and specifications of the lodging house.

8.1.4 Approval of application

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

8.1.5 Renewal of registration

8.1.5 A person who keeps a lodging house which is registered under this Part shall –
(a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
(b) pay the fee, as fixed from time to time by the local government under Section 344C of the Act, at the time of making each application for renewal.

8.1.6 Notification upon sale or transfer

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

8.1.7 Revocation of registration

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

(2) Without limiting the generality of subclause (1), the local government may revoke a registration upon one or more of the following ground –
  (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.
  (c) that the local government, having regards to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
  (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

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

Division 2 – Construction and Use Requirements

8.2.1 General construction requirements

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

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8.2.2 Insect Screening

8.2.2 The keeper shall provide and maintain in good working order and conditions windows and external doors that are screened with wire mesh having openings no larger than 1.2 millimetres.

8.2.3 Sanitary conveniences

8.2.3 (1) A keeper shall maintain in good working order and condition and in convenient position on the lodging house premises –
(a) toilets; and
(b) bathrooms, each fitted with a shower, bath and wash basin,
in accordance with the requirements of the Building Code.

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

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

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

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

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

8.2.4 Laundry

8.2.4 (1) A keeper shall –
(a) subject to subclause (2) –
(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least 45 litre stainless steel trough; and
(ii) in any other case, provide 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, copper and washing machine; and
(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste or other appropriate means of disposal.

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

(3) In this 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 35 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 degrees Celsius 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.

8.2.5 Kitchen

8.2.5 The keeper of a lodging house shall provide in that lodging house a kitchen which –

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(a) has a minimum floor area of –
  (i) where lodgers prepare their own meals – 0.65 square metres per person;
  (ii) where meals are provided by the keeper of manager – 0.35 square metres per person; or
  (iii) where a kitchen and dining room 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 other vectors of disease of any kind; and
  (ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of Standard 3.2.3 of the Food Standards Code; and

(d) has a hand wash basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.2.6 Cooking facilities

8.2.6 (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and oven approved by the 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 shall provide a kitchen with cooking appliances of a number and type approved by the Environmental Health Officer.

8.2.7 Dining room

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

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of –
  (i) 0.5 square meters per person; or
  (ii) 10 square metres; and

(c) which shall be -
  (i) adequately furnish to accommodate, at any one time, half of the number of lodgers; and
  (ii) provided with a suitable floor covering.

8.2.8 Lounge room

8.2.8 The keeper of a lodging house shall provide in that lodging house a lounge room –

(a) with a floor area of –
  (i) where the lounge room 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 the dining room – not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be -
  (i) adequately furnished to accommodate, at any one time, half the number of lodgers; and

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(ii) provided with a suitable floor covering.

8.2.9 Fire prevention and control

8.2.9 (1) A keeper shall –

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

(i) in such a position and of such a pattern, as approved by the Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

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

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

8.2.10 Obstruction of passages and stairways

8.2.10 A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on –

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

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

8.2.11 Fitting of locks

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

8.2.12 Restrictions on use of rooms for sleeping

8.2.12 (1) Subject to subclause (3) and clause 8.3.12, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house –

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

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

(e) which, except in the case of 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 or unobstructed glass to ever 1.0 square metres 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 working order;

(i) which is not free from internal dampness;

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

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

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

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

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8.2.13 Sleeping accommodation, short term hostels and recreational campsites

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

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

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

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

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

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

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

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

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

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

(a) beds with a minimum size of –

(i) in short term hostels – 800 millimetres x 1.9 metres; or

(ii) in recreational campsites – 750 millimetres x 1.85 metre; and

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

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

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

(b) ensure 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. The passageway shall be kept clear of obstruction at all times; and

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

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

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3, as amended from time to time, as follows –

(i) drapes, curtains, blinds and bed covers - a maximum Flammability Index of 6;

(ii) upholstery and bedding
- a maximum Spread of Flame Index of 6;
- a maximum Smoke Developed Index of 5;

(iii) floor coverings
- a maximum Spread of Flame Index of 7;
- a maximum Smoke Developed Index of 5;

Fire retardant coating used to make a material comply with these indices must be –

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

(v) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1997, Procedure 7A, using ECE reference detergent; and

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

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

(c) no person shall smoke in any dormitory, kitchen or dining room, within a short term hostel or recreational campsite however the keeper may permit smoking in a meeting or assembly hall area, within a short term hostel; and

(d) all mattresses are fitted with mattress protectors.

8.2.14 Furnishing etc. of sleeping apartments

8.2.14 (1) A keeper shall –

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

(b) ensure that each bed –

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

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

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

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

8.2.15 Ventilation

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

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

8.2.16 Numbers to be placed on doors

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

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

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

(2) The numbers are to be placed on the doors under subclause (1) shall be –

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or by other legible means.

Division 3 – Management and Care

8.3.1 Keeper or manger to reside in the lodging house

8.3.1 Whenever there is one or more lodgers in a lodging house, a keeper or manager shall –

(a) reside continuously in the lodging house; and

(b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.3.2 Register of lodgers

8.3.2 (1) A keeper shall keep a register of lodgers in the form prescribed in Schedule 4.

(2) The register of lodgers shall be –

(a) kept in the lodging house; and

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(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.3.3 Keeper report

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

8.3.4 Certificate in respect of sleeping accommodation

8.3.4 (1) At Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 6 or Schedule 7 if over 20 sleeping apartments.

(2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.

