

**City of Rockingham
Health Local Law 2026**

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City of Rockingham Health Local Law 2026

Under the powers conferred by the *Act* and under all other powers enabling it, the Council of the City of Rockingham resolved on ***date*** to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the City of Rockingham Health Local Law 2026.

1.2 Commencement

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

1.3 Repeal

The *City of Rockingham Health Local Laws 1996* published in the *Government Gazette* on 4 October 1996, and as amended and published in the *Government Gazette* on 24 August 2001, 7 September 2007, 18 January 2019 and 21 May 2021 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

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

Act means the *Local Government Act 1995*;

authorised officer means a person authorised by the local government under section 9.10 of the Act to administer or enforce this local law;

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

bee means a bee of the species *Apis mellifera*;

beehive means an enclosed man-made structure manufactured or erected for the housing of bees;

beekeeper has the meaning given to it by the *Biosecurity and Agriculture Management Regulations 2013*;

birds includes poultry;

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

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

building permit means a permit issued under the *Building Act 2011*;

building site means any lot for which a building permit is current and upon which building work has commenced;

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

Class 6 building means a Class 6 building as defined by the Building Code;

Class 9 building means a Class 9 building as defined by the Building Code;

cockroach means any of the various *Blattidae* insects commonly known as cockroaches;

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

cow includes an ox, calf or bull;

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

development site includes any lot or lots for which there is a current development or subdivision approval, and any lot or lots upon which, construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not such works are subject to a development or subdivision approval;

district means the district of the City of Rockingham;

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

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;

farm animal includes a horse, cow, sheep, goat, pig or other ungulate, emu or ostrich;

fertiliser includes manure;

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

food business has the meaning given to it by the *Food Act 2008*;

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 garage, shed, 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;

horse includes an ass, mule, donkey or pony;

land includes any building or structure on the land;

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

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

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

livestock includes a farm animal;

livestock vehicle means a vehicle constructed or used for the carriage of livestock;

local government means the City of Rockingham;

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

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

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

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

nuisance means –

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

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

offensive includes noxious;

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

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

public place means any place to which the public have lawful access and includes a street and local government property;

refuse includes bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever, whether of the same type as, or a different type from, those mentioned in this definition;

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

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

residential zone includes any area zoned “Residential” under a local planning scheme;

rodent means an animal belonging to the order *Rodentia* and includes rats and mice but does not include rodents kept as pets in an enclosure designed for the purpose of keeping rodents of that kind as pets;

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

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

slaughter means to kill an animal for food;

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

special residential zone means any area zoned “Special Residential” under a local planning scheme;

special rural means any area zoned “Special Rural” or “Rural Residential” or “Rural Smallholdings” under a local planning scheme;

street means any highway or thoroughfare which the public are entitled to use, and includes every part of the highway or thoroughfare, including the verge and other things including bridges and culverts appurtenant to it;

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

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

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

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

Part 2 - Housing and general

Division 1 – Maintenance of Dwelling Houses

2.1 Laundries

- (1) A person must not use or occupy, or permit to be used or occupied, a dwelling house or other building equipped with a laundry unless –
 - (a) the laundry conforms to the provisions of the Building Code;
 - (b) where the laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry is separated from the kitchen by a wall extending from the floor to the roof or ceiling; and
 - (c) where there is an opening between the laundry and a kitchen or other room where food is stored or consumed, that opening –

- (i) is not more than 1220 millimetres wide; and
- (ii) has a door which completely fills the opening when closed.

2.2 Washing or keeping of clothes in kitchens

- (1) A person shall not in any kitchen or similar place where food is kept –
 - (a) wash or permit to be washed any clothing or bedding; or
 - (b) keep or permit to be kept any soiled clothing or bedding.

2.3 Kitchens

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house equipped with a kitchen unless –
 - (a) the kitchen is equipped with –
 - (i) a cooking facility installed in accordance with sub-clause (2); and
 - (ii) a sink which –
 - (A) is at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (B) has an adequate supply of hot and cold drinking water; and
 - (b) where mechanical extraction is provided in a kitchen, the exhaust air is –
 - (i) carried to the outside air as directly as practicable; and
 - (ii) ducted throughout.
- (2) A cooking facility shall –
 - (a) be installed in accordance with the requirements of the relevant regulatory authority; and
 - (b) not be installed or used in any room other than a kitchen.
- (3) The occupier of a dwelling house shall ensure that the cooking facility is kept clean, in good order and repair and fit for use.

2.4 Dwelling house maintenance

The owner or occupier of a dwelling house must –

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an authorised officer to treat the dwelling house for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;

- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete with smooth unbroken surfaces and free of dampness;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject;
- (m) remove visible mould and fix the source of the moisture; and
- (n) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the relevant regulatory authority and shall provide a current certificate of compliance when so directed by an authorised officer.

2.5 Overcrowding

- (1) The owner or occupier of a dwelling house must not permit –
 - (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
 - (b) a habitable room in the house to be used for sleeping purposes unless, subject to sub-clause (2) –
 - (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.
- (2) For the purpose of determining the space required for each person in sub-clause (1)(b) –
 - (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.

