

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**

**LOCAL GOVERNMENT ACT 1995**



**CITY OF JOONDALUP**

**HEALTH AMENDMENT LOCAL LAW 2021**

**Gazetted (No. 121) – 5 August 2022**

*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 this 14<sup>th</sup> day of June 2022.

The Common Seal of the City of Joondalup was hereunto affixed pursuant to a resolution of Council in the presence of –

CHRISTINE HAMILTON PRIME JP, Deputy Mayor

MR JAMES PEARSON, Chief Executive Officer

DR ANDREW ROBERTSON, Chief Health Officer, WA Department of Health

Dated this 8<sup>th</sup> July 2022.