



City of Wanneroo

HEALTH ACT 1911

LOCAL GOVERNMENT ACT 1995

HEALTH LOCAL LAW 1999

Published in the Government Gazette on 27 August 1999; Number 163

Amended:

11 June 2002 Gazette No. 104

07 September 2007 Gazette No. 183

26 April 2016 Gazette No. 69

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HEALTH ACT 1911
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CITY OF WANNEROO
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 Wanneroo resolved to make the following local law on the 13th July, 1999.

PART 1—PRELIMINARY

1.1 Short title

This local law may be referred to as the City of Wanneroo 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Shire of Wanneroo and published in the *Government Gazette* on the 3 February 1933 and amended from time to time, are repealed;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on 12 August 1953 and published in the *Government Gazette* on the 16 October 1953 and amended from time to time, are repealed;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on 10 October 1956 and published in the *Government Gazette* on the 25 January 1956 and amended from time to time, are repealed; and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on 26th February 1970 and published in the *Government Gazette* on the 4 June 1970 and amended from time to time, are repealed.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 of at least 75 degrees Celsius;

“local government” means the City of Wanneroo;

“restaurant” means any eating house providing meals mainly for seated patrons, exceeding 20 in number;

“take-away” means any eating house that may provide seating for a maximum of 20 patrons and includes but is not restricted to a café, coffee lounge, lunch bar, delicatessen and tea room;

“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;

“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.
- (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.

PART 4—EATING HOUSES

4.1 Interpretation

In this Part, unless the context otherwise requires:

“eating house” shall have the same meaning as section 160 of the Heath Act;

“licence” means a licence to conduct an eating house issued by the local government under this Part;

“pro-rata” means, in relation to the registration of an eating house, that where the registration is due for a lesser period than a full year, that fee shall be on a pro-rata basis, calculated on however many months or part thereof, remain in the financial year;

“registration” means the registration of an eating house issued by the local government under this Part.

4.2 Prescribed date

- (1) For the purpose of section 160 of the Act the prescribed date is hereby fixed as 30 June 1994.
- (2) For the purpose of section 163 of the Act, 30 June in each year is hereby prescribed as the date on or before which the registration of an eating house and a licence for the proprietor of an eating house shall be applied for annually.

4.3 Requirement for registration and licensing

A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house unless and until:

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed,

in accordance with the provisions of this Part.

4.4 Registration of an eating house

- (1) Any person seeking the registration of an eating house shall make application on the approved form and shall forward the application to the local government together with:
 - (a) the approved fee;
 - (b) a floor plan and specifications of the eating house which plan and specifications shall include the following details:
 - (i) the use of every room;
 - (ii) the internal finishes of every wall, floor and ceiling;
 - (iii) the position and type of every fitting and fixture;
 - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal;
 - (c) the proposed menu; and

- (d) the estimated number and sex of every person, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.
- (2) Where a person makes application for the registration of an eating house in respect of which a certificate of registration is current at the date of the application, the person shall not be required to forward the plan and specifications referred to in paragraph (b) of sub-clause (1).
- (3) The local government will issue a certificate of registration for all eating houses that comply with this local law.

4.5 Licence to conduct an eating house

- (1) The proprietor of an eating house seeking the issue of a licence shall make application on the approved form and shall forward the application to the local government together with the approved fee.
- (2) Where there are two or more proprietors of an eating house:
 - (a) all proprietors names shall be included on the application; and
 - (b) the licence shall be issued in joint names.
- (3) A licence shall be issued by the local government.
- (4) Any person seeking the transfer of a licence shall make application on the prescribed form and shall forward the application to the local government together with the approved fee. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

4.6 Licence conditions

A licence shall be issued upon and subject to the condition that the holder of the licence shall:

- (a) display the licence and certification of registration of the eating house in a conspicuous place in the eating house;
- (b) notify the local government in writing within 14 days of any change of address;
- (c) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house prior to the commencement of such alteration, addition or other work;
- (d) notify the local government in writing of any proposed changes to the menu;
- (e) notify the local government in writing of any proposed increase in staff numbers and the gender of same;

- (f) notify the local government of anything which may or has caused contamination of food; and
- (g) prevent public access to the food preparation and storage areas at all times.

