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HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995

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**SHIRE OF KALAMUNDA**

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**HEALTH LOCAL LAW 2011**



**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF KALAMUNDA

**HEALTH LOCAL LAW 2011**

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF KALAMUNDA

**HEALTH LOCAL LAW 2011**

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Kalamunda resolved on 15 August 2011 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as *Shire of Kalamunda Health Local Law 2011*.

**1.2 Application**

This local law will apply throughout the district.

**1.3 Repeal**

The *Shire of Kalamunda Health Local Laws 2001* as published in the *Government Gazette* on 11 January 2002, and as amended and published in the *Government Gazette* on 6 November 2009 is repealed, except for Part 4 Division 2.

**1.4 Commencement**

This local law will come into operation on the day in which it is published in the *Government Gazette*.

**1.5 Interpretation**

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

*Act* means the *Health Act 1911*;

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

*approved* means approved by the Manager Health Service;

*approved fee* means the fees and charges determined by the local government from time to time, under Section 344C of the Act;

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

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

*CEO* means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

*district* means the district of the local government and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;

*drinking water* means drinking water that complies with the Australian Drinking Water Quality Guidelines 2004, as published by the Australian Government and approved by the National Health and Medical Research Council, as amended from time to time;

*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;

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

*habitable room* means a room used for normal domestic activities, and—

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

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

**local government** means the Shire of Kalamunda;

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

**Manager Health Service** means an Environmental Health Officer appointed by the local government to the office of Manager, Health Service and includes an Acting Manager Health Service;

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

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

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

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

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

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

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

(2) Where under 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 those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## PART 2—SANITATION

### *Division 1—Sanitary conveniences*

#### 2.1 Interpretation

In this Part, unless the context otherwise requires—

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

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

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

#### 2.2 Dwelling house

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

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

#### 2.3 Premises other than a dwelling house

(1) The owner of premises other than a dwelling house must not use or occupy, 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 a reasonable distance and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins that are—
  - (i) in accordance with the Building Code;
  - (ii) for the use of persons employed or engaged on the premises;
  - (iii) provided with an adequate supply of water supplied by tap, or taps, located over each hand wash basin;
  - (iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
  - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (d) where more than one toilet is provided on the premises, the entrance to each toilet bears a suitable sign indicating for which sex its use is intended.



- (2) The occupier of premises other than a dwelling house shall ensure that—
- (a) clean toilet paper is available at all times in each cubicle;
  - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
  - (c) each hand wash basin is provided with—
    - (i) an adequate supply of soap or other hand cleaning substances; and
    - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

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

- (1) The occupier of premises shall—
- (a) keep clean, in good condition and repair; and
  - (b) whenever required by an 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.

#### **2.5 Public sanitary conveniences**

- (1) A person must not—
- (a) foul; or
  - (b) damage or vandalise,
- a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person shall not live or sleep in a public sanitary convenience.

#### **2.6 Installation**

- (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate supply of water.
- (2) Every temporary sanitary convenience shall be installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

#### *Division 2—Bathrooms*

#### **2.7 Bathrooms**

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

#### *Division 3—Wet areas*

#### **2.8 Wet areas**

The floor of every bathroom, ensuite, laundry, water closet and other ablution area within a building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

### **PART 3—HOUSING AND GENERAL**

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

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

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

- (a) maintain all roofs, in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of exterminating any termites or European House Borers;
- (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 in accordance with the Building Code ;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings in a safe and sound condition.

### 3.2 Maintenance of guttering and downpipes

The owner or occupier of a dwelling house must maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction.

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

### 3.3 Exemption for recreational campsites or short term hostels

This Division shall not apply to recreational campsites or short term hostels referred to in Division 2 of Part 6.

### 3.4 Overcrowding

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 metres of air space per person; and
  - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

### 3.5 Calculating sufficient space

For the purpose of clause 3.4, in calculating the space required for each person—

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

### 3.6 Ventilation

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

(2) For the purpose of subclause (1) a dwelling house shall be deemed to be properly ventilated if it complies with the Building Code.

