



Development Services Attachments Wednesday, 15 February 2017

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.1.1	State Administrative Tribunal Section 26 Reconsideration – Warehouse Addition to Approved Transport Depot: Lot 6 (RN 290) Brand Highway, Muchea 1. Applicant’s revised report 2. Applicant’s proposed development plans 3. Revised attachments	1 – 45
9.1.2	Proposed Telstra Telecommunications Facility: Lot 1 (RN9) Martin Road, Chittering 1. Report accompanying Planning Application 2. Schedule of Submissions 3. Photomontage of proposed telecommunications infrastructure 4. Policy measures – State Planning Policy 5.2	46 – 105
9.1.3	Proposed Pylon Sign: Lot 182 (RN 591) Muchea South Road, Muchea 1. Lot 102 Great Northern Highway site and elevation plans 2. Justification provided by the applicant 3. Schedule of submissions 4. Applicant’s response to submissions	106 – 118
9.1.4	Initiation of Local Planning Policy No.5 - Signs, Hoardings and Bill Posting 1. Proposed Draft Local Planning Policy Relating to Signage 2. By-laws relating to Signs, Hoardings and Bill Posting (Gazetted 20 August 1993)	119 – 149
9.1.5	Amendment of the Health (Asbestos) Regulations 1992 1. Letter from Department of Health dated 5 January 2017	150 – 155
9.1.6	Stage 3 Implementation of the Public Health Act 2016 1. Letter from Department of Health dated 28 November 2016	156 – 170
9.1.7	Adoption of the Shire of Chittering Health Local Law 2017 1. Shire of Chittering Health Local Law 2017 2. Submission from Department of Health 3. Submission from Department of Local Government and Communities	171 – 252
9.1.8	Adoption of the Shire of Chittering Waste Local Law 2017 1. Shire of Chittering Waste Local Law 2017 2. Submission from the Department of Local Government and Communities	253 – 267
9.1.9	Unconventional Gas Exploration and Production Activities 1. Unconventional Gas Exploration and Production Activities – Background Paper	268 – 280

9 January 2017

Our Ref: LAM BRD DA



Chief Executive Officer
Shire of Chittering
6177 Great Northern Highway
BINDOON WA 6502

Attention: Peter Stuart – Senior Planning Officer

Dear Peter,

**RE: INFORMATION TO SUPPORT S. 26(D) RECONSIDERATION UNDER STATE
ADMINISTRATIVE TRIBUNAL ACT 2004
PROPOSED TRANSPORT DEPOT USE - LOT 2 (290) BRAND HIGHWAY, MUCHEA**

Further to the mediation held on 17 November 2016 in relation to the above matter, the following information has been prepared to assist the Shire of Chittering (**the Shire**) in its reconsideration of the application.

As discussed, we seek the Shire's reconsideration of Condition 1 of the Shire's Notice of Determination of Application for Planning Approval dated 29 September 2016 to remove reference to the 5 year time limited approval period to enable the Lampson activities to operate in perpetuity.

Those matters discussed in mediation requiring further information to support the removal of the time limitation can be summarised as follows:

1. Evidence that there is no existing site contamination as a result of current or previous activities;
2. Broadening the land use classification to provide further agricultural basis for proposal;
3. Detail in relation to the proposed landscaping to enable a sufficient visual screen to be established to screen the activities from public areas;
4. Detail in relation to landscaping management;
5. Further consideration of how noise impacts from the operations can be addressed.

This information is outlined in further detail below:

Contamination Investigations

Lampson commissioned RSA Pty Ltd (RSA) to undertake a soil investigation at locations around the site to determine whether any contamination was present in the soil as a result of current or past activities occurring on the site. A copy of that soil investigation report dated 19 December 2016 is attached.

Soil samples were taken at four locations around the subject site as shown in Figure 1 of the soil investigation report. The location of the samples were chosen based on an assessment of the low points and water catchment areas which are in proximity to areas where potential hydrocarbon discharge could have occurred. The four locations were therefore assessed as providing for valid sampling points for the movement and settling of hydrocarbons (through surface water) if any discharge was to occur either at the triple interceptor oil tank (located centrally along the eastern side of the main shed) or within the external storage area to the east of the main shed.

As outlined in Part 4 of the soil investigation report, only one of the four soil samples returned a low level reading for hydrocarbon at 110mg/kg. This reading is only marginally (10mg/kg) above the 100mg/kg detection limit. Given that anything below 100mg/kg cannot be detected, this marginal reading was determined by RSA to be insignificant to warrant further investigation or remedial work.

As a separate measure, the triple interceptor oil tank has been inspected by Lampson who has advised that the pit is constructed from 100mm (approx.) thick concrete and was formed in place. The pit contains an overflow point on the eastern side which has now been concreted and sealed closed. The remnant soil has been removed from the pit and disposed of by a private contractor. Lampson has also now installed a top plate over the grate to keep rain out of the pit. With the measures in place for hydrocarbon storage and spill management within the main shed (as outlined in our correspondence dated 1 September 2016), the triple interceptor oil tank is superfluous to the operational and safety requirements relating to the activities that are carried out in the main shed. However, Lampson has undertaken these additional improvements as a precaution against any misuse of the facility that may have occurred as a result of former operations occurring at the subject site associated with the previous owners.

Lampson has also recently engaged a plumbing contractor to remove and dispose the remnant water from the sealed in ground water tanks located to the east of the office.

Land Use

Consideration of Agricultural Related Activities

In order to assist with the Shire's reconsideration for the operations in the Agricultural Resource zone in perpetuity, Lampson could consider a variation to the land use description of the existing operations to supply agricultural plant and equipment as part of the Lampson operations. It has been suggested by the Shire that a warehouse use be included as part of the proposal to that effect.

Warehouse Use

Having regard to the planning framework as it relates to the new warehouse land use element, it is noted that 'warehouse' is defined within the Shire's Town Planning Scheme No. 6 (TPS6) as follows:

Warehouse means premises used to store or display goods and may include sale by wholesale.

A warehouse is a "D" use in the Agricultural Resource zone meaning that the use is not permitted unless the Shire has exercised its discretion by granting Planning Approval.

A distinction is drawn between 'warehouse' and 'storage' uses within TPS6, noting that storage does not permit the display and sale of goods and also noting that 'storage' is not permitted in the Agricultural Resource zone.

Agricultural Related Activities

On the grounds of granting permanency of its operations by the Shire, Lampson would be agreeable to supply equipment that relate to agricultural activities under a 'warehouse' land use. Whilst this equipment does not directly align with Lampson's main line of work, being heavy lift and transport, Lampson has indicated that the supply aspects of the business would be capable of accommodating this additional plant and equipment if it was determined by the Shire that this would further support the activities within the Agricultural Resource zone.

Lampson has provided a number of examples of irrigation equipment that can be supplied. Photos of irrigation system equipment including diesel powered water pumps, long travel irrigators (large and small) and pipe reels, which are of a size that can be easily stored within the main warehouse, are included as part of this submission.

These activities reflect existing examples of Lampson's activities in other parts of Australia which include the supply of equipment to contractors for work associated with agricultural activities such as fertiliser production and grain storage. Lampson already supply to local suppliers a range of agricultural equipment from its fleet of tractors, irrigation water pumps, long travel hose reels, generators or similar type of equipment used in general agriculture activities.

It is not expected that the introduction of agricultural plant and machinery will substantially increase traffic movements from the site. In the same way as the crane equipment is hired out for periods at a time, the agricultural plant and equipment will be delivered off-site. It is also noted that given the size of the agricultural plant and equipment, it is likely that there will be economies associated with either the off-site delivery to more than one client in combined loads or the delivery of machinery on smaller vehicles.

In summary, Lampson has no objection to the introduction of a 'warehouse' use as part of the proposal to support the introduction of supplying equipment related to agricultural activities. It is considered that the introduction of this activity would support the broader operations having regard to the current zoning of the land. It is also noted that, as with the existing Lampson operations, the agricultural component of the operations would be an ideal fit for the locality. However in the event that the Shire does not support the operations in perpetuity, it is not considered necessary to introduce this new land use element given that there would be no change proposed to the existing operations.

Landscaping

Lampson have prepared the attached Landscaping Management Plan to support the planting and maintenance of a proposed landscaped screen around the perimeter of the operations area. The Landscaping Management Plan has been developed in partnership with the local Chittering Landcare Centre staff who have provided recommendations for the specific species mix appropriate for the specific soil and climatic conditions for this site.

The selected species are described within the Landscaping Management Plan and reflected on the attached site plan which demonstrates the area where the vegetated screen is proposed to be established around the northern, eastern and southern boundaries. The vegetated screen referred to as 'Green Belt' will be maintained in accordance with the Landscaping Management Plan. It is noted that a 40m long, 4m wide strip of land along the northern boundary of the subject site adjacent to the vehicle access point has not been included as part of the green belt. This area has been established as a drainage swale in accordance with the recommendations of the Property Stormwater Drainage Management Strategy (dated March 2016). With the remnant vegetation within the 75m wide landscaped road and rail reserve to the west of the subject site, it is considered that the visual aspect of the operation will be adequately screened by this existing vegetation. This will allow for the drainage function of the swale to be unencumbered by the introduction of screening vegetation in this location.

Lampson have enquired with Brookfield Rail in relation to increasing the vegetation within the rail reserve to the south of the subject site boundary. The advice received from Brookfield Rail in relation to additional planting has flagged concern in relation to maintaining visibility for the safety of the users of the subject site in relation to the existing rail crossing.

Despite this provisional advice from Brookfield Rail, it is noted that Lampson have previously committed to lowering the crane booms when not in use and outside of operating hours to limit the visual impact from surrounding areas. With the crane booms lowered during these times, the operation is screened as a result of the existing vegetation within the rail reserve and Brand Highway road reserve, which total a width of approximately 75m of landscaped area adjacent to the western boundary of the subject site. Furthermore, when viewed from the existing residential areas to the west of the site, west of Sandown Park, the combined effect of existing landscaping on either side of Brand Highway as well as the lowering of the taller crane boom components will ensure that the activities are not visible outside of business hours and at certain times of the day. It is recognised that the shed structures will remain visible at all times, however those shed structures do not present a new element to the landscape and have existed at the subject site for many years.

Having regard to the above considerations, with the inclusion of the landscaped screen around the northern, southern and eastern boundaries, only a narrow corridor of the subject site along the western interface will remain untreated, albeit screened by existing mature vegetation within the 75m wide road and rail reserves. This is considered acceptable on the basis of the other operational measures Lampson have committed to in order to reduce the visual impact of the proposal on the public and residential areas surrounding the site.

Noise

Lampson operate from 6:30am to 5:00pm Monday to Friday and from 6:30am to 3:00pm on weekends and public holidays. No activities occur outside of these hours. The activities occurring on site during this time are largely innocuous with all servicing being conducted inside the main shed. The noise generating activities outside relate to the loading and unloading of equipment and as noted in the Traffic Management Plan included at Annexure 5 of the Planning Report dated December 2015, the associated truck movements are infrequent and comprise:

- 10 Staff vehicles (20 movements per day);
- 1 rubbish removal per week;
- 1 water delivery per month;
- 1 truck/trailer pocket road train (28m) per month;
- 1 truck/trailer (25m) per month;
- 2 truck/trailer (21m) per week.

This equates to total of around 20 movements per day for staff vehicles and 1 truck movement every 2 days for the transporting of equipment. However it is noted that due to resizing of the operation, Lampson have recently indicated that the Muchea operations will now employ a maximum of five staff for the foreseeable future as opposed to 10 as previously noted in the Planning Application Report. This would lower the vehicle movements to around 10 movements per day for staff vehicles and 1 truck movement every 2 days for the transporting of equipment.

As noted above, it is not expected that the introduction of agricultural plant and machinery will substantially increase traffic movements from the site. This is on the basis that, in the same way as the crane equipment is hired out for periods at a time, the agricultural plant and equipment will be delivered off-site where it will remain for the duration of the project and then return to the subject site.

To the extent that noise generating activities occur on site, these would not be dissimilar to other noise generating activities that would otherwise be permitted to operate from this existing site pursuant to the Agricultural Resource Zone. The subject site is surrounded on three sides (east, north and south) by land within the Agricultural Resource Zone. The land is also bordered to the west by Brand Highway which is currently a Primary Distributor road under the Main Roads hierarchy mapping and also currently a 'state freight road' under State Planning Policy 5.4 – *Road and Rail Transport Noise and Freight Considerations in Land Use Planning 2009* (SPP5.4). Therefore, in the immediate context, the subject site is well positioned to minimise any low noise level impacts that may arise as part of the operations.

The Environmental Protection Authority (EPA) Guidance Note No. 3 for Separation Distances between Industrial and Sensitive Land Uses (2005) and the Draft Environmental Assessment Guideline for Separation distances between industrial and sensitive land uses (2015) both assign a 200m generic buffer distance for transport vehicles depots. As demonstrated in Figure 1 below, the closest dwellings are approximately 450m from the boundary of the subject site. This further demonstrates the adequacy of the existing separation between the subject site and the closest dwellings.

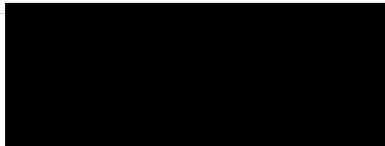


Figure 1 – Separation Distances from Subject Site to Dwellings

We trust that this information satisfies the issues raised by the Shire in mediation as requiring further consideration. We look forward to the Shire's positive reconsideration of this proposal, however in the meantime please do not hesitate to contact our office should you require any further information.

Yours sincerely

ALLERDING AND ASSOCIATES



TOM HOCKLEY
ASSOCIATE

cc. Client

Encl. Soil Investigation
Photos of irrigation system equipment
Landscaping Management Plan

Lampson (Australia) Pty Ltd

Soil Investigation

290 Brand Highway Muchea

16-0685-161219-01R

REV	DATE	DESCRIPTION	PREP	CKD	AUTH
A	19/12/16	For Review	TRS	RS	RS

Prepared by

RSA Pty Ltd

6/ 9 Playle Street, Myaree WA 6154

Tel: (08) 9317 3331 Fax: (08) 9317 3337

Email: info@rsaeng.com.au

www.rsaeng.com.au

© RSA Pty Ltd. All rights reserved.

RSA has prepared this document for the sole use of the Client and for a specific purpose, each as expressly stated in the document. No other party should rely on this document without the prior written consent of RSA. Subject to the above conditions, this document may be transmitted, reproduced or disseminated only in its entirety.

Table of Contents

1. Introduction	4
2. Scope	4
2.1 'V' drain North Eastern of the Main Shed	4
2.2 'V' drain East of the Main Shed	4
2.3 Beside the Collection Pit on East side of Main Shed.	4
2.4 The toe of swale at East side of the block	4
3. Sampling Procedure.....	5
4. Results	6
5. Discussion	7
6. Conclusion	7
Appendix A	8
Appendix B	12
Appendix C	13

1. Introduction

Lampson (Australia) Pty Ltd have engaged RSA to inspect and recover soil samples from their premises at 290 Brand Highway Muchea. This report will only discuss the testing requested by the Local Shire Authority ‘Shire of Chittering’

Tristan Salter as the RSA geotechnical Engineer inspected and recovered 4 soil samples from the above-mentioned site on the 6th December 2016.

2. Scope

Determine if hydrocarbon contamination is present in the soil in areas likely to accumulate these substances. RSA sampled the following locations, See Figure 1.

- 2.1 ‘V’ drain North Eastern of the Main Shed
- 2.2 ‘V’ drain East of the Main Shed
- 2.3 Beside the Collection Pit on East side of Main Shed.
- 2.4 The toe of swale at East side of the block

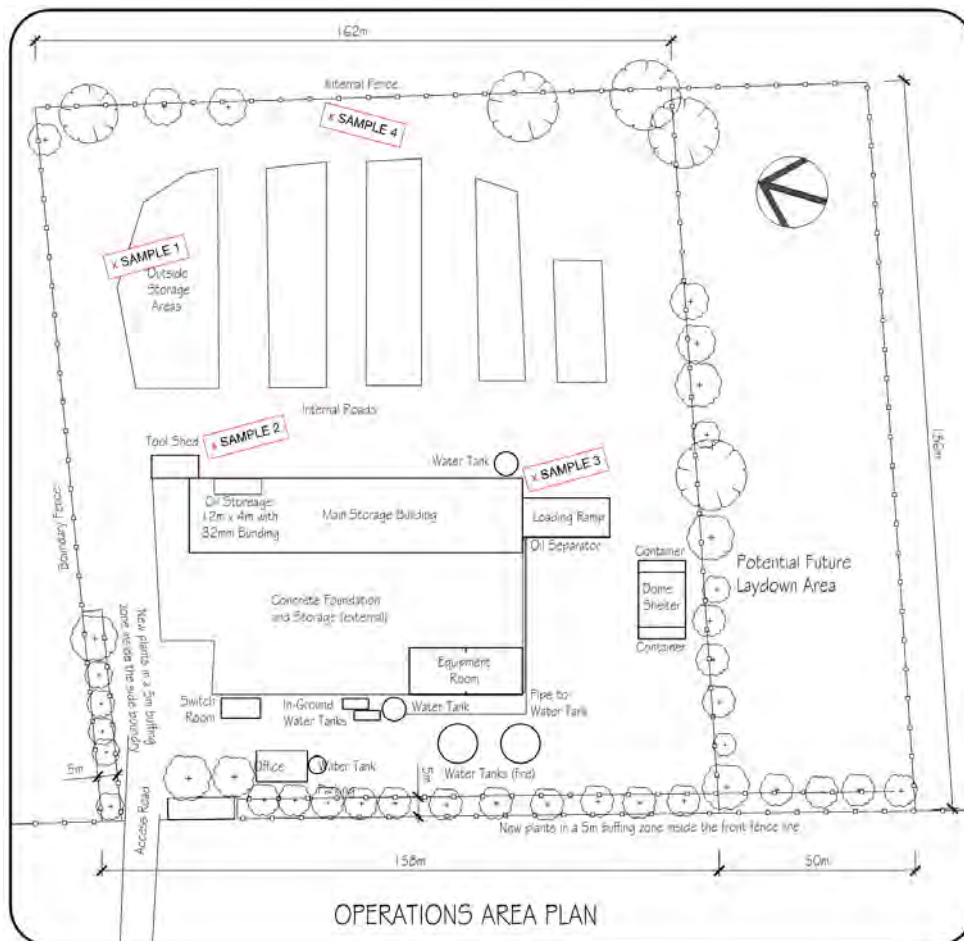


Figure 1, Map of Sample Locations

3. Sampling Procedure

It was determined that the soil be sampled from just below the surface as any spills would most likely be present at the surface. RSA engaged with NATA approved Laboratory MPL to undertake vTRH(C6-C10)/MBTEXN in soil and svTRH(C10-C36) in soil testing. This testing is based on Total Recoverable Hydrocarbons (TRH)

- Clean glass 250mL sample jars were obtained by MPL
- Hand digging tools were used and cleaned before and in between samples.
- The surface soil was scraped away and samples taken as per MPL instructions.
- Images of each location can be found in Appendix 'A'.
- Samples were placed in an esky and delivered to MPL with Chain of Custody documentation. See Appendix 'B'.

Sample No.	Location	Soil type recovered	Figures
1.0	'V' drain North Eastern of the Main Shed	Pea gravel based hardstand material	Figure 3, Figure 4
2.0	'V' drain East of the Main Shed	White sand	Figure 5, Figure 6
3.0	Beside the Collection Pit on East side of Main Shed.	Pea gravel based hardstand material	Figure 7, Figure 8
4.0	The toe of swale at East side of the block	Pea gravel based hardstand material	Figure 9, Figure 10

4. Results

The samples taken to MLP are shown in the table below. The samples were taken from random locations and are indicative only. No visible staining was seen in the general location of testing.

Sample No.	Location	Hydrocarbon Results	Ref
1.0	'V' drain North Eastern of the Main Shed	No hydrocarbons recovered (<mg/kg)	Appendix 'C'
2.0	'V' drain East of the Main Shed	No hydrocarbons recovered (<mg/kg)	Appendix 'C'
3.0	Beside the Collection Pit on East side of Main Shed.	No hydrocarbons recovered (<mg/kg)	Appendix 'C'
4.0	The toe of swale at East side of the block	TRH >C16 - C34 110mg/kg recovered	Appendix 'C'

The soil sample taken at location 4 did return a low level reading for C₁₆ - C₃₄ hydrocarbon range at 110mg/kg. Bearing in mind that the Laboratory cannot detect levels lower than 100mg/kg for these hydrocarbons.

For the full result summary refer to Appendix 'C'.

5. Discussion

When assessing the soil at this location for human contact the resource RSA has used the National Environment Protection (Assessment of Site Contamination) Schedule B1. Referring to Table 1A(3) HSLs soil (mg/kg) (page 38) gives maximum contamination’s for different levels of human contact based on the type of site.

Table 1A(3) HSLs soil (mg/kg)

CHEMICAL (6)	HSL-A (low density residential)				HSL-B (high density residential) (7)				Saturation conc. (C _{sat}) (8)
	0m to <1m	1m to <2m	2m to <4m	4m+	0m to <1m	1m to <2m	2m to <4m	4m+	
<i>Sand (sand, sandy clay, sandy clay loam, sandy loam, loamy sand, loam, sandy silt and silty sand)</i>									
Toluene	190	260	370	NL	160	220	310	540	560
Ethylbenzene	NL	NL	NL	NL	55	NL	NL	NL	64
Xylenes	45	70	110	200	40	60	95	170	300
Naphthalene	3	NL	NL	NL	3	9	NL	NL	9
Benzene	0.6	0.6	0.6	0.6	0.5	0.5	0.5	0.5	360
C6-C10	50 (7)	85 (7)	130 (7)	230 (7)	45 (7)	70 (7)	110 (7)	200 (7)	950
>C10-C16	130	280	520	NL	110	240	440	NL	560

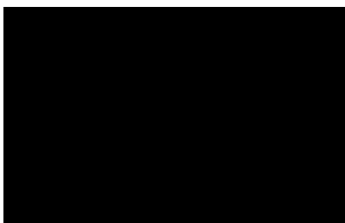
Figure 2, Extract from National Environment Protection

It is noted that the hydrocarbon found in the testing is not noted in the table above. This is covered in Note 7. Below the table. TPH >C16 have physical properties which make these TPH fractions non-volatile, and therefore these TPH fractions are not of concern for vapour intrusion.

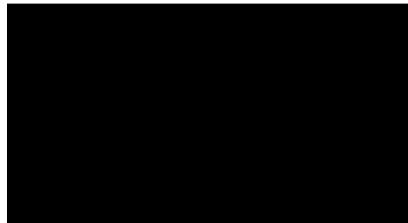
No water was found on site during previous explorations to determine the soil classification.

6. Conclusion

From the samples take on site the soil was found to have no hydrocarbon contaminants that require further investigation of remedial work.



Tristan Salter BE (Hons) MIEAust
Civil Structural Engineer



Robin Salter BE (Hons) FIEAust CPEng
Principal Engineer

Appendix A



Figure 3, Sample location 1



Figure 4, Close up of soil at location 1



Figure 5, Sample location 2



Figure 6, Close up of soil at location 2



Figure 7, Sample location 3



Figure 8, Close up of soil at location 3





Figure 9, Sample location 4



Figure 10, Close up of soil at location 4

Appendix B

 CHAIN OF CUSTODY - Client		Client Project Name / Number / Site etc (ie report title): ENVIROLAB GROUP - National phone number 1300 424 344 RSA16-0685					
Client: RSA PTY LTD Contact Person: Tristan Salter Project Mgr: Tristan Salter Sampler: Tristan Salter Address: 290 Brand Highway Muchea		PO No.: EnviroLab Quote No. : Date results required: Or choose <u>standard</u> same day / 1 day / 2 day / 3 day Standard					
Phone: 93173331 Mob: 439966335 Email: tristan.salter@rsaeng.com.au		Additional report format: esdat / equis / Lab Comments:					
Sample information							
EnviroLab Sample ID	Client Sample ID or information	Depth	Date sampled	Type of sample	TRH	Comments	
1	RSA16-0685.1.1	Surface	6/12/2016	Soil	X	Provide as much information about the sample as you can 	
2	RSA16-0685.2.1	Surface	6/12/2016	Soil	X		
3	RSA16-0685.3.1	Surface	6/12/2016	Soil	X		
4	RSA16-0685.4.1	Surface	6/12/2016	Soil	X		
	RSA16-0685.1.2	Surface	6/12/2016	Soil	X		
	RSA16-0685.2.2	Surface	6/12/2016	Soil	X		
	RSA16-0685.3.2	Surface	6/12/2016	Soil	X		
	RSA16-0685.4.2	Surface	6/12/2016	Soil	X		
	RSA16-0685.Large.1	Surface	6/12/2016	Soil	X		
	RSA16-0685.Large.2	Surface	6/12/2016	Soil	X		
	RSA16-0685.Large.3	Surface	6/12/2016	Soil	X		
	RSA16-0685.Large.4	Surface	6/12/2016	Soil	X		
Relinquished by (Company): <u>RSA</u>				Received by (Company): <u>MPL</u>		Lab use only:	
Print Name: <u>TRISTAN SALTER</u>				Print Name: <u>MLL</u>		Samples Received: Cool or Ambient (circle one)	
Date & Time:				Date & Time: <u>7.12.16</u>		Temperature Received at: <u>24</u> (if applicable)	
Signature:				Signature:		Transported by: <u>Hand delivered / courier</u>	

Appendix C

vTRH(C6-C10)/MBTEXN in soil Our Reference: Your Reference	UNITS -----	189581-1 RSA16-0685 -Large.1	189581-2 RSA16-0685 -Large.2	189581-3 RSA16-0685 -Large.3	189581-4 RSA16-0685 -Large.4
Depth Date Sampled Type of sample	-----	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil
Date extracted	-	09/12/2016	09/12/2016	09/12/2016	09/12/2016
Date analysed	-	09/12/2016	09/12/2016	09/12/2016	09/12/2016
TRHC ₆ - C ₉	mg/kg	<25	<25	<25	<25
TRHC ₆ - C ₁₀	mg/kg	<25	<25	<25	<25
TRHC ₆ -C ₁₀ less BTEX (F1)	mg/kg	<25	<25	<25	<25
MTBE	mg/kg	<0.5	<0.5	<0.5	<0.5
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2
o-xylene	mg/kg	<1	<1	<1	<1
Naphthalene	mg/kg	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	92	91	87	95

svTRH(C10-C36) in soil Our Reference: Your Reference	UNITS -----	189581-1 RSA16-0685 -Large.1	189581-2 RSA16-0685 -Large.2	189581-3 RSA16-0685 -Large.3	189581-4 RSA16-0685 -Large.4
Depth Date Sampled Type of sample	-----	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil	Surface 6/12/2016 Soil
Date extracted	-	09/12/2016	09/12/2016	09/12/2016	09/12/2016
Date analysed	-	09/12/2016	09/12/2016	09/12/2016	09/12/2016
TRHC ₁₀ - C ₁₄	mg/kg	<50	<50	<50	<50
TRHC ₁₅ - C ₂₈	mg/kg	<100	<100	<100	<100
TRHC ₂₉ - C ₃₆	mg/kg	<100	<100	<100	<100
TRH>C ₁₀ - C ₁₆	mg/kg	<50	<50	<50	<50
TRH>C ₁₀ -C ₁₆ less N (F2)	mg/kg	<50	<50	<50	<50
TRH>C ₁₆ - C ₃₄	mg/kg	<100	<100	<100	110
TRH>C ₃₄ - C ₄₀	mg/kg	<100	<100	<100	<100
Surrogate o-Terphenyl	%	93	93	91	96



Lampson (Australia) Pty Ltd

Landscaping Management Plan

290 Brand Highway, Muchea,
Western Australia

December 2016

Contents

1. Environmental Policy
2. Maintenance of green belt
3. Planting methodology
4. Plants species to be planted in green belt



Lampson Environmental Policy:



Lampson (Australia) Pty Ltd
ABN 32 003 919 051



ENVIRONMENTAL POLICY

Lampson (Australia) Pty Ltd is committed to continue managing its operations in a manner which strives to achieve economically sustainable development whilst protecting the environment and safeguarding the health and safety of workers and the community.