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

8.3.5 Duplicate keys and inspection

8.3.5 Each keeper and manager of a lodging house shall –

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.3.6 Room occupancy

8.3.6 (1) A keeper shall not –

(a) cause, suffer or permit more than the maximum numbers 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 quality of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that -

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

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

8.3.7 Infectious disease

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

8.3.8 Maintenance of a room by a lodger or resident

8.3.8 (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

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

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

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

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.3.9 Cleaning and maintenance requirements

8.3.9 (1) In this clause –

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

(2) A keeper of a lodging house shall –

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

(i) the floors, 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 a good working order -

(i) all fixtures and fittings; and

(ii) windows, doors and furniture;

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

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

(e) ensure that –

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

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

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

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

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

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

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

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

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

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

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

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

8.3.10 Responsibilities of lodgers and residents

8.3.10 A lodger or resident shall not –

(a) use any room available to lodgers –

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;

(c) use a bath or hand wash basin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

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(e) use a sink installed in a kitchen or scullery or any purposes 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 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 8.3.11 -
  (i) keep, store, prepare or cook food in any sleeping apartment; or
  (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
(j) store or keep such a quantity of furniture, materials or good within the lodging house –
  (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
(l) fix any fastener or change any lock to a door or room within the written approval of the keeper.

8.3.11 Approval for storage of food

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

PART 9 – OFFENSIVE TRADES

Division 1 – General

9.1.1 Interpretation

9.1.1 In this Part, unless the context otherwise requires –
occupier in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;
offensive trades means any trades as defined by Section 186 of the Act; and
premises includes dwelling houses.

9.1.2 Consent to establish an offensive trade

9.1.2 A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall make an application in the form prescribed in Schedule 10 and in accordance with the local government's Town Planning Scheme.

9.1.3 False statement

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

9.1.4 Registration of premises

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

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(a) in the form prescribed in Schedule 11;
(b) accompanied by:
  (i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
  (ii) a comprehensive management plan; and
(c) lodged with the Chief Executive Officer.

9.1.5 Certificate of registration

9.1.5 Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form prescribed in Schedule 12.

9.1.6 Change of occupier

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

9.1.7 Alterations to premises

9.1.7 While any premises remain registered under the Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatsoever to the premises; this excludes minor repairs, installations or interior refurbishment.

Division 2 – General Duties of an Occupier

9.2.1 Interpretation

9.2.1 In this division, unless the context otherwise requires –
occupier means the occupier or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and
premises means those premises in or upon which an offensive trade is carried on.

9.2.2 Cleanliness

9.2.2 The occupier shall –
(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables. Benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
(c) keep the premises free from any unwholesome or offensive odour arising from the premises;
(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.2.3 Rats and other vectors of disease

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

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9.2.4 Sanitary conveniences and hand wash basins

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

9.2.5 Painting of walls etc.

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

9.2.6 Effluvia, vapours or gases

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

9.2.7 Offensive material

9.2.7 The occupier shall –

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

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

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

(d) cause the contents of the receptacle to be removed from the premises at least once in every working day at such more frequent intervals as may be directed by an Environmental Health Officer.

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

9.2.8 Storage of materials

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

9.2.9 Specified offensive trade

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

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

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

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

(a) cause the floor of the premises to –

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

(ii) have a smooth surface; and

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

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

(c) cause all liquid refuse to be –

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

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

9.2.10 Directions

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

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

9.2.11 Other duties of occupier

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

Division 3 – Fish Premises

9.3.1 Interpretation

9.3.1 In this Division, unless the context otherwise requires –
fish premises may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment.

9.3.2 Duties of an occupier

9.3.2 The occupier of a fish premises shall –

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

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

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

9.3.3 Disposal of waste

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

(a) placed in the receptacles referred to in 9.2.7 and disposed of in accordance with that clause; or

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

9.3.4 Fish containers

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

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

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

Division 4 – Laundries, Dry Cleaning Establishments and Dye Works

9.4.1 Interpretation

9.4.1 In this Division, unless the context otherwise requires –
dry cleaning establishment –

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

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

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

exempt laundromat means a premises in which –

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

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

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

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

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

9.4.2 Receiving depot

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

9.4.3 Reception room

9.4.3 (1) The occupier of a laundry or dry cleaning establishment or dye works shall –

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of that officer.

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

9.4.4 Walls and floors

9.4.4 The occupier of a laundry, dry cleaning establishments or dye works shall cause –

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved to a height of 2 metres with a smooth impervious surface;

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

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

9.4.5 Laundry floor

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

9.4.6 Escape of dust

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

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9.4.7 Precautions against combustion

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

9.4.8 Trolleys

9.4.8 The occupier of a dry cleaning establishment shall –

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is –

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.4.9 Sleeping on premises

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

Division 5 – Piggeries

9.5.1 Interpretation

9.5.1 In this Division, unless the context otherwise requires –

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

9.5.2 Limitation to registration

9.5.2 No premises shall be registered as a piggery unless every portion of such piggery is –

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

(b) greater than 100 metres from any dwelling house, dairy or other premises where food for human consumption is prepared, stored or sold;

(c) outside the gazetted townsite of Toodyay and an area of 5 km wide surrounding and contiguous to the boundary of this townsite; and

(d) outside that land described as being of the rural living zones in the local government's Town Planning Scheme and an area 1 km wide surrounding and contiguous to the boundaries of the rural living zones.

9.5.3 Conditions of registration

9.5.3 (1) Any person intending to establish a piggery within the district shall ensure the application made in the form of Schedule 10 is accompanied by plans and specifications in duplicate of the proposed piggery including –

(i) details of the approximate number of pigs to be kept;

(ii) details of the drainage and effluent disposal system to be installed; and

(iii) details of the method by which cleanliness of the piggery shall be maintained.

9.5.4 Sties, enclosures or sheds

9.5.4 (1) The occupier of every piggery shall provide either –

(i) sties and enclosures;

(ii) enclosures; or

(iii) sheds,

within which pigs shall be kept.

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(2) Where sties and enclosures are provided –

(a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall –

(i) be constructed of similar materials;

(ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;

(iii) extend the whole length of the sty; and

(iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage.