2.6 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 is deemed to be properly ventilated if it complies with the Building Code and provides –
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2 - 1991.
- (3) The owner of a house equipped with a mechanical ventilation or air-conditioning system shall ensure that the system is maintained –

- (a) in good working condition; and
 - (b) in accordance with AS3666 - 1989.
- (4) If, in the opinion of an authorised 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 ventilation; or
 - (b) cease occupying or permitting to be occupied the dwelling house until it is properly ventilated.

2.7 Water supply

- (1) The owner of a dwelling house must ensure that it is connected with a separate and independent water supply from the mains of the responsible regulatory authority or a water supply to the satisfaction of the local government.
- (2) The water supply must at all times deliver an adequate supply of potable water to each tap intended for the provision of drinking water in the dwelling house or on the site on which the dwelling house is located unless otherwise approved by the local government.

2.8 Water tanks

- (1) The owner or occupier of a dwelling house for which part of the water supply is drawn from a water tank must–
 - (a) maintain in a clean condition –
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
 - (b) ensure that each water tank is fitted with a 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 a year, thoroughly clean any tank; and
 - (d) when directed by an authorised officer, empty, clean and disinfect the tank or tanks.
- (2) The owner or occupier of any non-residential premises on which rainwater and/or bore water is used for human consumption must –
 - (a) once every calendar month, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2004, published by the National Health and Medical Research Council (NHMRC) and the Agriculture and Resource Management Council of Australia and New Zealand;
 - (b) supply a copy of results from the bacterial analysis to an authorised officer;
 - (c) 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;
 - (d) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2mg/L and 0.5mg/L in the water received from any outlet used for drinking purposes; and
 - (e) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8

2.9 Wells

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

- (a) at least 30 metres from any effluent disposal system or other 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 pumping apparatus.

2.10 Pollution

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

Division 2 – Secondhand Furniture, Bedding and Clothing

2.11 Prohibition of selling infested materials

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

2.12 Prohibition of possessing infested materials

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

Part 3 - Keeping of animals

Division 1 – Keeping of birds

3.1 Keeping of poultry and pigeons in a residential or special residential zone

- (1) Unless exempted by the local government pursuant to clause 3.7, an owner or occupier of land in a residential or special residential zone must not keep or permit to be kept on the land –
 - (a) more than 2 poultry; or
 - (b) more than 20 pigeons.

3.2 Conditions for keeping of poultry

- (1) Unless exempted by the local government pursuant to clause 3.7, a person who keeps poultry or permits poultry to be kept must ensure that –
 - (a) no poultry is kept less than 10 metres from any residential building on any other lot;
 - (b) no poultry is able to approach within 10 metres of a public street, public building, commercial premises or food business;
 - (c) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
 - (d) effective measures are taken to control vermin and eradicate offensive odours.

3.3 Conditions for keeping of pigeons

- (1) Unless exempted by the local government pursuant to clause 3.7, a person who keeps pigeons or permits pigeons to be kept must ensure that –
- (a) all pigeons are kept in a properly constructed pigeon loft, except where homing pigeons are freed for exercise;
 - (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
 - (c) no opening to a pigeon loft, including openings for ventilation, is within 10 metres of any residential building on any other lot; and
 - (d) no opening to a pigeon loft, including openings for ventilation, is within 10 metres of a public street, public building, commercial premises or food business.

3.4 Roosters, geese, turkeys and peafowl

- (1) Except on land in a rural or special rural zone, an owner or occupier of any land must not keep or permit to be kept on that land any –
- (a) roosters;
 - (b) geese or ganders;
 - (c) turkeys; or
 - (d) peacocks or peahens.

3.5 Conditions for keeping of aviary birds

- (1) A person who keeps, or permits to be kept, aviary birds must ensure that –
- (a) the aviary or cage is kept in a clean condition and good repair at all times; and
 - (b) unless exempted by the local government pursuant to clause 3.7, the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building on any other lot.

3.6 Nuisance caused by birds

An owner or occupier of land on which birds are kept must not cause or allow the birds to –

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

3.7 Application for exemption for keeping of birds

- (1) A person may apply to the local government in writing for an exemption to compliance with the conditions in clauses 3.1, 3.2, 3.3 or 3.5(b).
- (2) The application for an exemption must include:
- (a) a statement outlining the reasons why an exemption is sought;
 - (b) the number of birds proposed to be kept;
 - (c) a site plan showing lot size, location of enclosure, and the distance of the enclosure from any boundaries and buildings on adjoining lots; and

- (d) proof of membership of a poultry or pigeon club (if applicable).
- (3) Prior to granting an exemption, the local government shall take into account the opinions of the owners and occupiers of adjoining properties.
- (4) The local government may grant, with or without conditions, or refuse to grant an application for exemption received under this clause.
- (5) Where an exemption for the keeping of birds is granted subject to conditions, the holder of the exemption must comply with those conditions.
- (6) An exemption granted under this clause is personal to the applicant and applies only to the land described in the exemption.
- (7) The applicant must notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the change occurs.
- (8) An exemption granted under this clause may be withdrawn by the local government in the event that–
 - (a) the holder does not comply or cause compliance with the conditions;
 - (b) there is a change in the circumstances upon which the exemption was granted; or
 - (c) in the opinion of an authorised officer, the birds subject of the exemption cause a nuisance or emit an unreasonable noise.