At Lampson our Environmental Policy is based on a belief that the environment is the responsibility of all persons. Prevention of pollution and a proactive approach to environmental protection is a major priority and must be considered during all work performed on our behalf.

A clean and unpolluted environment is an important asset and its protection is our responsibility.

Lampson is committed to environmental sustainability. We strive to balance our economic and operational requirements with our social responsibilities to minimise impact on the environment and surrounding community. Continual improvement in environmental performance is a key element of our commitment to social responsibility and sustainability.

Through our culture of rethink, reduce, reuse, repair and recycle Lampson will:

- Promote a culture of innovations and participation engaging our workers to contribute to improving Lampson's environmental performance
- Promote the efficient use of energy, reduction of waste and recycling of materials in all of our activities
- Encourage ethical environmental practice and behaviour including respect for cultural and community values
- Work towards formal environmental laws applicable to projects and meet or exceed all relevant statutory obligations and codes of practice to which we subscribe
- Assess project environmental risks and implement appropriate risk management programs to continually improve performance across our project
- Report regularly on our environmental performance and take remedial action where performance does not meet our expectation
- Communicate this policy to all Lampson personnel, contractors and clients through induction, education and training to promote environmental responsibility and obligations
- Influence our suppliers and contractors to act consistently with our approach towards responsible environmental practices and
- Periodically review this policy and the environmental management system to ensure both remain relevant to our project.

This policy will provide the framework for setting environmental objectives and targets within Lampson. All workers are to be made aware of this policy and are required to actively work towards achieving its objectives in their specific area of responsibility.

Managing Director:



Date: 21/6/2016

Revised Date:

21/6/2017



2. Maintenance of the green belt.

The maintenance of the green belt around the transport depot will be watered on an as needs basis through in ground pipes with a series of holes where required. An inspection of the green belt will be frequently and plants replaced as required. Existing mature trees are currently self sufficient however can be watered as required by the mobile water truck.

3. Planting methodology

Seedlings will be planted at a density rate of 10,000 stems per hectare in order to establish an appropriate density for an effective vegetative screen. Based on the perimeter and total area of the green belt, it has been calculated that approximately 2,700 plants will be required to screen this area.

The seedlings planted will establish within three to four years and after that time be maintained in accordance with this Landscaping Management Plan. Once established, the screen will comprise 10% trees (>15m in height), 50% trees/shrubs (5-15m in height) and 40% shrubs (1-5m in height).

The location of the plantings around the perimeter of the site is shown as 'Green Belt' on the attached site plan.

4. Plants species

Species for the purposes of screening shall be selected from the following list for planting around the transport depot. The new plantings will be selected to complement the existing screening trees and shrubs.

a) *Eucalyptus rudis* (Flooded Gum)



Eucalyptus rudis, the flooded gum, is a medium-sized tree with rough, dark and light grey bark; however, north of Perth it intergrades with *Eucalyptus camaldulensis* var. *obtusa* so the bark may be smooth and very similar to *Eucalyptus camaldulensis*. Leaves are stalked, alternate, ovate to orbicular 12 x 7 cm, slightly discolourous and dull grey-green. White flowers appear in winter to late spring.

The tree is widespread from the Eneabba district (29° S. Lat.) southwards in the Darling Range, west central wheatbelt and high rainfall areas of south-west Western Australia commonly on watercourses, swampy ground or very occasionally on granite rock.

Lampson

Alternative common names for this species include moitch, swamp gum and flooded gum.

b) *Corymbia calophylla* (Marri)



The tree, or rarely mallee, typically grows to a height of 40 metres (131 ft) but can reach as high as 60 metres (197 ft). It has rough tessellated grey-brown to red-brown bark that extends over the length of the trunk and branches. Adult leaves are disjunct, glossy, green, thick and concolorous with a broad lanceolate to ovate shape that is basally tapered or basally rounded. The leaf blade is 9 to 14 centimetres (4 to 6 in) long and 25 to 40 millimetres (0.98 to 1.57 in) wide. The leaf petioles are narrowly flattened or channelled and 15 to 20 mm (0.59 to 0.79 in) long.[4] It blooms between December and May producing white to pink flowers. The terminal compound confluence composed of three to seven flowered regular umbellasters on terete or angular peduncles. Buds form that are clavate and 7 to 14 mm (0.28 to 0.55 in) in length and with a diameter of 7 to 10 mm (0.28 to 0.39 in) with a calyptrate calyx. The fruits or gumnuts form later and can remain on the tree for a year or more. They are ovoid to urceolate in shape, pedicellate, and 30 to 50 mm (1.2 to 2.0 in) long with a 25 to 40 mm (1.0 to 1.6 in) diameter.

The large nuts produced carry large seeds which are an important food source for native bird species such as cockatoos. The tree propagates readily from seeds.

c) *Casuarina obesa* (Swamp sheoak)



It is a small dioecious tree, growing to 1.5 to 10 metres (5 to 33 ft) in height and capable of flowering at any time of year.[3] It has male and female flowers on separate plants, the female plants produce woody cones in an indehiscent state, with crops from two seasons sometimes present. These produce approximately 370 seeds per gram.[4] It is found in sand or clay soils, often in brackish or saline environments, along rivers, creeks and salt lakes.



d) *Melaleuca raphiophylla* (Swamp Paperbark)



Melaleuca raphiophylla is a large shrub or small tree, growing to 10 m (30 ft) tall, often multi-stemmed, with a bushy crown and greyish papery bark. Its leaves are soft, arranged alternately, 8–40 mm (0.3–2 in) long, 0.5–1.5 mm (0.02–0.06 in) wide, linear in shape, circular or oval in cross-section and taper to a hooked point.

The flowers are a shade of white to cream, arranged in heads or spikes on the ends of most of the branches which continue to grow after flowering and sometimes also in the upper leaf axils. The heads are up to 27 mm (1 in) in diameter, 40 mm (2 in) long and contain 4 to 25 groups of flowers in threes. The petals are 2.5–3.5 mm (0.098–0.14 in) long and fall off as the flower matures. There are five bundles of stamens around the flower, each with 11 to 25 stamens. Flowering occurs spasmodically, mainly from May to January and is followed by fruit which are woody, cup-shaped capsules, 3–6 mm (0.1–0.2 in) long and 5–6 mm (0.20–0.24 in) in diameter in clusters along the stem

e) *Melaleuca viminea* (Monah)



Melaleuca viminea grows to 0.5–15 m (2–50 ft) in height and has fibrous or papery bark. Its leaves are arranged in opposite pairs, each leaf 3–20 mm (0.1–0.8 in) long and 0.6–2 millimetres (0.02–0.08 in) wide, linear to narrow oval in shape, tapering to a point.

Its flowers are in heads, at or near the ends of the branches in groups, 25 mm (1 in) in diameter composed of 5 to 50 individual white or cream flowers. The stamens are arranged in five bundles around the flower, each bundle having 3 to 16 stamens. Flowers appear from July to November and are described as smelling sickly. The fruit are woody capsules, 2–4 mm (0.08–0.2 in) long.

Lampson

f) *Viminaria juncea* (Swishbush)



Viminaria juncea is the single species in the genus *Viminaria* endemic to Australia. The genus is in the pea family Fabaceae. It is colloquially known as native broom after its resemblance to the related European broom plants.

Originally described in 1795 by Schrader as *Sophora juncea*, it was given its current binomial name by Hoffmannsegg in 1824. The genus name is derived from the Latin *vimineus* "switch", and the species name from Latin *juncus* "rush", hence "rush-like". Alternate names include golden spray, native broom and swishbush.

Native broom grows as an erect or weeping shrub 1.5–6 m (4.9–19.7 ft) high and 1–2.5 m (3.3–8.2 ft) wide. It has a smooth trunk and ascending branches while the minor branchlets often droop. The long and thin leaves are essentially petioles and measure 3–25 cm (1.2–9.8 in) in length.[5] Flowering occurs from September to January, the flowers growing on racemes to about 25 cm (10 in) in length. Measuring 0.8 cm (0.31 in) in diameter, they are yellow with an orange corolla and are typically pea-shaped. They are followed by small pods containing single seeds.

The preferred habitat is swampy areas near the coast across southern Australia, from the vicinity of Geraldton in Western Australia southwards to Esperance, and in the east in coastal Queensland, New South Wales, Victoria, and South Australia. Native broom is a fast-growing plant in the garden, but can lose vigor once about 5 or 10 years old. It prefers an acidic to neutral soil with ample moisture and is hardy to temperatures of -4 C. Plants grown from seed are sturdier than cutting-grown specimens.

g) *Hakea varia* (Variable Leaved Hakea)



Hakea (pincushion tree) is a genus of 149 species of shrubs and small trees in the Proteaceae, native to Australia. They are found throughout the country, with the highest species diversity being found in the south west of Western Australia.

They can reach 1–6 m in height, and have spirally arranged leaves 2–20 cm long, simple or compound, sometimes (e.g. *H. suaveolens*) with the leaflets thin cylindrical and rush-like. The flowers are produced in dense flowerheads of variable shape, globose to cylindrical, 3–10 cm long, with numerous small red, yellow, pink, purple, pale blue or white flowers.

Lampson

Hakeas are named after Baron Christian Ludwig von Hake, the 18th century German patron of botany, following Heinrich Schrader's description of *Hakea teretifolia* in 1797.

It is now beginning to become accepted [3] that *Grevillea* is paraphyletic with respect to *Hakea*. It is likely, therefore, that *Hakea* may soon be transferred into *Grevillea*.

h) *Banksia menziesii* (Firewood Banksia)



Banksia menziesii grows either as a gnarled tree to 10 m (33 ft), or a lower spreading 1–3 metres (3.3–9.8 ft) shrub, generally encountered at its northern limits in the vicinity of Eneabba-Mount Adams; thus, it declines steadily in size as the climate becomes warmer and dryer further north. In the shrub form, several stems arise from the woody base known as the lignotuber. The trunk is greyish, sometimes with shades of brown or pink, and the 2–3 cm (0.79–1.18 in) thick rough bark breaks away easily. The new growth is covered in fine brownish hair, which wears away after two or three years, leaving smooth stems and leaves. Stems that will bear flower spikes the following year are generally thicker and longer.[4] Oblong in shape and somewhat truncate at the tips, the leaves are grey-green in colour, 8–25 cm (3.1–9.8 in) long and up to 4 cm (1.6 in) wide. The new leaves are paler and finely downy. The leaf margins are serrated with many small 1–2 mm long triangular teeth. The lower surface of the leaf has a midrib covered in fine pale brown hair.

i) *Acacia saligna*



Acacia saligna grows as a small, dense, spreading tree with a short trunk and a weeping habit. It grows up to eight metres tall. Like many *Acacia* species, it has phyllodes rather than true leaves; these can be up to 25 centimetres long. At the base of each phyllode is a nectary gland, which secretes a sugary fluid. This attracts ants, which are believed to reduce the numbers of leaf-eating insects. The yellow flowers appear in early spring and late winter, in groups of up to ten bright yellow spherical flower heads. The fruit is a legume, while the seed is oblong and dark to black in colour.

A natural colonizer, *Coojong* tends to grow wherever soil has been disturbed, such as alongside new roads. Its seeds are distributed by ants, which store them in their nests to eat the seed-stalks. Disturbance of the soil brings them to the surface and

Lampson

allows them to germinate. Seeds germinate readily, and hundreds of seedlings can sometimes be found beneath a single parent tree. It is also extremely vigorous when young, often growing over a metre per year.

j) *Hakea lissocarpa* (Honey Bush)



Shrubs, 1-3 m high; branchlets glabrous or hairy. Leaves alternate, 20-30(-40) mm long, glabrous; lamina terete, once divided, pinnately divided or tripartitely divided, divided to the midrib. Inflorescences axillary or terminal, white, cream, yellow or pink; pedicels 6-9 mm long. Perianth 3-6 mm long, glabrous; ovary glabrous; pistil 3-6.5 mm long, pollen presenter conical, style glabrous. Follicles 15-25 mm long, 7-14 mm wide, corky tetrahedral projections (on external surfaces of fruit) absent; seed 9-20 mm long (including wing), 5-7 mm wide, the wing discontinuous, marginal, extending down one lateral side only. Flowers in May, June, July, August or September

k) *Calothamnus quadrifidus* (One sided Bottlebrush)



Calothamnus quadrifidus is a shrub which sometimes grows to a height of 5 metres (20 ft) although usually much less and it sometimes has a lignotuber. Its leaves are variable, depending on subspecies, but usually 10–50 millimetres (0.4–2 in) long and 0.8–10 millimetres (0.03–0.4 in) wide, sometimes circular in cross section but in some subspecies flat.

The flowers are usually red, although there are white and yellow forms, with the red flowered form most commonly seen in cultivation. The flowers are arranged in clusters, usually on one side of the stem amongst the older leaves. There are four petals, each 3.5–4 millimetres (0.1–0.2 in) long which fall off soon after the flower opens. The stamens are arranged in 4 claw-like bundles, all about the same length. In most subspecies, flowering occurs in spring. Flowering is followed by fruits which are woody, barrel-shaped capsules, 6–14 millimetres (0.24–0.55 in) long



l) Hakea undulata (Wavy Leaved hakea)



Hakea undulata, commonly known as wavy-leaved hakea, is a shrub that is native to the south-west of Western Australia. It is also naturalised in South Australia. Plants are erect and often straggly in habit, growing to between 1 and 2 metres in height and has leaves with scalloped edges. Cream flowers are produced in axillary racemose inflorescences between July and October in its native range.

The species was formally described by botanist Robert Brown in Transactions of the Linnean Society of London in 1810.

m) Hypocalymma angustifolium (White Myrtle)



Hypocalymma angustifolium (White Myrtle) is a species of shrub in the myrtle family Myrtaceae, endemic to the south west region of Western Australia.

It grows up to 1.5 metres in height and has arching stems with narrow leaves. White or white and deep pink flowers are produced between June and October (early winter to mid spring) in its native range.

The species was first formally described by botanist Stephan Endlicher in 1837 as Leptospermum angustifolium. The species was transferred to the genus Hypocalymma in 1843 by Johannes Schauer.

n) Acacia drummondii (Drummonds Wattle)



Drummond's Wattle (*Acacia drummondii*) grows wild among the undershrubs in the forests of south-west Australia and is one of many Western Australian plants which will grow in Canberra, given a little care. Though not new in cultivation it is one of the lesser known wattles; a beautiful, delicate shrub useful where space is limited in the garden.

It is tender to frost, wind and summer sun, all of which have caused losses in exposed positions. For the first few winters it must be protected from frost with a covering such as hessian. This should be thrown over nightly, supported on three

Lampson

stakes in the ground and not touching the plant. Shrubs when about 75 cm high may not need covering as only tip growth will be killed.

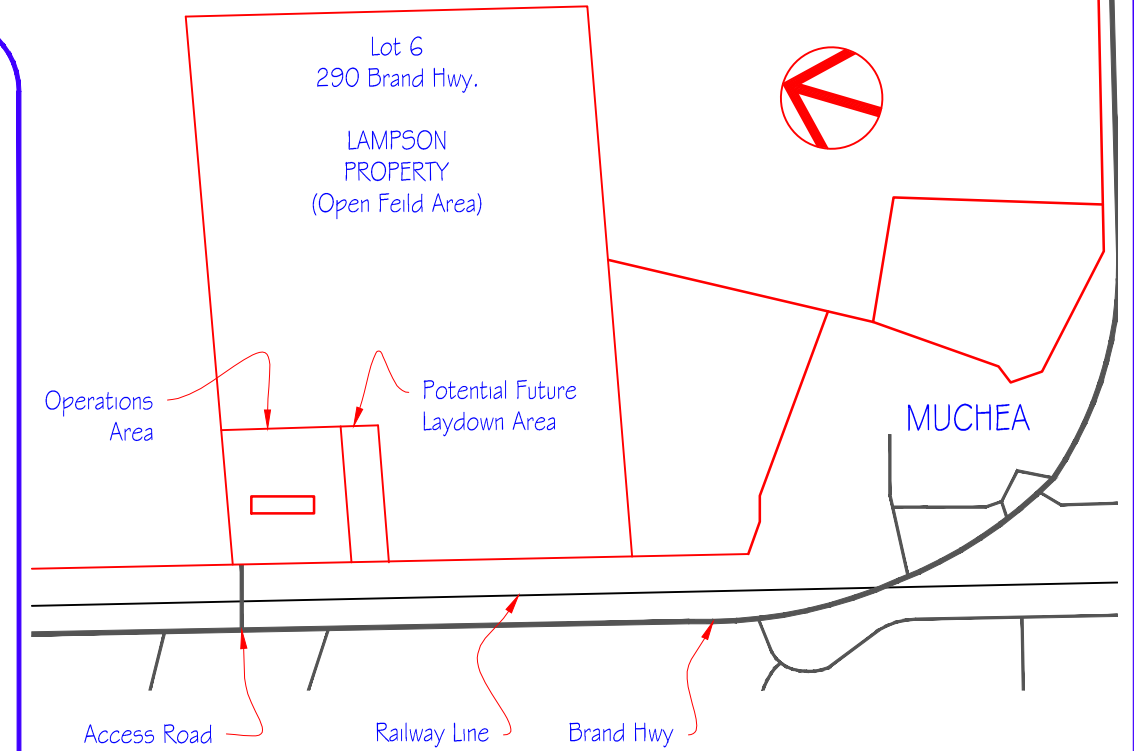
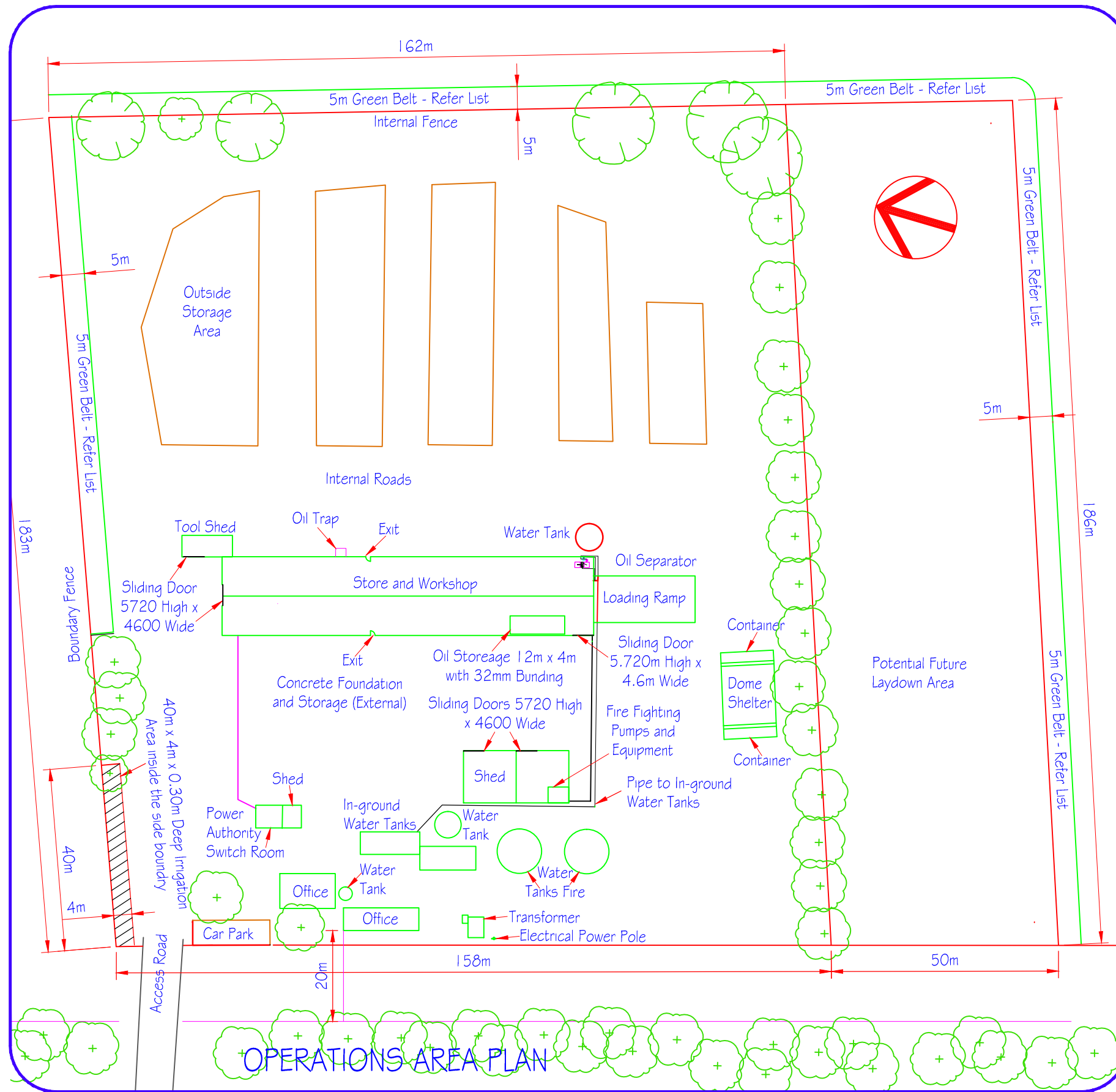
Taller shrubs, trees or rocks give excellent shelter where plants can develop to perfection. If away from other plants the form is upright and either compact or slightly arching, with a number of thin reddish main branches from ground level. It reaches 1.8 m high and the same in width.

Variations in form are known, including a prostrate one which could make a useful ground cover. If crowded among other plants this dwarf wattle spreads forward gracefully, and would adapt to a sloping wall or large rockery. It may also be grown in tubs and in mild districts as a hedge, lightly trimmed.

o) *Acacia Lasiocarpa* (Panjang)



A highly variable species ranging from a dense, low shrub to 15 cm (in exposed sites) to 1 m in protected swales. The distinctive bipinnate (divided) leaves comprise 2–6 leaflets with highly distinctive rolled margins (a distinguishing characteristic from the closely related prickly moses, *Acacia pulchella*). Stems are hairy and each leaf has two prominent spines. The seed pod is up to 10 cm long with distinctive thickened margins. Each pod produces 10 or more black seeds with a distinctive aril (food body) thought to attract seed dispersal agents.



LAMPSON SITE LOCATION PLAN

1. Maintenance of landscaping watering system to be used on plants.
2. Water from runoff to be used on Automatic timing system.

Green Belt:

The Green Belt will consist of the following:

- eucalyptus rudis (Flooded Gum)
- corymbia calophylla (Marr)
- casuarina obesa (Swamp Oak)
- melaleuca raphiophylla (Swamp Paperbark)
- melaleuca viminea (Monah)
- viminea juncea (Swishbush)
- hakea varia (Variable Leafed Hakea)
- Banksia menziesii (Firewood Banksia)
- Acacia saligna
- Hakea lissocarpa (Honey Bush)
- Calothamnus quadrifidus (One sided Bottlebrush)
- Hakea undulata (Wavy Leaf Hakea)
- Hypocalymma angustifolium (White Myrtle)
- Acacia Lasiocarpa (Panjang)
- Acacia drummondii (Drummonds Wattle)

Rev.	Date	By	Description	By	Date
B	25.11.16	JO	DRAWING REVISED		
A	8/11/15	AJ	ISSUED FOR DISCUSSION		

**DO NOT SCALE
IF IN DOUBT ASK**

NOTICE
This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.