(3) If, in the opinion of the Manager Health Service, 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 ventilation; or
- (b) cease using the dwelling house until it is properly ventilated.

(4) The owner shall comply with a notice made under subclause (3).

#### *Division 3—Water supply*

### 3.7 Water supply

(1) The owner of a house shall ensure that it is connected with—

- (a) a separate and independent water supply from the mains of a licensed water service operator; or
- (b) to a drinking water supply to the satisfaction of an Environmental Health Officer, where a mains connection is not available.

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

### 3.8 Rain water tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

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

### 3.9 Wells

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—

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

### 3.10 Pollution

A person 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*

### 3.11 Prohibition of sale

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

### 3.12 Prohibition of possession

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

## PART 4—LIQUID REFUSE AND WASTE

### *Division 1—Liquid refuse and liquid waste*

#### 4.1 Interpretation

In this Division, unless the context otherwise requires—

**liquid refuse** includes all washings from windows, vehicles and carpet cleaning, over flow, bleed off condensate and drainage from refrigeration and air conditioning equipment including cooling towers and evaporative coolers and other liquids used for cooling refrigeration compressor condensates and other liquid used for cooling purposes and swimming pool discharges;

**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; and

#### 4.2 Deposit of liquid refuse and liquid waste

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

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

### *Division 2—Disposal of refuse on building sites*

#### 4.3 Interpretation

In this Division unless the context otherwise requires—

**occupier** means a person having the charge, management or control of a building site and where two or more persons share or jointly have the charge, management or control of a building site, each of those persons and includes the holder of a building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*; and

**building site** means premises on which the construction, structural alteration, erection or demolition of a building is being undertaken.

#### 4.4 Occupier obligations

The occupier of a building site shall—

- (a) at all times ensure the provisions of containers or enclosures approved by the Manager Health Service for the deposit of trade and other refuse whether of light or heavy bulk, on the building site; and
- (b) on completion of construction, structural alteration, demolition or erection on the building site, clear the same of all refuse. The disposal of such refuse shall be in accordance with the requirements of the Manager Health Service.

### PART 5—PEST CONTROL AND NUISANCES

#### *Division 1—Mosquitoes*

#### 5.1 Interpretation

In this Division, unless the context otherwise requires—

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

#### 5.2 Premises to be kept free of mosquito breeding matter

An owner or occupier of premises shall keep the premises free of—

- (a) refuse; and
- (b) water

liable to become the breeding place of mosquitoes.

#### 5.3 Measures to be taken by an owner or occupier

An owner or occupier of premises—

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
  - (i) stocked with mosquito destroying fish; or
  - (ii) covered with a film of petroleum oil or other larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall—
  - (i) keep it protected with a mosquito-proof cover; and
  - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

#### 5.4 Measures to be taken by occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

#### 5.5 Removal of undergrowth or vegetation

(1) Where it appears to the Manager Health Service that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Manager Health Service under this section.

#### 5.6 Filling in excavations etc.

Unless written permission to the contrary is obtained from the Local Government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

#### 5.7 Drains, channels and septic tanks

An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
  - (i) apply as directed by an Environmental Health Officer a larvicide according to the directions on the container; or/and
  - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

#### 5.8 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Local Government, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;

- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
  - (i) the water on the land may flow into the drains without obstruction; and
  - (ii) no water shall remain on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

*Division 2—Rodents*

### 5.9 Interpretation

In this Division, unless the context otherwise requires—

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

### 5.10 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) Without limiting the generality of subclause (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—
  - (a) take effective measures to keep the premises free from rodents including—
    - (i) protecting food stuffs;
    - (ii) using a rodenticide bait or a properly baited trap; and
    - (iii) preventing rodents having access to water on the premises;
  - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
    - (i) if it is not already dead, kill it immediately; and
    - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
  - (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

### 5.11 Waste and food to be kept in rodent proof receptacles

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

### 5.12 Restrictions on materials affording harbourage for rodents

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

### 5.13 Premises etc. to be cleaned after use

An owner or occupier of a 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 have been used on that day or, if the use extends after midnight, then immediately after that use.

