

Submission No:	Organisation	Objection / Support / Comment	Comments	Officer's Comment
1	N/A	Comment	1. Requested that the definition for “nuisance” should include only “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” and should exclude sub paragraphs (b) and (c).	<p>Noted.</p> <p>A reference only to nuisance at law would not adequately protect residents in the context of the local law as this may require damage to property, injury to health or a significant impact to quality of life.</p> <p>A broader definition is required.</p>
2	N/A	Comment	1. Requested that Clause 2.6 (4) in relation to the provision of one unisex toilet for the disabled be increased for outdoor events.	<p>Noted.</p> <p>Clause 2.6 adopts guidance documentation provided by the Department of Health, as the relevant <i>Health (Public Building) Regulations 1992</i> do not adequately address sanitary provisions for large events.</p> <p>2.6(4) acknowledges that there is an obligation on an event organiser to provide disabled toilet facilities. It is not possible to specify a number of toilets as this would depend upon the maximum occupancy and the layout of the event, such as the number and location of toilet stations. An event organiser has an obligation to comply with the <i>Disability Discrimination Act 1992</i> which is the appropriate legislation to determine the number and location of disabled toilet facilities.</p>

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				<p>Clause 2.6(4) is in addition to the Department of Health guidelines and acknowledges that a requirement for disabled toilets exists.</p>
3	N/A	Comment	<p>1. Requested that outdoor festivals with <30,000 should have additional Female WC facilities than what is stated.</p>	<p>Noted.</p> <p>Clause 2.6 adopts guidance documentation provided by the Department of Health, as the relevant <i>Health (Public Building) Regulations 1992</i> do not adequately address sanitary provisions for large events.</p> <p>The Department of Health guidance information considers maximum occupancy, duration of events and the nature of events, and has proven effective.</p> <p>As part of the implementation of the <i>Public Health Act 2016</i>, the State Government are preparing drafting instructions for new event regulations. It is anticipated that new regulations will include requirements for sanitary facilities at events and provide a consistent approach across WA.</p>

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		Comment	2. Requested that Clause 2.6 (4) in relation to the provision of one unisex toilet for the disabled be increased for outdoor events.	<p>Noted.</p> <p>2.6(4) acknowledges that there is an obligation on an event organiser to provide disabled toilet facilities. It is not possible to specify a number of toilets as this would depend upon the maximum occupancy and the layout of the event, such as the number and location of toilet stations. An event organiser has an obligation to comply with the <i>Disability Discrimination Act 1992</i> which is the appropriate legislation to determine the number and location of disabled toilet facilities.</p> <p>Clause 2.6(4) is in addition to the Department of Health guidelines and acknowledges that a requirement for disabled toilets exists.</p>
		Comment	3. Requested that further restrictions on feeding of birds be applied to Clause 3.10.	<p>Noted.</p> <p>The City has limited legislative authority to impose restrictions directly related to the feeding of birds. The Department of Biodiversity, Conservation and Attractions are the relevant authority and administer legislation that prevent the feeding of wildlife.</p>

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		Comment	3. Requested that Clause 2.6 (4) in relation to the provision of one unisex toilet for disabled be increased for outdoor events.	<p>Noted.</p> <p>2.6(4) acknowledges that there is an obligation on an event organiser to provide disabled toilet facilities. It is not possible to specify a number of toilets as this would depend upon the maximum occupancy and the layout of the event, such as the number and location of toilet stations. An event organiser has an obligation to comply with the <i>Disability Discrimination Act 1992</i> which is the appropriate legislation to determine the number and location of disabled toilet facilities.</p> <p>Clause 2.6(4) is in addition to the Department of Health guidelines and acknowledges that a requirement for disabled toilets exists.</p>
		Comment	4. Requested that Clause 2.6 (5) in relation to pumping out of toilets, a frequency should be prescribed.	<p>Noted.</p> <p>Prescribing an arbitrary requirement to pump out temporary toilets would place an unfair burden on event organisers.</p> <p>The City has hosted a significant number of events including large music festivals and there has been no issue identified that would justify mandating the pump out of toilets</p>

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		Comment	5. Requested that Clause 2.6 (6) in relation to cleaning of toilets, a frequency should be prescribed.	<p>during an event which would be a significant, and potentially unnecessary, cost.</p> <p>Should the City believe that the pumping out of temporary toilets during an event is necessary, this can be imposed in the conditions of approval for the event.</p> <p>Noted.</p> <p>Prescribing an arbitrary requirement to clean toilets would place an unfair burden on event organisers.</p> <p>The nature of an event, such as the presence of alcohol or demographic of patrons, would have a significant influence on the requirement to clean a toilet facility.</p> <p>The event approval process allows the City to impose conditions relating to the frequency of cleaning toilets.</p>
		Comment	6. Requested that the penalties specified in clause 9.1 (2) should apply separately to the numbers of each facility and hand wash basin	<p>Noted.</p> <p>The local law identifies that an offence occurs where a provision has been contravened. The significance of a breach is considered by</p>

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			that are less than the requirements of Table 1 in clause 2.6.	the Magistrates Court of WA in determining the amount of penalty if found guilty.
5	N/A	Comment	1. Requested removal of Clause 3.9, relating to Escape of smoke, fumes odours and other emissions as it provides nuisance complainants legislative basis to complain about a neighbour's woodfire.	<p>Noted.</p> <p>Exiting provisions within the <i>Health (Miscellaneous Provisions) Act 1911</i> are inadequate, particularly as they relate only to smoke from a chimney.</p> <p>Although it is anticipated that the <i>Public Health Act 2016</i> will address this issue once implemented, a gap currently exists in managing genuine issues of nuisance related to smoke and odours. While the City may receive vexatious complaints regardless of the legislation in place, clause 3.9 will allow genuine concerns to be addressed.</p>
6	Kallaroo Residents' Association	Comment	1. Requested that Clause 3.9, relating to Escape of smoke, fumes odours and other emissions should include additional provisions to include that the installation of woodfire devices require building approval, including condition where Chimney or flue to extend above roofline of neighbouring properties.	<p>Noted.</p> <p>The <i>Building Act 2011</i> contains provisions regarding the requirements for building permits. The City is unable to introduce a local law that is contrary to statutory requirements.</p> <p>The current laws in Western Australia relating to wood heater emissions include the <i>Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood</i></p>

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Submission No:	Organisation	Objection / Support / Comment	Comments	Officer's Comment
		Comment	2. Requested that a definition be included in Clause 3.9 in relation to what action can be taken by the City if a "nuisance" is caused.	<p><i>Supply) Regulations 1998</i>. This law outlines emission standards for wood heaters by referencing the appropriate <i>Australian and New Zealand standard AS/NZS4013:1999</i> and are administered by the Department of Water and Environmental Regulation.</p> <p>Unfortunately, the City does not have any control on the sale or installation of wood heaters and does not have any legislative authority to prevent the installation of a wood heater.</p> <p>Noted.</p> <p>The <i>Health (Miscellaneous Provisions) Act 1911</i> provide enforcement tools, such as the issuing of Notices. Court proceedings are initiated under the <i>Criminal Procedure Act 2004</i>.</p> <p>Administrative processes including graduated responses to investigating a complaint cannot be defined within a local law.</p>
7	N/A	Support	1. Supportive of the changes to the Local Law in relation to preventing neighbours causing nuisance smoke, fumes or smells which	Noted.

