

(Extract from Government Gazette No 36, 29 February 2008)

Local Government Act 1995

Health Act 1911

CITY OF PERTH

CITY OF PERTH AMENDMENT LOCAL LAW 2007

Under the powers conferred by the *Health Act 1911*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 29 January 2008 to make the *City of Perth Amendment Local Law 2007* as follows-

ARRANGEMENT

- PART 1 - PRELIMINARY
- PART 2 - HEALTH LOCAL LAW
- PART 3 - FENCING LOCAL LAW
- PART 4 - PUBLIC TRADING LOCAL LAW
- PART 5 - LOCAL GOVERNMENT PROPERTY LOCAL LAW
- PART 6 - THOROUGHFARES AND PUBLIC PLACES LOCAL LAW
- PART 7 - ALFRESCO DINING LOCAL LAW
- PART 8 - SIGNS LOCAL LAW

PART 1 - PRELIMINARY

Title

- 1.1 This local law may be cited as the *City of Perth Amendment Local Law 2007*.

Commencement

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

Purpose and effect

- 1.3 (1) The purpose of this local law is to amend various clauses in the Health, Fencing, Public Trading, Local Government Property, Thoroughfares and Public Places, Alfresco Dining and Signs local laws to ensure information is current with prevailing legislation and better clarify the requirements of the local laws.

- (2) The effect of this local law is to provide local laws that are clear in their intent, support other legislation and meet the needs of the community and the City of Perth.

PART 2 - HEALTH LOCAL LAW

Amendment

- 2 *The City of Perth Health Local Law 2000* published in the *Government Gazette* on 5 June 2001, is hereby amended in the following manner-
- 2.1 amend clause 1 by deleting "*The City of Perth Health Local Law 2000*" and inserting instead "*the City of Perth Health Local Law 2000*";
- 2.2 amend clause 3 by deleting "1918" and inserting instead "1984";
- 2.3 amend clause 4(1) by inserting in the correct alphabetical position the following definition-
- “**valid**” in relation to an approval, consent, registration or licence under this local law means current and for which all the associated fees have been paid in full;”;
- 2.4 amend clause 10(a) by deleting “;” and inserting instead “.”;
- 2.5 delete clause 10(b) and insert instead the following-
- “(b) A person who undertakes temporary work at any place shall at the conclusion of the work or at an earlier time, remove the temporary toilet in accordance with the direction for an Environmental Health Officer and is to ensure the site is left clean.”;
- 2.6 amend clause 11(2)(a) by deleting “;” after “and”;
- 2.7 amend clause 19(3)(a) by deleting “Office of Energy” and inserting instead “Director of Energy Safety appointed pursuant to the provisions of Section 5 of the *Energy Coordination Act 1994*”;
- 2.8 amend clause 20(m) by deleting “Office of Energy” and inserting instead “Director of Energy Safety appointed pursuant to the provisions of Section 5 of the *Energy Coordination Act 1994*”;
- 2.9 amend clause 25(3)(a) by deleting “AS3666 - 1989” and inserting instead “AS/NZS 3666.2”;

- 2.10 amend clause 25 by inserting after subclause 25(5) the following-
- “(6) The owner or occupier of a dwelling house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.”;
- 2.11 amend clause 27(c) by inserting “and” after “.”;
- 2.12 delete the title “**Registration of Morgues**” above clause 32 and insert instead the title “**Licensing of Morgues**”;
- 2.13 amend clause 32(1) by deleting “registered” and inserting instead “licensed”;
- 2.14 amend clause 32(2) by deleting “registration” and inserting instead “licensing”;
- 2.15 amend clause 32(3) by deleting “registration” and inserting instead “licensing”;
- 2.16 amend clauses 32(4) and 32(5) by deleting “Certificate of Registration” and inserting instead “licence”;
- 2.17 amend clause 32(4) by deleting “registration” and inserting instead “licence”;
- 2.18 delete the title “Revocation of Registration” above clause 34 and insert instead the title “Revocation of licence”;
- 2.19 amend clause 34 by deleting “registration” in all instances throughout the clause and inserting instead “licence”;
- 2.20 amend clause 34(1) by deleting “,” after “reason” and inserting “,” after “which”;
- 2.21 amend clause 34(2) by-
- (a) deleting “and” in paragraph (c);
- (b) deleting “.” in paragraph (d) and inserting instead “; and”; and
- (c) inserting the following paragraph after paragraph (d)-
- “(e) the non-payment, within the time specified by the Council or the CEO, of any fee associated with the licence.”;