4.7 Eating areas

The proprietor of any eating house shall maintain the public's dining area in a clean and hygienic condition, including any outdoor eating area and shall, when directed by an environmental health officer, thoroughly clean and disinfect any such area.

PART 5—REFUSE DISPOSAL

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 ;

“building setback line” means the approved building alignment line facing the street used for service delivery;

“collection day” means the day of the week from time to time notified to the occupier of the premises on which rubbish and refuse is collected and removed by the local government or its contractor;

“commercial waste” means refuse and other rubbish generated from other than a residential premises and includes trade waste;

~~“domestic waste” means refuse and other rubbish generated within, or originating from, a residential premises and includes house refuse;~~

~~“greenwaste” means vegetative material as approved by the local government;~~

~~“greenwaste re-cycling site” means a site or sites set aside by the local government for the receipt, processing and storage of greenwaste;~~

“kerb line” means the point where the road carriageway adjoins the road verge;

“public place” includes a street, way or place which the public are allowed to use, whether the street, way or place is, or is not, on private property;

“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.

~~“refuse disposal site” means Tamala Park Refuse Disposal Site, Marmion Ave, Mindarie;~~

~~“residential premises” means a premises used for residential purposes;~~

“rubbish or refuse” includes, but is not limited to, any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the Local Government (Miscellaneous Provisions) Act 1960, means the new street alignment so prescribed; and

“waste” means commercial waste or domestic waste or both as the context requires.

[The definitions of ‘domestic waste’, ‘greenwaste’, ‘greenwaste re-cycling site’, ‘refuse disposal site’ and ‘residential premises’ deleted by the City of Wanneroo Waste Local Law 2016 Gazette No. 69, 26 April 2016]

5.2 Refuse to be deposited in receptacles

The occupier of every premises shall:

- (1) subject to paragraph (3), cause all refuse to be deposited in a receptacle;
- (2) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
- (3) not deposit or permit to be deposited in a receptacle:
 - (i) more than 70 kilograms of refuse in the case of a receptacle with a capacity of 240 litres; or
 - (ii) more than 50 kilograms of refuse in the case of a receptacle with a capacity of 120 litres; and
 - (iii) any material being or consisting of:
 - (a) hot or burning ashes;
 - (b) oil, motor spirit or other flammable liquid;
 - (c) liquid, paint, or other solvent;
 - (d) bricks, concrete, earth or other like substances;
 - (e) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious container;
 - (f) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious container;
 - (g) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious container;
 - (h) cytotoxics, radioactive substances and dangerous chemicals;

- (iv) any object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid to be tightly closed; or
 - (v) refuse which is or likely to become offensive or a nuisance or to give off any offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in nonabsorbent or impervious material or placed in a sealed impervious container;
- (4) except for collection day, keep the receptacle on the premises located behind the building setback line, or other location approved by an authorised person;
 - (5) at all times keep the receptacle clean, and whenever directed by an authorised officer or an environmental health officer, thoroughly cleanse and disinfect the receptacle;
 - (6) notify the local government within 7 days after the event if the receptacle is lost, stolen, damaged or becomes defective;
 - (7) not mark or disfigure the receptacle in any manner other than by the placement of a street or unit number upon it in numerals no higher than 100 millimetres; and
 - (8) not use the receptacle for any purpose other than the storage of refuse.

~~5.3 Residential collection arrangements~~

- ~~(1) An owner or occupier of a residential premises shall, prior to 0600 hours on collection day, place the receptacle on the verge in front of the premises immediately behind the kerb line, unless an authorized person has specified an alternative position in which case the receptacle shall be placed at the alternative position; and as soon as practicable after the contents of the receptacle have been removed, return it to its place of storage as defined in clause 5.2(4).~~
- ~~(2) Collection of refuse shall be at least once weekly or otherwise as directed by an authorised person or an environmental health officer.~~

[Clause 5.3 deleted by the City of Wanneroo Waste Local Law 2016 Gazette No. 69 26 April 2016]

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.