(b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.

(3) Where enclosures only are provided, then –

(a) the fences of such enclosures shall be movable; and

(b) the fences shall be moved and re-erected to enclose a new site whenever –

(i) the ground within a site is becoming offensive; or

(ii) the occupier is directed to do so by an Environmental Health Officer.

(4) Where sheds are provided, then –

(a) the floor of the shed shall comply with subclause 2(a);

(b) all buildings and yards shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease;

(c) drainage and treatment of effluent waste shall be carried out and maintained so as to prevent a nuisance.

9.5.5 Slaughtering

9.5.5 The occupier of any piggery shall not permit any slaughtering of animals on the premises unless the piggery is located on the same premises as an abattoir that is approved by the Western Australian Meat Industry Authority.

9.5.6 Feed

9.5.6 The occupier of any piggery shall –

(a) not receive, or allow to be received on such premises, any carcase or part of a carcase of a diseased animal;

(b) not feed the pigs upon the flesh or offal of diseased animals;

(c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and

(d) not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

9.5.7 Fencing

9.5.7 Every piggery occupier shall securely fence all the enclosures.

9.5.8 Water supply

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

9.5.9 Feeding troughs

9.5.9 (1) Every such occupier shall –

(a) where sties and enclosures are provided under the provisions of subclause 9.6.4(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sites or enclosures;

(b) where enclosures are provided under the provisions of subclause 9.6.4(3), provide feeding troughs in every such enclosure;

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(c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and

(d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.

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

9.5.10 Prevention of nuisances

9.5.10 An owner or occupier must ensure that odours, dust, and effluent are adequately prevented from becoming a nuisance to health or amenity.

PART 10 – ENFORCEMENT

10.1.1 Interpretation

10.1.1 In this Part –
authorised person is given the definition under Section 9.15 of the *Local Government Act 1995*;
infringement notice means the notice referred to in clause 10.1.4; and
notice of withdrawal means the notice referred to in clause 10.1.7(1).

10.1.2 Offences and penalties

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

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

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

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

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

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

(c) if the offence is a continuing offence, a daily penalty which is not more than $250 and not less than $100 for each day during which, the offence continues.

10.1.3 Modified penalties

10.1.3 (1) The offences contained in Schedule 13 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the fourth column of Schedule 13 directly opposite an offence is the modified penalty payable in respect of that offence.

10.1.4 Issue of an infringement notice

10.1.4 Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue that person a notice in the form in Schedule 14.

10.1.5 Failure to pay modified penalty

10.1.5 Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

10.1.6 Payment of modified penalty

10.1.6 A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case, be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

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10.1.7 Withdrawal of an infringement notice

10.1.7 (1) Whether or not the modified penalty has been paid, an authorised person may withdrawn an infringement notice.

(2) A person authorised to issue an infringement notice under clause 10.1.4 cannot sign or send a notice of withdrawal.

10.1.8 Service

10.1.8 An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to his or her address as ascertained from her or him, or as ascertained from inquiries by the local government.

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Schedule 1
APPLICATION FOR REGISTRATION OF A LODGING HOUSE
(clause 8.1.3(a))

To: Chief Executive Officer
Shire of Toodyay

I/We ……..
(Full name of Applicant/s)

of……

……
(Residential Address of Applicant/s)

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

……

……

as a lodging house to be classified as –

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

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

DESCRIPTION OF LODGING HOUSE

Number of storeys ……..

Rooms for private use

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

Rooms for lodgers

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

Sanitary Conveniences for male lodgers

Toilets ……..

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Urinals ……..

Baths ……..

Showers ……..

Hand Wash Basins ……..

Sanitary Conveniences for female lodgers

Toilets ……..

Baths ……..

Showers ……..

Hand Wash Basins ……..

Laundry Facilities

Coppers ……..

Wash troughs ……..

Washing machines ……..

Drying cabinets or ……..

Clothes lines ……..

Additional Details

(a) Lodgers' meals will be provided by the managers/ keepers/ lodgers.

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

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

……..

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

Application fee of $..... is attached

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 2
CERTIFICATE OF REGISTRATION OF A LODGING HOUSE
(clause 8.1.4)

THIS is to certify that the premises situated at

……

……

Is registered as a

Lodging House and classified as –

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

Until 30 June 20……, on the following conditions –

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

This Certificate of Registration is issued subject to the Health Act 1911 and Health Local Law of the Shire of Toodyay and is not transferable.

Dated …… 20…….

……
Environmental Health Officer
Shire of Toodyay

Fee received: $.....

DRAFT

Schedule 3
APPLICATION FOR REGISTRATION OF A LODGING HOUSE
(clause 8.1.6)

To: Chief Executive Officer
Shire of Toodyay

I/We ……..
(Full name of Applicant/s)

of……

……
(Residential Address of Applicant/s)

am/are the new owner/s of the premises situated at

……

……

which are registered in the name of

……

……

For the carrying on of the lodging house business.

……..
(Signature of Applicant/s)

……..
(Date)

DRAFT

Schedule 4
REGISTER OF LODGERS
(clause 8.3.2(1))

Location of Lodging House:

.....

.....

.....