Division 2 – Keeping of farm animals

3.8 Keeping farm animals

- (1) Subject to clause 3.9, a person must not keep farm animals on land that is not within a rural or special rural zone.
- (2) Subject to clause 3.9, a person must not keep more than the prescribed number of animals on land within a rural zone or special rural zone.
- (3) For the purposes of sub-clause (2), **prescribed** means prescribed by the local planning scheme of the local government.

3.9 Conditions for keeping farm animals

- (1) Unless exempted by the local government pursuant to clause 3.11, the owner or occupier of land upon which farm animals are kept must –
 - (a) ensure that the area in which the farm animals are kept has a minimum cleared area of 150 square metres and the farm animals are prevented from approaching within 10 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
 - (b) in the case of horses or cows, ensure that the area in which the horses or cows are kept has a minimum area of one hectare and the horses or cows are prevented from approaching within 10 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
 - (c) take reasonable measures to –
 - (i) keep the land free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rodents, vermin, or insects;

- (ii) keep the land, as far as possible, free from flies or vermin, and when directed by an authorised person, spray the land with residual insecticide or use any other effective means to kill and repel flies or vermin;
 - (iii) ensure that the portion of the land on which the farm animals are kept is fenced or walled in a manner capable of confining the animal and, having regard to the species, age, size and condition of the animal, capable of preventing the animal at all times from passing over, under or through it; and
- (2) When directed to do so by an authorised officer, an owner or occupier of land on which farm animals are kept must clean and disinfect the land to the satisfaction of the local government.

3.10 Requirements for farm animal shelters

- (1) Unless exempted by the local government pursuant to clause 3.11, a person keeping farm animals in a stable, enclosure or shelter must ensure the stable, enclosure or shelter –
 - (a) is not situated within 10 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
 - (b) is not situated within one metre of any lot boundary;
 - (c) provides adequate shelter, drainage and ventilation; and
 - (d) if required by the local government, is equipped with a separate stall for each animal kept in the stable, enclosure or shelter.

3.11 Application for exemption for keeping farm animals

- (1) A person may apply to the local government in writing for an exemption from the conditions for keeping farm animals prescribed in clauses 3.9(1) or 3.10.
- (2) The application for an exemption must include –
 - (a) a statement outlining the reasons why an exemption is sought;
 - (b) the number of farm animals proposed to be kept; and
 - (c) a site plan showing lot size, location of enclosure, and the distance of the enclosure from any boundaries and buildings on adjoining lots.
- (3) Prior to granting an exemption, an authorised officer shall take into account the opinions of the owners and occupiers of adjoining properties.
- (4) An authorised officer may grant, with or without conditions, or refuse to grant an application for exemption received under this clause.
- (5) Where an exemption for the keeping of farm animals is granted subject to conditions, the holder of the exemption must comply or cause compliance with those conditions.
- (6) A grant of exemption is personal to the applicant and applies only to the land described in the exemption.
- (7) The applicant must notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the changes occur.
- (8) An exemption granted under this clause may be withdrawn by the local government in the event that–
 - (a) the holder does not comply or cause compliance with the conditions;

- (b) there is a change in the circumstances upon which the exemption was granted; or
- (c) in the opinion of an authorised officer, the animals subject of the exemption cause a nuisance.

Division 3 – Keeping of bees

3.12 Conditions for keeping of bees

- (1) A person who keeps bees or beehives or permits bees or beehives to be kept must –
 - (a) unless exempted under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*, be registered as a beekeeper;
 - (b) provide a good and sufficient water supply on the land which is readily accessible by the bees; and
 - (c) keep each beehive –
 - (i) at least 10m from any building on any other lot;
 - (ii) at least 10m from any footpath, street, private street or public place; and
 - (iii) at least 5m from the boundary of the lot on which the beehive is kept.

3.13 Nuisance caused by bees

A person must not keep or allow beehives to be kept on land so as to create a nuisance.

3.14 Notice to remove beehives

- (1) Whenever in the opinion of an authorised officer a person has contravened any provision of this local law which relates to the keeping of bees or beehives, an authorised officer may give the owner and/or occupier of the land a written notice requiring her or him to remove any beehives from the land within the time specified in the notice.
- (2) A person issued with a notice under sub-clause (1) must comply with the notice.

Part 4 - Disposal of animals

4.1 Slaughter of animals

- (1) Subject to sub-clause (2), a person shall not slaughter any animal or bird within the district.
- (2) Sub-clause (1) does not apply to –
 - (a) euthanasia of animals by a veterinarian or other duly authorised person; or
 - (b) slaughter of animals on land or premises approved for that purpose by the local government.

4.2 Disposal of dead animals

- (1) An owner or occupier of, or a person having the care of any animal or bird that dies or is killed in a public or private place must immediately remove the carcass and arrange for its disposal at a disposal site approved by the local government.

Part 5 - Pest control

Division 1 – Mosquitoes

5.1 Lot to be kept free of mosquito breeding matter

(1) An owner or occupier of a lot must keep the lot free of –

- (a) refuse; and
- (b) water located so as to be,

liable to become the breeding place of mosquitoes.

5.2 Measures to be taken by an owner or occupier

(1) An owner or occupier of a lot –

- (a) where there is a fountain, pool, pond, swimming pool, spa, trough, excavation or container of any kind which retains water suitable for the breeding of mosquitoes –
 - (i) must take adequate and reasonable measures to prevent mosquitoes breeding; or
 - (ii) undertake other control measures as directed by an authorised person;
- (b) where there is a water tank, well, cistern, vat or barrel, must –
 - (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 in area.