- (2) The owner or occupier of any commercial or industrial premises shall not, unless approved by an authorised person, deposit or permit to be deposited in a receptacle, anything specified in clause 5.2(3).
- (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.

5.5 Premises generally

- (1) An owner or occupier shall:
 - (a) ensure that there are a sufficient number of receptacles provided to contain all rubbish and refuse which is produced in or on the premises;
 - (b) ensure that each receptacle on the premises:
 - (i) has, where required, a close fitting lid;
 - (ii) is constructed of sound non-absorbent material; and
 - (c) keep each receptacle thoroughly clean and in good condition and repair; and
 - (d) keep the cover on each receptacle closed except when depositing refuse in, or cleaning, the receptacle.

5.6 Ownership of receptacles

A receptacle supplied by the local government or its contractor remains the property of the local government or its contractor as the case may be.

5.7 Damage to receptacles

A person shall not:

- (a) damage, destroy or interfere with a rubbish receptacle supplied by the local government or its contractor;

- (b) except as permitted by this local law or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

~~5.8 Removal of rubbish or refuse~~

- ~~(1) Home occupiers are authorised to occasionally deliver accumulated refuse from their home to the local government's refuse disposal site, over and above that usually included in local government's weekly domestic refuse collection service;~~
- ~~(2) The owner or occupier of a premises, other than a residential premises, shall make suitable arrangements for the regular removal of rubbish from the premises in accordance with this local law.~~

[Clause 5.8 deleted by the City of Wanneroo Waste Local Law 2016 Gazette No. 69 26 April 2016]

5.9 Prescribed area—Section 112A Health Act

The whole of the district is prescribed as the area within which the provision of section 112A of the Act shall operate and have effect.

~~5.10 Deposit of refuse~~

- ~~(1) A person shall not deposit or cause or permit to be deposited, any rubbish or refuse in or on any street or on any land other than a refuse disposal site.~~
- ~~(2) Notwithstanding sub-clause 5.10 (1), an owner or occupier may place rubbish in or upon any street, right of way, thoroughfare or lane when expressly invited by an authorised person to do so.~~
- ~~(3) Unless otherwise approved by an authorised person, the rubbish can only be placed immediately adjacent the person's property but not to obstruct traffic or block any road user's visibility of the road.~~
- ~~(4) All material placed out for collection shall be of the type authorised and must be stacked or contained in accordance with the conditions stated in the invitation of the local government.~~

[Clause 5.10 deleted by the City of Wanneroo Waste Local Law 2016 Gazette No. 69 26 April 2016]

5.11 Ownership of collected refuse

All refuse or rubbish collected by the local government or its contractor becomes the property of the local government upon 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.

~~5.13 Construction site rubbish~~

~~On every building construction site the builder shall:~~

- ~~(a) ensure that, on any premises in which building or construction work is being carried out, an appropriate refuse receptacle is provided on site for the storage of building rubbish;~~
- ~~(b) ensure that all rubbish from the site is placed in the receptacle as directed by an authorized person, any building surveyor of the local government or any environmental health officer;~~
- ~~(c) ensure the receptacle is maintained on the site for the duration of the construction work; and~~
- ~~(d) ensure the container does not overflow.~~

[Clause 5.13 deleted by Government Gazette No: 104, 11 June 2002]

5.135.14 Greenwaste recycling site

- (1) A person shall not enter or remain on the local government’s greenwaste recycling site except for the purpose of depositing greenwaste and only after payment of the prescribed fee.
- (2) A person shall not deposit anything other than greenwaste at the greenwaste recycling site.

[Clause 5.14 renumbered 5.13 by Government Gazette No: 104, 11 June 2002]

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

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 up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (e) maintain the pool water free of mosquito 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.~~

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

[Clause 6.7 amended Gazette No. 183, 7 September 2007]

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:

(a) 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;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and

(d) 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;
- (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.
- (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
- (d) 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 Wanneroo”.

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 (3) 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 (1) 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.
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Dated this 16th day of August 1999.

C. T. ANSELL, Chairman of Commissioners.
K. WHITE, Chief Executive Officer.

Consented to:

Dr C. F. QUADROS, delegate of Executive Director, Public Health

Dated this 18th day of August, 1999.