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

DRAFT

Schedule 5
LIST OF LODGERS
(clause 8.3.3)

The Chief Executive Officer
Shire of Toodyay

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

……

……

……

……

on the …… day of …… 20……

(Signed)……
(Keeper)

Date: ……

DRAFT

Schedule 6
CERTIFICATE OF SLEEPING ACCOMMODATION
(clause 8.3.4(1))

To: ……
(Name of Keeper)

of……
(Address of Keeper)

For the registered lodging house situated at:

……

……

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

ROOM NUMBER:	**MAXIMUM OCCUPANCY:**

Date: ……

……
Principal Environmental Health Officer
Shire of Toodyay

DRAFT

Schedule 7

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

(clause 8.3.4(1))

To: ……

(Name of Keeper)

of……

(Address of Keeper)

for the registered lodging house situated at:……

……

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

ROOM NUMBER:	**MAXIMUM OCCUPANCY:**

Date: ……

……

Environmental Health Officer
Shire of Toodyay

DRAFT

Schedule 8
APPLICATION FOR LICENCE OF A MORGUE
(clause 3.5.1(3))

To: Chief Executive Officer

Shire of Toodyay

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

of.....
(Full residential address)

apply to licence the premises listed below as a Morgue

Address of premises:

.....

.....

Name of premises:

.....

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

.....
(Signature of Applicant)

DRAFT

Schedule 9
CERTIFICATE OF LICENCE OF A MORGUE
(clause 3.5.1(4)(a))

This is to certify that the following premises is licenced as a Morgue from the

…….. day of …… 20……. Until 30th day of June 20…….

Address of premises:

……

……

Name of premises:

……

……

Dated this…… day of …… 20……..

……
Environmental Health Officer
Shire of Toodyay

DRAFT

Schedule 10
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE
(clause 9.1.2)

I/We, ……..
(Full name of Applicant/s)

of……
……
(Residental Address of Applicant/s)

apply for consent to establish an offensive trade being

……
(Description of Offensive Trade)

In or upon

……
(Location of the House or Premises)

Notice of my/ our intention to make this application was advertised in……

on……
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 11
APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE
(clause 9.1.4(a))

I/We, ……..
(Full name of Applicant/s)

of……
……
(Residental Address of Applicant/s)

apply for registration, for the year ended……

of……
(Location of Premises)

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

……
……
(Description of Offensive Trade)

under the business name of……

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

……..
(Signature of Applicant/s)

……..
(Date)

DRAFT

Schedule 12
CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE
(clause 9.1.5)

This is to certify that the premises situated at ……
…… of which

……..……is the occupier, registered for the carrying on of the

……trade

of ……..

Trade name ……..

This registration expires on the …… 20……

Dated this…….. day of……20…….

……
Environmental Health Officer
Shire of Toodyay

DRAFT

Schedule 13
OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES
(clause 10.1.3(1))

	CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY $
1	2.1.7(b)	Failing to comply with a direction	250 (500)
2	2.1.9 (a)	Damaging, defacing, fouling or vandalising any part of a public sanitary convenience	250 (500)
3	3.1.1	Failing to sufficiently maintain the dwelling house or appurtenant buildings in sound condition and fit for use	250 (500)
4	3.1.2(a)	Failing to maintain guttering, downpipes or drains	200 (500)
5	3.1.2 (b)	Causing or permitting rainwater to discharge onto footpath, street or other property	250 (500)
6	3.3.4	Polluting or rendering unfit for human consumption water from a well or other underground source	500
7	3.4.1	Sale of second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease	250 (500)
8	3.4.2	Possessing second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease	250 (500)
9	3.5.1(1)	Failing to licence morgue	250 (500)
10	3.5.1(5)	Failing to comply with condition of licence of morgue	250 (500)
11	4.1.2	Depositing or causing or permitting to be deposited liquid refuse or liquid waste	250 (500)
12	4.2.2(a)	Failing to keep receptacles behind street alignment or in position approved by local government	150 (500)
13	4.2.4(a)	Depositing or permitting to be deposited any materials listed from 4.2.4(a)(i) to (xii)	200 (500)
14	4.2.6	Damaging, destroying or interfering with a receptacle	250 (500)
15	4.2.9(1)(a)	Failing to provide a rubbish disposal bin on a building site	250 (500)
16	4.2.9(1)(b)	Failing to maintain a building site free of rubbish and offensive matter	250 (500)
17	4.2.13(1)	Causing or permitting rubbish or refuse to be set fire to or caused to be set on fire in an incinerator or on the ground with approval	250 (500)
18	4.2.13(2), (3), (4) and (5)	Failing to comply with conditions of approval	250 (500)
19	4.3.2(a), (b) and (c)	Failing to comply with requirements for transporting butchers waste	150 (500)
20	5.1.2	Failing to keep footpath, pavement, area or right of way adjacent premise clear or rubbish, matter or any other things belonging from the premises	200 (500)
21	5.1.3	Causing or permitting the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such a quantity or of such a nature to cause or to be a nuisance	250 (500)
22	5.1.4	Failing to maintain a public vehicle	100 (500)
23	5.1.5	Transporting or storing of unsterilized offal or blood	200 (500)

