



New South Wales

Local Government (Orders) Regulation 1999

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

Harry Woods MP

Minister for Local Government

Explanatory note

The object of this Regulation is to repeal and remake, with modifications, the *Local Government (Orders) Regulation 1993*.

The new Regulation prescribes matters necessary or convenient for the operation of the *Local Government Act 1993* in relation to the giving of orders by councils.

Section 124 of the Act empowers councils to order a person to do or to refrain from doing a thing specified in Column 1 of the Table to that section if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

Section 127 of the Act allows the regulations to prescribe acts or circumstances that are taken to be included in or excluded from any of the specified acts or circumstances. One of the grounds for the giving of orders is failure of the person to whom the order is given to comply with relevant standards or requirements set or made by or under the Act.

The new Regulation prescribes relevant standards or requirements in relation to the following:

- (a) camping grounds, caravan parks, manufactured home estates and moveable dwellings (clauses 6–8),

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Explanatory note

- (b) shared accommodation (clause 9),
- (c) hairdressers shops and beauty salons (clauses 10 and 11),
- (d) mortuaries (clause 12),
- (e) water supply, sewerage and flow of surface water across land (clauses 13–15),
- (f) septic tanks or closets (clause 16),
- (g) the keeping of birds or animals (clauses 17 and 18),
- (h) water carting vehicles (clause 19),
- (i) the disposal of waste (clause 20),
- (j) connection of premises to water supply and sewerage systems (clauses 21 and 22).

The Regulation also contains provisions of a minor, consequential or ancillary nature (clauses 1–5 and 23–27).

The Regulation is made under the *Local Government Act 1993*, including section 127 (referred to above), section 748 (the general regulation-making power) and other provisions referred to in the Regulation.

The Regulation refers to the *Building Code of Australia* (published on behalf of the Australian Building Codes Board) for the purposes of describing places of shared accommodation (clause 9).

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Local Government (Orders) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Definitions

(1) In this Regulation:

licensed contractor, in relation to carrying out water supply, sewerage or drainage work, means the holder of a licence in force under the *Home Building Act 1989* that authorises the holder to carry out that work.

the Act means the *Local Government Act 1993*.

(2) In this Regulation, a reference to an order is a reference to an order in the Table to section 124 of the Act.

4 To what areas and councils does this Regulation apply?

(1) This Regulation applies to those parts of the State that are constituted as areas for the purposes of the Act.

(2) This Regulation applies to county councils in the same way as it applies to councils.

5 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 6 Local Government (Orders) Regulation 1999

Part 2 Orders requiring or prohibiting the doing of things to or on premises

Part 2 Orders requiring or prohibiting the doing of things to or on premises

6 Relevant standards for camping grounds and caravan parks

For the purposes of order No 5 (a) in its operation as to camping grounds and caravan parks, any applicable standards referred to in the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

7 Relevant standards for manufactured home estates

For the purposes of order No 5 (a) in its operation as to manufactured home estates, any applicable standards referred to in the *Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995* are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

8 Relevant standards for moveable dwellings

For the purposes of order No 5 (b) in its operation as to moveable dwellings, any applicable standards referred to in the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

9 Relevant standards for places of shared accommodation

- (1) For the purposes of order No 5 (d) in its operation as to places of shared accommodation that are Class 3 buildings under the *Building Code of Australia*, the standards for places of shared accommodation set out in Schedule 1 are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

(2) In subclause (1):

Building Code of Australia means the document of that name published on behalf of the Australian Building Codes Board in October 1996, together with:

- (a) any amendments made to it by the Board, and
 - (b) any variations of it approved by the Board in relation to New South Wales,
- before 1 July 1999.

10 Relevant standards for hairdressers shops

For the purposes of order No 5 (e), the standards for hairdressers shops set out in Schedule 2 are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

11 Relevant standards for beauty salons

For the purposes of order No 5 (e), the standards for beauty salons set out in Schedule 3 are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

12 Relevant standards for mortuaries

For the purposes of order No 5 (f), the standards for mortuaries set out in Schedule 4 are relevant standards referred to in Columns 1 and 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

13 Water supply and sewerage system pipes, fittings and fixtures

Without limiting order No 5 (h), and except in the case of a defect to which clause 14 applies, the following acts are taken to be included in Column 1 of the Table to section 124 of the Act as acts that may be required by that order:

- (a) to remove, replace, alter, extend or repair a pipe, fitting or fixture located on premises connected to the council's water supply system or sewerage system,

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Part 2 Orders requiring or prohibiting the doing of things to or on premises

- (b) to stop using such a pipe, fitting or fixture pending its removal, replacement, alteration, extension or repair.