TITLE	EXISTING SITE PLAN POTENTIAL LAY DOWN AREA 290 BRAND HIGHWAY, MUCHEA
CUSTOMER	LAMPSON (AUSTRALIA) PTY LTD
PROJECT	MUCHEA FACILITY GENERAL ARRANGEMENT



Drawn by	J.O'DONNELL	Checked by	C.HODGSON
Date	25.11.16	Approved by	-
Scale	SCALE	Project No.	-
Drg. No.	518-01	Sheet	1/1
		Rev.	B

Agricultural Pumps



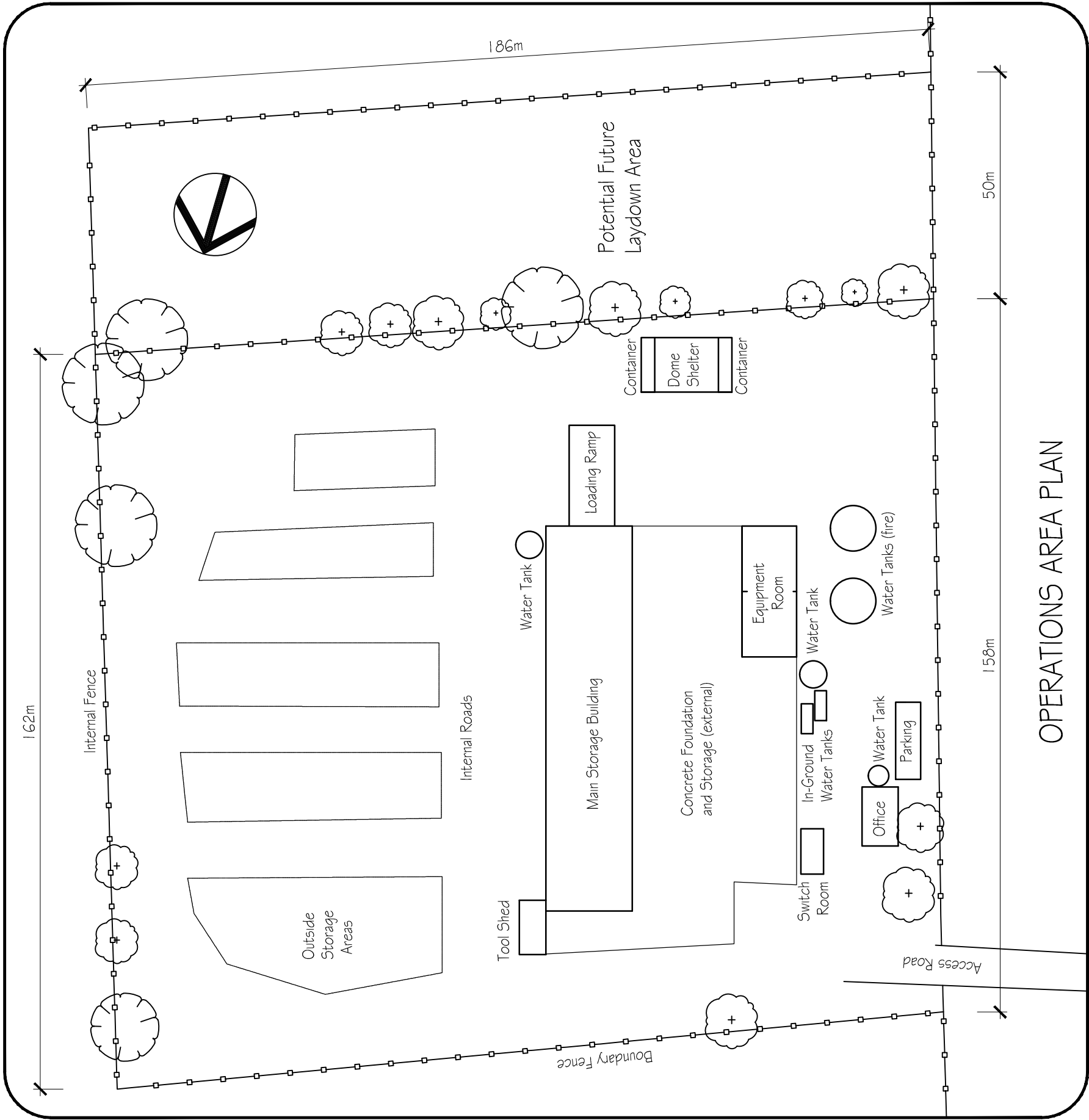


Agricultural Hose Reels

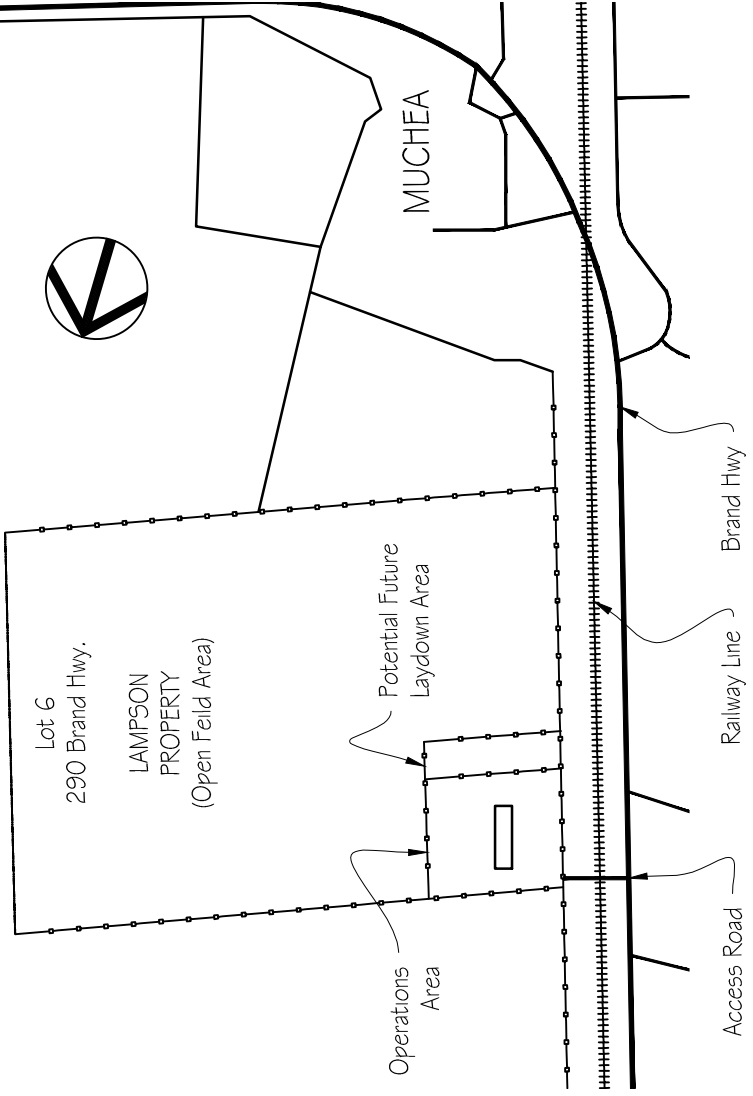








OPERATIONS AREA PLAN



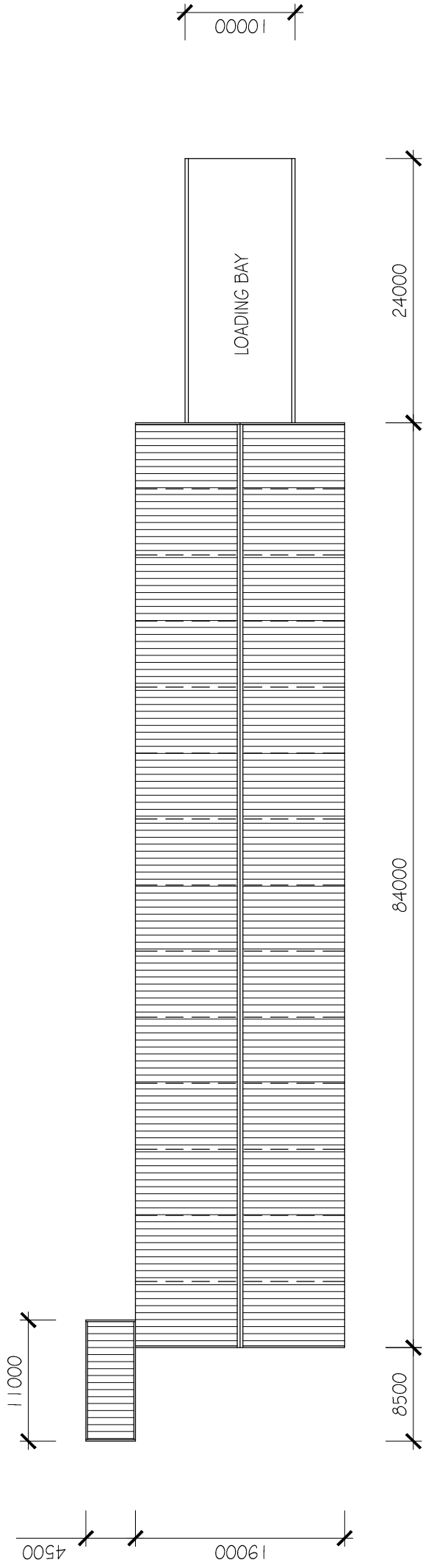
LAMPSON SITE LOCATION PLAN

Rev.	Date	By	Date	Description
A	8/11/15	AJ		ISSUED FOR DISCUSSION

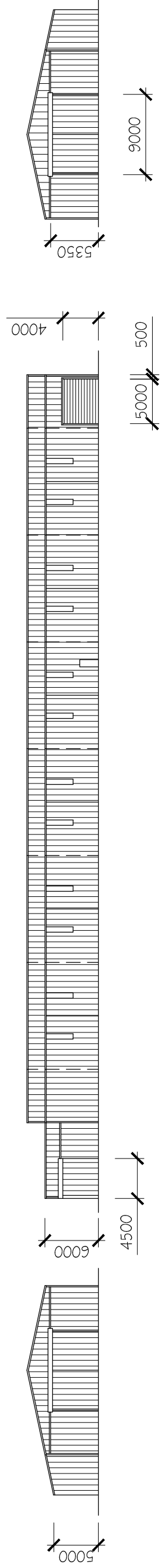
DO NOT SCALE IF IN DOUBT ASK		NOTICE This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.	
TITLE EXISTING SITE PLAN POTENTIAL LAY DOWN AREA 290 BRAND HIGHWAY, MUCHEA		CUSTOMER LAMPSON (AUSTRALIA) PTY LTD	
PROJECT MUCHEA FACILITY GENERAL ARRANGEMENT		PROJECT NO. 518-01	
DRAWN BY A. JURD		CHECKED BY	
DATE 8-12-15		APPROVED BY	
SCALE		PROJECT NO.	
DRG. NO.		SHEET	
518-01		1/1	
		REV.	
		A	



A.B.N. 32 003 919 051



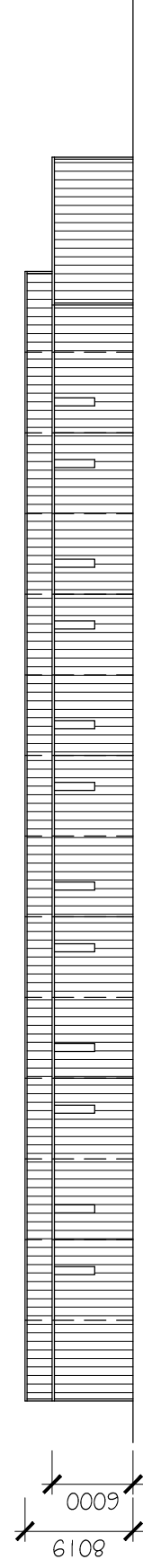
MAIN STORAGE BUILDING PLAN



ELEVATION NORTHERN SIDE

ELEVATION WESTERN SIDE

ELEVATION SOUTHERN SIDE



ELEVATION EASTERN SIDE

TITLE EXISTING MAIN STORAGE BUILDING
290 BRAND HIGHWAY, MUCHEA
CUSTOMER LAMPSON (AUSTRALIA) PTY LTD
PROJECT MUCHEA FACILITY GENERAL ARRANGEMENT

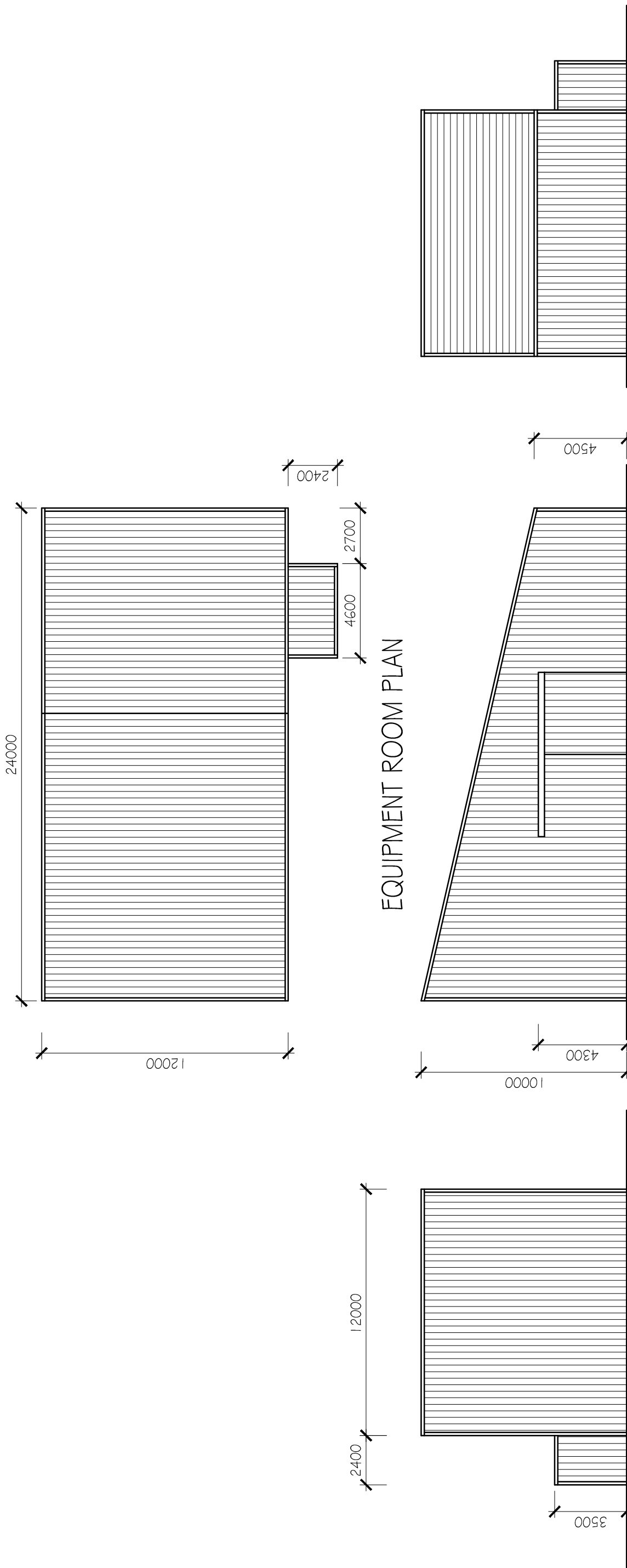
NOTICE
This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.

DO NOT SCALE
IF IN DOUBT ASK

Rev.	Date	By	Date	By	Description
A	12/12/12	AJ			ISSUED FOR DISCUSSION

Drawn by	A. JURD	Checked by	
Date	2-7-15	Approved by	
Scale	1:500	Project No.	
Dwg. No.	515-01	Sheet	1/1
		Rev.	A





ELEVATION NORTHERN SIDE

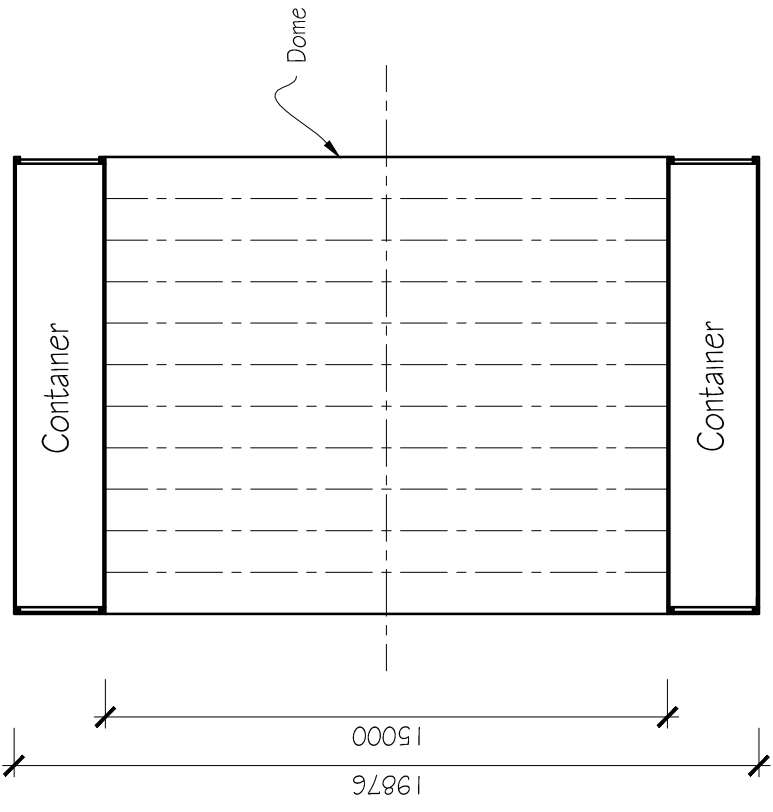
ELEVATION WESTERN SIDE

ELEVATION SOUTHERN SIDE

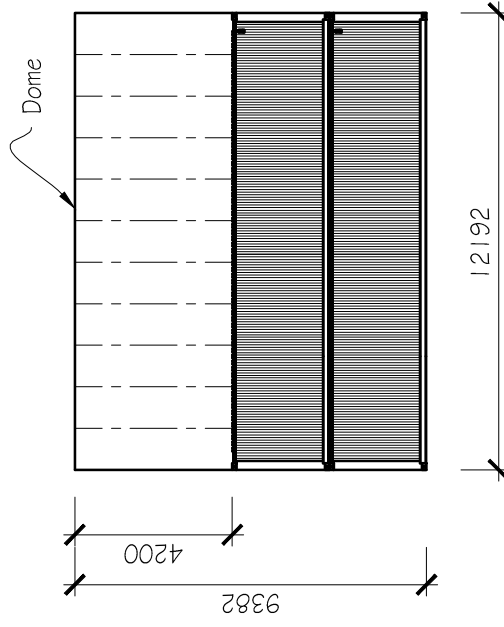
ELEVATION EASTERN SIDE

<p>DO NOT SCALE IF IN DOUBT ASK</p>		<p>NOTICE This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.</p>		<p>TITLE EXISTING EQUIPMENT ROOM 290 BRAND HIGHWAY, MUCHEA</p>		<p>Drawn by A. JURD</p>		<p>Checked by</p>	
<p>ISSUED FOR DISCUSSION</p>		<p>CUSTOMER LAMPSON (AUSTRALIA) PTY LTD</p>		<p>Date 12-11-15</p>		<p>Date 12-11-15</p>		<p>Approved by</p>	
<p>By L.A. Eng. App.</p>		<p>PROJECT MUCHEA FACILITY GENERAL ARRANGEMENT</p>		<p>Scale 1:200</p>		<p>Scale 1:200</p>		<p>Project No.</p>	
<p>Rev. Date By Description</p>		<p>A 12/11/15 AJ</p>		<p>Diagram No. 516-01</p>		<p>Diagram No. 516-01</p>		<p>Sheet 1/1</p>	
								<p>Rev. A</p>	

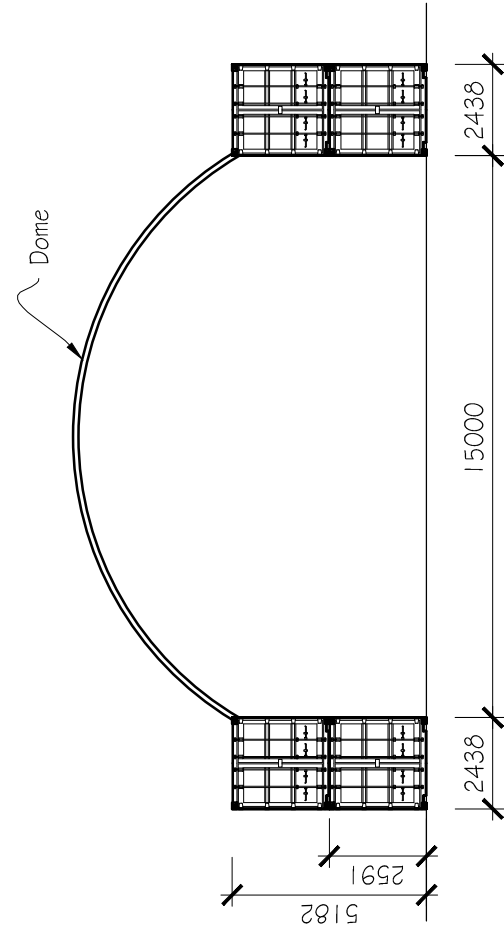




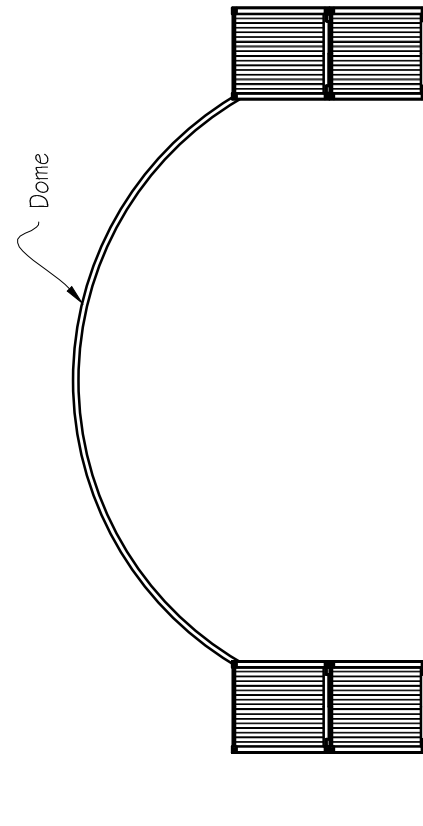
DOMESHELTER PLAN



WESTERN ELEVATION



NORTHERN END VIEW



SOUTHERN END VIEW

Rev.	Date	By	Description
A	12/11/15	AJ	ISSUED FOR DISCUSSION

DO NOT SCALE
IF IN DOUBT ASK

NOTICE
This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.

TITLE	EXISTING DOME SHELTER WITH SHIPPING CONTAINERS
CUSTOMER	290 BRAND HIGHWAY, MUCHEA
PROJECT	LAMPSON (AUSTRALIA) PTY LTD MUCHEA FACILITY GENERAL ARRANGEMENT

Lampson
A.B.N. 32 003 919 051

Drawn by	A. JURD	Checked by	
Date	12-11-15	Approved by	
Scale	1:20 UNO	Project No.	
Fig. No.	517-01	Sheet	1/1
		Rev.	A

1 February 2017

Our Ref: LAM BRD DA



Chief Executive Officer
Shire of Chittering
6177 Great Northern Highway
BINDOON WA 6502

Attention: Peter Stuart – Senior Planning Officer

Dear Peter,

**RE: FURTHER INFORMATION TO SUPPORT S. 26(D) RECONSIDERATION UNDER STATE ADMINISTRATIVE TRIBUNAL ACT 2004
PROPOSED TRANSPORT DEPOT USE & AGRICULTURAL EQUIPMENT SUPPLY
- LOT 2 (290) BRAND HIGHWAY, MUCHEA**

Further to our correspondence of 22 December 2016 in relation to the above matter, the following additional information has been prepared to assist the Shire of Chittering (**the Shire**) in its reconsideration of the application following discussions with Council staff.

Lampson are committed to supply agricultural equipment as part of their current operations at the subject site, on the basis of granting permanency of its entire operations by the Shire. Further to the examples of the type of agricultural equipment that Lampson supply in other parts of Australia, below is a list of plant and equipment that Lampson currently supply, some of which will be capable of supply from the Muchea operation based on whether demand exists for these products and the regional characteristics of Muchea. Such equipment includes:

- Diesel powered water displacement pumps;
- Long Travel Irrigation Pipe Reels and poly pipe;
- Water dispersion sprinklers;
- Large series grass cutting machines;
- Weed treatment equipment such as sprayers and pumps;
- Diesel Supply Trailers - 1000 litre tank(s) and electric pump(s) for refuelling of agricultural equipment;
- Bunded mats for on-site servicing of agricultural plant; and
- Fabricated Floating Pump and pipe-work arrangements in dams for irrigation purposes.

In addition, the following services are offered by Lampson to agricultural related operations on a demand basis:

- On-road transport of agricultural products, these services provided as required with current operational equipment;
- Construction of any farm facility as required (silos, sheds etc);
- Off-site servicing of agricultural machinery (using currently employed local diesel mechanics);
- Fencing fabrication, supply and installation of staining posts/barbed wire etc.; and
- Fertiliser Spreading equipment.

Lampson currently provide the following agricultural equipment in other parts of Australia, but would only supply to the Muchea area subject to market demand:

- General equipment such as tractors and other plant;
- Harvesting equipment;
- Silos;
- Dust Extraction Equipment;
- Rough Terrain Forklifts; and
- Earthworks equipment (i.e. dam building).

These examples of agricultural equipment and services reflect existing examples of Lampson's current activities in other parts of Australia which include the supply of equipment to contractors for work associated with agricultural activities.