24	5.1.6(a), (b) and (c)	Using or keeping pig manure, human faeces or urine for the use as fertiliser	250 (500)
25	5.1.7(a), (b) and (c)	Failing to comply with conditions of keeping artificial fertiliser	200 (500)
26	5.1.8(a), (b) and (c)	Failing to comply with conditions of keeping fertiliser in a dwelling house	200 (500)
27	5.2.2(a), (b), (c) and (d)	Failing to keep an animal or bird in a clean and sanitary condition	250 (500)
28	5.3.2	Keeping a pig in a premises within a townsite	250 (500)
29	5.3.3(a)	Keeping a large animal that creates a nuisance	250 (500)
30	5.4.2	Keeping more than 6 poultry on a premises within a townsite without approval	250 (500)
31	5.4.3(a), (b), (c), (d) and (e)	Failing to comply with conditions of keeping and permitting poultry to be kept	250 (500)
32	5.4.4	Keeping or permitting to be kept any unapproved fowl within a premises in a townsite	200 (500)
33	5.4.5(1)	Keeping or permitting to be kept a rooster without approval	250 (500)
34	5.4.6(1)(a), (b) and (c)	Failing to comply with conditions of keeping or permitting to kept pigeons or doves	250 (500)
35	5.4.8(2)	Failing to comply with a direction	200 (500)
36	6.1.2	Causing or permitting any matter or thing to attract or be a breeding place for flies	200 (500)
37	6.1.4	Failing to comply with a notice	250 (500)
38	6.2.3(1)(a)	Failing to comply with a direction	250 (500)
39	6.3.2(2)	Failing to comply with a direction	250 (500)
40	6.4.2(2)	Failing to comply with a direction	250 (500)
41	6.5.2(c)	Failing to comply with a direction	250 (500)
42	6.6.2(a)	Failure to comply with a direction	250 (500)
43	6.7.2(4)	Failing to comply with a condition	250 (500)
44	6.7.4(3)	Failing to comply with a direction	250 (500)
45	6.8.2(b)	Failing to comply with a direction	250 (500)
46	7.1.1(2)	Failing to comply with a notice	250 (500)
47	7.1.3(4)	Failing to comply with a notice	250 (500)
48	7.1.4(2)	Failing to comply with a direction	250 (500)
49	7.1.5(a)	Failing to comply with instruction or a direction	250 (500)
50	7.1.6(2)	Entering or leaving any dwelling house or premises declared to be infected without written consent	100 (500)
51	7.1.7(2)	Failing to comply with a notice	250 (500)
52	7.2.1(2)	Failing to dispose of a used condom in accordance with 7.2.1(1)	100 (500)
53	7.2.2	Failing to dispose of used syringe or needle in correct manner	100 (500)

DRAFT

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995
Shire of Toodyay
HEALTH LOCAL LAW 2017

Schedule 14
INFRINGEMENT NOTICE
(clause 10.1.4)

<table>
<tr><td colspan="3">Shire of Toodyay Health Local Law 2017
Infringement Notice</td><td>Notice No</td></tr>
<tr><td rowspan="3">Alleged Offender</td><td colspan="3">Family name or
Body corporate name and ACN:</td></tr>
<tr><td colspan="3">Other names:</td></tr>
<tr><td>Address:</td><td>No. Street Name:
Suburb:</td><td>Post Code:</td></tr>
<tr><td rowspan="3">Alleged Offence</td><td colspan="3">Description of offence:</td></tr>
<tr><td colspan="3">Shire of Toodyay Health Local Law 2017 clause_____

The modified penalty for the offence is $</td></tr>
<tr><td colspan="3">Where and when offence committed:</td></tr>
<tr><td rowspan="2">Designated officer issuing notice</td><td colspan="3">Name and title of officer and
Name of Enforcement agency:</td></tr>
<tr><td colspan="2">Signature:</td><td>Date of notice:</td></tr>
<tr><td>Notice to Alleged Offender</td><td colspan="3">It is alleged that you have committed the above offence.
If you do not wish to be prosecuted for the alleged offence in a court, you may pay the modified penalty within 28 days after the date of this notice.

How to pay
By post: Send this notice and a cheque or money order payable to Shire of Toodyay, by posting to
PO Box 96 Toodyay WA 6566.
In person: Take this notice and pay the cashier at the offices of the Shire of Toodyay,15 Fiennes Street, Toodyay WA 6566

To pay this infringement by credit card, copy all the details from your credit card into the spaces below:

Name as shown on Card ……
Card Holder Address ……
Signature …… Date……..Phone No……..

☐ Bankcard ☐ MasterCard ☐ Visa Card

Amount $_____Authorisation No._____ Expiry Date _____/_____

☐☐☐☐ ☐☐☐☐ ☐☐☐☐ ☐☐☐☐

Your signature is authority to issue a sales voucher for the full amount shown in the space above

If you do not pay the modified penalty within 28 days, you may be prosecuted for the alleged offence in a court or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act your driver's licence or vehicle licence may be suspended.
If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Chief Executive Officer.
If you want this matter to be dealt with by prosecution in court, sign this notice here:
_____
and post it to the Shire of Toodyay PO Box 96 Toodyay WA 6566 within 28 days after the date of this notice.</td></tr>
</table>

DRAFT

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
LOCAL GOVERNMENT ACT 1995
Shire of Toodyay
Health Local Law 2017

COMMON SEAL

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Toodyay resolved on < (date) > to make the following local law:

Dated: _____

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

_____
Cr David Dow
Shire President

_____
Mr Stan Scott
Chief Executive Officer

DRAFT

Shire of Toodyay

SHIRE OF
toodyay
place of plenty

Local Government Act 1995

Proposed Health Local Law 2017

The Shire of Toodyay proposes to make a local law relating to local government health.

The **purpose** of this local law is to regulate, protect, and manage public health within the district.

The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

The **justification** for the local law is that it will provide:

- Enforcement options for issues that previously are unable to be dealt with by the Shire's authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation.
- For clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced.

This local law will capture any issues that may have previously been unable to be dealt with by the Shire.

A **copy** of the proposed local law may be inspected at or obtained from the Shire's Administration Office, 15 Fiennes Street, Toodyay WA 6566 between 8.30am and 4.30pm Monday to Friday, and at the Toodyay Library during normal opening hours.

Submissions about the proposed local law may be made to the Chief Executive Officer, Shire of Toodyay, PO Box 96, Toodyay WA 6566 by 4.00pm on Wednesday 16 August 2017.

Stan Scott
Chief Executive Officer

EXPLANATORY MEMORANDUM

1. ADMINISTERING AUTHORITY

Shire of Toodyay

2. PUBLICATION OF LOCAL LAW

WA Government Gazette dated [insert date] No. [insert number]

3. TITLE OF LOCAL LAW

Shire of Toodyay Health Local Laws 2017

4. SECTION(S) OF ENABLING ACT(S)

This local law was made under –

Section 3.5(1) of the Local Government Act 1995.