5.3 Swimming pools

- (1) Where there is a swimming pool on any lot where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for breeding mosquitoes, an authorised person may issue a notice to the owner or occupier of the lot under this clause.
- (2) A notice issued by an authorised officer under sub-clause (1) may require an owner or occupier of a lot to –
 - (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified;
 - (b) chlorinate and adjust the pH of the pool to:
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2 – 7.6;
 - (c) empty or drain the pool;
 - (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; or
 - (e) maintain the pool water free of mosquito breeding.

5.4 Drains, channels and apparatus for the treatment of sewage

(1) An owner or occupier of land must –

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where an apparatus for the treatment of sewage is installed on the land –
 - (i) apply an approved larvicide according to the directions on the container, into the apparatus for the treatment of sewage whenever directed to do so by an authorised officer; and
 - (ii) provide and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres in area covering any vent to the apparatus for the treatment of sewage.

5.5 Drainage of land

- (1) An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes must, when required by an authorised officer, effectively drain the land and, for that purpose, must –
 - (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.
- (2) A developer of freehold or strata title subdivisional land must ensure that drainage sumps and compensating basins are designed and constructed so as to –
 - (a) not hold water for a period greater than 96 hours; or
 - (b) permanently hold water to a minimum depth approved by the local government.

Division 2 – Rodents

5.6 Measures to be taken to eradicate rodents

- (1) An owner or occupier of a lot, whenever there are indications of the presence of rodents in, on or about the lot, and while such indications continue, must –
 - (a) take effective measures to keep the lot free from rodents including –
 - (i) protecting stored food stuffs and removing potential rodent food sources;
 - (ii) using a rodenticide bait or a properly baited trap;
 - (iii) minimising rodent access to water on the lot; and
 - (iv) removing accumulated refuse and items likely to harbor rodents; and
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall -
 - (i) if it is not already dead, destroy it immediately; and
 - (ii) dispose of the carcass in such a manner so as not to create a nuisance.

- (2) An authorised officer may direct an owner or occupier of a lot to take specified measures for the eradication of rodents under this clause.

5.7 Restrictions on the keeping of rodents

- (1) A person who keeps rodents as pets must –
- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
 - (b) if a rodent escapes, ensure that all reasonable steps are taken to destroy or recapture the rodent.

Division 3 – Cockroaches

5.8 Measures to be taken to eradicate cockroaches

- (1) Where there are indications of the presence of cockroaches in, on or about land, the owner or occupier of such land must take reasonable measures to keep the land free from cockroaches and prevent cockroach breeding.
- (2) An authorised officer may direct an owner or occupier of land to take reasonable measures to eradicate cockroaches or undertake control measures to prevent breeding of cockroaches.

Division 4 - Vectors of Disease

5.9 Responsibility of the owner or occupier

- (1) An owner or occupier of a lot must –
- (a) take reasonable steps to keep the lot and any person residing in or on the lot free from vectors of disease; and
 - (b) comply with the direction of an authorised person to treat the lot, or anything on the lot, for the purpose of destroying any vectors of disease.

Division 5 – Flies

5.10 Fly breeding matter not to be left on a lot unless covered or treated

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

5.11 Measures to be taken by an owner or occupier

- (1) An owner or occupier of a lot must ensure that –
- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
 - (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
 - (c) lawn clippings used on gardens as mulch are raked out thinly;
 - (d) fertilizers are dug well into the soil;
 - (e) compost heaps are kept well covered;

- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets and livestock is collected and immediately disposed.

5.12 Authorised officer may give Notice directing measures to be taken

- (1) Where in the opinion of an authorised officer flies are prevalent or are breeding on any lot, the authorised officer may give to the owner or occupier of the lot notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the authorised officer are necessary to –
 - (a) control the prevalence;
 - (b) effect the eradication; or
 - (c) effectively prevent the breeding of flies.

Part 6 - Nuisances

Division 1 – Fertilisers

6.1 Use or Storage of Fertiliser and Compost

- (1) An owner or occupier of a lot must not use or keep for the purpose of use as fertiliser, any –
 - (a) pig manure;
 - (b) human faeces; or
 - (c) urine.
- (2) The owner or occupier of a lot where fertiliser or compost is stored or used must –
 - (a) prevent the escape of odours, dust or particles of fertiliser or compost;
 - (b) treat the fertiliser or compost in 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 as –
 - (i) can be readily used within a reasonable period; or
 - (ii) may be directed by an authorised officer.

6.2 Storage and Dispatch of Artificial Fertiliser or Compost

An owner or occupier of a lot where artificial fertilizer or compost is stored in bulk for sale shall –

- (a) keep all artificial fertilizer in a building –
 - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials; 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 fertilizer or compost dispatched from the lot is packed in such a manner as to prevent any nuisance arising during transit.

Division 2 – Smoke, fumes, odours and other emissions

6.3 Escape of visible smoke, fumes, odours and other emissions

- (1) An owner or occupier of land or premises must not cause or permit the escape of visible smoke, fumes or odours from the land in such frequency, duration, quantity or other such nature as to cause a nuisance to any person.
- (2) An authorised officer may direct an owner or occupier of land or premises to take reasonable steps to prevent visible smoke, fumes or odours from causing a nuisance.