14 Rectification of defective water supply or sewerage work

- (1) For the purposes of order No 5 (h) (and without limiting that order) in the case of an order to a licensed contractor under Column 3 of the Table to section 124 of the Act in respect of a defect, the circumstances specified in Column 2 are taken to be included in that Column only where the council notifies the contractor of the defect after the date of issue by the contractor of a certificate to the effect that the work has been carried out as required by the Act and the *Environmental Planning and Assessment Act 1979*.
- (2) A licensed contractor so notified must bear the cost of rectifying the defect.
- (3) A circumstance in which the defective work is the subject of an order made by the Fair Trading Tribunal under the *Home Building Act 1989* constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which order No 5 (h) can be made.
- (4) An order given by a council in respect of any such defective work ceases to have effect if an order referred to in subclause (3) is made in respect of the defective work.

15 Flow of surface water across land

- (1) Without limiting order No 12, the repair of defective or insufficient roofing, guttering, downpiping or drainage is taken to be included in Column 1 of the Table to section 124 of the Act as an act that may be required by that order.
- (2) Without limiting order No 12, the circumstance in which the surface water is turbid or otherwise polluted and is flowing across the land boundary constitutes a circumstance that is taken to be included in the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which order No 12 may be made.

Part 3 Orders requiring that premises be used or not used in specified ways

16 Septic tank or closet

Without limiting order No 15, a circumstance in which a septic tank or a septic closet is being constructed, or used, on premises after the date specified (in order No 24 served on the owner or occupier of the premises) as the date by which the premises were required to be connected with a sewerage system constitutes a circumstance that is taken to be included in the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which order No 15 may be made.

17 Keeping of birds or animals

Without limiting order No 18, failure to comply with relevant standards or requirements set or made by or under the Act constitutes a circumstance that is taken to be included in the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which order No 18 may be made.

18 Relevant standards for keeping of birds or animals

For the purposes of order No 18, the standards for the keeping of birds or animals set out in Schedule 5 are relevant standards referred to in Column 2 of the Table to section 124 of the Act.

Note. An order can be made requiring compliance with these standards if they are not being complied with.

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Clause 19 Local Government (Orders) Regulation 1999

Part 4 Orders requiring the preservation of healthy conditions

Part 4 Orders requiring the preservation of healthy conditions

19 Water carting vehicles

Without limiting order No 20, the following circumstances are taken to be included in the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which that order may be made:

- (a) a vessel used on a vehicle to cart water does not have an aperture that is large enough to enable easy inspection of the interior or thorough cleaning of the interior,
- (b) the cover of any such aperture is not of a kind that is able to be kept thoroughly clean.

20 Disposal of waste

For the purposes of order No 22, and without limiting that order, failure to comply with the standards for the disposal of waste set out in Schedule 6 is taken to be a circumstance in which waste is not being dealt with satisfactorily.

21 Connection of premises to council's water supply

Without limiting order No 23 in the Table to section 124 of the Act, the following acts are taken to be included in Column 1 of that Table as acts that may be required by that order:

- (a) the construction of all necessary pipes, and the installation of all necessary fixtures and fittings,
- (b) the construction or installation of a separate service pipe to the premises, or to each of the premises concerned.

22 Connection of premises to a sewerage system

(1) Without limiting order No 24 in the Table to section 124 of the Act, the following acts are taken to be included in Column 1 of that Table as acts that may be required by that order:

- (a) the construction of all necessary pipes, and the installation of all necessary fixtures and fittings,
- (b) the construction or installation of a separate service pipe to the premises, or to each of the premises concerned.

- (2) The circumstances specified in Column 2 of the Table to section 124 of the Act in relation to order No 24 of the Table are taken to include the following:

The sewerage system of a public authority or a State owned corporation is available and the premises can be connected to the system by gravity, pumping or other means considered by the council to be suitable. This applies to all areas in which a public authority or a State owned corporation maintains a sewerage system.

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Clause 23 Local Government (Orders) Regulation 1999

Part 5 Miscellaneous

Part 5 Miscellaneous

23 Copies of certain orders to be provided to the EPA

- (1) If a council gives order No 11, 12, 18, 21, 22 or 25 in respect of land or premises and the land or the land on which the premises are situated is the subject of a contaminated land action, the council must provide the EPA with a copy of the order and of any modification or revocation of it.
- (2) Failure to provide the EPA with a copy does not invalidate an order, modification or revocation.
- (3) In this clause:

contaminated land action means a current action under the *Contaminated Land Management Act 1997* comprising:

- (a) a declaration or order made under Part 3 of that Act in respect of which the EPA has notified the council under section 59 of that Act, or
- (b) a voluntary proposal in respect of which the EPA has notified the council under section 59 of that Act, but which has not yet been fully carried out, or
- (c) a notice to maintain remediation action issued by the EPA under section 28 of that Act, or
- (d) a covenant to maintain remediation imposed by the EPA under section 29 of that Act.