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		Comment	<p>adversely affect the health and enjoyment of their neighbours.</p> <p>2. Requested that garden bonfires be banned.</p>	<p>The City is limited in its ability to introduce a ban on garden bonfires. The City administers the <i>Bush Fires Act 1954</i> that include certain requirements such as the supervision of a fire pit and restrictions of operating a fire pit during a total fire ban.</p>
8	N/A	Objection	<p>1. Objection to the inclusion of Clause 3.9 in relation to provisions that regulate woodfires that cause smoke emissions.</p>	<p>Noted.</p> <p>The proposed definition of nuisance does not prevent the reasonable use of a woodfire.</p> <p>Clause 3.9 will allow genuine concerns to be addressed where there is frequent use of a firepit and excessive smoke is created.</p>
9	N/A	Objection	<p>1. Objection to the inclusion of Clause 3.9 in relation to provisions that regulate woodfires that cause smoke emissions:</p> <p>a) That the provision does not specify what are considered “all reasonable steps”, this wording should be removed,</p> <p>b) That the provision does not specify as to the frequency or duration of the nuisance that is or is not acceptable, this wording</p>	<p>Noted.</p> <p>The proposed definition of nuisance does not prevent the reasonable use of a woodfire or BBQ.</p> <p>The proposed definition of nuisance references common law which is used to define what is reasonable.</p>

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			<p>should include the duration of the nuisance and ability for a person to have ad hoc occurrences.</p> <p>c) The provision makes reference to “a nuisance to any person”, which is subjective and cannot be defended against, it is suggested that the wording be removed.</p> <p>d) The provision makes reference to the quantity and nature of the fumes or odours that cause a nuisance, this statement should be quantified.</p>	<p>It is not possible to arbitrarily define the duration or frequency on the use of a woodfire as there are many factors that may require consideration.</p> <p>Clause 3.9 does allow a defence that the use of a wood fire was reasonable.</p> <p>It is not possible to quantify the quantity or nature of fumes or odours as typically they could not be accurately measured.</p> <p>Clause 3.9 will allow genuine concerns to be addressed where there is frequent use of a woodfire and excessive smoke is created.</p>
10	N/A	Comment	<p>1. The principal local law has been updated on several occasions, and not relevant to today's life and should therefore be repealed and redrafted in its entirety or factored into other local laws.</p>	<p>Noted.</p> <p>The WA Department of Health are currently reviewing all Regulations made under the <i>Health (Miscellaneous Provisions) Act 1911</i>, which the <i>Health Local Law 1999</i> is required to based, as part of the implementation of the <i>Public Health Act 2016</i>.</p> <p>The new <i>Public Health Act 2016</i> is considered a modern approach to protecting public health. Once this Act takes effect, the <i>Health Local Law 1999</i> will be repealed.</p>

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Submission No:	Organisation	Objection / Support / Comment	Comments	Officer's Comment
		Comment	<p>2. In regard to clause 1.5, 3.9 and 9.1 making reference to “nuisance” a usable definition should be provided explaining what is considered a nuisance and rectifying measures should be stated.</p>	<p>It is not possible to arbitrarily define a nuisance as there are many factors that may require consideration, including whether the person impacted could reasonably expect to receive smoke, fumes, odours or other emissions and that any concerns are not vexatious.</p> <p>The proposed definition of nuisance references common law which is used to define what is reasonable.</p> <p>It is not possible to quantify the quantity or nature of fumes or odours as typically they could not be accurately measured.</p> <p>Listing measures required to be taken does not provide value, may not be able to be lawfully imposed and may limit potential mitigation strategies.</p>
		Comment	<p>3. Requested that Clause 3.9, relating to Escape of smoke, fumes odours and other emissions should include additional provisions to include that fixed wood burning fire devices require building approval.</p>	<p>Noted.</p> <p>The <i>Building Act 2011</i> contains provisions regarding the requirements for building permits. The City is unable to introduce a local law that is contrary to statutory requirements.</p>

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Submission No:	Organisation	Objection / Support / Comment	Comments	Officer's Comment
				<p>The current laws in Western Australia relating to wood heater emissions include the <i>Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998</i>. This law outlines emission standards for wood heaters by referencing the appropriate <i>Australian and New Zealand standard AS/NZS4013:1999</i> and are administered by the Department of Water and Environmental Regulation.</p> <p>Unfortunately, the City does not have any control on the sale or installation of wood heaters and does not have any legislative authority to prevent the installation of a wood heater.</p>
11	Department of Local Government, Sport and Cultural Industries	Comment	<p>1. The City's original local law was made in 1999 and has been amended several times. Members of the local community must currently consult multiple gazettes when trying to identify the definitive version of the local law. The next time the local law is due for review, the City may want to consider repealing the local law and replacing it with a single consolidated version.</p>	<p>Noted. The City currently publishes a consolidated Health Local Law that encompasses all amendments so that members of the public can view the most current local law in its entirety.</p> <p>The proposed 2021 amendments will be consolidated into the Principal local law and available on the City's website once published in the Government Gazette.</p>

(Extract from Government Gazette (No 162) of 27 August 1999)

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

HEALTH LOCAL LAW 1999

Under the powers of the Health Act 1911, the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July 1999.

ARRANGEMENT

PART 1 – PRELIMINARY	Clause 1.1 – 1.5
PART 2 – SANITATION	Clause 2.1 – 2.8
PART 3 - HOUSING AND GENERAL.....	Clause 3.1 – 3.5
PART 4 - EATING HOUSES.....	DELETED
PART 5 - REFUSE DISPOSAL	Clause 5.1 – 5.14
PART 6 - PEST CONTROL.....	Clause 6.1 – 6.9
PART 7 - LODGING HOUSES.....	Clause 7.1 – 7.24
PART 8 - OFFENSIVE TRADES	Clause 8.1 – 8.9
PART 9 - OFFENCES AND PENALTIES.....	Clause 9.1

PART 1 - PRELIMINARY

1.1 Short title

This local law may be referred to as the City of Joondalup Health Local Law 1999.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Content and intent

- (1) The purpose of this local law is to provide for the regulation, control and management of day to day health matters within the district.
- (2) The effect of this local law is to establish various health standards and requirements which people living and working within the district must observe.

1.4 Repeal

- (1) The Health Local Laws adopted by the Shire of Wanneroo and published in the Government Gazette on the 3 February 1933 and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Wanneroo on 12 August 1953 and published in the Government Gazette on the 16 October 1953 and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the Shire of Wanneroo on 10 October 1956 and published in the Government Gazette on the 25 January 1956 and amended from time to time, are repealed; and
- (4) The Health Local Laws adopted by the Shire of Wanneroo on 26th February 1970 and published in the Government Gazette on the 4 June 1970 and amended from time to time, are repealed.

1.5 Interpretation

- (1) In this local law, unless the context otherwise requires:

“Act” means the *Health (Miscellaneous Provisions) Act 1911*;

“adequate supply of water” means a flow of water of not less than 4.5 litres per minute;

“approved” means approved by an Environmental Health Officer of the local government;

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

“approved form” means a form approved by the local government;

“AS” means Australian Standard published by the Standards Association of Australia;

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

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

“dry floorwaste” means an untrapped floorwaste consisting of a 50 millimetre diameter drain complete with a hinged flap at its outlet;

“dwelling house” means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

“environmental health officer” means an environmental health officer appointed by the local government and includes an acting or assistant environmental health officer;

“floor waste” means the grated inlet within a graded floor intended to drain the floor;

“habitable room” means a room used for normal domestic activities, and:

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

“hot water” means water at a temperature in accordance with AS/NZS 3500.4.2

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10.07.00

“local government” means the City of Joondalup;

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GG No 136
10.07.00

“local planning scheme” means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

“nuisance” includes –

- (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 unreasonable interference with the use and enjoyment of a person in her or his ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

“toilet” means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

“vectors of disease” includes fleas, flies, bedbugs, cockroaches, lice, and any other insect prescribed by the local government;

“water” means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia - 1987 as published by the National Health and Medical Research Council;

“window” means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly into a building;

“zoned” means zoned under a local planning scheme.