Division 3 – Livestock vehicles

6.4 Livestock vehicles

- (1) A person shall not park a livestock vehicle containing livestock for a period in excess of 30 minutes other than on land upon which the keeping or raising of livestock is lawfully conducted as a business, or part of a business, in compliance with the requirements of a local planning scheme.
- (2) Subject to sub-clause (1), a person shall not park a livestock vehicle so as to cause a nuisance to any person by reason of odour emanating from the vehicle.

Division 4 – Bird Nuisances

6.5 Restrictions on feeding of birds

- (1) A person must not feed or provide food to any wild or uncaged bird that is not permitted to be kept by them under this local law or another written law so as to cause a nuisance.
- (2) Where an authorised officer reasonably suspects a person to have contravened sub-clause (1), the authorised officer may give the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Part 7 - Liquid waste and refuse

Division 1 – Liquid Refuse

7.1 Disposal of liquid waste

- (1) The owner or occupier of a lot must –
 - (a) take effective measures to contain all liquid waste on the lot;
 - (b) provide, by one of the methods prescribed in clause 7.1(2), for the disposal of all liquid waste produced on the lot; and
 - (c) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) A person must not deposit, cause to be deposited, or dispose of liquid waste except by one of the following methods –
 - (a) discharging it into a reticulated sewerage system in a manner approved by the relevant regulatory authority;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Department of Health or the local government; or

- (c) collection and disposal at an liquid waste disposal site approved by the Department of Health in a manner approved by the Department of Health.

7.2 Septic tank pump outs

A person must not 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 unless that person is a licensed carrier.

7.3 Disposal of Effluent from Small-Scale Mechanical Equipment Wash Down Bays

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

Division 2 – Stormwater

7.4 Containment of stormwater and wastewater

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

7.5 Stormwater disposal systems

- (1) The owner or occupier of a lot must ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks is discharged into subsurface rainwater disposal systems in accordance with Australian Standard 3500 or by other methods approved by the local government.
- (2) The owner or occupier of a lot must ensure that all stormwater from paved areas of the lot is discharged into subsurface rainwater disposal systems of adequate capacity in accordance with Australian Standard 3500.
- (3) The owner or occupier of a lot must ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

7.6 Containment and disposal of swimming pool and other wastewater

- (1) The owner or occupier of land on which a swimming pool is constructed must –
 - (a) ensure that all backwash does not discharge onto or run-off onto adjacent land; and
 - (b) comply with the requirements of sub-clause (2).
- (2) An owner or occupier of land on which a swimming pool is constructed complies with sub-clause (1)(b) if the wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool is –

- (a) disposed into a disposal system approved by the local government; or
- (b) a soakwell system having a minimum capacity of 140 litres and located a minimum of 1.8 metres away from any building or lot boundary.

Division 2 – Disposal of refuse

7.7 Suitable enclosure

- (1) An owner or occupier of a lot that has been provided with receptacles and consists of more than 3 dwellings or is used for commercial or industrial purposes, must, if so directed by an authorised officer –
 - (a) provide a suitable enclosure for the storage and cleaning of receptacles on the lot; and
 - (b) install in the enclosure a tap connected to an adequate supply of water.
- (2) An owner or occupier of a lot required to provide a suitable enclosure under this clause must keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this clause, a ***suitable enclosure*** means an enclosure –
 - (a) of sufficient size to accommodate all receptacles used on the lot and having a floor area not less than a size approved by an authorised officer;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by an authorised officer;
 - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - (d) containing a smooth and impervious floor –
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
 - (e) which is easily accessible to allow for the removal of the receptacles.

7.8 Removal of refuse and disused materials

The owner or occupier of land shall not keep, or permit to remain on the land, any refuse, rubbish or disused material of whatsoever nature or kind which in the opinion of an Authorised Officer is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

7.9 Removal of unsightly overgrowth of vegetation

The owner or occupier of land shall not permit any unsightly overgrowth of vegetation on the land that gives the land an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

7.10 Fencing unsightly land

An Authorised Officer may give notice to an owner or occupier of land to ensure that unsightly land is enclosed, to the satisfaction of the Authorised Officer, with a fence or other means suitable to prevent the land, so far as practicable, from being unsightly.

Division 3 – Litter and refuse on building sites

7.11 Provision of refuse receptacles

- (1) Before commencement of any works on a building site or development site, the builder must provide and make available for use on the site a refuse receptacle of such a design as will –
 - (a) contain any refuse produced on the site; and
 - (b) prevent refuse being blown from the receptacle by wind.

7.12 Control of refuse

- (1) From the time of commencement of works on a building site or development site until the time of completion of such work, the builder must take reasonable steps to –
 - (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
 - (b) keep the site as free as is reasonably practicable from any refuse;
 - (c) maintain the street verge immediately adjacent to the site free of refuse from the site; and
 - (d) ensure the refuse receptacle is emptied when full.
- (2) The builder in relation to a building site or development site must ensure that, within 2 days of completion or works on the site –
 - (a) the site and the street verge immediately adjacent to it is cleared of all refuse; and
 - (b) all refuse receptacles are removed from the site.