*Division 3—Cockroaches*

### 5.14 Interpretation

In this Division, unless the context otherwise requires—

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

### 5.15 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of subclause (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—
  - (a) washing and storing, immediately after use, cooking and eating utensils;
  - (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

- (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

*Division 4—European wasps*

**5.16 Interpretation**

In this Division, unless the context otherwise requires—

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

**5.17 Measures to be taken to keep premises free from European wasp nest**

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

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

*Division 5—Arthropod vectors of disease*

**5.18 Interpretation**

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

**5.19 Responsibility of the owner or occupier**

The owner or occupier of premises shall—

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

*Division 6—Nuisance*

**5.20 Interpretation**

In this Division, unless the context otherwise requires—

***fertiliser*** includes manure.

**5.21 Footpaths to be kept clean**

An owner or occupier of premises shall keep adjacent footpaths, paved areas and rights of way, clean and clear from their refuse or other belongings.

**5.22 Transportation, use and storage of offal or blood**

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

**5.23 Use or storage of fertiliser**

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

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

**5.24 Storage and despatch of artificial fertiliser**

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

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

### 5.25 Storage of fertiliser in a house

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

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

## PART 6—LODGING HOUSES

### Division 1—Registration

#### 6.1 Interpretation

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

**approved number of lodgers** means the number of lodgers specified on the certificate of registration;

**bed** means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as 2 single beds;

**bunk** means a sleeping berth comprising one of 2 beds arranged vertically;

**certificate of registration** means a certificate of registration of a lodging house issued under clause 6.4;

**keeper** means a person who is the owner of a lodging house whose name appears on the register of keepers, as the keeper of that lodging house;

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

**lodging house** has the same meaning as in the Act;

**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;

**non-toxic** includes non-toxic in any circumstances specified by the Executive Director Public Health;

**recreational campsite** means a lodging house—

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

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

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

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

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

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

#### 6.2 Lodging house not to be kept unless registered

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 6.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of the Manager Health Service, 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.

**6.3 Application for registration**

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee as fixed from time to time by the local government under section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging house.

**6.4 Approval of registration**

The local government may approve, with or without conditions, an application under clause 6.3 by issuing to the applicant a certificate of registration in the form of Schedule 2.

**6.5 Renewal of registration**

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

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

**6.6 Notification upon sale or transfer**

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

**6.7 Revocation of registration**

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

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

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or 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 regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Manager Health Service, 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 revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

*Division 2—Construction and use requirements*

**6.8 General construction requirements**

A keeper of a lodging house shall ensure the lodging house is constructed and maintained to comply with the Building Code.

**6.9 Sanitary conveniences**

(1) A keeper shall provide and maintain in good working order and condition and in convenient positions on the premises—

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

in accordance with the requirements of the Building Code.

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

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



**6.10 Laundry**

(1) The keeper of a recreational campsite shall provide on the premise and maintain in good working order and condition laundry facilities consisting of at least one 45-litre stainless steel trough provided with an adequate supply of hot and cold water, unless otherwise approved by the Manager Health Service.

(2) The keeper of a lodging house which is not a recreational campsite shall provide on the premises and maintain in good working order and condition laundry facilities consisting of—

- (a) one washing machine;
- (b) one wash trough of at least 36 litres capacity; and
- (c) one electric dryer or at least 30metres of clothes line,

for each 15 lodgers, based on approved number of lodgers, and an adequate supply of hot and cold water to each wash trough and washing machine, unless otherwise approved by the Manager Health Service.

**6.11 Kitchen**

The keeper of a lodging house shall provide a kitchen which—

- (a) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods; and
- (b) complies with the *Food Act 2008*;

unless otherwise approved by the Manager Health Service.

