

1993—No. 266

**LOCAL GOVERNMENT ACT 1993—REGULATION**

(Local Government (Orders) Regulation 1993)

NEW SOUTH WALES



*[Published in Gazette No. 73 of 1 July 1993]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,  
Minister for Local Government and Co-operatives.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Local Government (Orders) Regulation 1993.

**Commencement**

2. This Regulation commences on 1 July 1993.

**Definitions**

3. (1) In this Regulation:

**Building Code of Australia** means the document entitled “Building Code of Australia” published by the Australian Uniform Building Regulations Co-ordinating Council, and incorporating the New South Wales variations set out in the relevant appendix to that Code, as in force on 1 July 1993;

**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.

**Notes in the text**

4. Notes in the text of this Regulation are explanatory notes and do not form part of this Regulation. They are provided to assist understanding.

**To what areas and councils does this Regulation apply?**

5. (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.

**PART 2—ORDERS REQUIRING OR PROHIBITING THE DOING OF THINGS TO OR ON PREMISES****Fire safety orders**

6. (1) Without limiting order No. 4, the following acts are taken to be included in Column 1 of the Table to section 124 as acts which may be required by that order (except in relation to a building classified under the Building Code of Australia as a class 1(a) or class 10 building):

1. The submission to the council of a schedule specifying:
  - (a) the essential services that are currently installed in the building to which the order relates; and
  - (b) the additional essential services that are required, and are to be installed, in the building so as to ensure adequate fire safety,

being a schedule that describes the extent, capability and basis of design of each such service.

2. The furnishing to the council of a certificate (in a form satisfactory to the council) with respect to each essential service installed in the building to which the order relates, stating:
  - (a) that the service has been inspected by a person who is competent to carry out such an inspection; and
  - (b) that the service was or was not (as at the date on which it was inspected) found:
    - (i) in the case of a previously-existing service—to have been maintained, and to be capable of operating, at a standard not less than that to which it was originally designed and installed; and

- (ii) in the case of a new service—to have been designed and installed, and to be capable of operating, to a standard not less than that specified by the council in its order.
3. The furnishing to the council at least once in every 12 months of a certificate (in a form satisfactory to the council) with respect to the building to which the order relates, stating:
- (a) in respect of each essential service installed in the building:
    - (i) that the service has been inspected by a person who is competent to carry out such an inspection; and
    - (ii) that the service was or was not (as at the date on which it was inspected) found to have been maintained, and to be capable of operating, at a standard not less than that to which it was originally designed and installed; and
  - (b) in relation to each path of travel in the building:
    - (i) that the path of travel has been inspected by a person who is competent to carry out such an inspection; and
    - (ii) that the path of travel was or was not (as at the date on which it was inspected) found to be clear of anything that may impede the free passage of persons; and
  - (c) in relation to each self-closing fire door in the building:
    - (i) that the fire door has been inspected by a person who is competent to carry out such an inspection; and
    - (ii) that the fire door was or was not (as at the date on which it was inspected) found to be capable of being operated in accordance with the requirements of the regulations; and
  - (d) in relation to each notice required by section 654 of the Act to be displayed in the building:
    - (i) that the building has been inspected by a person who is competent to carry out such an inspection; and
    - (ii) that each such notice was or was not (as at the date on which the building was inspected) found to be displayed in accordance with that section.

4. In relation to any certificate required by the order:
- (a) the furnishing of a copy of the certificate to the Director-General of New South Wales Fire Brigades; and
  - (b) the keeping of a copy of the certificate at the building for inspection by any person authorised by or under the Act to inspect that copy.

(2) In this clause:

**essential service**, in relation to a building, means:

- (a) any of the following items of equipment or forms of construction that are capable of being installed in the building:
  - access panels
  - automatic sprinkler systems
  - emergency lifts
  - emergency lighting
  - emergency warning and intercommunication systems
  - exit signs
  - external wall-wetting sprinklers
  - fire and smoke alarms
  - fire dampers
  - fire doors
  - fire hydrants
  - fire mains and water supply services
  - fire shutters
  - fire windows
  - hose reels
  - lightweight construction
  - mechanical ventilation systems
  - portable fire extinguishers
  - pressurising systems
  - required exit doors (automatic)
  - self-closing fire hoppers
  - smoke and heat vents
  - smoke control systems
  - smoke dampers
  - smoke doors
  - solid-core doors
  - stand-by power systems; and

- (b) other items of equipment or forms of construction that are required or permitted by the council to be installed in the building pursuant to clause 22 of the Local Government (Approvals) Regulation 1993.