Lampson would utilise its existing supply equipment to load and deliver this agricultural related equipment. The agricultural supply component of the operation would therefore be integrated to Lampson's operations due to the parallel resource requirements. In this way it has the ability to evolve and grow to a size to suit the local market and regional requirements of Muchea.

The equipment would be stored on site in locations that suit that equipment and based on the demand for product types. An indicative agricultural layout plan is attached for your reference. Small plant such as pumps or generators are proposed to be kept inside the main shed to the southern end as shown indicatively on the attached agricultural equipment layout plan. Small consumable items such as pipe connections and valves etc would be kept inside the main shed on pallet racking within the shelving along the western side of the main shed. As noted on the attached plan, large agricultural equipment is proposed to be located outside within the current work zone and would be sorted in the same manner as the existing equipment, with moving or motorised equipment (such as tractors and harvesting equipment) stored on the concrete hardstand to the west of the main shed and any other equipment (such as sprayers and long travel irrigation) stored to the east of the main shed.

The indicative storage areas for the agricultural equipment, while only representing a portion of the subject site, represents a comparatively large area in comparison to other agricultural equipment supply operations in the Perth region. Also, given the large size of the main shed on site being approximately 1,700m² in area, there is a significant amount of space available for the shared storage of agricultural supply equipment within the existing operational areas of the Lampson facility.

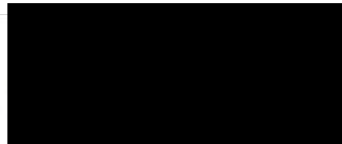
The site itself provides a suitable facility for the shared operation of the heavy lift and crane supply business with the agricultural equipment supply capacity and it is a partnership which will greatly benefit the local economy of Muchea. Further, with the agricultural related equipment proposed to be accommodated within the boundaries of the existing operations area, this allows for the remaining 36ha (approx.) of the subject site to be retained for its current agricultural grazing land use.

We trust that this information satisfies those additional matters raised by the Shire requiring further consideration and demonstrates the bona fides of Lampson expanding the nature of its current operations to provide agricultural equipment of benefit to the Shire and our Client.

We look forward to the Shire's positive reconsideration of this proposal, however in the meantime please do not hesitate to contact our office should you require any further information.

Yours sincerely

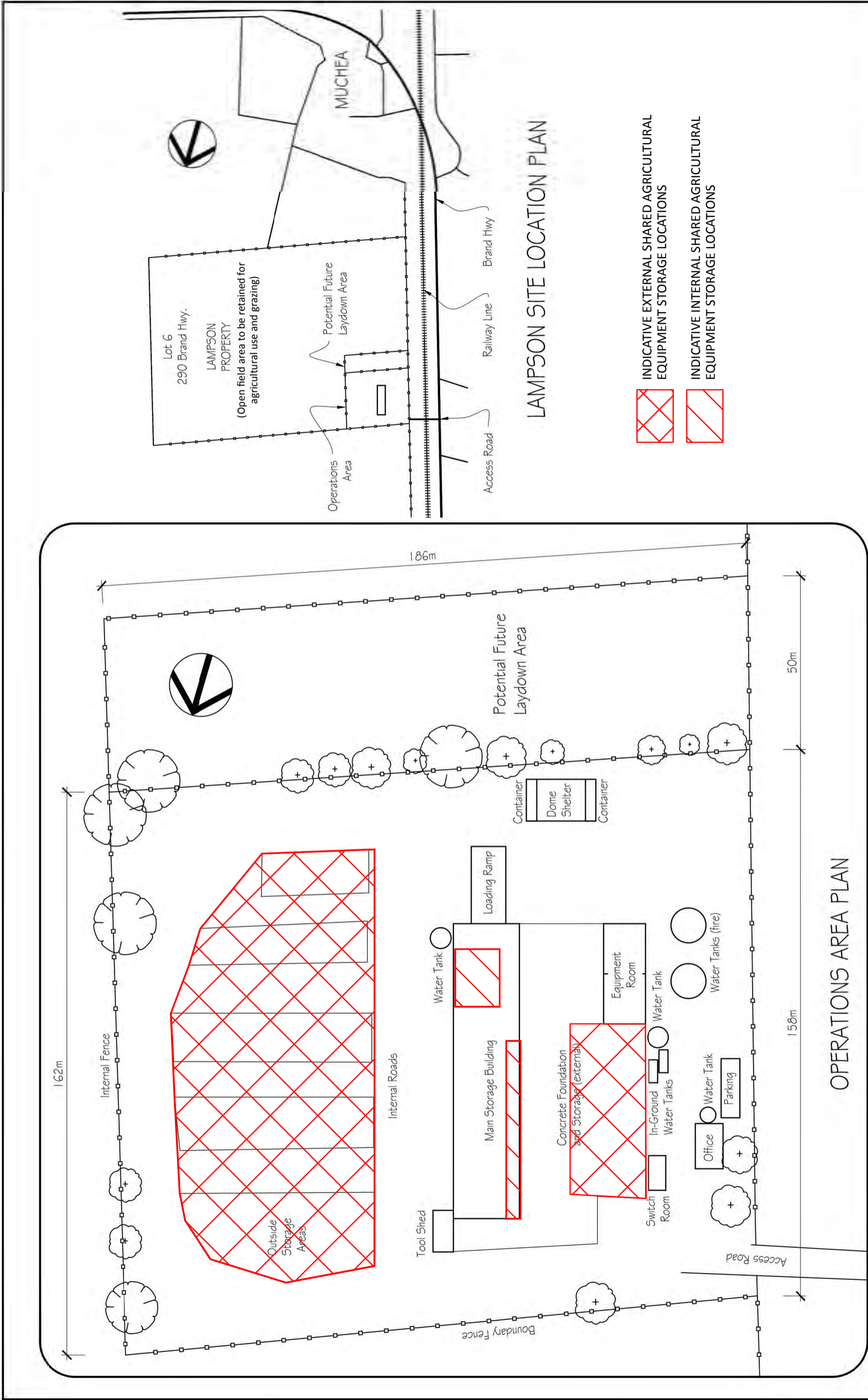
ALLERDING AND ASSOCIATES



TOM HOCKLEY
ASSOCIATE

cc. Client

Encl. Indicative Agricultural Layout Plan



Rev.	Date	By	Description
A	8/11/15	AJ	ISSUED FOR DISCUSSION
<p>DO NOT SCALE IF IN DOUBT ASK</p> <p>NOTICE This drawing has been prepared for the sole use of LAMPSON (AUSTRALIA) PTY LTD. It is loaned to the recipient for his confidential use only. Reproduction or distribution shall not be performed without the express written consent of LAMPSON (AUSTRALIA) PTY LTD.</p>			
<p>TITLE EXISTING SITE PLAN POTENTIAL LAY DOWN AREA 290 BRAND HIGHWAY, MUCHEA</p>			
<p>CUSTOMER LAMPSON (AUSTRALIA) PTY LTD PROJECT MUCHEA FACILITY GENERAL ARRANGEMENT</p>			
<p>Lampson A.B.N. 32 003 919 051</p>			
Drawn by	A. JUKO	Checked by	
Date	8-12-15	Approved by	
Scale		Project No.	
Emp. No.	518-01	Sheet	1/1 A

PLANNING ASSESSMENT REPORT

Development Application for a

Telecommunications Facility at

9 Martin Road, Chittering WA 6084

(Lot 1 on Plan 11160)

Prepared by **Visionstream Pty Ltd**

On behalf of **Telstra Corporation Ltd**

Project Name: Chittering North

Project No: WA08720.01

October 2016



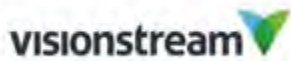


Table of contents

1	Executive Summary
2	Introduction
3	The Proposed Development
4	Purpose of the Proposal
5	Mobile Telecommunications Networks
6	Site Selection Process
7	Justification for Site Selection
8	The Site and Surrounding Area
9	Federal Regulatory Framework
10	State Planning Assessment
11	Local Planning Framework
12	Conclusion
Appendix 1	Copy of the Title
Appendix 2	Site Plans
Appendix 3	EPBC Act Protected Matters Report
Appendix 4	EME Report
Appendix 5	Additional Photos from Nearby Vantage Points



1 EXECUTIVE SUMMARY

1.1 Site and Proposal Details

Address of Site	9 Martin Road, Chittering WA 6084
Legal Property Description	Lot 1 on Plan 11160
Local Authority	Shire of Chittering
Planning Instrument	Shire of Chittering Local Planning Scheme No. 6
Zone and Overlay	Agricultural Resource Zone Special Control Area - Landscape Protection Area
Use	Telecommunications Infrastructure
Owner	Gary Donald Edwards

1.2 Applicant Details

Applicant	Telstra Corporation Limited C/- Visionstream Pty Ltd	
Contact Person	James Duncan	[REDACTED]
Our Reference	WA08720.01	



2 INTRODUCTION

This report has been prepared by Visionstream on behalf of Telstra as supporting information to a Development Application for the installation of a 30 metre high telecommunications facility at 9 Martin Road, Chittering WA 6084.

Refer to Appendix 1 for Title details

This report addresses the merits of the development with regard to the provisions of the Shire of Chittering Local Planning Scheme No. 6.

3 THE PROPOSED DEVELOPMENT

The proposed telecommunications facility at 9 Martin Road, Chittering WA 6084 is comprised of the following:

- The construction of a new 30m high monopole;
- The attachment to the monopole of six (6) panel antennas on a standard triangular headframe (note: antennas will protrude to approximately 32m above ground level);
- The installation of six (6) twin tower mounted amplifiers (TMA's) on the headframe;
- The installation of associated ancillary equipment mounted on the monopole / headframe, including remote radio units, diplexers, combiners, feeders, cables and other ancillary equipment as required;
- The construction of a Telstra equipment shelter of approximate dimensions 3.0m x 2.5m x 3.0m used to house electrical equipment associated with the facility;
- Underground optical fibre and power supply to the facility; and
- The construction of a 13m x 9m fenced lease area to house the facility. This compound will be surrounded by a stock proof fence with double access gates.

Refer to Plans attached at Appendix 2.

4 PURPOSE OF THE PROPOSAL

The three primary drivers for proposing a new telecommunications facility at 9 Martin Road, Chittering WA 6084 are as follows:

- Federal Government's Mobile Black Spot Programme

Telstra will participate in one of the largest ever expansions of mobile coverage in regional and remote Australia, through the Federal Government's Mobile Black Spot Programme, which includes the provision of necessary mobile phone coverage to the Chittering regional community.

We will be building 429 new 3G/4G towers over the next three years, plus a further 250 4G data only small cells, representing a combined investment of more than \$340 million in regional and remote Australia by Telstra, the Federal Government and several State and Local Governments as well.

Mobile connectivity has grown in importance as the combination of smart phones and tablets with increased mobile broadband speeds and capacity are changing the way we live and the availability of these services is often taken for granted in metropolitan locations.

Telstra has a heritage of nearly 35 years in providing mobile telephony to Australians, having brought every generation from 1G (that's right there was one before Cellular started in 1987) through to the 4G networks of today. Along that journey we have been intimately involved with extending coverage through the rollout of new towers as well as creating new and innovative ways to stretch and improve mobile coverage into the far corners of the nation.

With this heritage we are acutely aware of the challenges facing communities living with limited access to a mobile network and that is why Telstra is excited to play an important role in delivering mobile coverage for the first time to a large number of regional communities as part of the Federal Government's Mobile Black Spot Programme.



Over 400 communities who currently have no coverage in or around their towns will benefit from a new 3G/4G service. This means places like Leeuwin in Western Australia, Cape Otway in Victoria, Coffee Camp in New South Wales, Widgee in Queensland, Lulworth in Tasmania, Imanpa in Northern Territory and Fregon in South Australia will be receiving coverage from a new Telstra tower, as well as hundreds more. This has been made possible by the support of not just the Federal Government, but very significant contributions by State and Local Governments as well.

In addition to the new mobile towers, we will be installing 250 Small Cells to deliver high speed 4G data services in some small country towns where suitable Telstra infrastructure is available. There will be 200 nationally and another 50 specifically for Queensland as part of our arrangements with the Queensland Government and we are now working with Government on how to allocate these small cells. At this stage, the Small Cell technology can only provide data services, however, we are working on implementing Voice over LTE technology which will allow customers to make voice calls using 4G.

Telstra has been investing in the expansion and upgrade of our wireless networks for the long term and in the past five years alone we have invested around \$5 billion in our mobile network. Since we launched our Next G® network almost a decade ago, more than 99% of our network has been funded by investing our own capital.

With this Government partnership we are committing \$165 million of our own funds in return for the \$94.8 million allocated to Telstra by the Federal Government and we have worked with Victorian, NSW, Queensland, Tasmanian and Western Australian State Governments as well as multiple Local Governments to attract tens of millions of dollars in targeted additional funding. This means Telstra is able to deliver an investment of over \$340 million in regional telecommunications. Coupled with our unparalleled experience in building networks, this investment will bring new and improved coverage to hundreds of communities across the country.

The Telstra mobile network currently reaches over 99.3% of the population and is by far the largest network in the country, covering 2.4 million square kilometres of the Australian land mass, thanks to our long term commitment to network investment.

As the first carrier to bring 4G mobile services to regional Australia, we know how important high-speed mobile can be to supporting local businesses, tourism and education, so we are also continuing the expansion of our 4G and 4GX services.

We will be offering other carriers the opportunity to use space on our towers to install their own equipment and offer services to their customers from these towers, in accordance with existing industry practices. Our competitors are well-resourced and free to invest in extending their networks into previously unserved regional areas. So this is not just good news for Telstra customers but an opportunity for all carriers to invest in expanding their coverage in regional Australia.

We are proud to have put forward a strong bid for regional Australia as part of a competitive tender process, and we look forward to rolling out the new towers and expanding coverage for hundreds of communities over the next three years.

Increasing coverage across Australia

In addition to extending mobile coverage through the rollout of new towers, we have worked on new and innovate ways to stretch and improve mobile coverage in remote areas. Some of the ways we have done this include:

- High powered Boomer Cells with extended range features that provide more coverage from towers located on high ground
- Low cost signal repeaters such as our Telstra Mobile Smart Antenna which boost signal into homes and buildings
- New 4G Small Cells that provide localised 4G coverage in selected small townships
- “Blue tick” phones designed for improved reception in rural areas



- Next generation solar power mobile sites that allow installations where power is not available
- Our Satellite backhauled micro-cell that can be broken down into a few carry-bags for helicopter transport to the most remote of locations during emergencies.
- Additional information on how to maximize your coverage is available here: <https://www.telstra.com.au/coverage-networks/our-coverage#maximisecoverage>
- Reliable NextG Telstra services
Providing the depth of coverage required to enable reliable NextG Telstra cellular services for local residents, businesses and other mobile users.

5 MOBILE TELECOMMUNICATIONS NETWORKS

A mobile telecommunications network is made up of multiple base stations covering a geographic area. They work by sending and receiving low power radio signals from their antennas to mobile phones and other mobile devices such as tablets, wireless dongles etc. Base stations are designed to provide service to the area immediately surrounding the base station – can be up to several kilometres. Depending on the technical objectives of a base station, the physical characteristics of each telecommunications facility; such as its height, number and size of antennas, equipment, cabling etc. will vary.

As a general rule, the higher the antennas at a base station, the greater it's range of coverage and its ability to relieve capacity issues. If this height is compromised, additional facilities, and thus more infrastructure will be required for any given locality. The further a facility is located away from its technically optimum position, the greater the compromise of service. This may result in coverage gaps and require additional or taller base stations to provide adequate service.

Each base station transmits and receives signals to and from mobile devices in the area. As the mobile device user moves around, their device will communicate with the nearest base station/ facility to them at all times. If they cannot pick up a signal, or the nearest base station is congested (already handling the maximum number of phone calls or maximum level of data usage) the user may not be able to place a call, experience a call "drop out" or a slowing data rate while attempting to download content.

There are three main factors that can cause the above:

- You may be too far away from a facility to receive a signal, or there may be objects blocking the signal from the nearest facility; such as, hills, large trees or even trees. To ensure optimum service the radio signals transmitted between the facility antennas and mobile devices need to be unimpeded, maintaining a "line-of-sight" between them.
- The facility may be handling as much data download and calls as it can handle – call drop-outs and slower data rates can occur when too many users are connected to a facility at once.
- The depth of coverage (which affects the ability to make calls inside buildings), may be insufficient in some local areas.

The current proposal will form part of Telstra's NextG network solution to the Chittering area and will deliver essential mobile services (voice calling, SMS), as well as live video calling, video-based content including; news, finance and sports highlights, and high-speed wireless internet – wireless broadband. With a coverage footprint of more than 2.1 million square kilometres and covering more than 99% of the Australian population. Telstra's NextG is Australia's largest and fastest national mobile broadband network and as such requires more network facilities, located closer together to ensure a high quality signal strength to achieve reliable service and the fastest possible data transfer rates.



6 SITE SELECTION PROCESS

Telstra commences the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. Telstra applies and evaluates a range of criteria as part of this site selection process.

Telstra assesses the technical viability of potential sites through the use of computer modelling tools that produce predictions of the coverage that may be expected from these sites, as well as from the experience and knowledge of the radio engineers.

There are also a number of other important criteria that Telstra uses to assess options and select sites that may be suitable for a proposed new facility. These take into account factors other than the technical performance of the site, and include:

- The potential to co-locate on an existing telecommunications facility.
- The potential to locate on an existing building or structure.
- Visual impact and the potential to obtain relevant town planning approvals.
- Proximity to community sensitive locations and areas of environmental heritage.
- The potential to obtain tenure at the site.
- The cost of developing the site and the provision of utilities (power, access to the facility and transmission links).

Telstra is also contracted to meet objectives of the Mobile Black Spot Programme, with parameters set by the Federal Government. A number of factors determined which areas received funding, including the lack of outdoor coverage and the number of people who would benefit from a new facility.

In the Mobile Black Spot Programme Discussion, Australian Government Department of Communications 2013, it states that:

"The Mobile Black Spot Programme will improve mobile phone coverage and competition in regional and remote Australia, including along major transport routes, in small communities and in locations prone to experiencing natural disasters. The Guidelines aim to ensure the Programme is delivered as efficiently and effectively as possible, and achieve maximum value for money."

In making the proposal for this site at Chittering, Telstra has carefully weighed all of the above criteria. This analysis is detailed in the next section.

7 JUSTIFICATION FOR SITE SELECTION

Telstra carefully examined a range of possible deployment options in the area before concluding that a new telecommunications facility at, 9 Martin Road, Chittering WA 6084 would be the most appropriate solution to provide necessary mobile phone coverage to the Chittering area as part of the Federal Government's Mobile Black Spot Programme.

Accordingly, this section of the report will demonstrate the following:

- Colocation opportunities and existing telecommunications infrastructure within proximity to the proposed installation; and
- An analysis of the locations considered when determining an appropriate location for a new telecommunications installation within the required coverage area.

Colocation opportunities

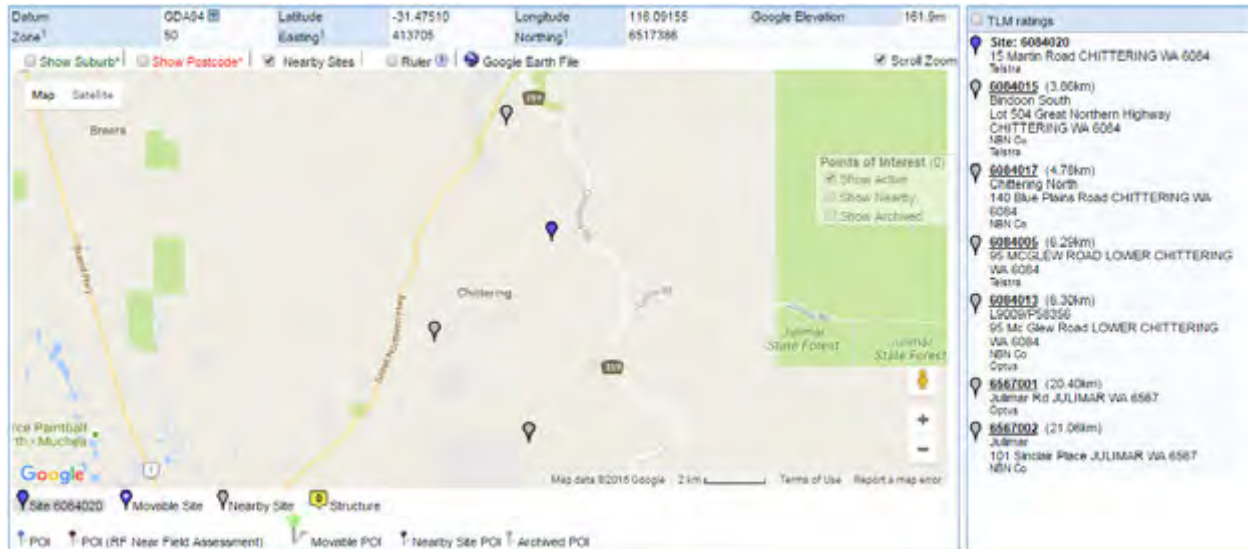
The Communications Alliance Ltd. (formerly Australian Communications Industry Forum Ltd. - ACIF) *Industry Code C564:2011 – Mobile Phone Base Station Deployment* promotes the use of existing sites in order to mitigate the effects of facilities on the landscape. It should also be noted that as a first preference, Telstra attempts to utilise, where possible, any existing infrastructure or co-location opportunities.



Below is a map of existing and proposed telecommunications facilities surrounding the Chittering area – the blue marker indicates the location of the proposed telecommunications facility at 9 Martin Road, Chittering WA 6084.

Accordingly, there is an identified lack of telecommunications facilities within the vicinity of the proposed installation, with the nearest existing facilities being more than 3.5km north-west and 4.5km south-west of the proposed facility in Chittering. As such, there were no suitable colocation opportunities to provide the required radio frequency coverage objectives.

Figure 1: Location of nearby existing telecommunications facilities – Source: RFNSA, www.rfnsa.com.au





Candidates considered

Investigations into the installation of a new telecommunications facility within the Chittering area have been ongoing and more recently in conjunction with the Federal Government’s Mobile Black Spot Programme to improve mobile coverage to this region.

The site which has been selected is deemed to be the most optimal location to achieve the required coverage requirements.

Candidate	Location	Proposal	Zoning	Overlays
Candidate A	Chittering Road, Chittering WA 6084 Lat: -31.4702 Long: 116.101	Greenfield 40m Monopole	Major Road	Landscape Protection Area
Candidate B	9 Martin Road, Chittering WA 6084 (Lot 1 on Plan 11160) Lat: -31.4751, Long: 116.09155	Greenfield 30m Monopole	Agricultural Resource	Landscape Protection Area

Figure 2: Location of Proposed Candidates – Source: *Locate WA – Landgate 2016*





Candidate A: Road reserve-Chittering Road, Chittering WA 6084

This candidate has been included because it is the identified location under the Federal Government's Mobile Black Spot Programme. This location within the Chittering Road reserve was given due consideration, however the road reserve is not considered to be a suitable location to house the infrastructure. There is insufficient space, no safe access and a facility in this location would be highly visible from the road corridor, which is a tourist drive.

In addition, the subject land is zoned 'Major Road' and also within a Landscape Protection area. In accordance with Council's Local Planning Scheme Policy, they will not permit structures within the road reserve. Furthermore, due to the sparse surrounding vegetation the proposed structure would be highly visible to nearby residents and also to passing motorists. As the subject land is within a Landscape Protection area, the proposed facility is unlikely to comply with the requirements of the Landscape Protection Area.

Therefore, on town planning grounds, Candidate A was discounted.

Figure 3: Candidate A – Road Reserve Greenfield – Source: Visionstream 2016



Candidate B: Edwards

The subject site is within the 'Agricultural Resources' zone and also within the Landscape Protection Area. The proposed facility will be sited approximately 255m south of Blue Plains Road and 1.2km west of Chittering Road. These setbacks will ensure the facility is not visually dominating to motorists utilising Blue Plains Road or Chittering Road. Furthermore, the vegetation along Blue Plains Road/ Chittering Road and the undulating terrain of the area will ensure the facility is not a visually dominating feature within the landscape (**Figure 5 - Topography**).

The proposed facility will be sited amongst vegetation which will aid in screening the lower portions of the proposed facility and the equipment shelter from view. Candidate B is located at approximately 20m higher ground elevation (than candidate A), and therefore will require a smaller structure to meet the coverage objectives. The site achieves the required target coverage as part of the Mobile Black Spot Programme for the northern Chittering area and will result in significantly improved mobile coverage to the local area. The topography of the northern Chittering area necessitates the use of an elevated location to provide coverage to the surrounding valleys, properties, roads and travel corridors (as demonstrated by **Figure 5**).

Considering the above factors, candidate B is considered to present far improved town planning merit and was selected as the preferred candidate, which is discussed further throughout this report.

Figure 4: Candidate B – Edwards Greenfield – Source: Visionstream 2016





Figure 5: Candidate A & B within the context of the Chittering landscape – Source: Google Earth 2016



Telstra submits this application for a new telecommunications facility in Chittering after a thorough investigation to improve coverage and capacity in the area and in order to improve mobile communications performance in the area in conjunction with the Federal Government's Mobile Black Spot Programme.