- (2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be taken to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law, an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2 -SANITATION

2.1 Interpretation

~~In this Part, unless the context otherwise requires:-~~

~~“festival ” includes a fair, function or event;-~~

~~“organiser” means a person:~~

~~(a) to whom approval has been granted by the local government to conduct a festival; or~~

~~(b) responsible for the conduct of a festival;~~

~~“public toilet” means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not;~~

~~“temporary toilet” means a sanitary convenience, temporarily placed for use by:-~~

~~(a) patrons in conjunction with a festival;~~

~~(b) employees at construction sites or the like; or~~

~~(c) farmhands, stablehands or the like.~~

2.1 Interpretation

In this Part, unless the context otherwise requires:

“event” includes a fair, function or festival;

“organiser” means a person:

(a) to whom approval has been granted by the local government to conduct an event; or

(b) responsible for the conduct of an event;

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

“temporary toilet” means a sanitary convenience, temporarily placed for use by:

(a) patrons in conjunction with an event;

(b) employees at construction sites or the like; or

(c) farmhands, stablehands or the like.

2.2 Dwelling house

In accordance with section 99 of the Act, the owner of every dwelling house shall:

- (a) provide bathroom, laundry, kitchen and toilet facilities within the building and in accordance with the Building Code;
- (b) provide an adequate supply of hot and cold water to every kitchen, bathroom and laundry fixture within the dwelling; and
- (c) provide, properly installed in the kitchen, at least one sink, a minimum size of 380 millimetres long, 300 millimetres wide and 150 millimetres deep, with an impervious drainage area incorporated and draining into the sink.

2.3 Floor of wet areas

The owner of every premises shall ensure that the floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

2.4 Temporary toilets

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

2.5 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless:
 - (a) the premises have toilets and hand basins in accordance with the Building Code and this Part, including disabled facilities; and
 - (b) the toilets required by this clause are situated within 90 metres of the premises.
- (2) The occupier of a premises other than a dwelling house shall ensure that:
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with:
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.
- (3) In the case of a school with any room that accommodates children under 5 years of age, that particular room will be deemed to be an “early childhood centre” for the purposes of the Building Code.

2.6 ~~Outdoor Festivals~~ Events

- (1) The applicant for an outdoor ~~festivals~~ **events**:
 - (a) at which not more than 30,000 people are expected to attend;
 - (b) with an anticipated duration of more than 8 hours; and
 - (c) where alcohol may be consumed by the persons attending,must provide toilets in accordance with Table 1.

Table 1

Number of people attending	Male Facilities			Female Facilities	Hand Wash Basins	
	WC's	Urinal Metres	Urinals	WC's	Male	Female
Up to 1000	2	1.5	3	5	1	1
1000-2000	3	3	6	10	2	2
2000-3000	4	4.5	9	15	3	3
3000-4000	5	6	12	20	4	4
4000-5000	6	7.5	15	25	5	5
5000-6000	7	9	18	30	5	6
6000-7000	8	10.5	21	35	6	7
7000-8000	9	12	24	40	7	8
8000-9000	10	13.5	27	45	8	9
9000-10000	11	15	30	50	9	10
10000-11000	12	16.5	33	55	9	11
11000-12000	13	18	36	60	10	12
12000-13000	14	19.5	39	65	11	13
13000-14000	15	21	42	70	12	14
14000-15000	16	22.5	45	75	13	15
15000-16000	17	24	48	80	13	16
16000-17000	18	25.5	51	85	14	17
17000-18000	19	27	54	90	15	18
18000-19000	20	28.5	57	95	16	19
19000-20000	21	30	60	100	17	20
20000-21000	22	31.5	63	105	17	21
21000-22000	23	33	66	110	18	22
22000-23000	24	34.5	69	115	19	23
23000-24000	25	36	72	120	20	24
24000-25000	26	37.5	75	125	21	25
25000-26000	27	39	78	130	21	26
26000-27000	28	40.5	81	135	22	27
27000-28000	29	42	84	140	23	28
28000-29000	30	43.5	87	145	24	29
29000-30000	31	45	90	150	25	30

- (2) The applicant for an outdoor festival event at which not more than 30,000 people are expected to attend, but -
- (a) with an expected duration of less than 8 hours; or
 - (b) where alcohol will not be or is not permitted to be consumed by persons attending,

must provide toilets in accordance with Table 1, but with the requirements of that Table reduced in accordance with Table 2.

Table 2

Duration of event	Percentage of standards in Table 1 to be applied (%)	
	Alcohol permitted	No alcohol permitted
6-8 hours	80	40
4-6 hours	75	37.5
0-4 hours	70	35

- (3) The applicant for an outdoor festival event at which more than 30,000 people are expected to attend must provide sanitary conveniences of a number as directed by an environmental health officer.
- (4) In addition to the requirements listed in Tables 1 and 2, the applicant for an outdoor festival event must provide at least one unisex toilet for the disabled.
- (5) When portable or chemical toilets are used for an outdoor event with an expected duration of more than 4 hours -
- (a) they must be pumped out during the festival event, if required by an environmental health officer; and
 - (b) they must be located so that pump-out vehicles can access them.
- (6) The applicant for an outdoor festival event must ensure that toilets are checked regularly during the outdoor festival event to ensure that they are clean and that all consumables are readily available to patrons using them.
- (7) In this clause, **WC** means a water closet pan.

2.7 Installation of plumbing

- (1) Every plumbing fixture shall be installed in accordance with the requirements of AS 3500 and bylaws made under the Metropolitan Water Supply Sewerage and Drainage Act 1909 and shall have an adequate supply of water.
- (2) Every sanitary convenience, temporary toilet and plumbing fixture shall be connected into the public sewer or treated by a method approved by the Executive Director, Public Health.

2.8 Maintenance of toilets and fittings

- (1) The occupier of any premises shall:
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an environmental health officer, effectively disinfect and clean, all toilets including sanitary fittings, in or on the premises.
- (2) The owner of any of premises shall:
 - (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to,
all toilets, including sanitary fittings in or on the premises.

PART 3 - HOUSING AND GENERAL

3.1 Dwelling house maintenance

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

- (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 Environmental Health Officer to treat the premises for the purpose of controlling any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;

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- (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 and level in surface and free from cracks and gaps;
 - (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
 - (j) maintain all doors and windows in good working order and weatherproof condition;
 - (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
 - (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the bylaws made under the Metropolitan Water Supply Sewerage and Drainage Act 1909 and any other legal requirements to which they are subject; and
 - (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of all relevant public authorities.

3.2 Overcrowding

The owner or occupier of a house shall not permit:

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the house to be used for sleeping purposes unless:
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person;
 - (ii) for every person up to, and including the age of 10 years, there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

3.3 Calculate sufficient space

For the purpose of clause 3.2, in calculating the space required for each person:

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

3.4 Water supply

The owner of a house shall ensure that:

- (a) the house is connected with a separate and independent water supply from the mains of the Water Corporation of Western Australia or a water supply to the satisfaction of the local government;
- (b) any private water supply shall at all times be capable of delivering 4.5 litres per minute of potable water to each tap in the house via a standard pressure activated pump; and
- (c) any private water bore or well, shall have a lid securely installed, to prevent casual removal.

3.5 Rain water tanks

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

- (a) maintain in a clean condition, the roof and downpipes forming the catchment for the tank;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
- (c) thoroughly clean and disinfect such tank whenever directed by an environmental health officer to do so.

3.7 Swimming Pools

The owner or occupier of a premises where there is a swimming pool shall ensure that backwash or other water emptied from the pool does not discharge onto any other property unless approved by an Environmental Health Officer.

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15.01.02

3.8 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other 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.