**6.12 Cooking facilities**

(1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens in accordance with the following table—

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

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

**6.13 Dining room**

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

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

**6.14 Lounge room**

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

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

**6.15 Fire and emergency provisions**

(1) The keeper of a lodging house must—

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

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

#### **6.16 Sleeping accommodation**

(1) Subject to subclause (2), a keeper shall not use or permit to be used as sleeping accommodation a room in a lodging house which is used or designed for use as a kitchen, scullery, store room, dining room, general sitting room or lounge room.

(2) Subclause (1) shall not apply to a serviced apartment.

(3) A keeper shall ensure any room used as sleeping accommodation—

- (a) only contains materials including upholstery, bedding, decorative treatments, window treatment and floor coverings which are made of non-toxic fire retardant materials, unless otherwise approved by the Manager Health Service;
- (b) is accessible without passing through a room in the private occupation of another person;
- (c) contains at least than 5.5 square metres of clear floor area for each lodger occupying the room;
- (d) is provided with lighting or ventilation in accordance with the Building Code and in good and efficient order;
- (e) is free from internal dampness;
- (f) that contains multiple beds or bunks is so arranged as to maintain—
  - (i) a passageway of at least 1.35 metres between each row of beds; and
  - (ii) a passageway of at least 2 metres between each row of bunks, which passageway shall be kept clear of obstruction at all times; and
- (g) is furnished so that there is adequate storage facilities for belongings within the room.

(4) A keeper shall ensure that each bed—

- (a) has a mattress and pillow; and
- (b) is provided with a pillow case, mattress cover, 2 sheets, 2 blankets or equivalent.

(5) Sub clause 3 (c) does not apply to short term hostels or recreational campsites.

#### **6.17 Sleeping accommodation—short term hostel and recreational campsites**

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

- (a) 4 square metres per person in each dormitory containing beds; and
- (b) 2.5 square metres per person in dormitories utilising bunks.

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

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

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

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

- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. 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; and
- (b) mechanical ventilation in lieu of fixed ventilation, subject to the Manager Health Service approval.

#### **6.18 Obstruction of passages and stairways**

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

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

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

#### **6.19 Fitting of locks**

A person shall not cause, suffer or allow to be fitted to an exit door a lock or other device—

- (a) that prevents the door from being opened from within the lodging house without a key; or
- (b) in such a manner as not to comply with the Building Code.

#### **6.20 Ventilation**

(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, 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.

**6.21 Identification of rooms**

- (1) Subject to sub-clause (3), a keeper must place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
- (a) the number “1” is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under subclause (1) must be—
- (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or shown by other legible means.
- (3) A keeper may use an alternative method for identification of rooms in a lodging house to that set out in sub-clauses (1) and (2), provided the approval of the Manager Health Services is first obtained.

*Division 3—Management and care***6.22 Keeper or manager to reside in the lodging house**

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

- (a) reside 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.

**6.23 Register of lodgers**

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be—
  - (a) kept in the lodging house; and
  - (b) open to inspection at any time on demand by a Police Officer or an Environmental Health Officer.

**6.24 Certificate in respect of sleeping accommodation**

- (1) An Environmental Health Officer may issue to a keeper a certificate, specifying the maximum number of persons who shall be permitted to occupy each room used for the purpose of sleeping accommodation at any one time in the form of Schedule 5.
- (2) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under subclause (1) in a conspicuous place in the room to which the certificate refers.
- (3) A person shall not cause or allow a greater number of persons than is specified on a certificate issued under subclause (1) to occupy the room to which it refers.

**6.25 Duplicate keys and inspection**

Each keeper and manager of a lodging house shall—

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

**6.26 Room occupancy**

A keeper shall not—

- (a) cause or allow more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) use or allow to be placed or kept in any rooms used for the purpose of sleeping accommodation a larger number of beds than is required to accommodate and provide for the maximum number of persons permitted to occupy the room at any one time; and
- (c) use or cause or allow to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; or
  - (ii) the local government or the Medical Officer has forbidden to be used for that purpose.