(3) For the purposes of section 202 (1) (b) of the Act, such of the provisions of Part 2 of Chapter 7 of the Act as relate to the carrying out of, or compliance with, an order given by an authorised fire officer under section 150 of the Act are prescribed.

#### **Relevant standards for camping grounds and caravan parks**

7. 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 (Approvals) Regulation 1993 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.

#### **Relevant standards for manufactured home estates**

8. 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 (Approvals) Regulation 1993 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.

#### **Relevant standards for moveable dwellings**

9. For the purposes of order No. 5 (b) in its operation as to moveable dwellings, any applicable standards referred to in the Local Government (Approvals) Regulation 1993 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.

#### **Relevant standards for places of shared accommodation**

10. 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.

### **Relevant standards for hairdressers shops**

**11.** 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.

### **Relevant standards for beauty salons**

**12.** 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.

### **Relevant standards for mortuaries**

**13.** 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.

### **Flow of surface water across land**

**14. (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 as an act which may be required by that order.

**(2)** A circumstance in which the flow of surface water across land is capable of being regulated by the Environmental Protection Authority constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 as circumstances in which order No. 12 may be made.

## **PART 3—ORDERS REQUIRING THAT PREMISES BE USED OR NOT USED IN SPECIFIED WAYS**

### **Septic tank or closet**

**15.** 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 as circumstances in which order No. 15 may be made.

### **Keeping of animals or birds**

**16. (1)** Without limiting order No. 18, the following circumstances are taken to be included in the circumstances specified in Column 2 of the Table to section 124 as circumstances in which that order may be made:

1. Failure to comply with relevant standards or requirements set or made by or under this Act.
2. A petition from at least 3 persons living in separate households in a neighbourhood requests the council to order that swine be kept at a greater distance than is permitted by the relevant standards from a dwelling, shop, office, factory, church, workshop, school or public place in the neighbourhood, and the premises on which the swine are kept reasonably permits of their being kept at that greater distance.

**(2)** A circumstance in which the keeping of birds or animals on premises is capable of being regulated by the Environmental Protection Authority constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 as circumstances in which order No. 18 may be made.

### **Relevant standards for keeping of birds or animals**

**17.** 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.

## **PART 4—ORDERS REQUIRING THE PRESERVATION OF HEALTHY CONDITIONS**

### **Water carting vehicles**

**18.** 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 as circumstances in which that order may be made:

1. 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.
2. The cover of any such aperture is not of a kind that is able to be kept thoroughly clean.

### **Unsafe or unhealthy land or premises**

**19.** A circumstance in which the condition of land or premises in respect of health or safety is capable of being regulated by the Environmental Protection Authority constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 as circumstances in which order No. 21 may be made.

### **Disposal of waste**

**20.** 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.

### **Human waste storage facilities**

**21.** A circumstance in which the use of human waste storage facilities is capable of being regulated by the Environmental Protection Authority constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 as circumstances in which order No. 25 can be made.

## **PART 5—MISCELLANEOUS**

### **Information to be included in orders**

**22.** 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.

### **Public notice of local orders policy**

**23.** 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 two separate occasions, the first occasion being not more than 7 days prior to 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.
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## **SCHEDULE 1—STANDARDS FOR PLACES OF SHARED ACCOMMODATION**

(Cl. 10)

### **Maximum number of boarders and lodgers**

1. (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 of 5.5 square metres for each person.

### **Notices**

2. (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.

### **Light and ventilation**

3. (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.

### **Kitchen facilities**

4. (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.

### **General cleanliness**

5. (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.

### **Furniture and fittings**

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

### **Long term residences**

7. 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.

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**SCHEDULE 2—STANDARDS FOR HAIRDRESSERS SHOPS**

(Cl. 11)

**Structural requirements**

1. (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.

**Hygiene**

2. (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.

**Hairdressing facilities**

3. (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.

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**SCHEDULE 3—STANDARDS FOR BEAUTY SALONS**

(Cl. 12)

**Structural requirements**

1. (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.

**Hygiene**

2. (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.

**Beauty facilities**

3. (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.

(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**

(Cl. 13)

**Water supply and sewerage**

1. (1) The mortuary must be connected to a permanent water supply in compliance with the requirements of the local water supply authority.

(2) A physical discontinuity in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation 1993 approved 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.

**Closet and ablution facilities**

2. (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.

**Construction**

3. (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.

(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 the commencement of this Regulation, 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**

(Cl. 17)

### **Division 1—Keeping of swine**

#### **Swine not to pollute**

1. (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).

**Swine not to be kept near certain premises**

2. Without limiting clause 1, swine must not be kept (and swine's dung must not be deposited) within 60 metres 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.