3.9 Escape of smoke, fumes, odours and other emissions

- (1) An owner or occupier of land or premises shall take all reasonable steps not to cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.
- (2) Subclause (1) does not apply to odour from the use of organic fertilisers applied in accordance with the product label or in the case of bulk fertiliser in a manner as to minimise nuisance.

3.10 Restrictions on feeding of birds

- (1) A person shall not feed a pigeon, dove, ibis, raven, corella, lorikeet or other wild bird so as to cause a nuisance, or be injurious or dangerous to health.
- (2) Where an environmental health officer forms the opinion that a person has not complied with subclause (1) the environmental health officer may give notice to a person requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

PART 4 - EATING HOUSES

Deleted
GG No 189
23.10.09

PART 5 - REFUSE DISPOSAL

Amd
GG No 168
23.08.17

5.1 Interpretation

In this Part, unless the context otherwise requires:

“authorised person” means a person authorised by the local government to carry into effect the provisions of this local law;

“receptacle” means:

- (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres or 240 litres;
- (b) any container of a type and capacity as approved by the local government.

5.4 Multi-residential, commercial and industrial premises

- (1) In the case of multi-residential, commercial or industrial premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number of receptacles to be provided and to the number of collections carried out each week. Receptacles containing food or any other putrescible matter shall be emptied at least weekly or more often as directed by an authorised person or an environmental health officer.
- (3) The owner or occupier of any commercial, industrial or multi unit premises shall:
 - (a) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odour, from the receptacle;
 - (b) whenever directed by an authorised person or an environmental health officer, thoroughly clean and disinfect the receptacle.
 - (c) cause the receptacle to be located on the premises in an enclosure constructed and located as approved by an authorised person; and
 - (d) ensure that the receptacle is readily accessible for the purposes of collection.

5.12 Suitable enclosure

- (1) An owner or occupier of premises –
 - (a) consisting of more than 4 dwelling houses that have not been provided with individual receptacles for each dwelling house; or
 - (b) used for commercial or industrial purposes or as a food premises,shall provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

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- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall ensure the enclosure is not used to store anything except receptacles and 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 premises but in any event having a floor area not less than 3 square metres;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;
 - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - (d) containing a smooth and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system;
 - (e) having installed in the enclosure, or installed immediately adjacent to the enclosure, a tap connected to an adequate water supply; and
 - (f) which is easily accessible to allow for the removal of the receptacles.

PART 6 - PEST CONTROL

6.1 Interpretation

In this Part, unless the context otherwise requires:

“mosquitoes” means any of the insects constituting the family Diptera c ulicidae commonly known as mosquitoes.

6.2 Premises to be kept free of mosquito breeding matter

An owner or occupier of a premises shall keep the premises free of:

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

that is, liable to become the breeding place of mosquitoes.

6.3 Measures to be taken by an owner or occupier

An owner or occupier of any premises shall:

- (a) where there is a fountain, ornamental pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, keep the water:
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil or treated with an approved larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel:
 - (i) provide the vessel with an impervious cover;
 - (ii) cover all openings with mosquito proof mesh; and
- (c) where drinking water is kept in a vessel or other receptacle for consumption by an animal or bird:
 - (i) frequently change the water; and
 - (ii) keep the water clean and free from vegetable matter and slime.

6.4 Swimming pools

- (1) Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner and occupier shall when required by a notice issued by an environmental health officer:
 - (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; and/or
 - (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; or
 - (c) empty or drain the pool; or
 - (d) pour a minimum of 1 litre of paraffin oil or kerosene into the pool to maintain a thin visible film over the entire water surface; and
 - (e) maintain the pool water free of mosquito breeding.

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- (2) Where a swimming pool is not being maintained in accordance with sub clause 1(b) and the owner or occupier fails to respond to a written request to contact an Environmental Health Officer within 24 hours of a notice to do so being served, the Environmental Health Officer may treat the pool in accordance with sub clause (1)(d) to prevent mosquitoes from breeding.

6.5 Rodents and other vermin - interpretation

In this Part, unless the context otherwise requires:

“rodent” means the animals *Rattus rattus* (Norway rat), *Rattus norvegicus* (Roof rat), *Mus musculus* (House/Field mouse) but not laboratory bred rats and mice kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

6.6 Rodent control

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

6.7 Waste food etc. to be kept in rodent proof receptacles

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

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

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

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

6.8 Restrictions on materials affording harbourage for rodents

(1) An owner or occupier of premises shall cause:

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

(2) An environmental health officer may direct an owner or occupier of a premises to take whatever action that, in the opinion of the officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified, comply with any direction given by an environmental health officer under this clause.

6.9 Pest control generally

Where it is found that a premises is infested with vectors of disease, an environmental health officer may direct that the owner or occupier take appropriate action as may be indicated, to effectively eradicate the vectors of disease.

PART 7 - LODGING HOUSES

Division 1 - Registration

7.1 Interpretation

In this Part, unless the context otherwise requires

“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” has the same meaning as that defined in section 3 of the Act;

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

“register of lodgers” means the register kept in accordance with section 157 of the Act and this Part;

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

7.2 Lodging house not to be kept unless registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 7.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either:
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of the local government, 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.

7.3 Application for registration

An application for registration of a lodging house shall be:

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by:
 - (i) the approved fee; and
 - (ii) accompanied by detailed plans and specifications of the lodging house.

7.4 Approval of application

The local government may approve, with or without conditions, an application under clause 7.3 by issuing to the applicant a certificate of registration.

7.5 Renewal of registration

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the approved fee at the time of making each application for renewal.

7.6 Notification upon sale or transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government, 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.

7.7 Revocation of registration

- (1) Subject to sub-clause (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 sub-clause (1), the local government may revoke a registration upon any one or more of the following grounds:
 - (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained clean;
 - (b) that the keeper has:
 - (i) been convicted of an offence against this local law in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the local government, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within

a time specified in the notice, to show cause why the registration should not be revoked.

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

Division 2 - Construction and use requirements

7.8 General construction requirements

The construction of a lodging house shall comply with the Building Code.

7.9 Sanitary conveniences

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises:
- (a) toilets; and
 - (b) bathrooms, each fitted with a shower, bath and wash basin,
- in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of sub-clause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall:
- (a) be so situated, separated and screened as to ensure privacy;
 - (b) be apportioned to each sex;
 - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (d) be provided with adequate electric lighting and ventilation.

7.10 Laundry

A keeper shall:

- (i) provide on the premises for the use of each 15 lodgers, a laundry containing

one washing machine, one wash trough and, one electrical dryer or 30 metres of clothes line;

- (ii) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (iii) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (iv) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

7.11 Kitchen

- (1) In this clause “Food Standards Code” means the Australia New Zealand Food Standards Code as defined in the Commonwealth Food Standards Australia New Zealand Act 1991.
- (2) The keeper of a lodging house must provide in that lodging house a kitchen which –
 - (a) has adequate –
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
 - (b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.

7.12 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 an Environmental health officer in accordance with the following table:

No. of lodgers	Ovens	4 burner stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers or part thereof over 60

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

7.13 Dining room

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

- (a) located in close proximity to 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 shall be adequately furnished to accommodate, at any one time, half of the number of lodgers.

7.14 Fire prevention and control

- (1) The keeper of a lodging house must –
 - (a) in each passage in the lodging house provide an emergency light –
 - (i) in the position and pattern approved by an environmental health officer; and
 - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
 - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times.
- (2) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

7.15 Obstruction of passages and stairways

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

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

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

7.16 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.

7.17 Restriction on use of rooms for sleeping

- (1) A keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house:
 - (a) 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;
 - (b) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person; or
 - (c) which, contains not less than 5.85 square metres of space, including the bed, for each lodger occupying the room.
- (2) For the purposes of this clause, 2 children under the age of 10 years shall be counted as one lodger.