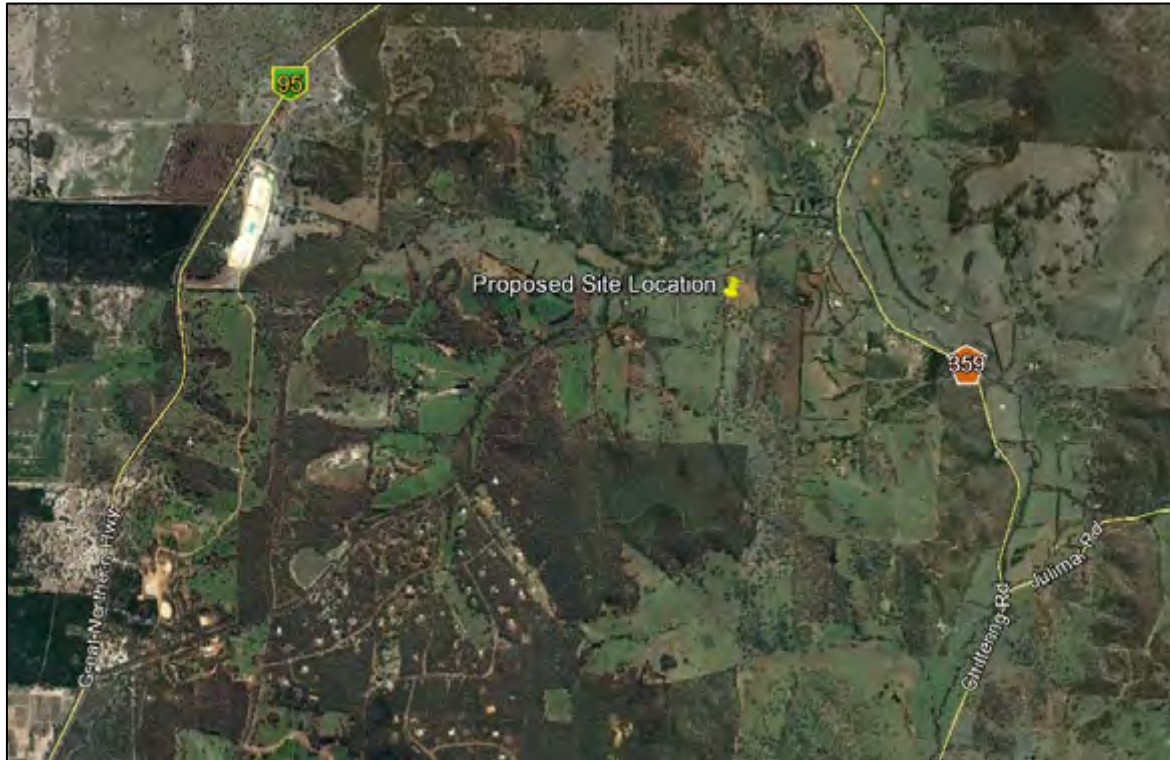
Telstra does not propose the installation of a new telecommunications facility without exhaustively investigating possible alternatives, including co-location on existing infrastructure. In this case, Telstra concluded that there are no viable existing infrastructure within the Chittering area to achieve a co-location, so a new facility at 9 Martin Road, Chittering WA 6084 (Lot 1 on Plan 11160) would be the most appropriate option to pursue when considering all factors including: the Mobile Black Spot Programme, radio design, site construction and planning environmental issues were considered. It is submitted that the site is accessible, technically viable and will result in minimal impact on the amenity of the area, whilst also providing possible co-location opportunities for other carriers in the future.



8 THE SITE AND SURROUNDING AREA

Located in south-west WA, Chittering is located approximately 10 kilometres south of the nearest major rural town of Bindoon. The area is characterized by rural and rural residential properties located within an undulating terrain, which has been partially cleared for agricultural and rural living purposes. In addition, there are large tracts of remnant vegetation covering many of the hilltops and ridgelines in the region. Chittering Road is the major transportation corridor through the area and traverses through the valley. Chittering Road is identified as a major tourist drive within the Shire of Chittering.

Figure 6: Aerial View of Application Site and Surrounds – Source: Google Earth



The proposed telecommunications installation is to be located at 9 Martin Road, Chittering WA 6084 (Lot 1 on Plan 11160). The land is currently used for agricultural purposes and will be accessed from Martin Road. The surrounding land is also characterised by agricultural and rural living land uses.



Figure 7: Proposed compound location – Source: Visionstream 2016



Figure 8: New access crossover required off Martin Road onto subject property – Source: Visionstream 2016





9 FEDERAL REGULATORY FRAMEWORK

The following information provides a summary of the Federal legislation relevant to telecommunications development proposals.

9.1 Commonwealth Telecommunications Act, 1997

The *Telecommunications Act 1997* (the Act) came into operation on 1st July 1997. The Act provides a system for regulating telecommunications and the activities of carriers and service providers.

Under the Act, telecommunications carriers are no longer exempt from State and Territory planning laws except in three limited instances:

1. There are exemptions for inspection of land, maintenance of facilities, installation of “low impact facilities”, subscriber connections and temporary defence facilities. These exemptions are detailed in the *Telecommunications (Low-impact Facilities) Determination 1997* and the *Amendment No. 1 of 2012* and these exceptions are subject to the *Telecommunications Code of Practice 1997*;
2. A limited case-by-case appeals process exists to cover installation of facilities in situations of national significance; and
3. There are some specific powers and immunities from the previous *Telecommunications Act 1991*.

9.1.2 Telecommunications (Low-impact Facilities) Determination, 1997 and Amendment No.1 of 2012

The Telecommunications (Low-impact Facilities) Determination came into effect on 1st July 1997 and the Amendment to the Determination (No.1 of 2012) came into effect on 23rd November 2013.

The Determination contains a list of Telecommunications Facilities that the Commonwealth will continue to regulate. These are facilities that are essential to maintaining telecommunications networks and are unlikely to cause significant community disruption during their installation or operation. These facilities are therefore considered to be ‘Low-impact’ and do not require planning approval under State or territory laws.

The proposed facility at Chittering does not fall under the Determination and, therefore, requires approval under State planning legislation.

9.2 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act* commenced on 16th July 2000. It introduces a new role for the Commonwealth Government in the assessment and approval of development proposals where those proposals involve actions that have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land and actions carried out by the Commonwealth Government.

The proposal is not of National Environmental Significance, as it will not impact on:

- World Heritage Areas;
- Wetlands protected by International Treaty (The RAMSAR Convention);
- Nationally listed threatened species and communities;
- Nationally listed migratory species;
- All nuclear actions; or
- The environment of Commonwealth Marine area.

Refer to EPBC Act Protected Matters Report at Appendix 3.



9.4 Communications Alliance Ltd. Code C564: 2011 Industry Code – Mobile Phone Base Station Deployment

The new Communications Alliance Ltd. C564:2011 *Industry Code – Mobile Phone Base Station Deployment* (referred to as the Deployment Code) replaced the Australian Communications Industry Forum (ACIF) '*Industry Code - Deployment of Mobile Phone Network Infrastructure*' (more commonly referred to as the ACIF Code) in July 2012. The purpose of the revisions incorporated in the new Deployment Code are to provide certainty and clarity for all parties in the implementation of the Code, for example, with regard to the consultation process with Council's and communities and with regard to providing and updating RF EMR Health and Safety information, reports and signage in keeping with relevant standards.

Similar to the ACIF Code, the new Deployment Code cannot change the existing regulatory regime for telecommunications at local, State or Federal level. However, it supplements the existing obligations on carriers, particularly in relation to community consultation and the consideration of exposure to radio signals, sometimes known as electromagnetic energy (EME or EMR).

The Code imposes mandatory levels of notification and community consultation for sites complying with the Telecommunications (Low-impact Facilities) Determination 1997. It identifies varying levels of notification and/or consultation depending on the type and location of the infrastructure proposed.

The subject proposal, not being designated a 'Low-impact' facility, is not subject to the notification or consultation requirements associated with the Deployment Code. These processes are handled within the relevant State and Local consent procedures.

Nevertheless the intent of the Code, to ensure Carriers follow a 'precautionary approach' to the siting of infrastructure away from sensitive land uses, has been followed in the selection of this site.

This site has been selected and designed to comply with the requirements of the Deployment Code in so much as the precautionary approach has been adhered to and, as a result the best design solution has been achieved.

9.5 EME and Health

Telstra acknowledges some people are genuinely concerned about the possible health effects of electromagnetic energy (EME) from mobile phone base stations and is committed to addressing these concerns responsibly.

Telstra, along with the other mobile phone carriers, must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).

In 2003 the ACMA adopted a technical standard for continuous exposure of the general public to RF EME from mobile base stations. The standard, known as the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for Non-Ionising Radiation Protection), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.

The Standard operates by placing a limit on the strength of the signal (or RF EME) that Telstra can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of "buffer zones". The environmental standard restricts the signal strength to a level low enough to protect everyone at all times. It has a significant safety margin, or precautionary approach, built into it.

In order to demonstrate compliance with the standard, ARPANSA created a prediction report using a standard methodology to analyse the maximum potential impact of any new telecommunications facility. Carriers are obliged to undertake this analysis for each new facility and make it publicly available.

Importantly, the ARPANSA-created compliance report demonstrates the maximum signal strength of a proposed facility, assuming that it's handling the maximum number of user's 24-hours a day.

In this way, ARPANSA requires network carriers to demonstrate the greatest possible impact that a new telecommunications facility could have on the environment, to give the community greater peace of mind. In reality, base stations are designed to operate at the lowest possible power level to accommodate only the



number of customers using the facility at any one time. This design function is called “adaptive power control” and ensures that the base station operates at minimum, not maximum, power levels at all times.

Using the ARPANSA standard methodology, Telstra is required to complete and make available an EME report which predicts the maximum environmental EME level the facility will emit. Telstra has undertaken a compliance report that predicts the maximum levels of radiofrequency EME from the proposed installation at 9 Martin Road, Chittering WA 6084. The maximum environmental EME level predicted from this proposed facility is substantially within the allowable limit under the ARPANSA standard.

Refer to the EME Report attached at Appendix 4.

Telstra relies on the expert advice of national and international health authorities such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts.

The WHO advises that all expert reviews on the health effects of exposure to radiofrequency fields have concluded that no adverse health effects have been established from exposure to radiofrequency fields at levels below the international safety guidelines that have been adopted in Australia.

Telstra has strict procedures in place to ensure its mobile phones and base stations comply with these guidelines. Compliance with all applicable EME standards is part of Telstra's responsible approach to EME and mobile phone technology.

10 STATE PLANNING ASSESSMENT

The following information provides a summary of the State legislation/ guidelines relevant to telecommunications development proposals.

10.2 Planning and Development Act 2005

The Minister of Planning and Infrastructure has ultimate authority for town planning in Western Australia. Development within Western Australia is controlled by the Planning and Development Act 2005 through the application of environmental planning instruments. Under the Planning and Development Act 2005, the Western Australian Planning Commission (WAPC) is the responsible authority for land use planning and development matters and this report seeks to demonstrate compliance with the WAPC and other items of relevant legislation which pertain to the subject application.

10.2 Statement of Planning Policy No. 5.2 – Telecommunications Infrastructures (WAPC)

The WAPC Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2) provides a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that ‘telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles’.

The proposal's consistency with the SPP principles is addressed in Table 1 below.

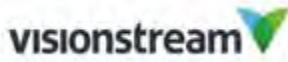
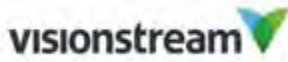


Table 1 Compliance with the Statement of Planning Policy No. 5.2 – Telecommunications Infrastructures (WAPC)

Principles	Comments	Complies
There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.	Telstra undertakes a carefully co-ordinated and planned approach to the development of their network.	✓
Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as networks and energy supply.	The proposed facility is strategically planned and co-ordinated to ensure that the facility will provide high level coverage to the north of Chittering and the rural surrounds.	✓
Telecommunications facilities should be located and designed to meet the communication needs of the community.	The proposed facility seeks to provide mobile coverage to the northern Chittering area.	✓
Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.	The proposed 30m monopole is the minimum height required to provide mobile phone coverage to the identified mobile black spot in Chittering. The proposed facility has been sited to reduce visual impacts on the area, whilst also meeting the technical requirements of the site within an undulating terrain. The facility has been setback from major transport corridors and significant view corridors to reduce the visual impact of the facility on the landscape. Furthermore, it has been sited within an area of mature vegetation which will screen the ground clutter and lower portions of the structure from view. The design utilises a slimline monopole (as opposed to the bulkier lattice tower), and will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the sky backdrop.	✓
Telecommunications facilities should be designed and sited to minimise impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.	A desktop study of the proposed site indicated that it is not affected by any Heritage listings and no heritage items are located within close proximity of the site. Furthermore, a desktop study of the relevant environmental searches did not identify any known items of Flora and Fauna significance located in the vicinity of the proposed site.	✓
Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.	Prior to the commencement of work Telstra will undertake such measures as deemed necessary by Council to effectively protect water catchments within the immediate area.	✓



Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential area.	The proposed 30m monopole is the minimum height required to provide mobile phone coverage to the identified mobile black spot in Chittering. The proposed facility has been sited to reduce visual impacts on the area, whilst also meeting the technical requirements of the site within an undulating terrain. The facility has been setback from major transport corridors and significant view corridors to reduce the visual impact of the facility on the landscape. Furthermore, it has been sited within an area of mature vegetation which will screen the ground clutter and lower portions of the structure from view. The design utilises a slimline monopole (as opposed to the bulkier lattice tower), and will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the sky backdrop.	✓
Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.	Overhead cabling is not proposed for this site.	✓
Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.	This principle does not apply to the subject of this application.	✓
Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.	The proposed facility is located within the 'Agricultural Resource Zone' pursuant with the Shire of Chittering Planning Scheme (No. 6). As such, the proposed facility will be located in the desired zoning.	✓
The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.	No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location.	✓
Co-location of	No opportunities for co-location were identified in the area and as such it has been identified that the	✓

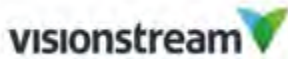


telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.	proposed Telstra site location is seen as the preferred site location.	
Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area, particularly when viewed from residential areas. The monopole will be sited amongst vegetation and contains the lowest feasible height to meet coverage objectives. Furthermore, the proposed subject site maximises the separation distance to transport corridors, viewsheds and surrounding residential dwellings.	✓
Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.	Telecommunications facilities include radio transmitters that radiate electromagnetic energy (EME) into the surrounding area. The levels of these electromagnetic fields must comply with safety limits imposed by the Australian Communications and Media Authority (ACMA, previously ACA). All Telstra installations are designed to operate within these limits	✓
Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.	During construction, Telstra contractors will endeavour to minimise the impact of their works on the amenity of nearby residents and on the surrounding environment. As the proposed site is located in an open space and away from any nearby residential properties, adverse effects on neighbouring properties will be minimal. Following construction, maintenance (excluding emergency repair work) activities should not interfere with the amenity of users. All Health and Safety standards will be adhered to.	✓

Under section 5.1.1 of the State Planning Policy 5.2: Telecommunications Infrastructure Policy the West Australian Planning Commission provides a set of measures in assessing the visual impact of a proposed telecommunications facility.

An assessment of these guidelines below has found that the proposed Telstra Mobile Phone Base Station is compliant with the intent and requirements of the State Planning Policy 5.2: Telecommunication Infrastructure Policy.

Measures	Comments	Complies
Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;	As discussed above, the proposed location has been specifically chosen to maximise separation distances from Blue Plains Road, Chittering Road and surrounding residential dwellings. Furthermore, the monopole will remain unpainted (dull grey in colour) which blends in with the sky backdrop.	✓
Be located to avoid detracting from a significant view of a heritage item or place, a	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area. The proposed location is set-back	✓



landmark, a streetscape, vista or a panorama, whether viewed from public or private land;	form the tourist drives in the area and is unlikely to negatively impact upon any view corridors. The proposed facility has been sited amongst mature vegetation and kept to the minimum height possible. The facility will also take the form of a slimline monopole which produces a lesser visual impact on the area than the bulkier lattice tower.	
Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;	There are no known items of environmental, cultural, social or visual significance that will be detrimentally impacted by the proposal. Any visual impact has been mitigated through a variety of design elements.	✓
Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;	The design utilises a 30m slimline monopole (as opposed to the bulkier lattice tower), and will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the sky backdrop. Furthermore, the location takes advantage of the surrounding mature vegetation to screen the ground clutter and lower portions of the facility from view.	✓
Be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community;	Telstra wish to establish a new mobile telecommunication base station facility in the area to provide the community with a far greater choice of mobile carrier services, as part of the Mobile Black Spot Programme. As such, the facility will provide improved coverage to the surrounding area.	✓
Telecommunications infrastructure should be co-located and whenever possible: Cables and lines should be located within an existing underground conduit or duct; and Overhead lines and towers should be co-located with existing infrastructure and/or within an existing infrastructure corridor and/or mounted on existing or proposed buildings.	No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location. As this is a greenfield site there is no option to utilise existing underground conduit or ducts. Overhead lines are not applicable to this application.	✓



11 Local Planning Framework

The following information provides a summary of the Local provisions relevant to telecommunications development proposals.

11.1 Planning Scheme – Shire of Chittering Local Planning Scheme No. 6

The relevant local planning scheme applicable to the subject site is the *Shire of Chittering Local Planning Scheme No. 6*. The Shire of Chittering Local Planning Scheme provides the legal basis for planning in the Shire of Chittering.

The general aims of the Planning Scheme are as follows:

The general aims of the Scheme are:

- (a) To provide environmental protection and enhancement of biodiversity and the natural resources including land, air and water quality;*
- (b) To protect good quality agricultural soils suitable for sustainable farming and horticulture from inappropriate subdivision and development for non-agricultural purposes;*
- (c) To ensure all developments comply with the principles of catchment management;*
- (d) To maintain the rural lifestyle as part of the community structure and well-being;*
- (e) To provide for, but contain, settlement growth in designated areas of a local village character as service centres for the local population and tourists;*
- (f) To provide for rural residential development in controlled settlement areas;*
- (g) To protect and improve areas of remnant vegetation and, waterways from further degradation;*
- (h) To facilitate vegetated wildlife corridors and greenways, particularly along the primary water courses throughout the Shire by means of reserves and partnerships with government agencies and private landholders;*
- (i) To protect the landscape values of any designated landscape precinct/area/zone;*
- (j) To identify and protect basic raw materials resources for extraction and set standards for management and rehabilitation;*
- (k) To promote employment opportunities by setting aside land for light and service industry development;*
- (l) To provide for a coherent and efficient road system throughout the Shire;*
- (m) To provide a cohesive framework on which to manage the development of the Shire;*
- (n) To co-operate with community groups and to assist in sustainable enterprises for the benefit of the agricultural industry and the community as a whole.*
- (o) To provide for essential infrastructure consistent with and as needed to support the other aims of the Scheme.*

The proposal is considered to be consistent with the broad intent of the Planning Scheme.

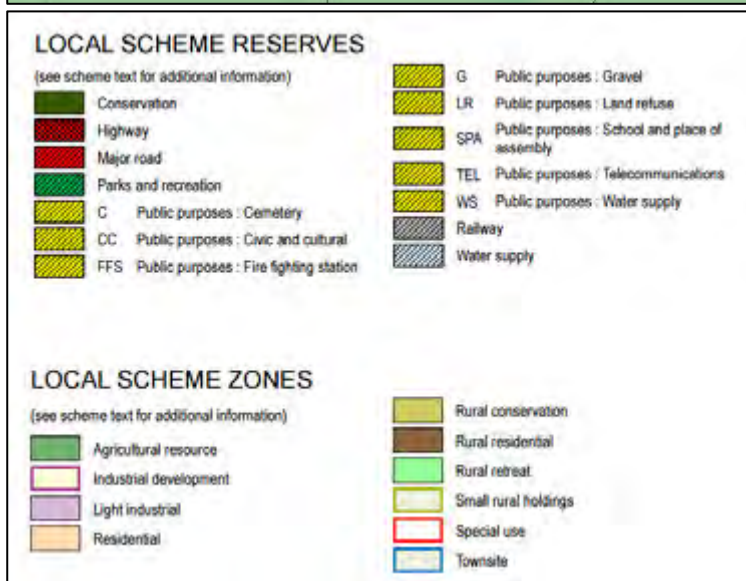
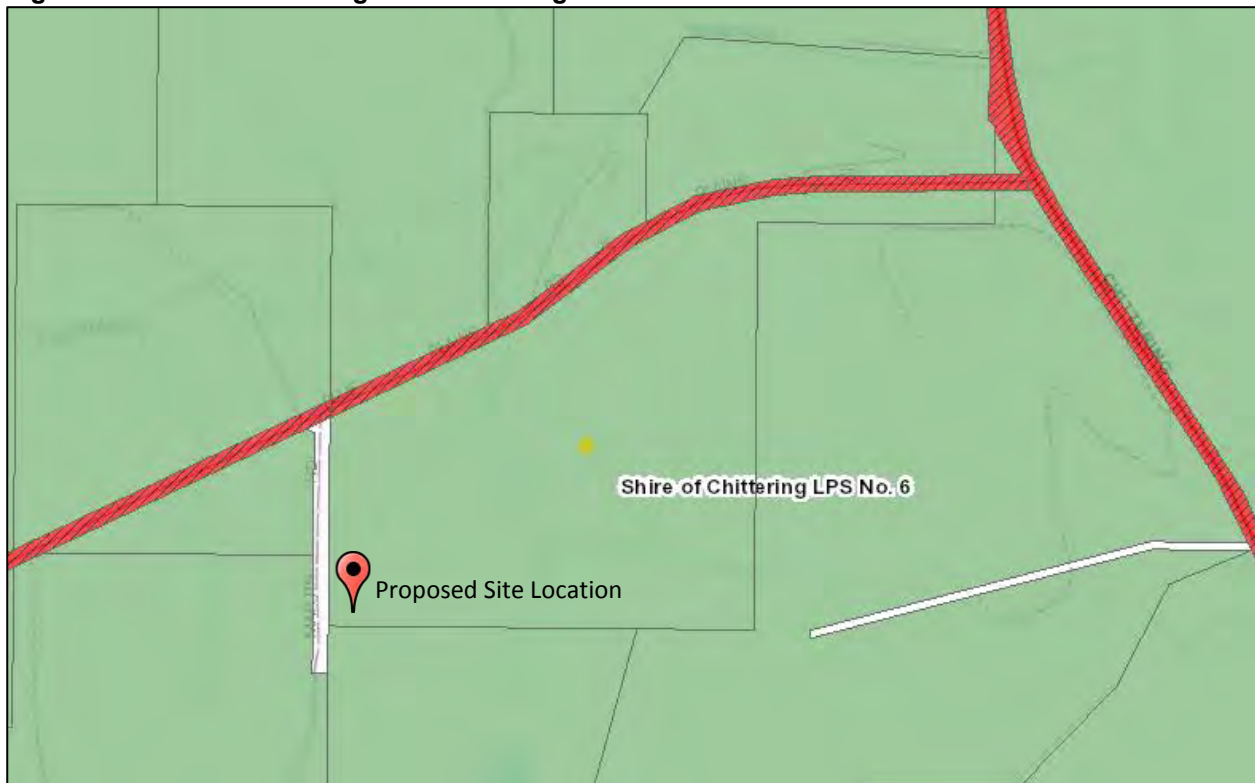
The Shire of Chittering Local Planning Scheme defines “Telecommunications Infrastructure” as; “land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network”.



11.2 Zoning

The proposed site and surrounding area is zoned Agricultural Resource as shown in Figure 8 below.

Figure 9: Shire of Chittering Local Planning Scheme – Source: PlanWA 2016



As the proposed Telstra facility at 9 Martin Road, Chittering WA 6084 is not classified as a 'low impact facility' under the *Telecommunications (Low Impact) Facilities Determination 1997*, consent is required for the use of the proposed facility.

Telecommunications Infrastructure is listed as an 'A' activity in the Agricultural Resource Zone on the zoning table, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.



Agricultural Resource Zone

The objectives of the Agricultural Resource Zone are:

- To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;
- To protect the landform and landscape values of the district against despoliation and land degradation;
- To encourage intensive agriculture and associated tourist facilities, where appropriate; and
- To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.

The proposed mobile telecommunications facility, by virtue of the relatively small area of land required for the facility will not be detrimental to the achievement of the Agricultural Resource zone objectives.

The buildings and works will be confined to a small 13m x 9m compound area, an access track will be constructed to the compound via a new crossover, and earthworks will be required for construction of a concrete footing for the proposed monopole. The total footprint of the proposed facility will comprise a very small portion of the land and will not significantly reduce the farming or agricultural capacity of the land. The facility can co-exist with existing agricultural activities taking place over the subject land.

As outlined previously in this report, the proposed site location for the facility has been chosen to reduce the impacts of the facility to the visual amenity of the landscape form. It has been setback from major road corridors and vantage points.