**Division 2—Keeping of poultry****Poultry not to be nuisance or health risk**

3. (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 time be kept clean and free from offensive odours.

**Poultry not to be kept near certain premises**

4. (1) A person is bound by this clause in respect of land which the person occupies or is in charge of only if the council has served a notice on the person stating that this clause (or any one or more subclauses of this clause) applies to the land concerned.

(2) Fowls (including guinea fowls) must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

(3) Poultry other than fowls must not be kept within 30 metres of any building referred to in subclause (2).

(4) 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.

(5) Poultry yards must be so enclosed as to prevent the escape of poultry.

**Variation of requirements**

5. (1) A council may decide (at a meeting of the council) that a distance greater than the 4.5 metres specified in clause 4 (2) is advisable in the special circumstances of a particular case, and may determine the appropriate distance.

(2) If the council makes such a decision, the distance determined by the council is, on written notification of that determination's being given to the occupier or person in charge of the land concerned, taken to be the distance specified in clause 4 (2) in relation to that land.

### **Division 3—Keeping of horses and cattle**

#### **Horses and cattle not to be kept near certain premises**

6. (1) A person is bound by this clause in respect of land which the person occupies or is in charge of only if the council has served a notice on the person stating that this clause (or any one or more subclauses of this clause) applies to the land concerned.

(2) Horses and cattle must not be kept within 9 metres 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.

(3) The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.

(4) Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

#### **Variation of requirements**

7. (1) A council may decide (at a meeting of the council) that a distance greater than the 9 metres specified in clause 6 (2) is advisable in the special circumstances of a particular case, and may determine the appropriate distance.

(2) If the council makes such a decision, the distance determined by the council is, on written notification of that determination's being given to the occupier or person in charge of the land concerned, taken to be the distance specified in clause 6 (2) in relation to that land.

### **SCHEDULE 6—STANDARDS FOR DISPOSAL OF CERTAIN WASTE**

(Cl. 20)

#### **Disposal of human waste**

1. (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.

#### **Emptying of cesspits etc.**

2. (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 a.m. and 10 p.m.

#### **Accumulation of sludge**

3. (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.

**Removal and cleaning of pans**

4. (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 which 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 a.m. and 10 p.m.

(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.

**Removal and cleaning of pans by owner or occupier**

5. (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 2.

**Vehicle, utensils, apparatus etc. to be kept clean**

6. (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.

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7. Relevant standards for camping grounds and caravan parks
8. Relevant standards for manufactured home estates
9. Relevant standards for moveable dwellings
10. Relevant standards for places of shared accommodation
11. Relevant standards for hairdressers shops
12. Relevant standards for beauty salons
13. Relevant standards for mortuaries
14. Flow of surface water across land

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**PART 3—ORDERS REQUIRING THAT PREMISES BE USED OR NOT USED IN SPECIFIED WAYS**

15. Septic tank or closet
16. Keeping of animals or birds
17. Relevant standards for keeping of animals or birds

**PART 4—ORDERS REQUIRING THE PRESERVATION OF HEALTHY CONDITIONS**

18. Water carting vehicles
19. Unsafe or unhealthy land or premises
20. Disposal of waste
21. Human waste storage facilities

**PART 5—MISCELLANEOUS**

22. Information to be included in orders
23. Public notice of local orders policy

**SCHEDULE 1—STANDARDS FOR PLACES OF SHARED ACCOMMODATION****SCHEDULE 2—STANDARDS FOR HAIRDRESSERS SHOPS****SCHEDULE 3—STANDARDS FOR BEAUTY SALONS****SCHEDULE 4—STANDARDS FOR MORTUARIES****SCHEDULE 5—STANDARDS FOR KEEPING BIRDS OR ANIMALS****SCHEDULE 6—STANDARDS FOR DISPOSAL OF CERTAIN WASTE**

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**EXPLANATORY NOTE**

Section 124 of the Local Government Act 1993 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 allows the regulations to prescribe acts or circumstances that are taken to be included in or excluded from any of the acts or circumstances specified in Column 1 or 2. One of the grounds for the giving of certain 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 object of this Regulation is to prescribe matters necessary or convenient for the operation of the Act in relation to the giving of orders by councils. For example, the Regulation does the following:

- prescribes both acts and circumstances to be taken to be included in the Table to section 124 of the Act

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- prescribes relevant standards for camping grounds and caravan parks, moveable dwellings, places of shared accommodation, hairdressers shops, beauty salons, mortuaries and the keeping of animals or birds
- requires orders to contain information additional to that required by the Act
- prescribes the way in which public notice of a council's draft local orders policy is to be given.

The Regulation is made under sections 127 and 748 of the Act.

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