Part 8 - Lodging houses

Division 1 – Registration

8.1 Interpretation

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

bed means a single sleeping berth;

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

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

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

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

lodging house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward, including a recreational campsite, a serviced apartment and a short term hostel, but does not include establishments holding a publican's general licence, limited hotel licence, or wayside-house licence under the *Liquor Control Act 1988*, student housing affiliated with non-government schools as outlined in the *School Education Act 1999*, or any building comprising residential flats;

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;

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 its own cooking facilities;

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

- (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.
- (3) In this Part, for the purpose of determining floor space requirements a double bed provided for the use of two persons shall be counted as two beds;

8.2 Lodging House not to be kept unless registered

- (1) A person shall not keep, or cause 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 with the local government;
 - (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 authorised 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.

8.3 Application for registration

- (1) An application for registration of a lodging house must be –
 - (a) in the form prescribed by the local government;
 - (b) duly completed and signed by the proposed keeper; and
 - (c) accompanied by –

- (i) the fee as determined from time to time by the local government; and
- (ii) detailed plans and specifications of the lodging house.

8.4 Approval of application

The local government may approve, with or without conditions, an application under clause 8.3.

8.5 Renewal of registration

- (1) A person who keeps a lodging house which is registered under this Part must –
 - (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 determined from time to time by the local government at the time of making each application for renewal.

8.6 Notification upon sale or transfer

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

8.7 Revocation of registration

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds –
 - (a) that the lodging house has not, to the satisfaction of local government, been kept free from vermin 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 WA Police, is satisfied that the keeper or manager is not a fit and proper person; or
 - (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 authorised officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, the local government must give notice to the keeper requiring him or her, within a reasonable time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements

A builder of a lodging house must ensure it is constructed in compliance with the Building Code.

8.9 Sanitary conveniences

- (1) Subject to sub-clause (2), a keeper of a lodging house must maintain in good working order and condition and in convenient positions on the premises –
 - (a) toilets; and
 - (b) bathrooms, either fitted with a shower or bath and provided with a handwash 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 is exempt from the requirements of sub-clause (1).
- (3) A keeper of a lodging house must ensure that –
 - (a) each bath, shower and handwash basin referred to in sub-clause (1) is provided with an adequate supply of hot and cold water;
 - (b) the walls of each shower and bath referred to in sub-clause (1) are of an impervious material to a minimum height of 1.8 metres above the floor level; and
 - (c) each toilet and bathroom referred to in sub-clause (1) –
 - (i) are so situated, separated and screened as to ensure privacy;
 - (ii) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (iii) are provided with adequate electric lighting.

8.10 Laundry

- (1) A keeper of a lodging house must –
 - (a) subject to sub-clause (2) –
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises one laundry unit for every 15 lodgers;
 - (b) at all times maintain each laundry or laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper or washing machine; and
 - (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.
- (2) An authorised officer may give written approval for 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 weight of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that it –
 - (i) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

(1) A keeper of a lodging house must provide in that lodging house a kitchen which –

- (a) has a minimum floor area of –
 - (i) 0.65 square metres per person, where lodgers prepare their own meals;
 - (ii) 0.35 square metres per person, where meals are provided by the keeper or manager; or
 - (iii) 1 square metre per person, and not less than 16 square metres in total, where the kitchen and dining area are combined;
- (b) has adequate –
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or vermin of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the *Food Act 2008*; and
- (d) has a handwash basin and a double-bowl sink, each provided with an adequate supply of hot and cold drinking water.

8.12 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 approved by the local government 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 local government.

8.13 Dining Room

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

8.14 Lounge Room

- (1) A keeper of a lodging house must provide in that lodging house a lounge room –
- (a) with a floor area of –
 - (i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person;
 - (ii) where the lounge room is combined with a dining room - not less than 1.2 square metres per person; and
 - (iii) a minimum of 13 square metres; and
 - (b) which shall be –
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.15 Fire prevention and control

- (1) A keeper of a lodging house must –
- (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 local government; and
 - (ii) which is kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (c) ensure that each exit sign and firefighting appliance is clearly visible, accessible and maintained in good working order at all times;
 - (d) provide fire-extinguishing appliances of the number and pattern, and situated in such a position as the local government may direct;
 - (e) ensure all buildings are fitted with fire protection equipment as approved by the local government; and

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

8.16 Obstruction of passages and stairways

- (1) A keeper must not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on –
 - (a) a stairway, stair landing, fire-escape, window or common passageway; or
 - (b) part of the lodging house in common use or intended or adapted for common use, in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.17 Fitting of locks

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

8.18 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3), a keeper of a lodging house must not use or permit to be used a room in a lodging house for sleeping purposes –
 - (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 a short term hostel or recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
 - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
 - (h) in which the lighting or ventilation referred to in sub-clauses (1)(f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the local government.
- (2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.
- (3) Sub-clauses (1)(a), (b) and (c) do not apply to a serviced apartment.