EPA means the Environment Protection Authority constituted by the *Protection of the Environment Administration Act 1991*.

Note. Section 7 (2) of the *Protection of the Environment Operations Act 1997* provides that that Act prevails over any other Act or statutory rule to the extent of any inconsistency and that a regulation under that Act prevails over any other statutory rule to the extent of any inconsistency.

Section 109 of the *Contaminated Land Management Act 1997* provides that the exercise of functions under other Acts must not be inconsistent with the functions of the EPA or other public authority under that Act.

24 Standards for water supply, sewerage or stormwater drainage work

An order under section 124 of the Act requiring water supply, sewerage or stormwater drainage work to be carried out is not complied with unless the work is carried out in accordance with any applicable standards or requirements set out or referred to in the *Local Government (Approvals) Regulation 1999* or the order.

25 Information to be included in orders

As well as the matters required by sections 136, 137 and 138 of the Act, the following information is to be included in an order given by a council:

- (a) any relevant provision of the Act, local orders policy or regulations made under the Act that is not being or has not been complied with,
- (b) that it is an offence not to comply with an order and the maximum penalty for the offence,
- (c) that, if the order is not complied with, the council may give effect to the order and recover the costs of doing so from the person concerned.

26 Public notice of local orders policy

The public notice required to be given by the council under section 160 (1) of the Act must:

- (a) be published in at least one local newspaper circulating at least once weekly in the area, and
- (b) be so published on at least 2 separate occasions, the first occasion being not more than 7 days before the commencement of the public exhibition of the draft local policy and the second occasion being at least 7 days but not more than 14 days before the conclusion of the period during which submissions may be made to the council in relation to the policy.

27 Repeal

- (1) The *Local Government (Orders) Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Local Government (Orders) Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Standards for places of shared accommodation

Schedule 1 Standards for places of shared accommodation

(Clause 9)

1 Maximum number of boarders and lodgers

- (1) The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by the council to be accommodated in each bedroom or dormitory and in the whole premises.
- (2) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with clause 83 of the *Public Health Regulation 1991* for each person.

2 Notices

- (1) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
- (2) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
- (3) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

3 Light and ventilation

- (1) Adequate light and ventilation must be maintained in the premises.
- (2) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.

4 Kitchen facilities

- (1) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
- (2) The floor of any kitchen must have an approved impervious surface.

5 General cleanliness

- (1) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
- (2) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.

6 Furniture and fittings

Appropriate furniture and fittings must be provided and maintained in good repair.

7 Long term residences

If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

Schedule 2 Standards for hairdressers shops

(Clause 10)

1 Structural requirements

- (1) The premises must be structurally suitable for the carrying out of hairdressing.
- (2) Without limiting the generality of subclause (1), premises are structurally unsuitable for the carrying out of hairdressing if any wash basin is situated against any wall and that wall (from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin) is not constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

2 Hygiene

- (1) The premises must be clean and in good repair.
- (2) The premises must be provided with facilities that are adequate for the purpose of keeping hairdressing appliances and utensils clean.

3 Hairdressing facilities

- (1) The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the carrying out of hairdressing.
- (2) The premises must be provided with facilities that are adequate for the purpose of storing hairdressing appliances and utensils in a hygienic manner.
- (3) The premises must be provided with floor coverings, shelves, fittings and furniture that are suitable for the carrying out of hairdressing.
- (4) Without limiting the generality of subclauses (1) and (3):
 - (a) premises are not provided with washing facilities that are adequate for the carrying out of hairdressing unless those facilities include wash basins fitted with common spouts for the supply of hot and cold running water, and
 - (b) shelves, fittings and furniture are unsuitable for the carrying out of hairdressing unless they are constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

Schedule 3 Standards for beauty salons

(Clause 11)

1 Structural requirements

- (1) The premises must be structurally suitable for the provision of beauty treatment.
- (2) Without limiting the generality of subclause (1), premises are structurally unsuitable for the provision of beauty treatment if any wash basin is situated against any wall and that wall (from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin) is not constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

2 Hygiene

- (1) The premises must be clean and in good repair.
- (2) The premises must be provided with facilities that are adequate for the purpose of keeping beauty treatment appliances and utensils clean.