5. PURPOSE, EFFECT AND JUSTIFICATION

Purpose of the local law:

The **purpose** of this local law is to regulate, protect, and manage public health within the district.

Effect of the local law:

The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

Justification for the local law:

The **justification** for the local law is that it will provide:

- Enforcement options for issues that previously are unable to be dealt with by the Shire's authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation.
- For clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced.

6. ADDITIONAL INFORMATION

[Please refer to Direction 7 Item (6) for guidance]

7. UNUSUAL OR CONTROVERSIAL PROVISIONS

[Insert text]

8. CONSULTATIONS, SUBMISSIONS AND RESPONSES

Department of Local Government and Communities
Department of Health

9. FEES AND CHARGES, PENALTIES AND MODIFIED PENALTIES

Fees and charges:
[Insert text. If none, type Nil and delete the table.]

TYPE OF FEE OR CHARGE	DATE LAST UPDATED INCREASE/DECREASE	OLD FEE	NEW FEE	INCREASE/DECREASE (%)

Reason for new fees and charges or any increase in fees and charges:

[Insert text if applicable. If not applicable, type N/A.]

Penalties and modified penalties:

[Insert text if applicable. If none, type Nil and delete the table.]

TYPE OF PENALTY	DATE LAST UPDATED INCREASE/DECREASE	OLD	NEW	INCREASE/DECREASE (%)

Reason for new penalties or any increase in penalties or modified penalties:

[Insert text if applicable. If not applicable, type N/A.]

10. STATUTORY PROCEDURES CHECKLIST

The completed and signed Statutory Procedures Checklist is attached.

11. DISCLAIMER

The Explanatory Memorandum is produced only as an aid to understanding the abovementioned local law and must not be substituted for the local law or gazetted or made available to the public in any manner or circumstance.

12. CONTACT PERSON

The local government's authorised officer for any enquiries about the local law is –

Full Name: Mr Graeme Bissett
Position Title: Manager Planning and Development
E-mail address: mpd@toodyay.wa.gov.au
Telephone No.: (08) 9574 9343
Facsimile No.: (08) 9574 2158
Mobile No. (if applicable): 0447993708

13.

Signature:	_____	_____
PRINTED NAME:	CR. DAVID R. DOW	STAN A. D. SCOTT
Public Office:	Shire President	Chief Executive Officer
Administering Authority:	Shire of Toodyay	

STATUTORY PROCEDURES CHECKLIST

Procedures for making a valid Local Law:
In accordance with *Local Government Act 1995* and *Ministerial Directions*

Please tick ✓ the 2nd column, where applicable, to indicate the procedural steps completed. Insert 'N/A' if the step is not applicable.

Only Box A is to be checked, not Box C, when the CEO of DEC has directed a local government.

A. *Waste Avoidance and Resource Recovery Act 2007* and *Local Government Act 1995*		
61(1)(b)		Under s. 61(1)(b) of the **WARR Act** the CEO of DEC directed a local government to adopt or amend or repeal a waste-related local law– **CEO of DEC's letter of direction: [Insert date of letter]**
3.12(2)		Presiding person gave notice to the meeting of the **purpose** and **effect** of the proposed local law in the prescribed manner: (a) in the agenda of that meeting; and (b) in the minutes of that meeting. **Date of Council meeting: [Insert meeting date and item number]**
3.12(5)		Published the adopted local law in the *Government Gazette.* **Date of Gazette: [Insert date] No. [Insert number]** and Sent copy of adopted/gazetted local law to the Ministers: **Sent to Minister for Local Government: [Insert date of letter]** **Sent to Minister for Environment: [Insert date of letter]**
3.12(6)		Local public notice: (refer s.1.7 under the LG Act) Published in newspaper circulating generally throughout the State. **Name of newspaper: [Insert text]** **Date of publication: [Insert date] Page No.: [Insert number]** *(copy of newspaper notice attached)* **Appeared on Notice Boards (local government offices and every library):** **From: [Insert date] To: [Insert date]**
3.12(7)		Sent EM material to the Joint Standing Committee on Delegated Legislation. **Hard copies sent to JSCDL: [Insert date of letter]** **And either:** • **Electronic copies sent by e-mail to JSCDL: [Insert date of e-mail]** **or** • **Copies on CD included with hard copies to JSCDL: [YES / NO]**
3.12(8)		If applicable: This local law is **an amendment local law** which amends the text of the principal local law. or This local law is **a repeal local law**.

Procedure in Box B must be completed before the commencement of 3.12 procedures of the LG Act.

B. *Local Government Act 1995* Section 3.6 Places outside the district (eg: shoreline on public beach)		
3.6(1)		Governor's approval was first obtained for a local government to make a local law that **applies** outside its district. **Local government's request for approval: [Insert date and Ref No.]** **Notice in *Government Gazette* of Governor's approval:** **Date of Gazette: [Insert date] No. [Insert] Page No.: [Insert number]**