**6.27 Cleaning and maintenance requirements**

A keeper of a lodging house shall—

- (a) maintain in a clean, sound and undamaged condition—
  - (i) the floor, walls, ceilings, woodwork and painted surfaces;
  - (ii) the floor coverings and window treatments; and
  - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order—
  - (i) all fixtures and fittings; and
  - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

- (d) ensure that—
  - (i) all bed linen, towels and house linen in use are washed at least once a week;
  - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
  - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
  - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
  - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease;
  - (vi) a room which is not free from vectors of disease is not used as sleeping accommodation; and
  - (vii) the yard is kept clean at all times; and
- (e) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

### 6.28 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
- (i) store or keep such a quantity of furniture, material or goods within the lodging house—
  - (i) in any kitchen, living or sleeping accommodation so as to prevent the cleaning of the floors, walls, fittings or fixtures; and
  - (ii) in a sleeping apartment so as to decrease the clear floor area to less than the minimum required by this Part;
- (j) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (k) fix any fastener or change any lock to a door or room without the written approval of the keeper.

## PART 7—OFFENSIVE TRADES

### *Division 1—General*

#### 7.1 Interpretation

In this Part, unless the context otherwise requires—

**occupier** in relation to premises includes the person registered as the occupier of the premises in a form approved; and

**offensive trade** has the meaning given to it by section 186 of the Act;

#### 7.2 Consent to establish an offensive trade

(1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his or her intention to apply for consent in accordance with clause 7.3;
- (b) give the Chief Executive Officer copies of the notice as advertised under clause 7.3(2); and
- (c) lodge with the Chief Executive Officer an application in the form of Schedule 6.

(2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

#### 7.3 Notice of application

(1) A notice required under clause 7.2(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;

- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
  - (d) advise that all comments and objections should be forwarded in writing to the local government.
- (2) Copies of the notice must be—
- (a) given to each adjacent property owner and tenant;
  - (b) displayed on the premises in or on which it is proposed to carry out the offensive trade; and
  - (c) advertised in a local newspaper at least two weeks but not more than one month before the application under clause 7.2(1)(c) is lodged with the Chief Executive Officer.

#### **7.4 Decision on application for consent**

- (1) The local government may—
- (a) approve an application for consent unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for consent.
- (2) The local government is to give the applicant written notice of its approval or refusal of an application for consent.
- (3) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the owner or occupier of the premises on which the offensive trade is being, or is proposed to be, carried on.

#### **7.5 Registration of premises**

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

- (a) in the form of Schedule 7;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the Chief Executive Officer.

#### **7.6 Decision on application for registration**

- (1) The local government may—
- (a) approve an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for the registration of premises for the carrying on of an offensive trade.
- (2) If the local government approves an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade, it is to issue to the applicant a Certificate of Registration which must—
- (a) be in the form of Schedule 8; and
  - (b) include the conditions (if any) on which the application is approved.
- (3) If the local government refuses to approve an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade, it is to give written notice of that refusal to the applicant.
- (4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the owner or occupier of the premises.

#### **7.7 Renewal of registration**

A person who keeps an offensive trade which is registered under this Part shall—

- (a) during the month of June in each year apply to the local government in writing for renewal of the registration of the offensive trade; and
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*;

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

#### **7.8 Interpretation**

In this Division, unless the context otherwise requires—

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

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

#### **7.9 Change of occupier**

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

#### **7.10 Cleanliness**

The occupier shall—

- (a) maintain all portions of the premises in a clean and sanitary condition and in a state of good repair; and
- (b) prevent any unwholesome or offensive odour arising from the premises.

### 7.11 Rats and other vectors of disease

The occupier must—

- (a) take all practicable measures to 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.

### 7.12 Sanitary conveniences and hand wash basins

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

### 7.13 Alteration to premises

A person shall not, without the written approval of the local government, make or permit any change or alterations whatsoever to premises registered under this Part.

### 7.14 Storage of materials

The occupier must 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.