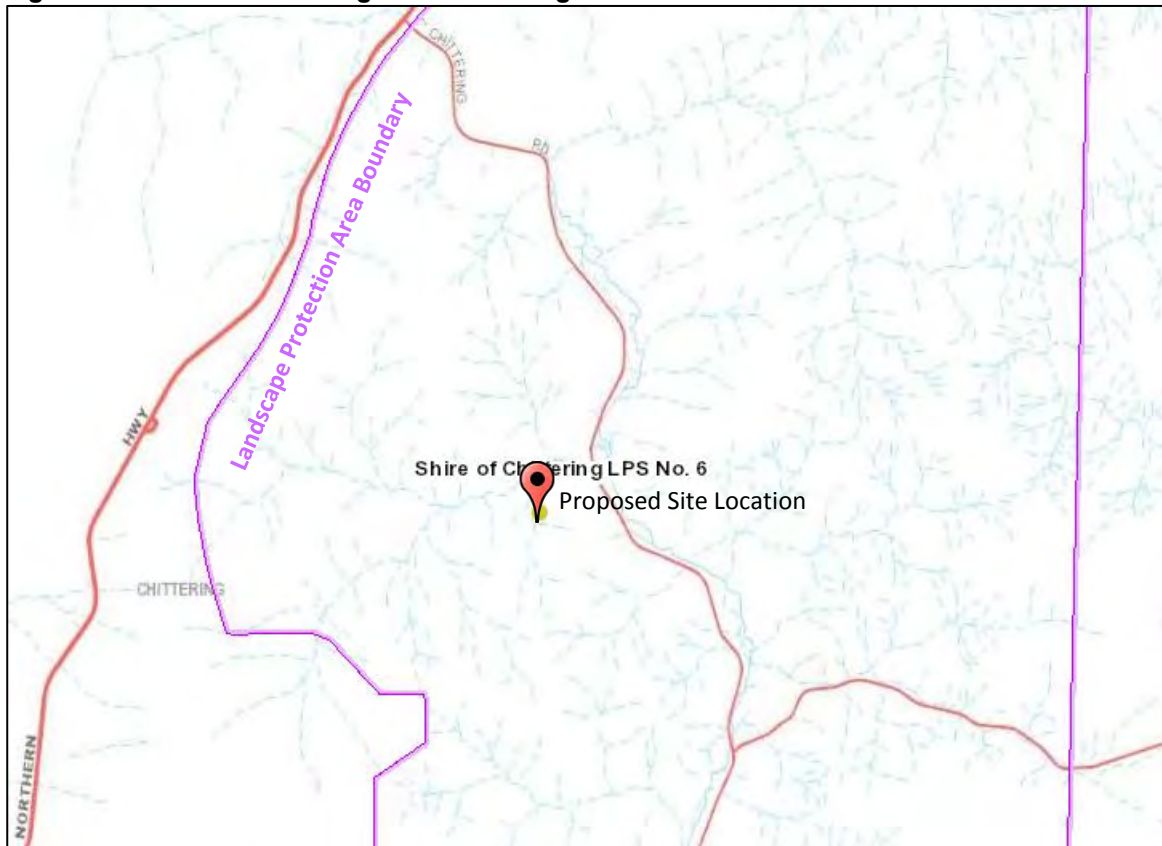
Finally, the proposed facility will provide mobile coverage to the local community, businesses, and tourists using major transport corridors in the local area. As such, this infrastructure will support the overall objectives of the Agricultural Resource zone, which includes rural activities, rural enterprises and tourist activities.



11.3 Miscellaneous/ Local Provisions

The site is within a Landscape Protection Area which requires the Shire to have regard to the additional following provisions in accordance with clause 6.2 of the Planning Scheme:

Figure 10: Shire of Chittering Local Planning Scheme – Source: PlanWA



Landscape Protection Area

The objectives of the Landscape Protection Area are:

- To secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;
- To conserve and enhance the character of the significant landscape area; and
- To ensure land use and developments are compatible with the landscape values.

Having regard to the requirements specified within Clause 6.2.4, the proposal has been specifically located and designed to address these additional provisions. The proposed site location has been setback from the major transport and tourist routes of Chittering Road and Blue Plains Road. It is highlighted that the proposed facility at a height of 30m and at this location is unlikely to be significantly visible from these corridors. The proposed facility has also not been located on the top of a major ridgeline or hilltop within the landscape and is only designed to provide mobile coverage to the local area. The site location which has been chosen addresses the local terrain and topography without negatively impacting upon the landscape character or amenity of the area. The proposed site location also takes advantage of the existing mature vegetation which exists on the subject property and within the local area to screen the lower portions of the facility from view. Some vegetation removal will be required to provide access to the facility off Martin Road, however this vegetation comprises mostly smaller trees and semi-mature trees. As such, their removal is considered unlikely to significantly impact upon rural characteristics and rural landscape of the area. Finally, the facility being proposed utilises a 30m high slimline monopole, as oppose to the bulkier lattice tower. This is likely to better blend into the existing landscape and character and form of the area. In summary, it is considered that the proposed facility will not detract from the prevailing rural landscape.

Rather, the facility will improve telecommunications services throughout the Chittering Valley which will assist with way finding, rural enterprise and tourism opportunities that take advantage of the high value landscape in the area.



11.4 General Provisions

11.4.1 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers. There are no known items of cultural, historical or environmental heritage significance located in the vicinity of the proposed site.

11.4.2 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will comply with the Building Code of Australia and local Shire standards. On completion of the installation, the site will be restored and reinstated to an appropriate standard. No waste which requires collection or disposal will be generated by the operation of the facility.

11.4.3 Traffic Generation

After the construction period, the only traffic generated by the base station will be that associated with maintenance vehicles. In this respect, it is estimated that maintenance of the facility will generate only one visit per year and it will remain unattended at all other times. The traffic generation will therefore be minimal and not sufficient to create any adverse impacts in this regard or by creating a demand for parking facilities.

11.4.4 Noise

Noise and vibration emissions associated with the proposed facility will be limited to the initial construction phase. There will be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is at a comparable level to a domestic air conditioning installation, and will generally accord with the background noise levels prescribed by Australian Standard AS1055.

11.4.5 Flora and Fauna

The proposed site has been chosen as it takes advantage of an area that has been previously disturbed and is not currently used for farming/ agricultural purposes. The compound area of the proposed facility will not require the removal of any vegetation. However, to provide safe and appropriate access to the facility, a new access crossover off Martin Road will be required. To facilitate this new access crossover, vegetation clearing of some mostly small and semi-mature trees will be required. An estimated 24 individual trees will require removal to construct this new access crossover onto 9 Martin Road, Chittering WA 6084. As demonstrated by the below images, the trees are not significant in size.

These trees are not located within an identified area of environmental significance and are unlikely to represent significant value to the ecological values of the landscape.



Figure 11: View of proposed access crossover from Martin Road – Source: *Visionstream 2016*



Figure 12: View of proposed access crossover from 9 Martins Road, Chittering WA 6084 – Source: *Visionstream 2016*





12 Conclusion

This application is a direct result of the Chittering community's requests for reliable telecommunications to be provided to the Chittering area. The provision of reliable telecommunications to the region is further supported by Federal and State levels of government as outlined in the following media releases.

<http://www.christianporter.com.au/mobile-black-spot-programme-delivers-significant-benefits-to-pearce/>

<http://www.wheatbelt.wa.gov.au/our-projects/digital-infrastructure/>

There is strong State policy support for telecommunications facilities if, when balancing improved telecommunications services with environmental impacts; including for example, visual impact and flood or fire hazard, a particular proposal provides a net community benefit.

The site has a number of characteristics that make it suitable for the construction of a new telecommunications facility in the manner proposed. The drawings respond to the principles of design, siting, construction and operation of telecommunications facilities as specified in the Code of Practice whilst meeting state and local planning policy objectives.

The proposed works provide the community with reliable 4G access which in turn supports the various rural and tourist industries in the region and forms part of a wider plan to ensure reliable and accessible coverage during emergency situations such as bush fires.

The proposed telecommunications facility at 9 Martin Road, Chittering WA 6084 will form an integral component in Telstra's national 4GX network. This 4G service brings higher speeds and extra 4G coverage to a range of communities across the nation. 4GX will include services provided over Telstra's new 700MHz spectrum and deliver higher typical mobile speeds on compatible devices, allowing more Australians to experience more reliable connections and ultra-fast mobile internet.

Importantly, the proposed facility will provide reliable coverage essential for the protection of the fire prone areas in the region and ensuring quality and reliability of coverage for users.

The proposal will ensure that customers in the Chittering area will have access to the best possible mobile phone and mobile broadband service.

Telstra have undertaken an assessment of the relevant matters as required by the Telecommunications Act 1997, State Legislation and the Shire of Chittering Local Planning Scheme No 6. The proposal is considered appropriate in light of the relevant legislative, environmental, technical, radio coverage and public safety requirements.

The proposed facility is considered appropriate for the subject site for the following reasons:

- The facility is located specifically to provide reliable mobile phone service to the northern part of Chittering.
- Public views to the facility are adequately mitigated by vegetation screening and significant setbacks from public roads and view corridors.
- The proposal is consistent with the relevant provisions of the Shire of Chittering Local Planning Scheme No 6.
- The proposal is consistent with the proposed future development and orderly planning of the site and its surrounds.
- The facility will ensure the provision of significantly improved mobile phone coverage and competition in regional and remote Australia, including along major transport routes, in small communities and in locations prone to experiencing natural disasters.
- The proposal will maintain and improve Telstra NextG communications services to the area, including voice calls, video calling and Wireless Broadband – a high speed wireless internet service via the 3G/4G phone network;
- The proposed facility is part of Telstra's strategic plan to improve its NextG mobile service in the region, thereby ensuring residents, businesses and tourists have access to the best quality telecommunications service possible which will assist in the delivery of the Shire's corporate vision.
- The proposed facility is appropriately located within the middle of the Agricultural Resource Zone.
- Overall it is considered that the proposed facility is acceptable and will not cause a considerable loss of visual amenity to the surrounding area due to the facility's design and setbacks. It is submitted that a reasonable balance has been struck between the technical requirements for a new facility in this area, the need to deliver an optimum level of service based on the level of coverage and capacity delivered by a facility of this height and the need to minimise visual and other environmental impacts.



- The proposed installation will provide possible opportunities for future co-location on the monopole by other carriers.
- Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.

The assessment of the proposal demonstrates that the proposal represents sound and proper town planning and it is respectfully requested that consent is granted for this development application.



Appendix 1 – Title

WESTERN



AUSTRALIA

REGISTER NUMBER 1/P11160	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
1405FOLIO
817

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

[REDACTED]
REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 1 ON PLAN 11160

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

GARY DONALD EDWARDS OF [REDACTED]
(T E896411) REGISTERED 2 JUNE 1992

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. E896412 MORTGAGE TO CSA CREDIT UNION LTD REGISTERED 2.6.1992.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

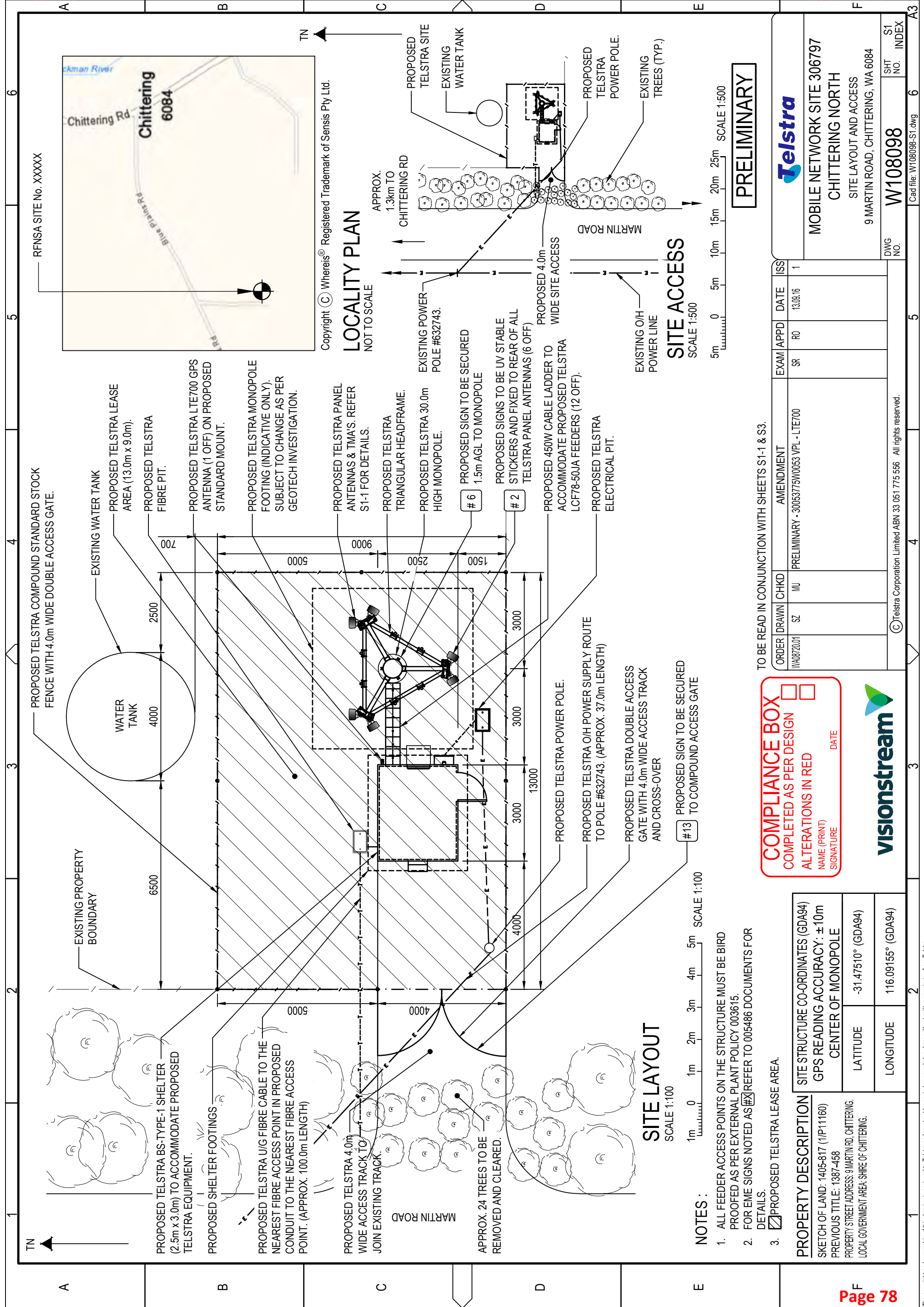
STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1405-817 (1/P11160).
PREVIOUS TITLE: 1387-458.
PROPERTY STREET ADDRESS: 9 MARTIN RD, CHITTERING.
LOCAL GOVERNMENT AREA: SHIRE OF CHITTERING.



Appendix 2 – Site Plans



RFNSA SITE No. XXXXX

Copyright © Whereis® Registered Trademark of Sensis Pty Ltd.

LOCALITY PLAN
NOT TO SCALE

SITE ACCESS
SCALE 1:500

5m 0 5m 10m 15m 20m 25m SCALE 1:500

PRELIMINARY

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA08720.01	SZ	MU	PRELIMINARY - 30053775W0053 VPL - LTE700	SR	RO	13.08.16	1

<p>MOBILE NETWORK SITE 306797 CHITTERING NORTH SITE LAYOUT AND ACCESS 9 MARTIN ROAD, CHITTERING, WA 6084</p>	
DWG NO.	W108098
SHT NO.	INDEX
<p>© Telstra Corporation Limited ABN 33 051 775 556 All rights reserved.</p>	

COMPLIANCE BOX
COMPLETED AS PER DESIGN
ALTERATIONS IN RED
NAME (PRINT) _____ DATE _____
SIGNATURE _____



- NOTES:**
- ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 - FOR EME SIGNS NOTED AS #X REFER TO 005486 DOCUMENTS FOR DETAILS.
 - PROPOSED TELSTRA LEASE AREA.

PROPERTY DESCRIPTION	
SKETCH OF LAND: 1405-817 (1/P11160) PREVIOUS TITLE: 1387-458 PROPERTY STREET ADDRESS: 9 MARTIN RD, CHITTERING, LOCAL GOVERNMENT AREA: SHIRE OF CHITTERING.	
SITE STRUCTURE CO-ORDINATES (GDA94)	
GPS READING ACCURACY: ±10m	
CENTER OF MONOPOLE	
LATITUDE	-31.47510° (GDA94)
LONGITUDE	116.09155° (GDA94)

P01 date: 22 September 2016 - 12:48 PM

Telstra Networks Wireless program Delivery Template - 017866P02 issue 11.02/12/2013

PROPOSED TELSTRA LTE700 / WCDMA850 PANEL ANTENNAS (3 OFF, A1, A3 & A5) ON PROPOSED MOUNTS ON PROPOSED HEADFRAME.

#2 PROPOSED SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (6 OFF)

▽ E.L. 31.3m (±100mm) RL 193.3m A.H.D. OVERALL HEIGHT

▽ E.L. 30.0m (±100mm) RL 192.0m A.H.D. C/L PROPOSED TELSTRA PANEL ANTENNA (6 OFF, A1, A2, A3, A4, A5 & A6). TOP OF PROPOSED MONOPOLE.

PROPOSED TELSTRA LTE700 TMA'S (3 OFF) ATTACHED TO PROPOSED MOUNTS BEHIND PANEL ANTENNAS (A2, A4 & A6).

PROPOSED TELSTRA LTE700 / WCDMA850 TMA'S (3 OFF) ATTACHED TO PROPOSED MOUNTS BEHIND PANEL ANTENNAS (A1, A3 & A5).

PROPOSED TELSTRA LTE700 PANEL ANTENNAS (3 OFF, A2, A4 & A6) ON PROPOSED MOUNTS ON PROPOSED HEADFRAME.

PROPOSED TELSTRA TRIANGULAR HEADFRAME.

NOTES :

- 1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
- 2. FOR EME SIGNS NOTED AS #X REFER TO 005486 DOCUMENTS FOR DETAILS.

PROPOSED TELSTRA LCF78-50JA FEEDERS (12 OFF) TO BE RUN INTERNALLY OF MONOPOLE.

PROPOSED TELSTRA 30.0m HIGH MONOPOLE.

PROPOSED TELSTRA LTE700 GPS ANTENNA (1 OFF) ON PROPOSED STANDARD MOUNT

EXISTING O/H POWER LINE.

EXISTING POWER POLE #632743.

PROPOSED TELSTRA BS-TYPE-1 SHELTER (2.5m x 3.0m) TO ACCOMMODATE PROPOSED TELSTRA EQUIPMENT.

PROPOSED SIGN TO BE SECURED 1.5m AGL TO MONOPOLE #6

PROPOSED TELSTRA O/H POWER SUPPLY ROUTE IN PROPOSED CONDUIT TO POLE #409627. WESTERN POWER TO CHECK CAPACITY OF TRANSFORMER. (APPROX. 37.0m LENGTH)

EXISTING WATER TANK
EXISTING FENCE

PROPOSED TELSTRA DOUBLE ACCESS GATE WITH 4.0m WIDE ACCESS TRACK AND CROSS-OVER.

▽ E.L. 0.00m (±100mm) RL 162.0 A.H.D. GROUND LEVEL

#13 PROPOSED SIGN TO BE SECURED TO COMPOUND ACCESS GATE

PROPOSED TELSTRA COMPOUND STANDARD STOCK FENCE WITH 4.0m WIDE DOUBLE ACCESS GATE.

PROPOSED TELSTRA ELECTRICAL PIT.

PROPOSED TELSTRA FIBRE PIT.

PROPOSED TELSTRA MONOPOLE FOOTING (INDICATIVE ONLY). SUBJECT TO CHANGE AS PER GEOTECH INVESTIGATION.

WEST ELEVATION

SCALE 1:125

1.25m 0 1.25m 2.5m 3.75m 5.0m 6.25m SCALE 1:125

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME (PRINT) _____
 SIGNATURE _____ DATE _____

PRELIMINARY

TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA08720.01	SZ	MU	PRELIMINARY - 30053775W0053 VPL - LTE700	SR	RO	13.09.16	1

Telstra
 MOBILE NETWORK SITE 306797
 CHITTERING NORTH
 WEST ELEVATION
 9 MARTIN ROAD, CHITTERING, WA 6084

DWG NO. **W108098** SHT NO. **3** INDEX **S3**
 Cad file: W108098.S1.dwg **Page 79**



© Telstra Corporation Limited ABN 33 051 775 556 All rights reserved.



Appendix 3 – EPBC Act Protected Matters Report



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 19/10/16 15:28:08

[Summary](#)

[Details](#)

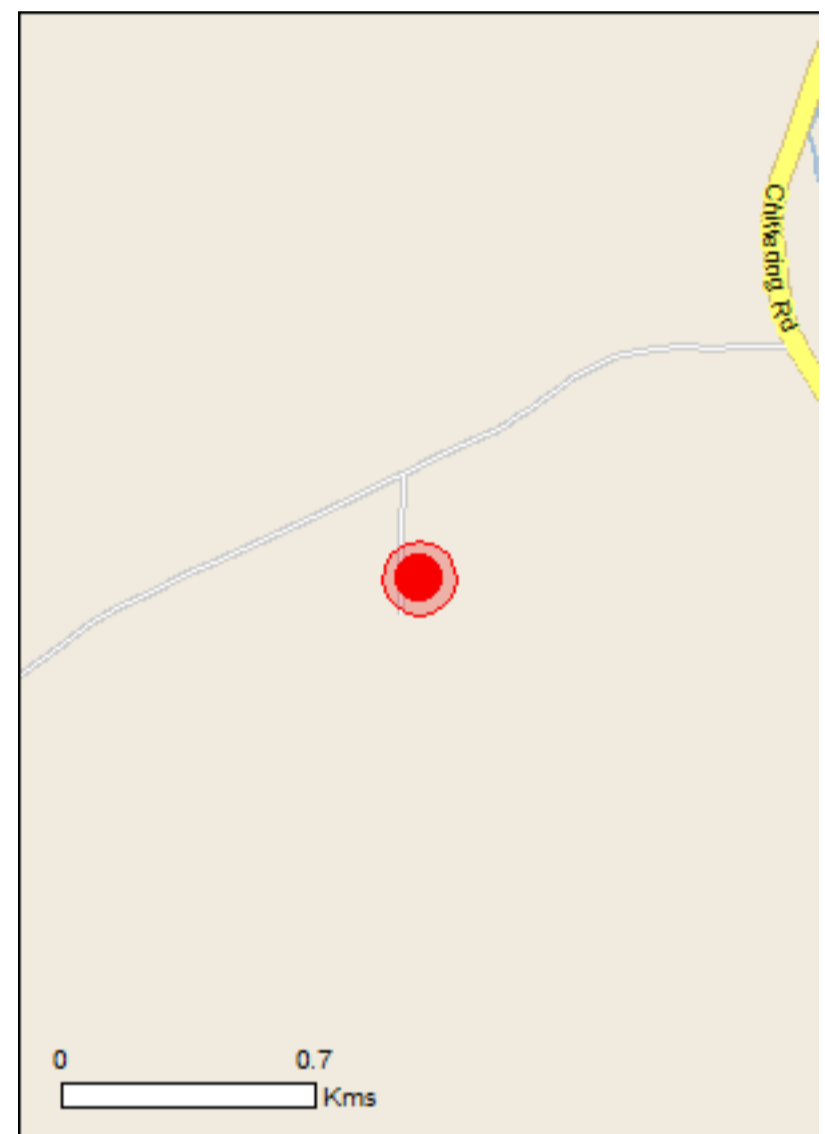
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

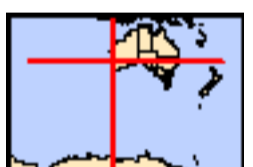
[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

Buffer: 0.1Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	1
Listed Threatened Species:	10
Listed Migratory Species:	5

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	10
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	1
Invasive Species:	16
Nationally Important Wetlands:	None
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities [\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Banksia Woodlands of the Swan Coastal Plain	Endangered	Community may occur within area

Listed Threatened Species [\[Resource Information \]](#)

Name	Status	Type of Presence
------	--------	------------------

Birds

Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
---	-----------------------	--

Calyptorhynchus banksii naso Forest Red-tailed Black-Cockatoo, Karrak [67034]	Vulnerable	Species or species habitat likely to occur within area
--	------------	--

Calyptorhynchus latirostris Carnaby's Black-Cockatoo, Short-billed Black-Cockatoo [59523]	Endangered	Species or species habitat known to occur within area
--	------------	---

Leipoa ocellata Malleefowl [934]	Vulnerable	Species or species habitat may occur within area
---	------------	--

Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
---	-----------------------	--

Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
--	------------	--

Mammals

Dasyurus geoffroii Chuditch, Western Quoll [330]	Vulnerable	Species or species habitat likely to occur within area
---	------------	--

Plants

Caladenia huegelii King Spider-orchid, Grand Spider-orchid, Rusty Spider-orchid [7309]	Endangered	Species or species habitat may occur within area
---	------------	--

Grevillea corrugata a shrub [65445]	Endangered	Species or species habitat known to occur within area
--	------------	---

Thelymitra stellata Star Sun-orchid [7060]	Endangered	Species or species habitat likely to occur within area
---	------------	--

Listed Migratory Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Motacilla cinerea Grey Wagtail [642]		Species or species habitat may occur within area
Migratory Wetlands Species		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Breeding known to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Motacilla cinerea Grey Wagtail [642]		Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area

Name	Threatened	Type of Presence
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat may occur within area

Extra Information

Regional Forest Agreements [\[Resource Information \]](#)

Note that all areas with completed RFAs have been included.

Name	State
South West WA RFA	Western Australia

Invasive Species [\[Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Streptopelia senegalensis Laughing Turtle-dove, Laughing Dove [781]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Mammals		
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
<p>Vulpes vulpes Red Fox, Fox [18]</p>		<p>Species or species habitat likely to occur within area</p>
Plants		
<p>Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]</p>		<p>Species or species habitat likely to occur within area</p>
<p>Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]</p>		<p>Species or species habitat may occur within area</p>
<p>Genista sp. X Genista monspessulana Broom [67538]</p>		<p>Species or species habitat may occur within area</p>
<p>Lycium ferocissimum African Boxthorn, Boxthorn [19235]</p>		<p>Species or species habitat likely to occur within area</p>
<p>Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]</p>		<p>Species or species habitat may occur within area</p>
<p>Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]</p>		<p>Species or species habitat likely to occur within area</p>

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-31.47495 116.09173

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Parks and Wildlife Commission NT, Northern Territory Government](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Atherton and Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

[© Commonwealth of Australia](#)
Department of the Environment
GPO Box 787
Canberra ACT 2601 Australia
+61 2 6274 1111



Appendix 4 – EME Report



Environmental EME Report 9 Martin Road, CHITTERING WA 6084

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 12/10/2016

RFNSA Site No. 6084020

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 9 Martin Road CHITTERING WA 6084 . These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.56% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 2.87 V/m; equivalent to 21.87 mW/m² or 0.56% of the public exposure limit.