C. *Local Government Act 1995* *Section 3.12 Procedure for making local laws*		
3.12(2)		Presiding person gave notice to the meeting of the **purpose** and **effect** of the proposed local law in the prescribed manner[1]: (a) in the agenda of that meeting; and (b) in the minutes of that meeting. **Date of Council meeting: 18 April 2017** *(copy of Council minutes attached)*
3.12(3)(a)		State-wide public notice: (refer s.1.8 under this Act) Published in newspaper circulating generally throughout the State. **Name of newspaper: The West Australian** **Date of publication: 26 April 2017 Page No.: 89** *(copy of actual newspaper notice attached)*
3.12(3a)		Local public notice: (refer s.1.7 under this Act) Published in a newspaper circulating generally throughout the State, and exhibited on a notice board of the local government's offices and every library in the district. **Name of newspaper: The Toodyay Herald** **Date of publication: 3 May 2017 Page No.: 17** *(If a different newspaper, copy of actual newspaper notice attached)* **Appeared on Notice Boards (local government offices and every library):** **From: 26 April 2017 To: 7 June 2017**
3.12(3)(b)		Immediately after State-wide local public notice is published: Sent copy of • the proposed local law (in gazette-ready format) **and** • a copy of the State-wide public notice, to the Minister for Local Government[2]. **Sent to Minister for Local Government: 26 April 2017** and, where applicable, same copies sent to another Minister: • Minister for Commerce[3], administering the *Dividing Fences Act 1961* (for fencing local law) or • Minister for Emergency Services, administering the *Bush Fires Act 1954* (for bush fire brigade or fire-break local law) or • Minister for Environment, administering the *Waste Avoidance and Resource Recovery Act 2007* (for waste local law) or • Minister for Health, administering the *Health Act 1911* (for health local law and cremation-related cemetery local law) or • Minister for Agriculture and Food, administering the *Agriculture and Related Resources Protection Act 1976* (for pest plant local law) or • Minister for **[Insert text]**, administering the ***[Insert Act]***, (for **[Insert text]** local law) **Sent to other Minister for [Insert text]: [Insert date of letter]**

[1] Refer to regulation 3 in the *Local Government (Functions and General) Regulations 1996*.

[2] The Minister for Local Government administers the *Cemeteries Act 1986* (for cemetery local laws), the *Dog Act 1976* (for dog local laws) and the *Local Government Act 1995* (for standing orders, local government property, public places, public parking, activities on thoroughfares local laws, etc).

[3] The Minister for Commerce also administers the *Local Government (Miscellaneous Provisions) Act 1960* (Parts VIII, IX & XV only) but no local laws are required these Parts.

C. *Local Government Act 1995* *Section 3.12 Procedure for making local laws (continued)*		
3.12(4)		**Relevant to: WARR Act and Health Act - procedures prior to adoption:** After last day for submissions, consideration at Council meeting of – • submissions received and • whether to make the local law as proposed (by absolute majority) or • whether to make a local law that was not significantly different from what was proposed (by absolute majority). **Council meeting date: [Insert meeting date & item number]** *(copy of Council minutes attached)* **and** • **gave copy of final version of proposed local law for consent under –** **WARR Act: Consent of CEO of DEC: [Insert date]** **Health Act: Consent of Exec. Director of Public Health: [Insert date]** *(Consent is required prior to local government's actual adoption.)*
3.12(4)		**LG Act - final procedure for actual adoption:** After close of public consultation period of **minimum**[4] 6 weeks, considered any submissions made about the proposed local law – and adopted the local law as proposed (by absolute majority) or adopted a local law that was considered not significantly different from what was proposed (by absolute majority). **Council meeting date: [Insert meeting date & item number]** *(copy of Council minutes attached)*
3.12(5)		Published the adopted local law in the *Government Gazette.* **Date of Gazette: [Insert date] No. [Insert number]** After the adopted local law was published in the *Government Gazette*, sent a signed and sealed copy of the adopted local law to the Minister for Local Government. **Sent to Minister for Local Government: [Insert date of letter]** and where local law was made under legislation other than the *Local Government Act 1995*, sent to the relevant Minister: • Minister for Commerce, administering the *Dividing Fences Act 1961* (for fencing local law) or • Minister for Emergency Services, administering the *Bush Fires Act 1954* (for bush fire brigade and fire-break local law) or • Minister for Environment, administering the *Waste Avoidance and Resource Recovery Act 2007* (for waste local law) or • Minister for Health, administering the *Health Act 1911* (for health local law and cremation-related cemetery local law) or • Minister for Agriculture and Food, administering the *Agriculture and Related Resources Protection Act 1976* (for pest plant local law) or • Minister for **[Insert text]**, administering the ***[Insert Act]***, (for **[Insert text]** local law) **Sent to other Minister for [Insert text]: [Insert date of letter]**

Cont/...

[4] The local government cannot adopt the local law before the public consultation period (minimum 6 weeks) has closed. Section 61(f) of the *Interpretation Act 1984* determines the method for calculating the consultation period. Guidance is provided in the *Local Government Operational Guidelines No. 16 on Local Laws,* downloadable from the Department of Local Government's website*:* www.dlg.wa.gov.au.

C. *Local Government Act 1995* *Section 3.12 Procedure for making local laws (continued)*		
3.12(6)		After the local law was published in the Gazette and after a signed and sealed copy of the local law was given to the Minister(s): gave local public notice of gazettal (refer s.1.7 of this Act) Published in a newspaper circulating generally throughout the District, and exhibited on a notice board of the local government's offices and every library in the district. **Name of newspaper: [Insert text]** **Date of publication: [Insert date] Page No.: [Insert number]** *(copy of Newspaper notice attached)* **Appeared on Notice Boards (local government offices and every library):** **From: [Insert date] To: [Insert date]**
3.12(7)		Within 10 working days of the Gazettal date: supplied copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation (JSCDL): **Hard copies sent to JSCDL: [Insert date of letter]** **And either:** • **Electronic copies sent by e-mail to JSCDL: [Insert date of e-mail]** **or** • **Copies on CD included with hard copies to JSCDL: [YES / NO]**
3.12(8)		This local law is **an amendment local law** which amends the text of the principal local law. or This local law is **a repeal local law**.