3 Beauty facilities

- (1) The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the provision of beauty treatment.
- (2) The premises must be provided with facilities that are adequate for the purpose of storing beauty treatment appliances and utensils in a hygienic manner.
- (3) The premises must be provided with floor coverings, shelves, fittings and furniture that are suitable for the provision of beauty treatment.

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Schedule 3 Standards for beauty salons

- (4) Without limiting the generality of subclauses (1) and (3):
- (a) premises are not provided with washing facilities that are adequate for the provision of beauty treatment unless those facilities include wash basins fitted with common spouts for the supply of hot and cold running water, and
 - (b) shelves, fittings and furniture are unsuitable for the provision of beauty treatment unless they are constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

Schedule 4 Standards for mortuaries

(Clause 12)

1 Water supply and sewerage

- (1) The mortuary must be connected to a permanent water supply in compliance with the requirements of the local water supply authority.
- (2) A backflow prevention device complying with the requirements of the *Local Government (Water Services) Regulation 1999* and specified by the local water supply authority must be provided between the water supply and all equipment, appliances, fittings and areas in the mortuary.
- (3) The mortuary must be connected to a water carriage sewerage system approved by the local water supply authority.

2 Closet and ablution facilities

- (1) The mortuary must be provided with:
 - (a) separate water closets for the persons of each sex at the rate of 1 water closet for every 20 persons or part of 20 persons of each sex working in or about the mortuary at any one time, and
 - (b) shower facilities approved by the council, with an adequate supply of hot and cold water, for use by persons working in or about the mortuary, and
 - (c) a hand wash basin, with an adequate supply of hot and cold water, adjacent to each water closet in the mortuary.
- (2) Water closet and shower facilities must be provided with an air lock approved by the council between those facilities and any other part of the premises.

3 Construction

- (1) The mortuary must be physically separated from all public areas of the building in which it is situated but may be integral with the construction of the remainder of the building.
- (2) A body preparation room, capable of being sealed off from the remainder of the premises, must be provided in the mortuary.

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Schedule 4 Standards for mortuaries

- (3) The body preparation room must have:
- (a) a floor area of not less than 9.3 square metres, and
 - (b) a ceiling height of not less than 2.4 metres measured above the finished floor level, and
 - (c) the floor constructed of impervious material with a smooth unbroken surface and uniformly graded to discharge liquids to a floor drain, and
 - (d) a floor drain discharging through a removable screen so as to prevent the discharge of any solid material to the sewerage system, and
 - (e) all walls and partitions constructed of impervious materials with a smooth unbroken finish capable of being readily cleansed, and
 - (f) all joints between the floor, walls, partitions, ceiling, ventilation grilles, fittings, pipework, windows and light fittings sealed with impervious material so as to facilitate cleansing, and
 - (g) all joints between the floor and walls or partitions provided with coving of not less than 75 millimetres radius so as to facilitate cleansing, and
 - (h) all external windows fitted with flyproof screens, and
 - (i) all external doors fitted with self-closing fly screen doors or other suitable apparatus to prevent the entry of flies.
- (4) In any mortuary constructed after 1 July 1993, all walls and partitions of the body preparation room must be of brick or masonry construction finished in compliance with subclause (3) (e).

Note. The following standards also apply under other legislation:

Body preparation room—clause 20 of the *Public Health Regulation 1991*.

Waste disposal—clause 21 of the *Public Health Regulation 1991*.

Vehicles—clause 22 of the *Public Health Regulation 1991*.

Schedule 5 Standards for keeping birds or animals

(Clause 18)

Division 1 Keeping of swine

1 Swine not to pollute

- (1) Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used):
 - (a) by a person for drinking or domestic purposes, or
 - (b) in a dairy.
- (2) Swine's dung must not be deposited in such a place or manner as to pollute any water referred to in subclause (1).

2 Swine not to be kept near certain premises

- (1) Without limiting clause 1, swine must not be kept (and swine's dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.
- (2) A greater distance determined under this clause applies to a person only if the council has served an order under section 124 of the Act to that effect on the person.

Division 2 Keeping of poultry

3 Poultry not to be nuisance or health risk

- (1) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- (2) Poultry yards must at all times be kept clean and free from offensive odours.

4 Poultry not to be kept near certain premises

- (1) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (2) Poultry (other than fowls referred to in subclause (1)) must not be kept within 30 metres of any building referred to in subclause (1).
- (3) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:
 - (a) that are not within 15.2 metres of a dwelling, public hall or school, or
 - (b) that are situated on clean sand.
- (4) Poultry yards must be so enclosed as to prevent the escape of poultry.
- (5) The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.