7.18 Furnishing etc. of sleeping apartments

- (1) A keeper shall:
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed:
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1 May to 30 September, not less than one additional blanket or rug; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment.

7.19 Numbers to be placed on doors

A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house serial numbers so that the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

Division 3 - Management and care

7.20 Register of lodgers

- (1) A keeper shall keep a register of lodgers substantially in the format of the approved form.
- (2) The register of lodgers shall be:
 - (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police or by an environmental health officer.

7.21 Certificate in respect of sleeping accommodation

- (1) An environmental health officer may issue to a keeper, a certificate, specifying the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (2) When required by an environmental health officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.
- (3) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

7.22 Duplicate keys and inspection

Each keeper and manager of a lodging house shall:

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

7.23 Room occupancy

- (1) A keeper shall not:
 - (a) cause, suffer or permit more than the maximum number of persons permitted by the certificate of registration of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartment:
 - (i) a larger number of beds; or

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- (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or cause, suffer or permit to be used for sleeping purposes a room that:
 - (i) has not been certified for that purpose; and
 - (ii) the local government has forbidden to be used as a sleeping apartment.
 - (2) For the purpose of this clause, 2 children under 10 years of age shall be counted as one lodger.

7.24 Cleaning and maintenance requirements

- (1) In this clause:

“bed linen” includes sheets, pillow cases and mattress covers.
- (2) A keeper of a lodging house shall:
 - (a) maintain in a clean, sound and undamaged condition:
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order:
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
 - (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
 - (d) ensure that all floors are kept clean at all times;
 - (e) ensure that:
 - (i) all bed linen, towels, and house linen in use are washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

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- (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease; and
 - (v) when any insects are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the insect(s);
- (f) when so directed by an environmental health officer, ensure that:
- (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an environmental health officer.

PART 8 - OFFENSIVE TRADES

8.1 Interpretation

In this Part, unless the context otherwise requires:

“occupier” in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;

“offensive trade” means any one or more of the trades, businesses or occupations as defined by section 186 of the Act; and

“premises” includes house.

8.2 Consent to establish an offensive trade

- (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall:
- (a) advertise notice of his intention to apply for consent in accordance with clause 8.3; and

- (b) lodge with the local government an application in the approved form.
- (2) A person who makes a false statement in an application under this clause commits an offence.

8.3 Notice of application

A notice required under clause 8.2 shall:

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

appear in a Perth daily newspaper advising the public that they have 30 days to lodge any objection with “The Chief Executive Officer, City of Joondalup.

NOTE: The actual application should be lodged with the City before the thirty day period has expired which will ensure processing can be conducted simultaneously to the Public Notice Period.

8.4 Registration of premises

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

- (a) submitted on the approved form;
- (b) accompanied by the fee prescribed in the Offensive Trade (Fees) Regulations 1976; and
- (c) lodged with the local government.

8.5 Conditions of Consent

In granting consent under section 187 of the Act, the local government may impose reasonable conditions of consent including, without limitation conditions relating to:

- (a) site requirements;
- (b) building fitout specifications;
- (c) food hygiene, storage and preparation;
- (d) ventilation;

- (e) effluvia, vapours and gases;
- (f) rodent and vermin control;
- (g) sanitary convenience;
- (h) effluent and rubbish disposal.

8.6 Offence

Every person who carries on any offensive trade otherwise than in compliance with conditions imposed under clause 8.5 commits an offence.

8.7 Certificate of registration

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

8.8 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Part, the new occupier shall forthwith notify the local government in writing of such change.

8.9 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

PART 9 - OFFENCES AND PENALTIES

9.1 Offences and penalties

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under sub-clause (1) is liable to: (a)
 - a penalty that is not more than \$2,500; and
 - (b) if the offence is a continuing offence a daily penalty which is not more than \$250 and not less than \$125.

Health (Miscellaneous Provisions) Act 1911

Local Government Act 1995

City of Joondalup

Health Amendment Local Law 2021

Health (Miscellaneous Provisions) Act 1911

Local Government Act 1995

City of Joondalup

Health Amendment Local Law 2021

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Health (Miscellaneous Provisions) Act 1911

Local Government Act 1995

City of Joondalup

Health Amendment Local Law 2021

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on **15 March 2022** to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Health Amendment Local Law 2021*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to amend the *City of Joondalup Health Local Law 1999*.
- (2) The effect of this local law is to better clarify the provisions and requirements within *City of Joondalup Health Local Law 1999* and to ensure information is current with prevailing legislation.

Part 2 - Amendments

2.1 City of Joondalup Health Local Law 1999 amended

This Part of the *City of Joondalup Health Amendment Local Law 2021* amends the *City of Joondalup Health Local Law 1999* as published in the *Government Gazette* on 27 August 1999 and as amended in the *Government Gazette* on 10 July 2000, 15 January 2002, 23 October 2009 and 23 August 2017.

2.2 Clause 1.5 amended

In clause 1.5:

- (a) delete the definition of “Act” and insert:

“Act” means the *Health (Miscellaneous Provisions) Act 1911*;

(b) insert in alphabetical order:

“nuisance” includes –

- (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 unreasonable interference with the use and enjoyment of a person in her or his ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

(c) delete the definition of “town planning scheme” and insert in alphabetical order:

“local planning scheme” means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

(d) amend the definition of “zoned” by replacing “town” with “local”.

2.3 Clause 2.1 replaced

Delete clause 2.1 and insert:

2.1 Interpretation

In this Part, unless the context otherwise requires:

“event” includes a fair, function or festival;

“organiser” means a person:

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

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

“temporary toilet” means a sanitary convenience, temporarily placed for use by:

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

2.4 Clause 2.6 replaced

Delete clause 2.6 and insert:

2.6 Outdoor events

- (1) The applicant for an outdoor events -
 - (a) at which not more than 30,000 people are expected to attend;

- (b) with an anticipated duration of more than 8 hours; and
 - (c) where alcohol may be consumed by the persons attending,
- must provide toilets in accordance with Table 1.

Table 1

Number of people attending	Male Facilities			Female Facilities	Hand Wash Basins	
	WC's	Urinal Metres	Urinals	WC's	Male	Female
Up to 1000	2	1.5	3	5	1	1
1000-2000	3	3	6	10	2	2
2000-3000	4	4.5	9	15	3	3
3000-4000	5	6	12	20	4	4
4000-5000	6	7.5	15	25	5	5
5000-6000	7	9	18	30	5	6
6000-7000	8	10.5	21	35	6	7
7000-8000	9	12	24	40	7	8
8000-9000	10	13.5	27	45	8	9
9000-10000	11	15	30	50	9	10
10000-11000	12	16.5	33	55	9	11
11000-12000	13	18	36	60	10	12
12000-13000	14	19.5	39	65	11	13
13000-14000	15	21	42	70	12	14
14000-15000	16	22.5	45	75	13	15
15000-16000	17	24	48	80	13	16
16000-17000	18	25.5	51	85	14	17
17000-18000	19	27	54	90	15	18
18000-19000	20	28.5	57	95	16	19
19000-20000	21	30	60	100	17	20
20000-21000	22	31.5	63	105	17	21
21000-22000	23	33	66	110	18	22
22000-23000	24	34.5	69	115	19	23
23000-24000	25	36	72	120	20	24
24000-25000	26	37.5	75	125	21	25
25000-26000	27	39	78	130	21	26
26000-27000	28	40.5	81	135	22	27
27000-28000	29	42	84	140	23	28
28000-29000	30	43.5	87	145	24	29
29000-30000	31	45	90	150	25	30

- (2) The applicant for an outdoor event at which not more than 30,000 people are expected to attend, but -
- (a) with an expected duration of less than 8 hours; or
 - (b) where alcohol will not be or is not permitted to be consumed by persons attending,

must provide toilets in accordance with Table 1, but with the requirements of that Table reduced in accordance with Table 2.