8.19 Sleeping Accommodation - Short Term Hostels and Recreational Campsites

- (1) Subject to sub-clauses (2) and (3), a keeper of a short-term hostel or recreational campsite must provide clear floor space of not less than –
 - (a) 4 square metres per person in each dormitory utilising beds; and
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in sub-clause (1) excludes the area occupied by any large items of furniture, such as wardrobes, but includes the area occupied by beds.
- (3) The minimum floor area requirements in sub-clause (1) only apply if ventilation, separation distances and fire egress are required by the Building Code.
- (4) The keeper of a short-term hostel or recreational campsite must ensure the minimum height of any ceiling in the short-term hostel or recreational campsite is –
 - (a) 2.4 metres in any dormitory utilising beds; and
 - (b) 2.7 metres in any dormitory utilising bunks.
- (5) The keeper of a short term hostel or recreational campsite must provide –
 - (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government.
- (6) The keeper of a short-term hostel must provide-
 - (a) beds with a minimum size of 800 millimetres x 1.9 metres; and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of a recreational campsite must provide beds with a minimum size of 750 millimetres x 1.85 metres.
- (8) The keeper of a short-term hostel or recreational campsite must –
 - (a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (9) The keeper of a short-term hostel or recreational campsite must ensure that –
 - (a) materials used in dormitory areas comply with Australian Standard 1530.2 and Australian Standard 1530.3;
 - (b) fire retardant coatings used to make a material comply with the indices mandated by Australian Standard 1530.2 and Australian Standard 1530.3 are –

- (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with Australian Standard 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.
- (c) emergency lighting is provided in accordance with the Building Code;
 - (d) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed place accessible by the public within a short-term hostel or recreational campsite; and
 - (e) all mattresses in a short-term hostel or recreational campsite are fitted with a mattress protector.

8.20 Furnishing of sleeping apartments

- (1) A keeper of a lodging house must –
 - (a) furnish each sleeping apartment with a sufficient number of beds according to the number of lodgers permitted at any one time;
 - (b) ensure that each bed –
 - (i) is of good quality
 - (ii) has a bed head, mattress and pillow; and
 - (iii) subject to sub-clause (3), is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
 - (c) subject to sub-clause (4), furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper of a lodging house must not use or cause or permit to be used any tiered beds or bunks in a sleeping apartment, unless the lodging house is used exclusively as a short-term hostel or recreational campsite.
- (3) A keeper may make the materials referred to in sub-clause (1)(b)(iii) available for hire by a lodger.
- (4) In a short-term hostel or recreational campsite, the storage facilities required by sub-clause (1)(c) may be located in a separate secure storage room or locker room.

8.21 Ventilation

- (1) If, in the opinion of an authorised officer, a kitchen, bathroom, toilet, laundry or habitable room in a lodging house is not adequately or properly ventilated, the authorised officer may direct the keeper to provide a different or additional method of ventilation.

8.22 Numbers to be placed on doors

- (1) A keeper of a lodging house must ensure numbers are placed on the outside of the doors of all rooms available to lodgers in the lodging house 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;
 - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house; and
 - (c) the numbers placed on each door are –
 - (i) not less than 40 millimetres in height;
 - (ii) 1.5 metres from the floor; and
 - (iii) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

8.23 Keeper or manager to reside in the lodging house

- (1) A keeper of a lodging house must ensure that whenever there is one or more lodgers in a lodging house, a keeper or manager –
 - (a) resides continuously in the lodging house; and
 - (b) is not absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.24 Register of lodgers

- (1) A keeper of a lodging house must –
 - (a) keep a register of lodgers;
 - (b) keep the register of lodgers in the lodging house; and
 - (c) deliver up the register of lodgers for inspection by an authorised officer when so directed by the authorised officer.

8.25 Keeper report

A keeper of a lodging house must, whenever directed by the local government, report to the local government the name of each lodger who lodged in the lodging house during the preceding day or night.

8.26 Certificate in respect of sleeping accommodation

- (1) A local government may issue to a keeper of a lodging house a certificate in respect of each room specifying the maximum number of persons who permitted to occupy each room as a sleeping apartment at any one time.
- (2) An authorised officer may direct a keeper of a lodging house to exhibit the certificate issued under sub-clause (1) in a conspicuous place in the lodging house.
- (3) A person must not cause or permit a greater number of persons than is specified on a certificate issued under sub-clause (1) to occupy the room to which it refers.

8.27 Duplicate keys and inspection

- (1) Each keeper and manager of a lodging house must –
 - (a) retain possession of a duplicate key to the door of each room of the lodging house; and
 - (b) when so directed by an authorised officer, open the door of any room of the lodging house for the purposes of inspection by the authorised officer.

8.28 Room occupancy

- (1) A keeper of a lodging house must not –
 - (a) cause or permit more than the maximum number of persons permitted by a certificate of registration issued under Part 8 Division 1 of this local law in respect of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause or permit to be placed or kept in any sleeping apartments in the lodging house –
 - (i) a larger number of beds; or
 - (ii) a larger quantity of beddingthan is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or cause or permit to be used for sleeping purposes a room that –
 - (i) has not been approved by the local government for that purpose; or
 - (ii) has been prohibited to be used by the local government as a sleeping apartment.
- (2) For the purposes of this clause, two children under 10 years of age shall be counted as one lodger.

8.29 Maintenance of a room by a lodger or resident

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

8.30 Cleaning and maintenance requirements

- (1) A keeper of a lodging house must –
 - (a) maintain in a clean, sound and undamaged condition –
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;

- (b) maintain in a clean condition and in good working order –
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and 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) whenever there is one or more lodgers in the 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 clean, in good repair and free from vermin;
 - (v) when any vermin are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vermin is not used as a sleeping apartment;
- (f) when so directed by an authorised 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 authorised officer to ensure compliance with sub-clauses (1)(a)–(h).