Signature:

PRINTED NAME:	CR DAVID R. DOW	STAN A.D. SCOTT
Public Office:	Shire President	Chief Executive Officer
Administering Authority:	Shire of Toodyay	

NATIONAL COMPETITION POLICY – CLAUSE 7
LOCAL LAW REVIEW EXECUTIVE SUMMARY

LOCAL GOVERNMENT: Shire of Toodyay			
TITLE: Health Local Laws 2017			
NEW LOCAL LAW	☑	**REPEAL OF LOCAL LAW**	☐
AMENDMENT TO IMPLEMENT NCP	☐	**NO AMENDMENT TO LOCAL LAW**	☐
OTHER AMENDMENT TO LOCAL LAW ☐			

Review Conduct

- **Who conducted the review?** *(e.g. local government or consultant)*

  The review of the Local Laws was undertaken by the Environmental Health Officer.

- **Who has been consulted?** *(include consultation prior to 3.12 advertising)*

  Public consultation as well as Minister for Local Government and Minister for Health

- **Date review completed** *(or date consultation completed for reviews sent in as part of 3.12 advertising.)*

  7 June 2017

- **Cost of review**

Advertising	$1,497.75 *(includes DATE advertising)*
Printing	$ 300.00
Officer Time	$1,500.00
	$3,297.75

Restrictions on Competition

- **List restrictions on competition contained in the legislation**
- **If there are none, no further information is required.**

No further action is necessary.

Effects of the Restriction

- **List the main effects of the restrictions (both positive and negative)**

Cost

Not applicable

Benefits

Not applicable

Assessing the Benefits and Costs of the Restrictions

- **State the conclusion of the public benefit test i.e. whether or not the restrictions on competition are in the public interest or not.**

Not applicable

Alternative Means of Achieving Desired Outcome

- **Outline the alternatives considered and their effectiveness.**
- **State the conclusion reached in regard to the suitability of alternatives.**

Not applicable

Overall Conclusion and Recommendations

- **State the overall conclusion – this entails bringing together the conclusions of the assessment of costs and benefits and of alternative means. List the recommendations.**
-

That Council:

1 Rescind Council Resolution No. 102/06/17 which read as follows:

That Council;

1. *Adopt, by absolute majority, the DRAFT Shire of Toodyay Health Local Law 2017 with the changes incorporated as a result of the submissions received from advertising and other amendments as follows:*
2. *That at Clause 3.1.2 the words "dwelling house" be inserted following the words "The owner or occupier of a";*
3. *That at Clause 3.1.2(a) the word "of" replace the word "or" (for the sentence to read good state of repair);*
4. *That at Clause 3.1.2(b) the words "take all reasonable and practical steps to prevent" replace the words "not permit";*
5. *That at Clause 5.4.8(1) the words "and swallows" be inserted following the words "on which pigeons"; and*
6. *On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.*
7. *Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the Local Government Act 1995 in relation to obtaining Gazettal of the Shire of Toodyay Health Local Law 2017.*

2 Substitute the following resolution:

That Council:

NATIONAL COMPETITION POLICY – CLAUSE 7
LOCAL LAW REVIEW EXECUTIVE SUMMARY

1. Pursuant to section 3.12 of the *Local Government Act 1995* resolves its intent to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017:

   The **purpose** of which is to regulate, protect, and manage public health within the district.

   The **effect** of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district.

   The **justification** for the local law is that it will provide:

   - Enforcement options for issues that previously are unable to be dealt with by the Shire's authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation.
   - For clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced.

2. In accordance with the provisions of s.3.12(3) and (3a) of the *Local Government Act 1995*, advertise for public comment the proposal to adopt the amended DRAFT Shire of Toodyay Health Local Law 2017 as shown in Attachment 1.

3. Authorise the CEO to send to the Minister a copy of:

   (a) The proposed local law – Refer to Attachment 1;

   (b) A copy of the public Notice – Refer to Attachment 2; and

   (c) An Executive Summary – Refer to Attachment 3;

   in accordance with the provisions of s.3.12 (3) of the *Local Government Act 1995* as shown in Attachment 3.

4. Authorise the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it in accordance with the provisions of s.3.12 (3) (c) of the *Local Government Act 1995.*

Implementing Recommendations

- Provide a statement of the approach to be taken to implement recommendations.

1. Correspondence will be prepared and sent to the Minister(s) in accordance with Recommendation 3.
2. Copies of the proposed local law will be made available on-line, in hardcopy at the Toodyay Library and the Toodyay Council Offices;
3. Advertisements will be arranged in accordance with Recommendation 2.
4. The CEO will ensure that the recommendations of Council are followed.

Notes:

Consultation Process: 3.12 advertising should also invite comments on competition issues.

Consultation process was undertaken as per section 3.12 of Local Government Act 1995.

NATIONAL COMPETITION POLICY – CLAUSE 7
LOCAL LAW REVIEW EXECUTIVE SUMMARY

New Local Law: An executive summary must be submitted to the Department of Local Government with the proposed local law as part of the consultation process. If the local law does not contain any restrictions on competition, this should be indicated in the 'Restrictions on competition' box and no further action is necessary.

Repeal of Local Law: If a local law is to be repealed, this should be indicated by marking the appropriate box. Restrictions on competition contained in the repealed local law should be noted.

Amendment to Implement NCP: This refers to amendments to a local law to implement changes recommended in a NCP local law review. In this situation it is necessary to attach an executive summary for the review that found the restrictions not to be in the public interest.

Other Amendment to Local Law: This refers to general amendments made to a local law independent of NCP. An executive summary needs to be completed and attached to the amendment if the amendments contain restrictions on competition. If there are no restrictions on competition, this needs to be stated in the 'Restrictions on competition' box and no further action is necessary.

No Amendment to Local Law: This refers to the situation where an existing local law is reviewed and the restrictions on competition contained in the local law are found to be justified in the public interest. This form should be sent to the Department of Local Government on completion of the review.

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