Table 2

Duration of event	Percentage of standards in Table 1 to be applied (%)	
	Alcohol permitted	No alcohol permitted
6-8 hours	80	40
4-6 hours	75	37.5
0-4 hours	70	35

- (3) The applicant for an outdoor event at which more than 30,000 people are expected to attend must provide sanitary conveniences of a number as directed by an environmental health officer.
- (4) In addition to the requirements listed in Tables 1 and 2, the applicant for an outdoor event must provide at least one unisex toilet for the disabled.
- (5) When portable or chemical toilets are used for an outdoor event with an expected duration of more than 4 hours -
- (a) they must be pumped out during the event, if required by an environmental health officer; and
 - (b) they must be located so that pump-out vehicles can access them.
- (6) The applicant for an outdoor event must ensure that toilets are checked regularly during the outdoor event to ensure that they are clean and that all consumables are readily available to patrons using them.
- (7) In this clause, **WC** means a water closet pan.

2.5 Clause 3.6 deleted

Delete clause 3.6.

2.6 Clauses 3.8, 3.9 and 3.10 inserted

After clause 3.7 insert:

3.8 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other 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.

3.9 Escape of smoke, fumes, odours and other emissions

- (1) An owner or occupier of land or premises shall take all reasonable steps not to cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.
- (2) Subclause (1) does not apply to odour from the use of organic fertilisers applied in accordance with the product label or in the case of bulk fertiliser in a manner as to minimise nuisance.

3.10 Restrictions on feeding of birds

- (1) A person shall not feed a pigeon, dove, ibis, raven, corella, lorikeet or other wild bird so as to cause a nuisance, or be injurious or dangerous to health.
- (2) Where an environmental health officer forms the opinion that a person has not complied with subclause (1) the environmental health officer may give notice to a person requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

2.7 Clause 5.12 replaced

Delete clause 5.12 and insert:

5.12 Suitable enclosure

- (1) An owner or occupier of premises –
 - (a) consisting of more than 4 dwelling houses that have not been provided with individual receptacles for each dwelling house; or
 - (b) used for commercial or industrial purposes or as a food premises,shall provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall ensure the enclosure is not used to store anything except receptacles and 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 premises but in any event having a floor area not less than 3 square metres;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;

- (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
- (d) containing a smooth and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system;
- (e) having installed in the enclosure, or installed immediately adjacent to the enclosure, a tap connected to an adequate water supply; and
- (f) which is easily accessible to allow for the removal of the receptacles.

2.8 Clause 7.11 replaced

Delete clause 7.11 and insert:

7.11 Kitchen

- (1) In this clause “**Food Standards Code**” means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*.
- (2) The keeper of a lodging house must provide in that lodging house a kitchen which –
 - (a) has adequate –
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
 - (b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.

2.9 Clause 7.12 amended

Delete clause 7.12(2) and insert:

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

2.10 Clause 7.14 replaced

Delete clause 7.14 and insert:

7.14 Fire prevention and control

- (1) The keeper of a lodging house must –
 - (a) in each passage in the lodging house provide an emergency light –

- (i) in the position and pattern approved by an environmental health officer; and
 - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
 - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times.
- (2) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

2.11 Clause 9.1 amended

- (1) In clause 9.1(1) delete “other than part 4”.
- (2) In clause 9.1(2)(a) delete “\$1000” and insert “\$2,500”.
- (3) In clause 9.1(2)(b):
 - (a) delete “\$150” and insert “\$250”;
 - (b) delete “\$50” and insert “\$125”.
- (4) Delete clause 9.1(3) and clause 9.1(4).

Dated xxx of xxxx.

The Common Seal of the City of Joondalup)
 was affixed by authority of a resolution)
 of the Council in the presence of:)

.....
 HON. ALBERT JACOB JP
 MAYOR

.....
 JAMES PEARSON
 CHIEF EXECUTIVE OFFICER

Consented to by:

.....

EXECUTIVE DIRECTOR PUBLIC HEALTH

Dated: DD MM YY

(Extract from Government Gazette (No 162) of 27 August 1999)

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

HEALTH LOCAL LAW 1999

Under the powers of the Health Act 1911, the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July 1999.

ARRANGEMENT

PART 1 – PRELIMINARY	Clause 1.1 – 1.5
PART 2 – SANITATION	Clause 2.1 – 2.8
PART 3 - HOUSING AND GENERAL.....	Clause 3.1 – 3.5
PART 4 - EATING HOUSES.....	DELETED
PART 5 - REFUSE DISPOSAL	Clause 5.1 – 5.14
PART 6 - PEST CONTROL.....	Clause 6.1 – 6.9
PART 7 - LODGING HOUSES	Clause 7.1 – 7.24
PART 8 - OFFENSIVE TRADES.....	Clause 8.1 – 8.9
PART 9 - OFFENCES AND PENALTIES	Clause 9.1

PART 1 - PRELIMINARY

1.1 Short title

This local law may be referred to as the City of Joondalup Health Local Law 1999.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Content and intent

- (1) The purpose of this local law is to provide for the regulation, control and management of day to day health matters within the district.
- (2) The effect of this local law is to establish various health standards and requirements which people living and working within the district must observe.

1.4 Repeal

- (1) The Health Local Laws adopted by the Shire of Wanneroo and published in the Government Gazette on the 3 February 1933 and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Wanneroo on 12 August 1953 and published in the Government Gazette on the 16 October 1953 and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the Shire of Wanneroo on 10 October 1956 and published in the Government Gazette on the 25 January 1956 and amended from time to time, are repealed; and
- (4) The Health Local Laws adopted by the Shire of Wanneroo on 26th February 1970 and published in the Government Gazette on the 4 June 1970 and amended from time to time, are repealed.

1.5 Interpretation

- (1) In this local law, unless the context otherwise requires:

“Act” means the Health Act 1911 and includes subsidiary legislation made under that Act;

“adequate supply of water” means a flow of water of not less than 4.5 litres per minute;

“approved” means approved by an Environmental Health Officer of the local government;

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

“approved form” means a form approved by the local government;

“AS” means Australian Standard published by the Standards Association of Australia;

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

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

“dry floorwaste” means an untrapped floorwaste consisting of a 50 millimetre diameter drain complete with a hinged flap at its outlet;

“dwelling house” means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

“environmental health officer” means an environmental health officer appointed by the local government and includes an acting or assistant environmental health officer;

“floor waste” means the grated inlet within a graded floor intended to drain the floor;

“habitable room” means a room used for normal domestic activities, and:

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

“hot water” means water at a temperature in accordance with AS/NZS 3500.4.2

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“local government” means the City of Joondalup;

“toilet” means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

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“town planning scheme” means any town planning scheme for the time being in operation within the district;

“vectors of disease” includes fleas, flies, bedbugs, cockroaches, lice, and any other insect prescribed by the local government.

“water” means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia - 1987 as published by the National Health and Medical Research Council;

“window” means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly into a building;

“zoned” means zoned under a town planning scheme.

- (2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be taken to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law, an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2 -SANITATION

2.1 Interpretation

In this Part, unless the context otherwise requires:

“festival” includes a fair, function or event;

“organiser” means a person:

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

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

“temporary toilet” means a sanitary convenience, temporarily placed for use by:

- (a) patrons in conjunction with a festival;
- (b) employees at construction sites or the like; or
- (c) farmhands, stablehands or the like.