### 7.15 Directions

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

### 7.16 Other duties of occupier

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

## *Division 3—Piggeries*

### 7.17 Interpretation

In this Division, unless the context otherwise requires—

**piggery** means any building, enclosure or yard in which one or more pigs are kept, bred, reared or fattened for the purpose of trade and includes any portion of the premises to which the pigs have access; and

**occupier** means the occupier of the piggery.

### 7.18 Location

A piggery shall be located at a distance from any street or thoroughfare, dwelling or food premise that complies with the requirements specified in section 4.0 of the Code of Practice for Piggeries 1992 4.0 Buffer Zone Dimensions (Distances).

### 7.19 Construction

The occupier shall provide either sties and/or enclosures within which the pigs shall be kept and the floor of the sty shall be of concrete or similar impervious materials, graded to a drain connected to an approved effluent treatment and disposal system.

## *Division 4—Poultry farms—caged system*

### 7.20 Interpretation

In this Division, unless the context otherwise requires—

**poultry farm** means any premises utilising a caged system of poultry housing in which series of nesting boxes, cages or similar devices are used to confine laying hens for intensive laying; and

**occupier** means the occupier of the poultry farm.

### 7.21 Location of sheds

Any shed or building on a poultry farm is to be located in a manner in accordance with the requirements of the Environmental Code of Practice for Poultry Farms in Western Australia.

### 7.22 Manure

The occupier shall ensure that all manure—

- (a) is retained directly under the cage without any spillage onto the concrete pathway; and
- (b) is kept dry and free from fly breeding.

### 7.23 Cool room

The occupier shall provide a suitable cool room capable of maintaining a temperature of not more than 5 degrees Celsius at any time.

**7.24 Disposal of carcasses**

The occupier shall ensure that carcasses are disposed by one of the following methods—

- (a) incineration of the carcasses in an incinerator approved by the local government and complying with the standards of the Department of Environment and Conservation;
- (b) burial of the carcasses in a manner and location approved by an Environmental Health Officer; or
- (c) by some other means approved by the local government.

*Division 5—Manure works*

**7.25 Interpretation**

In this Division, unless the context otherwise requires—

**manure works** means a place where manure is received, stored or processed and includes any portion of the premises to which the receiving, storing and processing occurs; and

**occupier** means the occupier of a manure works.

**7.26 Storage of manure**

The occupier shall take all practicable measures to keep the manure free from fly breeding.

**7.27 Location of manure deposits**

- (1) The occupier shall ensure that any deposit of manure shall be placed not less than—
  - (a) 30 metres from any creek, waterway, well or bore; and
  - (b) 6 metres from any open drain or sub soil drain.
- (2) The deposit of manure must be protected from moisture in a manner approved by the Manager Health Service.

**PART 8—PENALTIES**

**8.1 Penalties**

- (1) A person who contravenes a provision of this local law, commits an offence.
- (2) A person who commits an offence under subclause (1) is liable 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 offence, \$500; and
    - (iii) in the case of a third or a subsequent such offence, \$1250; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.



**Schedule 1**

*Application for Registration of a Lodging House*

[Clause 6.3]

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
Shire of Kalamunda

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 .....

.....

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys .....

Total floor area of building ..... m<sup>2</sup>

Total Number of single beds ....., double beds ....., bunk beds .....; for use by lodgers.

Proposed maximum number of lodgers at any one time .....

**Rooms for private use**

	Number	Area (m <sup>2</sup> )
Laundries/toilets/bathrooms .....	.....	.....
Bedrooms .....	.....	.....
Dining Rooms .....	.....	.....
Kitchens .....	.....	.....
Sitting Rooms .....	.....	.....
Other (Specify).....	.....	.....

**Rooms for lodgers**

	Number	Area (m <sup>2</sup> )	Number of Sleeping Berths
Bedrooms .....	.....	.....	.....
Dining Rooms .....	.....	.....	Seats:.....
Kitchens .....	.....	.....	
Sitting Rooms .....	.....	.....	Seats: .....
Other (Specify).....	.....	.....	

**Sanitary Conveniences for male lodgers**

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

**Sanitary Conveniences for female lodgers**

Toilets .....	.....
Baths .....	.....
Showers .....	.....
Hand wash basins .....	.....