- 2.22 amend clause 35 by deleting the conjunction “and” at the end of the definition of “liquid refuse”;
- 2.23 amend clause 36(c) by deleting “duly authorised” and inserting instead “approved”;
- 2.24 amend clause 108 by inserting after subclause (4) the following-
- “(5) Subject to subclause (6), the Council may, at any time and for any reason, revoke the consent granted under subclause (3).
 - (6) Before revoking a consent given under subclause (3), the Council shall give notice to the person keeping bees allowing him or her, within the time specified in the notice, to show cause why the consent should not be revoked.
 - (7) Where the Council revokes a consent under this clause, it shall give the person keeping bees notice of the revocation and the consent shall be revoked as from the date on which the notice is given to the bee keeper.
 - (8) The person keeping bees must, at his or her own expense, remove or destroy in an appropriate manner, all the bees and hives on the lot within 14 days of being given the notice referred in subclause (7).”;
- 2.25 amend clause 129(2) by-
- (a) deleting the word “or” in sub-paragraph (b)(ii);
 - (b) deleting “.” in sub-paragraph (b)(iii) and inserting instead “; or”; and
 - (c) inserting after sub-paragraph (b)(iii) the following-
 - “(iv) not paid, within the time specified by the Council or the CEO, any fee associated with the registration.”;
- 2.26 amend clause 145(b) by deleting “for more than 48 consecutive hours”;
- 2.27 delete “PART 5 – DELEGATION” immediately above clause 189 and inserting instead “PART 11 – DELEGATION”;

2.28 insert after Part 11 the following-

“PART 12 - PAYMENT OF FEES

Payment of fees

190. A person shall pay, within the time specified by the Council or the CEO, all fees associated with the obtaining or renewal of any approval, consent, registration or licence under this local law.

Late fees

- 191. (1) A person who pays a fee due under this local law after the time specified by the Council or the CEO for the payment of that fee, may be required by the Council or CEO to pay an additional late fee as fixed from time to time by the Council under section 344C of the Act.
- (2) A person shall pay the additional late fee within the time specified by the Council or CEO.

No action without payment of fee

192. Notwithstanding any other provisions in this local law, a person shall not commence or continue to do anything that requires an approval, consent, registration or licence under this local law unless that person has a valid approval, consent, registration or licence (as applicable).”;

2.29 delete “Schedule 8” and insert instead “Schedule 8” as follows-

“Schedule 8 (Clause 32)
 CITY OF PERTH
Health Act 1911
APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer
City of Perth

I.....
 (Full name in block letters)
 of.....

 (Residential Address)

apply to licence the premises listed below as a Morgue

Address of Premises:

.....

Name of Premises:

.....

Dated this..... day of 20.....

.....
(Signature of applicant);

2.30 delete "Schedule 9" and insert instead "Schedule 9" as follows-

(Clause 32)

"Schedule 9"
CITY OF PERTH
Health Act 1911
CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the..... day of until

Address of Premises:

.....

Name of Premises:

.....

Dated this..... day of 20.....

.....
Chief Executive Officer
City of Perth".

PART 3 - FENCING LOCAL LAW

Amendment

3 The City of Perth *Fencing Local Law 2005* published in the *Government Gazette* on 14 July 2005, is hereby amended in the following manner-

3.1 amend clause 6 by deleting "an" in the definition of "Building Code" and inserting instead "any";

3.2 delete clause 8 from the local law;

3.3 amend clause 31(1) by deleting "a court of petty sessions" and inserting instead "the Magistrates Court";

3.4 delete clause 31(2) from the local law;

- 3.5 amend clause 1(1) of the First Schedule by inserting “or steel sheeting” after “sheeting”;
- 3.6 delete clause 17(1) and inserting instead the following-
- “17 (1) Front fences or boundary fences that are adjacent to a vehicle access point or a thoroughfare shall be truncated with the minimum dimension of the truncation being 1.5 metres or the fence reduced in height to no more than 0.75 metres, unless-
- (a) the fence is an open fence that does not obscure the lines of vision of a motorist using the vehicle access point or thoroughfare; or
- (b) there is a distance of 3.5 metres between the fence and a carriageway or footpath.”;

PART 4 - PUBLIC TRADING LOCAL LAW

Amendment

- 4 The City of Perth *Public Trading Local Law 2005* published in the *Government Gazette* on 12 December 2005, is hereby amended in the following manner-
- 4.1 amend clause 2.13(5) by deleting “subclause (5)” and inserting instead “subclause (6)”.