2.2 Dwelling house

In accordance with section 99 of the Act, the owner of every dwelling house shall:

- (a) provide bathroom, laundry, kitchen and toilet facilities within the building and in accordance with the Building Code;
- (b) provide an adequate supply of hot and cold water to every kitchen, bathroom and laundry fixture within the dwelling; and

- (c) provide, properly installed in the kitchen, at least one sink, a minimum size of 380 millimetres long, 300 millimetres wide and 150 millimetres deep, with an impervious drainage area incorporated and draining into the sink.

2.3 Floor of wet areas

The owner of every premises shall ensure that the floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

2.4 Temporary toilets

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

2.5 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless:
 - (a) the premises have toilets and hand basins in accordance with the Building Code and this Part, including disabled facilities; and
 - (b) the toilets required by this clause are situated within 90 metres of the premises.
- (2) The occupier of a premises other than a dwelling house shall ensure that:
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with:
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

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- (3) In the case of a school with any room that accommodates children under 5 years of age, that particular room will be deemed to be an “early childhood centre” for the purposes of the Building Code.

2.6 Outdoor festivals

- (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale:
- (a) for the first 1,000 males:
 - (i) one water closet for each 333;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500;
 - (b) for additional males:
 - (i) one water closet for each 500;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500;
 - (c) for the first 1,000 females:
 - (i) one water closet for each 77; and
 - (ii) one hand wash basin for each 500; and
 - (d) for additional females:
 - (i) one water closet for each 100; and
 - (ii) one hand wash basin for each 500.
- (2) Where, under sub-clause (1) the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide toilet facilities of a number as directed by an environmental health officer.

2.7 Installation of plumbing

- (1) Every plumbing fixture shall be installed in accordance with the requirements of AS 3500 and bylaws made under the Metropolitan Water Supply Sewerage and Drainage Act 1909 and shall have an adequate supply of water.
- (2) Every sanitary convenience, temporary toilet and plumbing fixture shall be connected into the public sewer or treated by a method approved by the Executive Director, Public Health.

2.8 Maintenance of toilets and fittings

- (1) The occupier of any premises shall:
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an environmental health officer, effectively disinfect and clean, all toilets including sanitary fittings, in or on the premises.
- (2) The owner of any of premises shall:
 - (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to,

all toilets, including sanitary fittings in or on the premises.

PART 3 - HOUSING AND GENERAL

3.1 Dwelling house maintenance

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

- (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 Environmental Health Officer to treat the premises for the purpose of controlling any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps; (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the bylaws made under the Metropolitan Water Supply Sewerage and Drainage Act 1909 and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of all relevant public authorities.

3.2 Overcrowding

The owner or occupier of a house shall not permit:

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the house to be used for sleeping purposes unless:
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person;
 - (ii) for every person up to, and including the age of 10 years, there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

3.3 Calculate sufficient space

For the purpose of clause 3.2, in calculating the space required for each person:

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

3.4 Water supply

The owner of a house shall ensure that:

- (a) the house is connected with a separate and independent water supply from the mains of the Water Corporation of Western Australia or a water supply to the satisfaction of the local government;
- (b) any private water supply shall at all times be capable of delivering 4.5 litres per minute of potable water to each tap in the house via a standard pressure activated pump; and
- (c) any private water bore or well, shall have a lid securely installed, to prevent casual removal.

3.5 Rain water tanks

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

- (a) maintain in a clean condition, the roof and downpipes forming the catchment for the tank;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
- (c) thoroughly clean and disinfect such tank whenever directed by an environmental health officer to do so.

3.6 Rear service door to food premises.

The proprietor of a Class 1 Food Premises (as defined in the Health (Food Hygiene) Regulations 1993) is to provide a rear service access to those premises.

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3.7 Swimming Pools

The owner or occupier of a premises where there is a swimming pool shall ensure that backwash or other water emptied from the pool does not discharge onto any other property unless approved by an Environmental Health Officer.

PART 4 - EATING HOUSES

Deleted
GG No 189
23.10.09

PART 5 - REFUSE DISPOSAL

5.1 Interpretation

Amd
GG No 168
23.08.17

In this Part, unless the context otherwise requires:

“authorised person” means a person authorised by the local government to carry into effect the provisions of this local law;

“receptacle” means:

- (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres or 240 litres;
- (b) any container of a type and capacity as approved by the local government.

5.4 Multi-residential, commercial and industrial premises

- (1) In the case of multi-residential, commercial or industrial premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number of receptacles to be provided and to the number of collections carried out each week. Receptacles containing food or any other putrescible matter shall be emptied at least weekly or more often as directed by an authorised person or an environmental health officer.
- (3) The owner or occupier of any commercial, industrial or multi unit premises shall:
 - (a) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odour, from the receptacle;
 - (b) whenever directed by an authorised person or an environmental health officer, thoroughly clean and disinfect the receptacle.

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- (c) cause the receptacle to be located on the premises in an enclosure constructed and located as approved by an authorised person; and
 - (d) ensure that the receptacle is readily accessible for the purposes of collection.

5.12 Suitable enclosure

- (1) An owner or occupier of a premises consisting of more than 3 dwellings, or used for commercial or industrial purposes, or as a food premises, shall provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall:
 - (a) ensure the enclosure is not used to store anything except rubbish receptacles; and
 - (b) maintain the enclosure in a clean condition at all times.
- (3) For the purposes of this clause, a “suitable enclosure” means an enclosure approved by the local government.

PART 6 - PEST CONTROL

6.1 Interpretation

In this Part, unless the context otherwise requires:

“mosquitoes” means any of the insects constituting the family Diptera culicidae commonly known as mosquitoes.

6.2 Premises to be kept free of mosquito breeding matter

An owner or occupier of a premises shall keep the premises free of:

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

that is, liable to become the breeding place of mosquitoes.

6.3 Measures to be taken by an owner or occupier

An owner or occupier of any premises shall:

- (a) where there is a fountain, ornamental pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, keep the water:
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil or treated with an approved larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel:
 - (i) provide the vessel with an impervious cover;
 - (ii) cover all openings with mosquito proof mesh; and
- (c) where drinking water is kept in a vessel or other receptacle for consumption by an animal or bird:
 - (i) frequently change the water; and
 - (ii) keep the water clean and free from vegetable matter and slime.

6.4 Swimming pools

- (1) Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner and occupier shall when required by a notice issued by an environmental health officer:
- Amd
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- (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; and/or
- (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; or
- (c) empty or drain the pool; or
- (d) pour a minimum of 1 litre of paraffin oil or kerosene into the pool to maintain a thin visible film over the entire water surface; and
- Amd
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- (e) maintain the pool water free of mosquito breeding.
- (2) Where a swimming pool is not being maintained in accordance with sub clause 1(b) and the owner or occupier fails to respond to a written request to contact an Environmental Health Officer within 24 hours of a notice to do so being served, the Environmental Health Officer may treat the pool in accordance with sub clause (1)(d) to prevent mosquitoes from breeding.
- Amd
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6.5 Rodents and other vermin - interpretation

In this Part, unless the context otherwise requires:

“rodent” means the animals *Rattus rattus* (Norway rat), *Rattus norvegicus* (Roof rat), *Mus musculus* (House/Field mouse) but not laboratory bred rats and mice kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

6.6 Rodent control

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

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-
- (2) Without limiting the generality of sub-clause (1) an owner or occupier of any premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall:
- (a) take effective measures to keep the premises free from rodents including:
 - (i) protecting food;
 - (ii) using a rodenticide bait or properly baited traps; and
 - (iii) preventing rodents having access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall:
 - (i) kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
 - (c) take whatever measures for the eradication of rodents as an environmental health officer may from time to time direct.

6.7 Waste food etc. to be kept in rodent proof receptacles

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

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

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

6.8 Restrictions on materials affording harbourage for rodents

- (1) An owner or occupier of premises shall cause:
 - (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

- (2) An environmental health officer may direct an owner or occupier of a premises to take whatever action that, in the opinion of the officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified, comply with any direction given by an environmental health officer under this clause.