**Sanitary Conveniences for the disabled**

Toilets .....	.....
Baths .....	.....
Showers .....	.....
Hand wash basins .....	.....

**Kitchen Facilities**

Ovens .....	.....
Stove burners .....	.....
Sinks .....	.....
Dishwashers .....	.....
Hand basins .....	.....
Grease traps .....	.....
Bench top material .....	.....
Floor material .....	.....
Wall material .....	.....

**Laundry Facilities**

Washtroughs .....	.....
Washing machines .....	.....
Drying cabinets or clothes lines (m) .....	.....

**Additional Details**

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

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

Floor plan of proposed lodging house is attached.

.....  
Signature of Applicant/s

.....  
Date



**Schedule 2**

*Certificate of Registration of a Lodging House*

[Clause 6.4]

**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

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

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

until 30 June 20....., on the following conditions—

1. that ....., whose name is entered on the register of keepers of the Shire of Kalamunda, 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 apartments for lodgers is— .....; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....
6. <<insert conditions as appropriate>> .....

This Certificate of Registration is issued subject to the Health Act and Health Local Laws of the Shire of Kalamunda and is not transferable.

Dated: ..... 20.....

.....  
Manager Health Service  
Shire of Kalamunda

Fee received: \$.....

**Schedule 3**

*Notice of Change of Owner of a Lodging House*

[Clause 6.6]

**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

To: Chief Executive Officer  
Shire of Kalamunda

I/We, .....

Full Name of Applicant/s

of .....

Residential Address of Applicant/s

am/are the new owner/s of premises situated at .....

.....  
which are registered in the name of .....

.....  
for the carrying on of the lodging house business.

.....  
Signature of Applicant/s

Date: .....

**Schedule 4**  
*Register of Lodgers*

[Clause 6.23]

**REGISTER OF LODGERS**

Location of Lodging House: .....

Date

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

\_\_\_\_\_

**Schedule 5**  
*Certificate of Sleeping Accommodation for a Lodging House*

[Clause 6.24]

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE**

Name of Lodging House: .....

To: .....

Name of Keeper

.....

Address of Keeper

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

**This Room, No. .... is not to be occupied by more than ..... lodgers or residents.**

.....

Date

.....

Environmental Health Officer

This Certificate must be affixed to the rear of the door of the room it refers to.

\_\_\_\_\_

**Schedule 6**

*Application for Consent to establish an Offensive Trade*

[Clause 7.2(1)(c)]

**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive Officer  
Shire of Kalamunda

I/We, .....  
Full Name of Applicant/s

of .....  
Residential Address of Applicant/s

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

Description of Offensive Trade  
in or upon .....

Location of the House or Premises  
Notice of my/our intention to make this application was on .....

Date of Advertisement  
advertised in .....

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

Signature of Applicant/s  
.....

Date  
.....

**Schedule 7**

*Application for Registration of Premises for Offensive Trade*

[Clause 7.5]

**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

To: Chief Executive Officer  
Shire of Kalamunda

I/We .....  
Full Name of Applicant/s

of .....  
Residential Address of Applicant/s

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

Location of Premises  
being premises in or upon which there is (or is to be) carried on an offensive trade, namely .....

.....  
Description of Offensive Trade

.....  
under the business name of .....

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

Signature of Applicant/s  
.....

Date  
.....

*Schedule 8*

*Certificate of Registration of Premises for Offensive Trade*

[Clause 7.6]

**CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

This is to certify that the premises situated at .....  
..... of which ..... is the  
occupier, are registered for the carrying on of the trade of .....  
Trade Name .....

This registration expires on the .....20.....

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

.....  
Manager Health Service  
Shire of Kalamunda

\_\_\_\_\_

Dated: 23 August 2011.

The Common Seal of the Shire of Kalamunda was placed here in the presence of—

DONALD McKECHNIE, Shire President.  
JAMES TRAIL, Chief Executive Officer.

\_\_\_\_\_

Consented to—

TARUN WEERAMANTHRI, Executive Director, Public Health.

Dated: 7 September 2011.

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