PART 5 - LOCAL GOVERNMENT PROPERTY LOCAL LAW

Amendment

- 5 The City of Perth *Local Government Property Local Law 2005* published in the *Government Gazette* on 14 July 2005, is hereby amended in the following manner-
- 5.1 amend clause 6 by inserting the definition in the correct alphabetical order as follows-
- “aircraft” has the meaning as given to it in Section 3 of the *Civil Aviation Act 1988*.”;

- 5.2 amend clause 45 by-
- (a) deleting “*Dangerous Goods Regulations 1992*” and inserting instead “*Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*”; and
 - (b) deleting “*Explosive Regulations 1963*” and inserting instead “*Explosives and Dangerous Goods (Explosives) Regulations 1963*”;
- 5.3 amend clause 29(1) by-
- (a) deleting the word “or” as it appears the second time in sub-paragraph (s);
 - (b) deleting “.” in sub-paragraph (t) and inserting instead “; or”; and
 - (c) inserting after sub-paragraph (t) the following-
 - “(u) launch an aircraft from, or land an aircraft onto, local government property.”;
- 5.4 amend clause 7 of the Second Schedule by deleting “on” as it appears the second time and inserting instead “or”.

PART 6 - THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Amendment

- 6 The City of Perth *Thoroughfares and Public Places Local Law 2007* published in the *Government Gazette* on 2 March 2007, is hereby amended in the following manner-
- 6.1 delete clause 2.1(a) and inserting instead the following-
- “(a) plant any plant other than lawn on a thoroughfare within 6 metres of an intersection.”;
- 6.2 amend clause 2.1(h) by-
- (a) deleting “, intimidate”; and
 - (b) deleting “or intending to use”;
- 6.3 delete clause 4.1(6);

- 6.4 amend clause 4.4 by inserting after subclause (2) the following-
- “(3) A bond required under subclause (1) shall be returned to the permit holder if the City is satisfied that the activity has not caused damage to the public place or local government property used for the activity.”;
- 6.5 amend clause 5.1(1) by-
- (a) deleting “or” as it appears the second time in paragraph (b);
- (b) deleting “,” in paragraph (c) and inserting instead “; or”;
- (c) inserting after paragraph (c) the following-
- “(d) use the proceeds of a bond under clause 7.2(2),”;
- 6.6 amend clause 7.2(2) by deleting “or any loss of income estimated or”;
- 6.7 delete all cross-referencing “Notes” that make reference to other legislation as they appear in the local law as published in the *Government Gazette* on 2 March 2007.

PART 7 - ALFRESCO DINING LOCAL LAW

Amendment

- 7 The *City of Perth Alfresco Dining Local Law 2000* published in the *Government Gazette* on 10 November 2000, is hereby amended in the following manner-

- 7.1 amend clause 1.4 by-
- (a) reformatting the definition of “**Health Act**” so that it is not in italics;
- (b) deleting “.” after “eating-house” in the definition of “**proprietor**” and inserting instead “;”;
- (d) deleting “and” after “City property;” in the definition of “**public place**”;
- (e) deleting “.” after “purpose” in the definition of “**utility**” and inserting instead “;” and
- (f) inserting in the correct appropriate alphabetical position the following definition-

““**valid licence**” means a licence which is valid in accordance

with clause 2.5 of this local law and for which all fees due in relation to the licence have been paid in full.”;

- 7.2 amend clause 2.9(1)(a) by deleting “is valid and current” and inserting instead “is a valid licence”;
- 7.3 delete clause 4.3(4) and inserting instead the following-
- “(4) For the purposes of this local law-
- (a) an infringement notice given under section 9.16 of the Act in respect of a prescribed offence against this local law is to be in accordance with Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) a notice sent under section 9.20(1) of the Act withdrawing an infringement notice given in respect of an offence alleged to have been committed against this local law is to be in accordance with Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.”;
- 7.4 delete Schedule 2 and Schedule 3 from the local law.

PART 8 - SIGNS LOCAL LAW

Amendment

- 8 The *Signs Local Law 2005* published in the *Government Gazette* on 12 December 2005, is hereby amended in the following manner-
- 8.1 amend clause 1.6 by inserting the definition in the correct alphabetical order as follows-
- “**hand held sign**” means a sign held or carried by a person but does not include an election sign;”;
- 8.2 insert after clause 4.4 the following-
- Hand held signs**
- 4.5 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City.”.

Dated this 1st day of February 2008.

The Common Seal of the)
City of Perth was hereunto)
affixed by resolution of the)
Council in the presence of-)

LISA SCAFFIDI
The Rt Hon The Lord Mayor.

FRANK EDWARDS
Chief Executive Officer.

Consented to Part 2 amending
the *City of Perth Health Local
Law 2000-*

JIM DODDS
DELEGATE OF EXECUTIVE
DIRECTOR, PUBLIC HEALTH.

Dated this 18th day of February 2008.