6.9 Pest control generally

Where it is found that a premises is infested with vectors of disease, an environmental health officer may direct that the owner or occupier take appropriate action as may be indicated, to effectively eradicate the vectors of disease.

PART 7 - LODGING HOUSES

Division 1 - Registration

7.1 Interpretation

In this Part, unless the context otherwise requires

“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” has the same meaning as that defined in section 3 of the Act;

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

“register of lodgers” means the register kept in accordance with section 157 of the Act and this Part;

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

7.2 Lodging house not to be kept unless registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 7.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either:
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of the local government, 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.

7.3 Application for registration

An application for registration of a lodging house shall be:

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by:
 - (i) the approved fee; and
 - (ii) accompanied by detailed plans and specifications of the lodging house.

7.4 Approval of application

The local government may approve, with or without conditions, an application under clause 7.3 by issuing to the applicant a certificate of registration.

7.5 Renewal of registration

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the approved fee at the time of making each application for renewal.

7.6 Notification upon sale or transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government, 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.

7.7 Revocation of registration

- (1) Subject to sub-clause (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 sub-clause (1), the local government may revoke a registration upon any one or more of the following grounds:
 - (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained clean;
 - (b) that the keeper has:
 - (i) been convicted of an offence against this local law in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the local government, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

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

Division 2 - Construction and use requirements

7.8 General construction requirements

The construction of a lodging house shall comply with the Building Code.

7.9 Sanitary conveniences

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises:
 - (a) toilets; and
 - (b) bathrooms, each fitted with a shower, bath and wash basin,in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of sub-clause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall:
 - (a) be so situated, separated and screened as to ensure privacy;
 - (b) be apportioned to each sex;
 - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (d) be provided with adequate electric lighting and ventilation.

7.10 Laundry

A keeper shall:

- (i) provide on the premises for the use of each 15 lodgers, a laundry containing one washing machine, one wash trough and, one electrical dryer or 30 metres of clothes line;
- (ii) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (iii) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (iv) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

7.11 Kitchen

The keeper of a lodging house shall provide in that lodging house a separate kitchen which:

- (a) has a minimum floor area of –
 - (i) 0.65 square metres per person, where lodgers prepare their own meals;
 - (ii) 0.125 square metres per person, where meals are provided by the keeper or manager; and
 - (iii) 1 square metre per person, where the kitchen and dining area are combined,but in any case not less than 16 square metres;
- (b) complies with the requirements of a Class 1 premises under the Health (Food Hygiene) Regulations 1993.

7.12 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 an Environmental health officer in accordance with the following table:

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

- (2) The keeper of a lodging house which has or has approval to have 15 or more lodgers shall provide, maintain and clean, a hood or mechanical exhaust system, in accordance with AS1668.2 and the Health (Food Hygiene) Regulations 1993, over each stove, oven and cooking appliance.

7.13 Dining room

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

- (a) located in close proximity to 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 shall be adequately furnished to accommodate, at any one time, half of the number of lodgers.

7.14 Fire prevention and control

A keeper shall:

- (a) in each passage in the lodging house provide an emergency light:
 - (i) in such a position and of such a pattern, as shall be approved by an environmental health officer; and
 - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

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- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (c) ensure that each exit sign and fire fighting 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 approved by the Western Australian Fire Brigades Board; and
 - (f) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

7.15 Obstruction of passages and stairways

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

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

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

7.16 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.

7.17 Restriction on use of rooms for sleeping

- (1) A keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house:
 - (a) 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;
 - (b) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person; or
 - (c) which, contains not less than 5.85 square metres of space, including the bed, for each lodger occupying the room.

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

7.18 Furnishing etc. of sleeping apartments

- (1) A keeper shall:
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed:
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1 May to 30 September, not less than one additional blanket or rug; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment.

7.19 Numbers to be placed on doors

A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house serial numbers so that the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

Division 3 - Management and care

7.20 Register of lodgers

- (1) A keeper shall keep a register of lodgers substantially in the format of the approved form.
- (2) The register of lodgers shall be:
 - (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police or by an environmental health officer.

7.21 Certificate in respect of sleeping accommodation

- (1) An environmental health officer may issue to a keeper, a certificate, specifying the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (2) When required by an environmental health officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.
- (3) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

7.22 Duplicate keys and inspection

Each keeper and manager of a lodging house shall:

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

7.23 Room occupancy

- (1) A keeper shall not:
 - (a) cause, suffer or permit more than the maximum number of persons permitted by the certificate of registration of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartment:
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or cause, suffer or permit to be used for sleeping purposes a room that:
 - (i) has not been certified for that purpose; and
 - (ii) the local government has forbidden to be used as a sleeping apartment.

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

7.24 Cleaning and maintenance requirements

- (1) In this clause:

“bed linen” includes sheets, pillow cases and mattress covers.

- (2) A keeper of a lodging house shall:
- (a) maintain in a clean, sound and undamaged condition:
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order:
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
 - (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
 - (d) ensure that all floors are kept clean at all times;
 - (e) ensure that:
 - (i) all bed linen, towels, and house linen in use are washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease; and

- (v) when any insects are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the insect(s);
- (f) when so directed by an environmental health officer, ensure that:
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an environmental health officer.

PART 8 - OFFENSIVE TRADES

8.1 Interpretation

In this Part, unless the context otherwise requires:

“occupier” in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;

“offensive trade” means any one or more of the trades, businesses or occupations as defined by section 186 of the Act; and

“premises” includes house.

8.2 Consent to establish an offensive trade

- (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall:
 - (a) advertise notice of his intention to apply for consent in accordance with clause 8.3; and
 - (b) lodge with the local government an application in the approved form.
- (2) A person who makes a false statement in an application under this clause commits an offence.

8.3 Notice of application

A notice required under clause 8.2 shall:

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

appear in a Perth daily newspaper advising the public that they have 30 days to lodge any objection with “The Chief Executive Officer, City of Joondalup.

NOTE: The actual application should be lodged with the City before the thirty day period has expired which will ensure processing can be conducted simultaneously to the Public Notice Period.

8.4 Registration of premises

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

- (a) submitted on the approved form;
- (b) accompanied by the fee prescribed in the Offensive Trade (Fees) Regulations 1976; and
- (c) lodged with the local government.

8.5 Conditions of Consent

In granting consent under section 187 of the Act, the local government may impose reasonable conditions of consent including, without limitation conditions relating to:

- (a) site requirements;
- (b) building fitout specifications;
- (c) food hygiene, storage and preparation;
- (d) ventilation;
- (e) effluvia, vapours and gases;

- (f) rodent and vermin control;
- (g) sanitary convenience;
- (h) effluent and rubbish disposal.

8.6 Offence

Every person who carries on any offensive trade otherwise than in compliance with conditions imposed under clause 8.5 commits an offence.

8.7 Certificate of registration

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

8.8 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Part, the new occupier shall forthwith notify the local government in writing of such change.

8.9 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

PART 9 - OFFENCES AND PENALTIES

9.1 Offences and penalties

- (1) A person who contravenes a provision of this local law other than Part 4 commits an offence.
- (2) A person who commits an offence under sub-clause (1) is liable to:
 - (a) a penalty that is not more than \$1000; and
 - (b) if the offence is a continuing offence a daily penalty which is not more than \$150 and not less than \$50.
- (3) A person who contravenes a provision of Part 4 of this local law commits an offence.

- (4) A person who commits an offence under sub-clause (3) is liable to:
 - (a) a penalty that is not more than \$2500; and
 - (b) if the offence is a continuing offence a daily penalty which is not more than \$250 and not less than \$125.