Division 3 Keeping of horses and cattle

5 Horses and cattle not to be kept near certain premises

- (1) Horses and cattle must not be kept within 9 metres (or such greater distance as the council may determine in a particular case) of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
- (2) The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
- (3) Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.
- (4) The standards in this clause apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.

Schedule 6 Standards for disposal of certain waste

(Clause 20)

1 Disposal of human waste

- (1) Human waste brought to a depot is to be disposed of by emptying the contents of the human waste pans directly into a trench and by covering the human waste with at least 250 mm of earth.
- (2) Human waste is not to be left exposed in the trench, and the trench is not to be used again for the disposal of human waste until the contents of the trench have become assimilated with the soil.
- (3) A trench:
 - (a) must be of adequate length, and
 - (b) must be not more than 600 mm wide, and
 - (c) must be not more than 600 mm or less than 250 mm deep (or of a depth approved by the Director-General of the Department of Health).
- (4) If the Director-General of the Department of Health has given (and not withdrawn) written approval of a method of disposal of human waste different from the method specified in subclause (1), that method may be used.
- (5) Except as otherwise provided in this Schedule, human waste is not to be spilt, emptied or deposited elsewhere than at a depot.

2 Emptying of cesspits and chemical closets

- (1) Cesspits and chemical closets are to be emptied at least once every 6 months.
- (2) However, if the council considers it necessary for cesspits and chemical closets to be emptied more often, they are to be emptied as often as the council requires.
- (3) The contents of cesspits are to be removed to a depot in a watertight covered vehicle or in airtight covered pans.
- (4) The vehicle or pans are to be emptied at the depot and must be thoroughly cleansed before they are used again.
- (5) Cesspits are not to be emptied between 5 am and 10 pm.

3 Accumulation of sludge

- (1) The receptacle of a septic closet is to be emptied and cleansed when the sludge accumulates to a height of 100 mm below the bottom inlet opening of the square junction outlet pipe.
- (2) However, if the council considers it necessary for receptacles to be emptied and cleansed more often, they are to be emptied and cleansed as often as the council requires.

4 Removal and cleaning of pans

- (1) The pan of every closet and urinal (with its contents) is to be removed and replaced with a cleansed, empty pan at least once every 7 days.
- (2) However, if the council considers it necessary for pans to be removed and replaced more often, they are to be removed and replaced as often as the council requires.
- (3) On removal, the pan is to be covered with an airtight lid, taken in a closed vehicle (or other vehicle approved by the Director-General of the Department of Health) to a depot and emptied.
- (4) Before it is removed from the depot or supplied for use on any premises, the pan is to be thoroughly washed and cleansed with hot water and subjected to steam under pressure in an apparatus approved by the Director-General of the Department of Health.
- (5) Alternatively, the pan is to be thoroughly washed and cleansed with hot water in an automatic washing and tarring machine in which the pan is immersed in a bath of molten tar at a minimum temperature of 127°C for at least 2½ minutes.
- (6) If airtight pans of a pattern or description that has been approved by the Director-General of the Department of Health are used, the council may authorise the removal of human waste to be carried out at any hour of the day, but otherwise removal is not to take place between 5 am and 10 pm.
- (7) This clause does not apply where the sanction of the Director-General of the Department of Health and the consent of the council have been given to the removal of human waste by the occupier of the premises on which it is stored.

5 Removal and cleaning of pans by owner or occupier

- (1) An owner or occupier is to empty and cleanse:
 - (a) the pan of every closet on his or her premises at least once every 7 days, and
 - (b) the receptacle of a chemical closet when directed to do so by the council, and
 - (c) the receptacle of a septic closet when the sludge accumulates to a height of 100 mm below the bottom inlet opening of the square junction outlet pipe (or more often, if the council so requires).
- (2) The owner or occupier is to dispose of the human waste as provided by clause 1.

6 Vehicle, utensils and apparatus to be kept clean

- (1) Vehicles used for conveying pans, and receptacles, utensils and apparatus used in the collection or disposal of human waste, are to be thoroughly washed on arrival at a depot after the day's use and are to be maintained in a clean condition.
- (2) The steaming and washing appliances are to be properly set up in a suitable structure with a weatherproof roof and enclosed on at least 2 sides. The structure is to be kept clean.
- (3) The structure is to have a cement concrete floor rendered to a smooth surface and evenly graded to a drain.
- (4) Drainage from washing and steaming appliances is to be disposed of in shallow trenches of the kind used for the disposal of human waste.

BY AUTHORITY