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	WCDMA850 (proposed), LTE700 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at 9 Martin Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m				1.093	3.17	0.083%
50m to 100m				1.25	4.15	0.11%
100m to 200m				2.87	21.87	0.56%
200m to 300m				2.71	19.51	0.5%
300m to 400m				1.92	9.74	0.25%
400m to 500m				1.44	5.51	0.14%
<i>Maximum EME level</i>				2.87	21.87	0.56
				161.32 m from the antennas at 9 Martin Road		

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
No locations identified				

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document “Understanding the ARPANSA Environmental EME Report”
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; “Radio Frequency EME Exposure Levels - Prediction Methodologies”
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, ‘Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz’, Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 ‘Mobile Phone Base Station Deployment’ is available from the Communications Alliance Ltd website, <http://commsalliance.com.au> .

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.



Appendix 5 – Additional Photos from Nearby Vantage Points



Photograph 1 – View from Blue Plains Road towards the proposed facility location.





Photograph 2 - View from the Blue Plains Road/ Martin Road intersection towards the proposed facility location.



Photograph 3 - View from Blue Plains Road towards the proposed facility location.

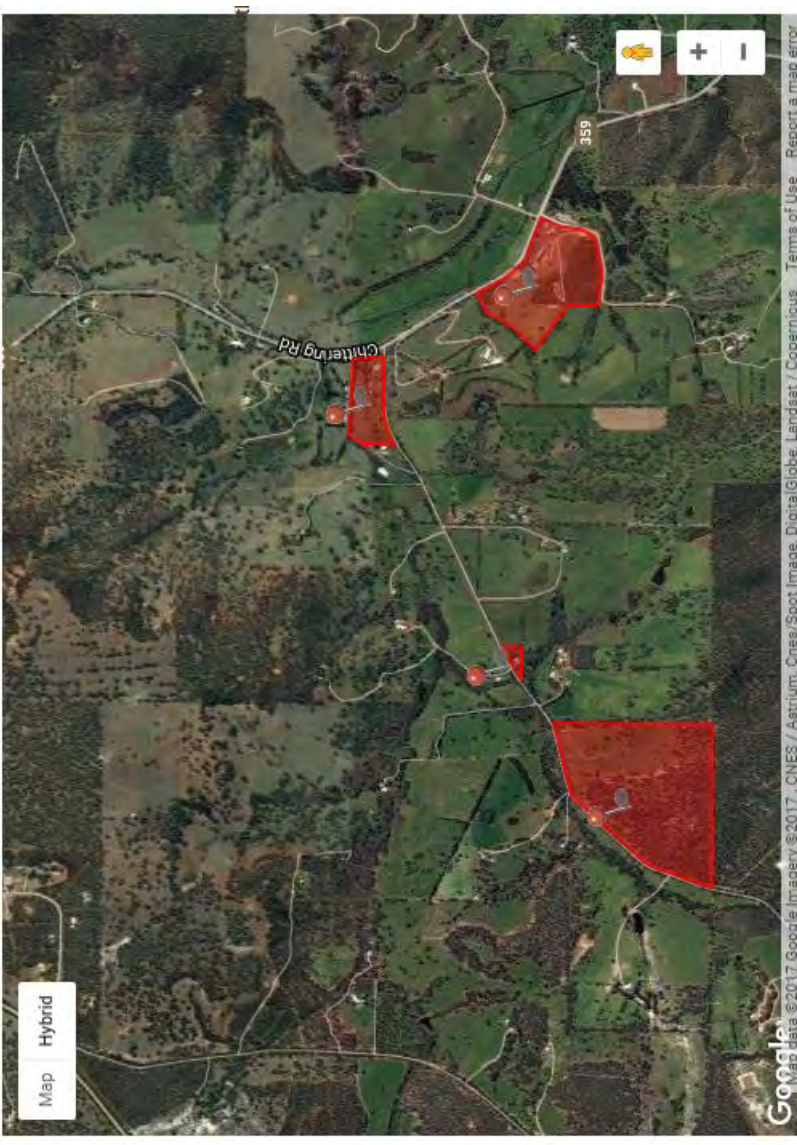


Agency Submissions		
Submitter	Comment	Proponent Response
<p>Department of Aboriginal Affairs I1678674</p>	<p>Thank you for your letter dated 18 November 2016 seeking comment from the Department of Aboriginal Affairs (DAA) regarding the proposed Telecommunications facility.</p> <p>A review of the Register of Aboriginal Places and Objects as well as the DAA Aboriginal Heritage Database concludes that there are no known heritage places within Lot 1 Martin Road, Chittering. Therefore based on the information held by DAA no approvals under the Aboriginal Heritage Act 1972 (AHA) are required.</p> <p>DAA also recommends that for any future works DAA that the Developers refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DAA website at the following link: http://www.daa.wa.gov.au/heritage/land-use/</p> <p>The Guidelines allow developers to undertake their own risk assessment regarding any proposal's potential impact Aboriginal heritage.</p>	<p>Noted.</p>
<p>Chittering Landcare Group I1678722</p>	<p>The Chittering Valley Land Conservation District Committee has reviewed the above proposal and has no objections to siting the tower on Lot 1 Martin Road, Chittering.</p> <p>However, as the crossover will remove 24 eucalyptus trees, we would request that an equal number of trees be replaced, preferably at the eastern side of the site. While it may not be "identified as an area of environmental significance" and the trees, though small, may not appear to "have ecological value", this is not the case. This property is in a sub catchment to reduce erosion and rising water tables. Previous clearing had created an issue with increasing salinity of the downslope land and surface water flow to the creek. Removal of trees and shrubs high in the landscape exacerbates this issue, for this reason we request that compensatory planting occurs.</p> <p>The Chittering Landcare Centre is willing to undertake the revegetation at \$3.00 per tree.</p>	<p>This can be addressed by the Shire through the imposition of a development condition if they consider it appropriate.</p> <p>The officer's recommendation contains a condition stating revegetation of the proposed removal of 24 trees is required.</p> <p>The advice note relating to the above condition stipulates that Chittering Landcare Centre is willing to undertake the revegetation at \$3.00 per tree.</p>
<p>Department of Parks and Wildlife</p>	<p>The Department of Parks and Wildlife Swan Region has no comments on this proposal.</p> <p>It is considered that any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	<p>Noted.</p>
Public Submissions		
<p>Public A – SUPPORT</p>	<p>Hopefully this facility will improve existing poor signal and slow internet speeds.</p>	<p>Noted.</p>
<p>Public B – SUPPORT</p>	<p>Better communication is important as long as the property owner is agreeable.</p>	<p>The Shire of Chittering does not process any applications not signed by the landowner.</p>
<p>Public C – SUPPORT</p>	<p>Hopefully the new facility will vastly improve our current poor signal and internet speeds.</p>	<p>Noted.</p>

<p>Public D – SUPPORT</p>	<p>I support this application. There is a need for mobile phone communication in the surrounding area. Much of Blue Plains Road has no coverage at present. I consider the landscape and visual attention given in the proposal is commendable. I do have a concern though, of significant community interest, namely: Mains Grid Power (electricity) BACKUP TIME of proposed facility. The facility should be planned to provide continued operation during emergencies such as bushfires. Technical details of this form are perhaps not normally a consideration for the Shire, however the security of communications issue is such that Shire Policy should mandate that any telecommunications facility provider should address the issue as part of seeking Shire approval. That is, Chittering Shire should uphold the interests of the community. I believe that the typical backup time for the facility planned is only 2 hours. That is, the battery operation time in the case of Mains Grid Power failure. This telecommunications facility is a \$300,000+ project and should not be vulnerable to extended Mains Grid Power outage that may occur as a result of Bushfire or other emergency. I note Western Power’s policy of turning Grid off to an area subject to a bushfire and no re-connecting until inspection is complete and repairs made if required. This has resulted in extended outages of 12 or more hours in Chittering. Can I suggest responsible planning include:</p> <ol style="list-style-type: none"> 1) Minimum backup time of 12 hours (from loss of MAINS GRID POWER) This can be a combination of PV Solar + battery and/or auto start backup generator with fuel for 24 hours. Typical power consumption for this facility may be only 750W. This is a low power requirement. 2) Power inlet via ‘caravan’ style 3 pin 10A 230V connector with automatic switchover. This should be EXTERNAL to services hut so any telecom emergency services person can plug in a backup generator to keep the facility active in the case of prolonged Mains Grid Power outage. 3) Seek comment from Chittering Shire Emergency Services staff re communications security. 4) These Mains Grids Power (electricity) BACKUP TIMES should 	<p>The battery back-up for the proposed facility has been designed taking into consideration the context of the local area. The standard battery back-up for a telecommunications facility within close proximity to a major town or city is typically 3hrs. However, the proposed site location is considered to be a ‘bushfire prone area’ in accordance with the WA Government’s <i>Map of Bush Fire Prone Areas 2016</i>. As such, this proposed facility has been designed with an 8hr battery backup to ensure the facility can operate for a longer period during times where mains power is not available to the site.</p>	<p>While these concerns are noted, and somewhat agreeable, the applicant’s explanation is upheld. Accordingly, no further advice or response is required from the Shire.</p>
----------------------------------	--	--	--

<p>Public E – SUPPORT</p>	<p>be addressed throughout the telecommunications network such that there are no single point failures along the network due to insufficient backup times.</p> <p>Please ensure that the Shire approval process includes this protection of communications for the community.</p> <p>We are very much in favour of this going ahead. We have no mobile service whatsoever and this would make life so much better having good mobile service.</p>	<p>Noted.</p>	<p>Noted.</p>
<p>Public F – SUPPORT</p>	<p>We wholeheartedly support this project. A reliable mobile service has become an absolute necessity these days.</p> <p>From a personal perspective, fire safety is of major concern in rural areas. Every year we fear the threat of bushfires. The Council, responsibly, have created a system where they alert residents of bushfire emergencies. We can't register for this vital service of many others like it, there is no point as we wouldn't receive the warnings. This would be the case for all other residents in this area.</p> <p>Community safety should be of paramount importance for the Chittering Shire to consider.</p> <p>From a business perspective, we are aware that we lose a lot of potential customers due to the fact they are unable to contact us via mobile. A massive portion of society uses their mobile phones for absolutely everything: from simply keeping in touch with family and friends to living their lives by and with these devices. Potential customers use their phones to investigate their intended purchases via businesses websites and then to help them decide they immediately send a number of text messages to a variety of businesses seeking further information or prices and expect immediate responses. With our current mobile service (or rather, lack thereof), the text message will not be received by us. Then we travel into a mobile service area, retrieve our messages, return the calls and answer their enquiries, 90% of the time, they have already decided to go with the business that responded promptly.</p> <p>As a family, we are disadvantaged in so many ways by not having a reliable mobile service. Text messaging has become the main form of communication for society, but not for us, unfortunately. When we are home in Chittering, we can't even communicate with our teenagers when they are out and about. How simple it would be for them to flick a quick, short message to let us know they have arrived at their destination safely or are on their way home.</p> <p>A reliable mobile service is an essential service that so many people rely on and should be considered as a basic need and be made available to everyone.</p>	<p>Noted.</p> <p>The proposed facility will provide the community with reliable 4G access which in turn supports the various rural and tourist industries in the region and forms part of a wider plan to ensure reliable and accessible coverage during emergency situations such as bush fires.</p>	<p>Noted. This has been addressed within the officer's report.</p>
<p>Public G – OPPOSE</p>	<p>I oppose the installation of a cell phone tower with six future radio remote units on the adjoining property to mine.</p>	<p>EME Health and Safety</p> <p>Telstra understands that some people have genuine concerns about the levels of</p>	

	<p>This tower will be 640 feet from my residence and some 40 feet from my caretaker's cottage.</p> <p>I am concerned:</p> <ol style="list-style-type: none"> About the health hazards of future radio waves and electromagnetic radiation. People living within a 50-300 metre radius are in a high radiation zone and more prone to ill-effects. My property I have owned since 1983, I planned to retire and spend all my time there. As I am 64 years old I do not want to worry about the harmful health effects from a cell tower so close to my home. Vision Stream 11.1 (d) seems to be at odds with the purpose of the submission. <p>Heritage</p> <ol style="list-style-type: none"> There are items of historical significance on my property: <ul style="list-style-type: none"> The old chittering tennis court A mud brick cottage (restored) dating to the 1880's where the daughter of Henry Morley lived with her husband, a Martin. 	<p>Electromagnetic Fields (EMF) that facilities will emit and is committed to addressing those concerns responsibly. EMF is sometimes known as electromagnetic radiation (EMR) or electromagnetic energy (EME). Electromagnetic fields are present everywhere in our environment – the earth, sun and ionosphere are all natural sources of EMF.</p> <p>We rely on the expert advice of international and national health authorities including the World Health Organization (WHO) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for overall assessments of health and safety impacts.</p> <p>The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued guidelines on levels of allowable public exposure to Radio Frequency (RF) fields, including guidelines on RF from mobile phones and base stations that Telstra adheres to. These guidelines have a large safety margin built into them.</p> <p>The EME report (as provided in Appendix 4 of the DA) predicts that the maximum signal strength from the facility at 1.5m above ground level, will be well within the allowable limit that it is permitted to transmit over a 24 hour period. This is typical of Telstra's responsible approach to network performance and environmental compliance.</p> <p><i>"Health authorities around the world, including ARPANSA and the WHO have examined the scientific evidence regarding possible health effects from base stations. Current research indicates that there are no established health effects from the low exposure to the RF EME exposure from mobile phone base station antennas."</i></p> <p>ARPANSA Fact sheet "Mobile Base Stations and Health" March 2015</p> <p>It is important to recognise that telecommunications facilities are statutorily required to operate in compliance with strict science-based limits. In relation to Telstra's proposed facility at 9 Martin Road, Chittering WA 6084 (Lot 1 on Plan 11160), the maximum predicted level of EME at ground level in all areas accessible to the general public will be less than 0.56% of the maximum level specified under the relevant mandatory Australian safety standard for such facilities as set by ARPANSA and regulated by the Australian Communications and Media Authority (ACMA). The ARPANSA standard is one of the most stringent national standards in the world and ensures Telstra's mobile phone facilities meet rigorous community, health and safety standards.</p> <p>Heritage</p> <p>A search was undertaken using the WA Heritage Council's Inherit database to identify any items of State or Local heritage significance within the local area. This search did not identify any items located within 500m of the proposed site location. The closest items of heritage significance identified by the WA Heritage Council are located approximately 650m (3569 - Enderslea), 650m (14106 - Chittering Post Office & Phone Exchange), 900m (14181 - Old Acres Homestead & Tennis Court) and 1km (14184 - Upper Chittering Post Office & Phone Exchange) from the proposed site location (see Figure 1). It is not considered that the proposed facility will adversely impact upon the heritage values of these heritage items.</p>	<p>The applicant is required to undertake research in order to ensure no residents will be impacted by Electromagnetic Energy (EME) emitted from the facility, in accordance with Federal Law. The report confirms the telecommunications infrastructure complies with the Australian Standard on exposure to EME set by the Australian Communications and Media Authority (ACMA).</p> <p>While it is noted that no state heritage listed items are located within close proximity to the proposed facility, one item listed on the Shire's Municipal Inventory (MI) lies approximately 300m from the structure. Notwithstanding, the tower is not considered to substantially impact on the visual amenity of the site due to the distance from the proposed facility as well as the natural topography and existing vegetation.</p>
--	--	--	---

	<p>4) The view of the proposed tower taken from my drive on Blue Plains Road is deceptive – taken at an opportunistic angle.</p> <p>5) Blue Plains Road is a tourist drive as much as Chittering Road is zoned a “Major Road”. Candidate A would be more appropriate.</p> <p>6) The View of the proposed tower taken near my entrance is deceptive. It has been taken at an angle that makes the tower look smaller!</p> <p>7) Blue Plains Road is a Fauna Tourist Road in an Agricultural Area. Chittering Road is a Tourist drive but zoned as a major road. I consider that a major road would be more appropriate for the cell tower.</p>	 <p>Figure 1: inherit Mapping</p> <p>It is noted that other items of local historical significance identified in the submission are not listed by the WA Heritage Council. Nevertheless, it is not considered that a telecommunications facility on the adjacent property is inherently incompatible with these items of historical significance. The proposed facility will not modify, degrade or damage these items of historical significance.</p> <p>Photomontages</p> <p>The photomontages were taken from three different locations along Blue Plains Road to provide a visual representation of how the proposed facility would appear within the landscape. We respectfully disagree that the photos were taken to deceive or misrepresent the view of the proposed facility within the landscape. The photomontages are designed to provide vantage points of the proposed facility from public areas within a varying distance from the proposed monopole location. In this instance, locations were chosen at approximately 270m, 390m and 500m from the proposed monopole. We reassert that the locations chosen provide a useful, accurate and valuable representation of the proposed facility within the landscape.</p> <p>Transport Corridors</p> <p>The Chittering Valley Tourist Way (route 359) is included in the publication <i>Tourist Drives of Western Australia</i> which has been published by the Main Roads Department. Route 359 is a 70km stretch of road which includes Chittering Road and traverses through the Chittering Valley. The location of the proposed telecommunications facility has sought to reduce any visual impact of the facility when viewed from the Tourist Drive (Route 359). It has been setback approximately 1.2km west of Chittering Road and will not be visually obtrusive when viewed from the Tourist Drive. Blue Plains Road is not identified as a Tourist Drive by the Main Roads Department. Nevertheless, the proposed facility has been setback approximately 255m</p>	<p>As discussed in the officer’s report, the proposed development is located and designed to make minimal visual impact. Unfortunately it is not possible to provide montages from every location. In this instance, the applicant’s response is upheld.</p> <p>The Shire is only able to assess the application based on the proposed location and not an alternative location.</p>
--	---	--	--

		from Blue Plains Road and is not considered to significantly impact upon any vistas or views from Blue Plains Road.	
--	--	---	--

*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.





State Planning Policy 5.2

Policy Measure 1

Telecommunications infrastructure should be sited and designed to minimize visual impact

Applicant's response

The proposed 30m monopole is the minimum height required to provide mobile phone coverage to the identified mobile black spot in Chittering. The proposed facility has been sited to reduce visual impacts on the area, whilst also meeting the technical requirements of the site within an undulating terrain. The facility has been setback from major transport corridors and significant view corridors to reduce the visual impact of the facility on the landscape. Furthermore, it has been sited within an area of mature vegetation which will screen the ground clutter and lower portions of the structure from view. The design utilises a slimline monopole (as opposed to the bulkier lattice tower), and will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the sky backdrop.

Officer response

In reference to the proposed location of the 30m monopole and associated infrastructure within the compound, it is acknowledged that there will be some visual impact on the amenity of the area. The area within the site which the proposed monopole is to be sited is largely surrounded by trees and requires minimal clearing which in turn reduces the impact of the infrastructure from the road side level. It is considered that over time infrastructure such as monopoles become part of the visual landscape and less offensive to surrounding residents.

Specific Policy Measures

a) *Telecommunications infrastructure should be located where it will not be prominently visible from significant viewing locations such as scenic routes lookouts and recreation sites.*

Applicant's response

As discussed above, the proposed location has been specifically chosen to maximise separation distances from Blue Plains Road, Chittering Road and surrounding residential dwellings. Furthermore, the monopole will remain unpainted (dull grey in colour) which blends in with the sky backdrop.

Officer response

The proposed 30m monopole if approved will be located atop the plateau of the subject property. Whilst the existing vista may be a significant view point from Blue Plains Road west of the proposed facility, the infrastructure is to be located on a small portion of a panoramic vista. Therefore the design of the slim line monopole is not considered to be significantly visually obtrusive when viewed from the eastern adjoining properties. Other locations are represented within the photo montages as supplied by the applicant.

b) *Telecommunication Infrastructure should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama, whether viewed from public or private land.*

Applicant's response

Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area. The proposed location is set-back from the tourist drives in the area and is unlikely to negatively impact upon any view corridors. The proposed facility has been sited amongst

mature vegetation and kept to the minimum height possible. The facility will also take the form of a slimline monopole which produces a lesser visual impact on the area than the bulkier lattice tower.

Officer response

The location of the proposed 30m monopole is located within a heavily vegetated portion of the subject property, and is set back a distance from its respective boundaries. The closest residential estate is located approximately 2.5km away from the subject property and is otherwise obstructed by a line of mature evergreen trees located along Blue Plains Road.

<p>c) <i>Telecommunication Infrastructure should not be located where environmental, cultural heritage, social and visual landscape values may be compromised.</i></p>
--

Applicant's response

There are no known items of environmental, cultural, social or visual significance that will be detrimentally impacted by the proposal. Any visual impact has been mitigated through a variety of design elements.

Officer response

The applicant has undertaken studies pertaining to the cultural heritage of the reserve (both indigenous and European (p. 26) and the investigation did not identify any registered cultural, historical or environmental heritage significance in the immediate vicinity of the proposed site.

Furthermore, the property is not identified in the Shire's Municipal Inventory. Residents will still be able to utilise the property at their leisure. Clearing of the 24 trees on the property, if the proposal were to be approved, would be compensated through a revegetation program. The applicant has confirmed that Telstra are willing to participate in this process, with the support of Chittering Landcare Group.

<p>d) <i>Telecommunication Infrastructure should display design features including scale, materials, external colours and finishes that sympathetic to the surrounding landscape.</i></p>

Applicant's response

The design utilises a 30m slimline monopole (as opposed to the bulkier lattice tower), and will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the sky backdrop. Furthermore, the location takes advantage of the surrounding mature vegetation to screen the ground clutter and lower portions of the facility from view.

Officer response

The proposed telecommunication infrastructure is proposed to be set back approximately 260m from Blue Plains Road, and is located within an area that is vegetated with native trees and shrubs.

The grey steel monopole structure is designed to make the least possible impact upon the locality by designing the proposal to match in with a grey sky. Notwithstanding, a condition of approval can be applied to ensure the monopole and the associated structure individually match in with the environment as closely as possible.

Policy Measure 2

Telecommunications Facilities should be located where it will facilitate continuous network coverage and/or improve telecommunications services to the community.

Applicant's response

Telstra wish to establish a new mobile telecommunication base station facility in the area to provide the community with a far greater choice of mobile carrier services, as part of the Mobile Black Spot Programme. As such, the facility will provide improved coverage to the surrounding area.

Officer response

The applicant has ascertained that the proposed location for the less visually significant monopole structure best meets Telstra's coverage objectives for the area. There may be future co-location of a telco operator, however this cannot be considered or prevented through this application.

Policy Measure 3

Telecommunication cables should be co-located whenever possible

Applicant's response

No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location.

Officer response

The applicant in their submission has identified that there is no existing infrastructure in the area capable of co-location.

a) Cables and lines should be located within an existing underground conduit or duct.

Applicant's response

As this is a greenfield site there is no option to utilise existing underground conduit or ducts.

Officer response

The applicant is responsible for undertaking consultations with Western Power prior to submission of a planning application.