(2) In this clause –

bed linen includes sheets and pillow cases, and in the case of a short term hostel or a recreational campsite, mattress protectors.

8.31 Responsibilities of lodgers and residents

- (1) A lodger or resident of a lodging house must not –
 - (a) use any room available to lodgers for commercial, 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 wash hand basin other than for ablutionary purposes;

- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept –
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 8.32 –
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) use a sleeping apartment for dining purposes, unless sick or invalid and unable to leave a sleeping apartment for that reason;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vermin;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house –
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for storage of food

- (1) A local government 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 an approval given under sub-clause (1)(a) if a nuisance or vermin infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment must not permit the storage and consumption of food within that apartment unless suitable storage and dining facilities are provided.

Part 9 - OBJECTIONS AND APPEALS

9.1 Objections and appeals

- (1) When the local government makes a decision under this local law as to whether it will –
 - (a) grant a person an exemption;
 - (b) vary or cancel an exemption; or
 - (c) give a person a notice,

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

Part 10 - ENFORCEMENT

Division 1 – Notice of breach

10.1 Notice of breach

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to subclause (1) shall –
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government under sub-clause (1).

10.2 Form of notices

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

Division 2 – Offences and penalties

Subdivision 1 – General

10.3 Offences and penalties

- (1) A person who –
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law; or
 - (c) does anything which under this local law that person is prohibited from doing,commits an offence.
- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2 – Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of Section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

10.5 Form of infringement notices

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

Schedule 1 - Prescribed offences

[Clause 10.4]

Clause	DESCRIPTION	Modified Penalty First Offence (\$)	Modified Penalty Subsequent Offence (\$)
2.10	Depositing any thing which may pollute water from a well or other underground source	250	500
2.11	Offering for sale or selling secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease	150	300
2.12	A dealer having secondhand furniture, bedding or clothing on the lot which is filthy or infested with vectors of disease	150	300
3.1	Keeping more than the permitted number of poultry or pigeons in a residential or special residential zone	150	300
3.2	Failure to comply with condition for keeping of poultry	150	300
3.3	Failure to comply with condition for keeping of pigeons	150	300
3.4	Keeping a rooster, goose or gander, turkey, peacock or peahen in other than a rural or special rural zone	150	300
3.5	Failure to comply with conditions for keeping of aviary birds	150	300
3.6	Permitting a bird or birds to cause a nuisance	150	300
3.7(5)	Failure to comply with conditions of exemption for keeping of birds	150	300
3.8(1)	Keeping farm animals in a zone other than rural or special rural	150	300
3.9(1)	Failing to comply with a condition for the keeping of farm animals	150	300
3.10(1)	Failure to comply with a requirement for a farm animal shelter	150	300
3.11(5)	Failure to comply with a condition of exemption for keeping a farm animal	150	300
3.12(1)	Failure to comply with a condition of keeping bees	150	300
3.13	Creation of nuisance from keeping of bees or beehives	250	500
3.14(2)	Failure to comply with a notice to remove beehives	250	500
4.1(1)	Slaughter of an animal or bird at on unapproved land	250	500
4.2(1)	Failure to immediately dispose of a dead animal at an approved disposal site	250	500
5.2(1)	Failure to comply with measures to prevent mosquito breeding	250	500
5.6(1)	Failure to take measures to eradicate rodents	150	300
5.7(1)	Failure to comply with a restriction on the keeping of rodents	150	300
5.8(1)	Failure to take measures to eradicate cockroaches	150	300
5.9(1)	Failure to keep lot free from vectors of disease	150	300

5.11(1)	Failure to take measures to control, eradicate or prevent the breeding of flies	150	300
6.1(1)	Storing or using pig manure, human faeces or urine as fertiliser	150	300
6.1(2)	Failure to comply with a requirement for storing fertiliser or compost	150	300
6.3(1)	Allowing the escape of smoke, fumes, odours or other emissions so as to cause a nuisance	150	300
6.4(1)	Parking a livestock vehicle for longer than 30 minutes	150	300
6.4(2)	Parking a livestock vehicle so as to cause a nuisance	150	300
6.5(1)	Feeding of uncaged bird without approval	150	300
6.5(2)	Failure to comply with a notice to clean or dispose of feed or waste products	150	300
7.1(2)	Failure to dispose of liquid waste into an approved system	250	500
7.3(1)	Failure to dispose of liquid waste from small-scale mechanical wash down bays into an approved system	500	1000
7.4(1)	Failure to contain rainwater, wastewater and storm water within the lot	250	500
7.6(1)	Failure to contain wastewater and backwash water from a swimming pool within the lot	250	500
7.7(1)	Failure to provide and/or maintain a suitable enclosure for refuse disposal	500	1000
7.8	Refuse, rubbish or disused material on land so as to give untidy appearance	250	500
7.9	Failure to prevent unsightly growth of vegetation	250	500
7.11(1)	Failure to provide or maintain a refuse receptacle on a building or development site	500	1000
7.12(1)	Failure to control refuse on a building or development site	500	1000
7.12(2)	Failure to clear building or development site two days after completion of construction work	500	1000