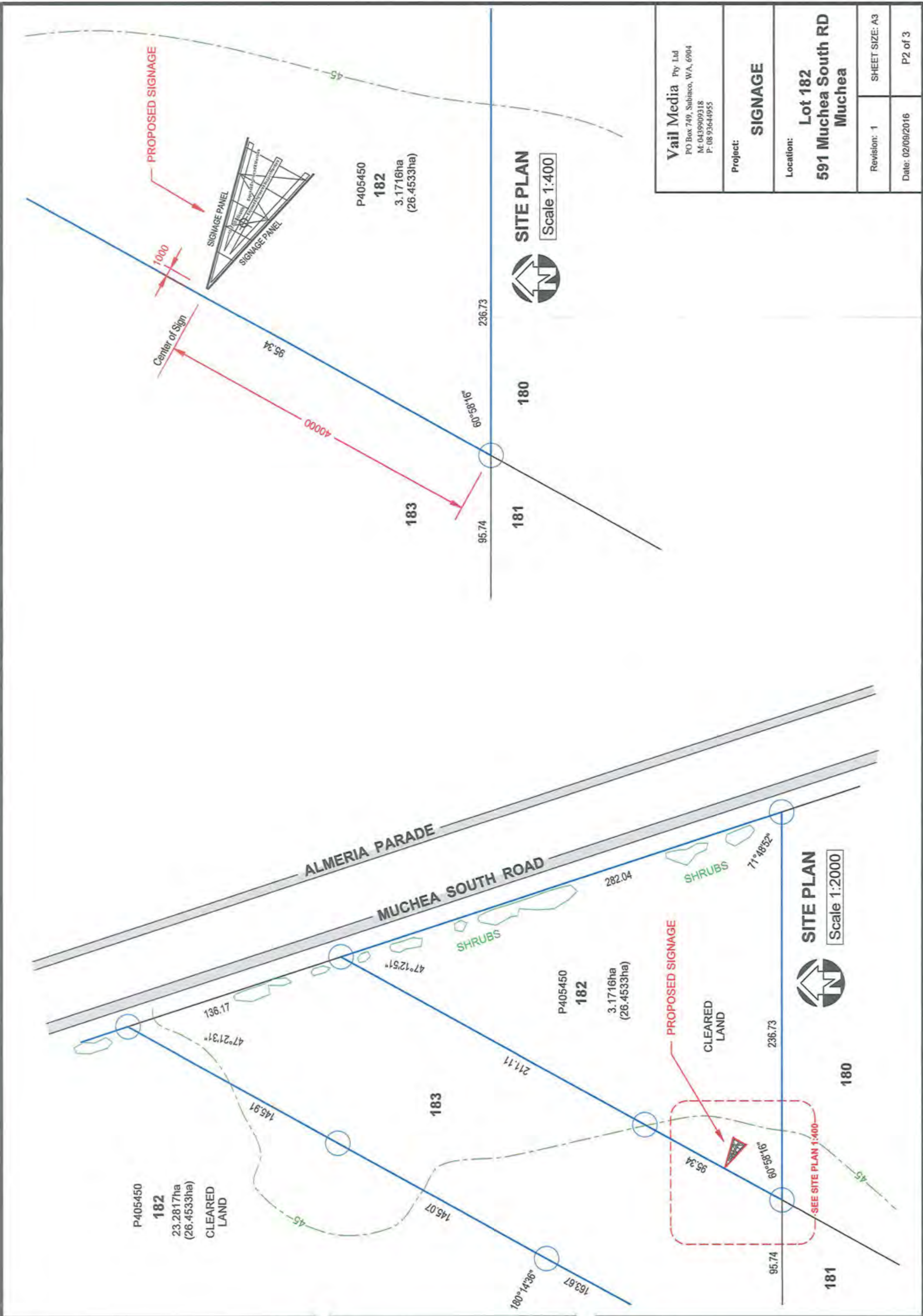
b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

Applicant's response

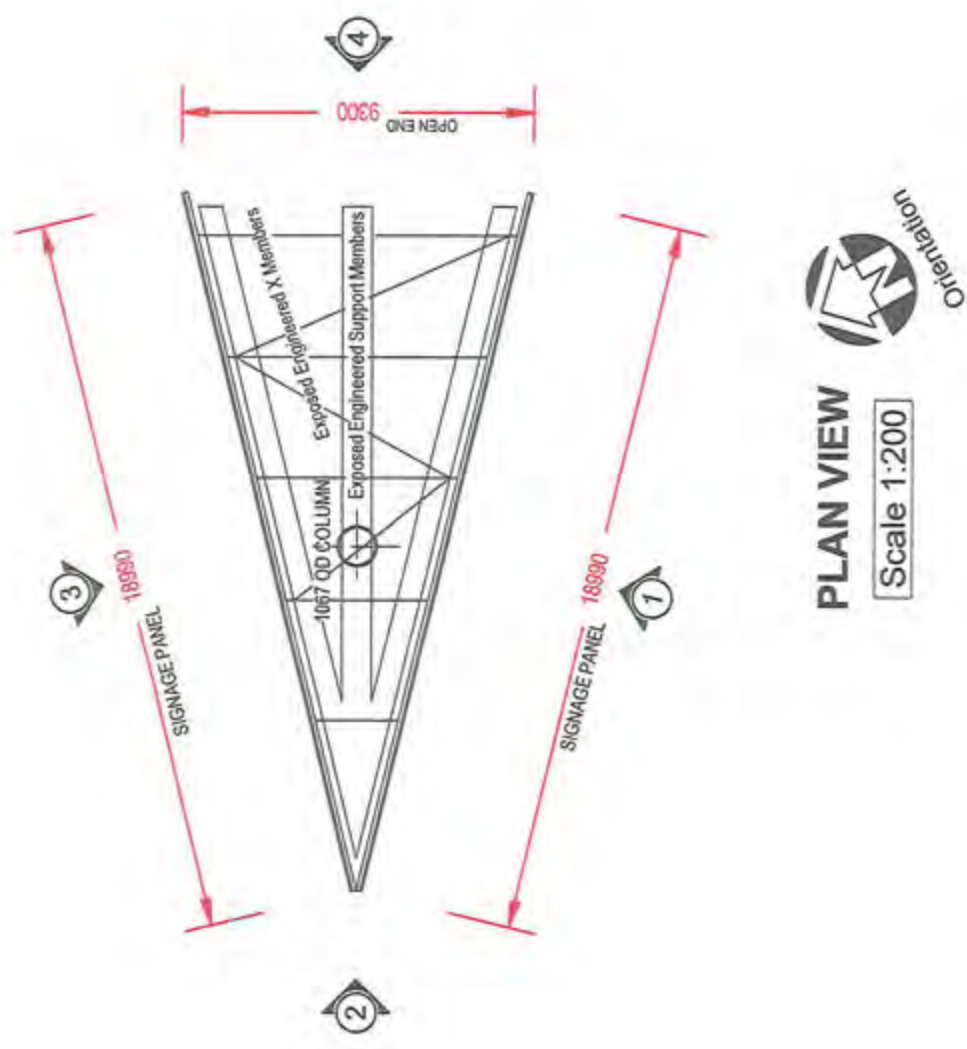
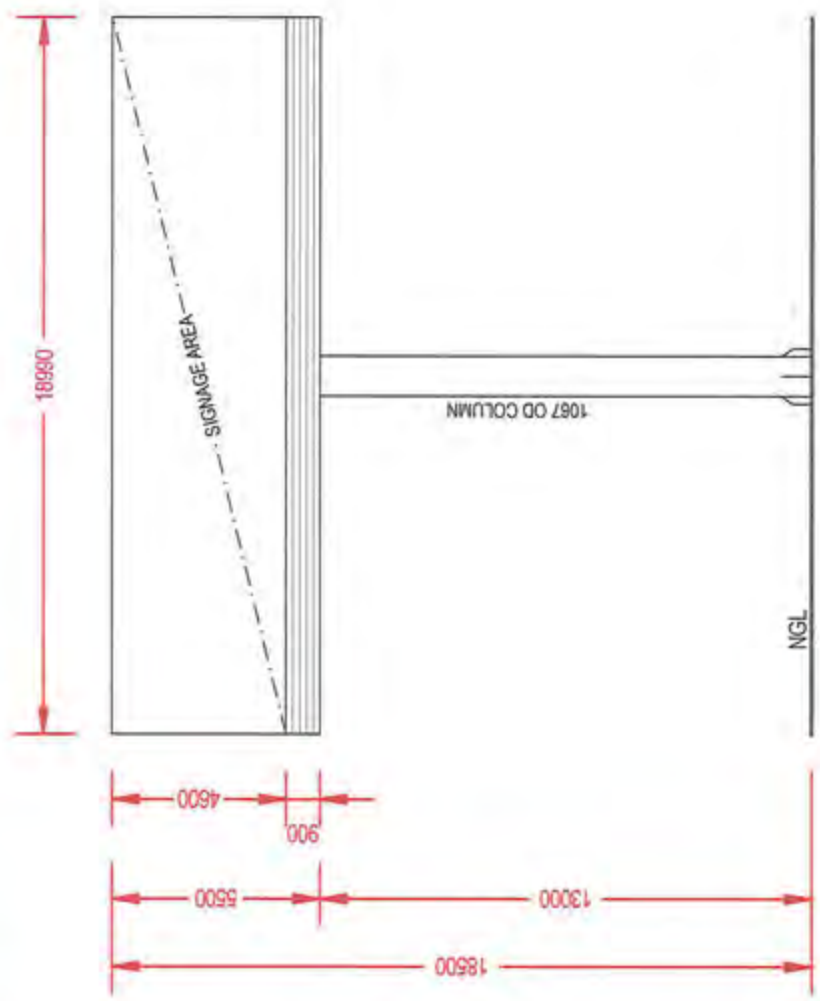
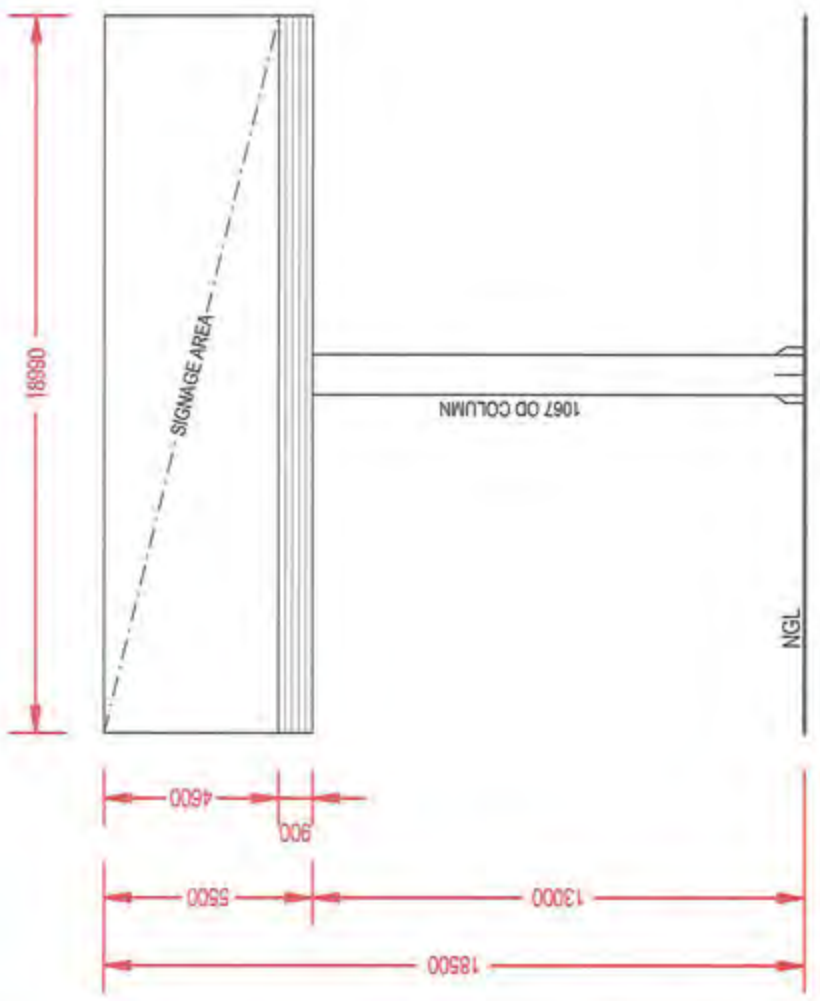
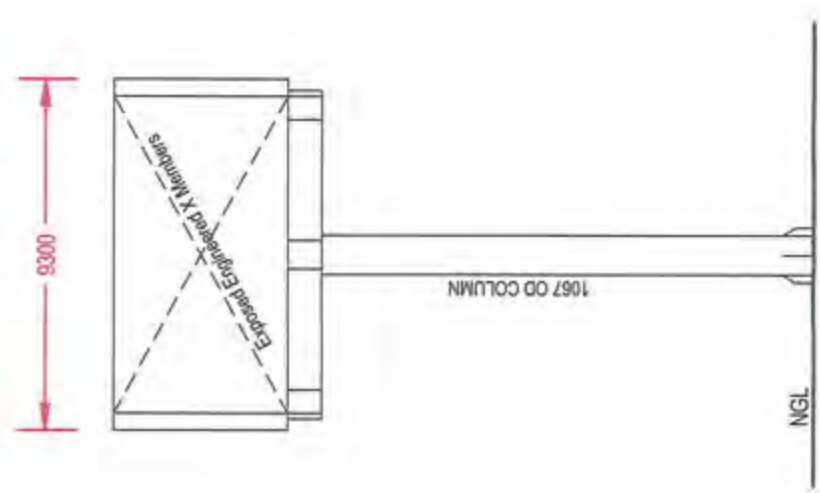
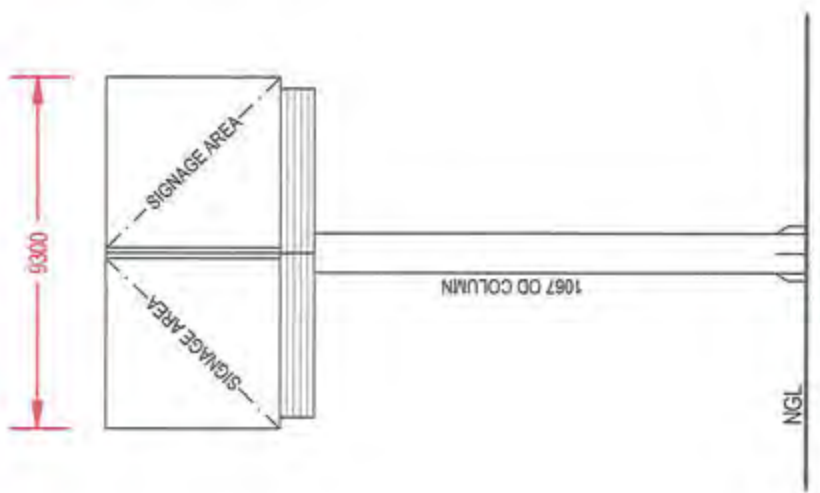
Overhead lines are not applicable to this application.

Officer response

Generally speaking, telecommunications operators (such as Telstra, Vodafone or Optus) preference co-location as it is both less expensive to construct, and is not subject to any local authority approvals. Moreover a site visit has confirmed that there is no availability of co-location or siting on any sufficient existing commercial and/or industrial buildings within this locality.



Vail Media Pty Ltd PO Box 749, Subiaco, WA, 6904 M: 0439909318 P: 08 93644955	
Project: SIGNAGE	
Location: Lot 182 591 Muchea South RD Muchea	
Revision: 1	SHEET SIZE: A3
Date: 02/09/2016	P2 of 3

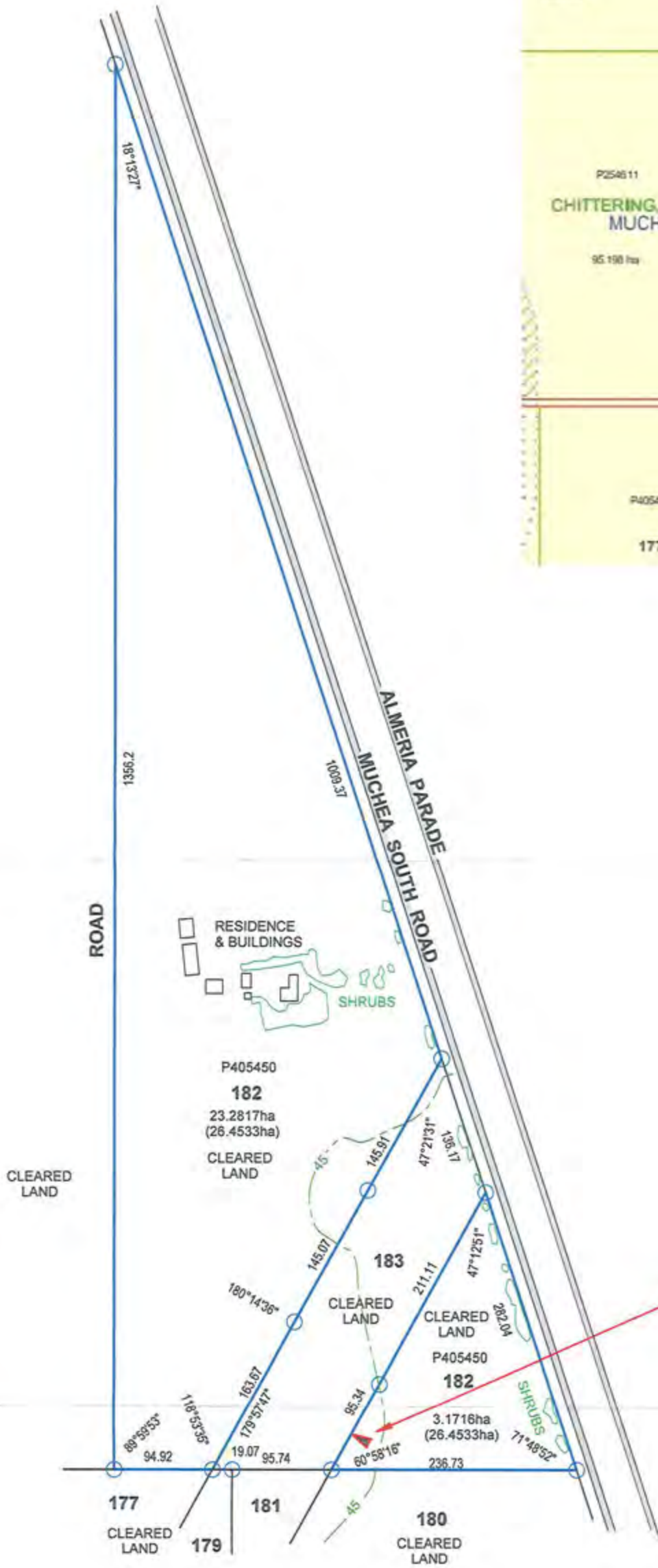


Vail Media Pty Ltd PO Box 749, Subiaco, WA, 6904 M: 0439909318 P: 08 93644955	
Project: SIGNAGE	Location: Lot 182 591 Muchea South RD Muchea
Revision: 1	SHEET SIZE: A3
Date: 02/09/2016	P3 of 3

ELEVATIONS
Scale 1:200



LOCALITY PLAN
No Scale



SITE PLAN
Scale 1:5000

<p>Vail Media Pty Ltd PO Box 749, Subiaco, WA, 6904 M: 0439909318 P: 08 93644955</p>	
<p>Project: SIGNAGE</p>	
<p>Location: Lot 182 591 Muchea South RD Muchea</p>	
Revision: 1	SHEET SIZE: A3
Date: 02/09/2016	P1 of 3



13 December 2016

Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Attention: Planning Services

Dear Sir/Madam

**Development Application – Advertising Sign
Lot 182 (No. 591) Muchea South Road, Muchea**

Pinnacle Planning acts on behalf of Ian Horrace Taylor and Pamela Elsie Taylor, the owners of the above site.

We are instructed by our Client to prepare and submit an Application for Planning Approval, for the installation of advertising signage at Lot 182 (No. 591) Muchea South Road, Muchea (subject site).

To enable the Application to be assessed, please find attached the following:

- A copy of the completed and signed Application for Planning Approval form;
- Two (2) copies of the plans and elevations depicting the proposal;
- A cheque for \$800, being the required fee;
- A copy of the Certificate of Title; and
- A letter of authorisation from the owners of the land granting Pinnacle Planning to act on their behalf;

BACKGROUND CONTEXT

Our Client is an Outdoor Media provider who provides outdoor media solutions in urban, regional and rural locations throughout Western Australia.

THE PROPOSAL

The proposal is for the development of one (1) advertising sign, comprised of a double-sided 'v-shaped' advertising sign atop a single supporting pylon. It is static and non-illuminated. The proposal is 18.5 metres high with a signage area of 87.4 square metres.

The subject site is a serfied lot, with the proposal located on a currently disused portion of land 3.17 hectares in area. This portion of the lot has been rendered useless due to its significantly reduced land area, making it unsuitable for large scale grazing, cropping or intensive horticulture, and is therefore incapable of rural use.

Please refer to the attached plans and elevations for further detailed information on the proposal.

TOWN PLANNING FRAMEWORK

Shire of Chittering Town Planning Scheme No. 6

Under the provisions of the Shire of Chittering Town Planning Scheme No. 6 (TPS 6) the subject site is zoned 'Agricultural Resource'.

The northern portion of the site currently contains a single house. We confirm that the proposal is not for a change in land use, or any other changes to the site, and will not have any implications for the ongoing use of the site.

The proposed sign will, as noted above be located on a serfied, isolated portion of the subject site. As such, the proposed sign would not be incompatible with the zone's objectives of the preservation of land suitable for grazing, cropping and intensive horticulture and other compatible rural uses. Rather, the sign would be a meaningful use of an otherwise under-utilised land parcel. Given there are no current land uses on the serfied portion of the site, it is not anticipated that the proposal would have a negative impact on the site, or surrounding sites.

We note that there are no design requirements within the Shire's TPS 6 relating to signage.

Shire of Chittering Local Planning Policy No. 18 – Setbacks

The Shire's Local Planning Policy No. 18 (LPP 18) sets minimum setback requirements specific to the Agricultural Resource zone. The proposal meets all setback requirements, with the exception of rear and side setbacks.

The policy requires a minimum setback of 30 metres for rear and side boundaries. At 21.5 metres and 1 metre, the proposal's boundary setbacks represent a variation from the policy requirements.

The policy is well-written in that it outlines the objectives of the requirements, as well as listing a limited number of circumstances in which Council may permit variations to the minimum setbacks.

In the first instance, as per LPP 18 Clause 4.0, the objectives of the policy are:

"To maintain the rural character of the Shire;

To allow maximum flexibility for building while maintaining rural character, ensuring light, safety and visual privacy, preserving natural vegetation, protecting water courses and wetlands from encroachment and keeping firebreaks clear."

These objectives centre largely around impact on the environment and surrounding lots, which would not be impacted by a development of this type.

Furthermore, LPP 18 Clause 5.11 allows Council to permit variations to minimum setbacks in the following circumstances:

- a) *"additions to an existing building;*
- b) *reduced size or irregularly shaped lot;*
- c) *commercial or industrial use;*

- d) temporary or minor structures;
- e) heritage buildings;
- f) other cases where it is reasonable to do so, as determined by Council."

We can confirm that the proposal meets the criterion of a reduced size or irregularly shaped lot, and therefore a variation to minimum setback requirements should be considered.

As stated above, the subject site is located on a portion of a serified lot, 3.17 hectares in size and triangular in shape. As such, the portion of land is currently disused and has been rendered useless for any rural or agricultural activities, as is the objective of its zoning, and so the proposal would provide a meaningful use for a parcel of under-utilised land.

Given the above, we consider the variation to the setback policy justified, as the proposal remains consistent with the overall objectives and meets the criteria for consideration by Council. As such, we believe the proposal is appropriate and can be supported.

CONCLUSION

Taking the above points into account, the following conclusions are evident:

- The subject proposal is for an advertising sign that will be built and maintained to a high standard;
- The proposal seeks to utilise land that is essentially incapable of being utilised for its zoned purpose, given the apparent under-sized nature of the site;
- The proposal is compliant with the relevant town planning framework; and
- The proposal will not impact the existing rural character of the surrounding area

At this juncture, we request that the Council grant planning approval for the proposed development, in the manner set out in the above and attached.

Should you wish to discuss the above in further detail, please do not hesitate to contact the undersigned.

Yours faithfully

PINNACLE PLANNING



BEN CARTER

Encl.

(Handwritten signature line)

Agency Submissions		
Submitter	Comment	Shire Officer Response
Department of Defence	<p>Thank you for referring the abovementioned Development Application (DA) to the Department of Defence (Defence) for comment. Defence understands that this application is for the installation of a static and non-illuminated advertising sign at Lot 182 Muchea South Road, Muchea. Defence has reviewed the proposal for any possible impact on RAAF Base Pearce and provides the following advice.</p> <p>The proposed advertising sign is located approximately five (5) kilometres north-north-west of RAAF Base Pearce. In accordance with the Defence (Area Control) Regulations [D(AC)R] mapping, the subject site is in an area where “structures higher than 90m require approval”. As the proposed advertising sign is 18.5 metres above ground level, it does not require D(AC)R approval from Defence.</p>	Noted.
Chittering Landcare	<p>The proposal for a pylon billboard to be located at the above property has been reviewed and the following comments made.</p> <ol style="list-style-type: none"> The soil type at the proposed site is Yanga 8x Phase described as “<i>flat plain with occasional low dunes. Subject to seasonal inundation. Deep white and pale yellow sands interspersed with swamp and generally underlain by siliceous/humic pans at depth. Flat plain with occasional low dunes. Subject to seasonal inundation.</i>” This would require a substantial footing (not mentioned in the documentation received) to prevent the sign from falling over when the underlying soils become waterlogged and plastic. The aesthetic amenity would be affected by the size of this sign and would detract considerably from the rural nature of the surrounding landscape. 	Noted and agreed. The introduction of a new highway is not likely to detrimentally affect the existing rural nature of the locality. In fact it is the installing of an oversized billboard sign that is more likely to destroy the rural amenity.
Main Roads	<p>In assessing the application, MRWA determined that until the new Great Northern Highway realignment is completed unable to assess and comment on this proposal in line with MRWA advertising policy & guidelines and therefore does not support the proposal.</p>	Noted. The land in question has been compulsorily acquired already, however remains in freehold and is subject to further change at Main Roads’ discretion. Therefore the advice from Main Roads stands.
Public Submissions		
Public 1	<p>We wish to object to the application for the following reasons :</p> <ol style="list-style-type: none"> Any advertising billboard is not in keeping with the rural lifestyle maintained in this area. The sign is overly large at 87.4 square meters and will be an eyesore. Once the sign is in place, what is to stop the owner from illuminating it in the future? If the sign is approved it sets a precedence and we run the risk of further visual pollution. 	<ol style="list-style-type: none"> Noted and agreed. Noted and agreed. If approved, conditions of approval may prevent the signage from being illuminated. This may not prevent the signage structure from installing down lights, however. Noted and agreed. The risk of precedent throughout the Shire if this application is approved is significant.

	<p>5. As an owner/occupier of the neighbouring property we do not want to see advertising bill boards ever in this vicinity and we believe that we should not be subjected to 'advertising' that will likely not be targeted to the needs of locals.</p> <p>6. Muchea already has a graffiti/vandalism problem – this sign has the potential to become another target for graffiti and vandalism.</p> <p>We would be extremely disappointed if the Shire of Chittering allows this type of signage anywhere within the shire boundaries – it is totally unnecessary and does not fit with the Rural lifestyle.</p>	<p>5. This adheres to the current Local Law relating to Signs, Hoardings and Billposting, which attempts to prevent signage proposals such as the subject application.</p> <p>6. Noted, however this is not able to be anticipated, and in any event is at the landowner's/sign-owner's responsibility to maintain.</p> <p>Noted. Per the officer's report, the application is not supported for similar reasons.</p>
--	--	---

*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.

1 February 2017

Chief Executive Officer
Shire of Chittering
6177 Great Northern Highway
BINDOON WA 6502

Attention: Peter Stuart – Senior Planning Officer

Dear Sir

Development Application – Proposed Signage

Lot 182 (No. 591) Muchea South Road, Muchea

We refer to the recent public comments received by your office in regards to the above listed application site.

Submission Received

We understand that there are (4) submission comments received during public advertising, primarily dealing with amenity, sign size and illumination as well as graffiti and vandalism.

We further confirm that our application meets all the existing requirements set out by the Shire.

Given we are required to address the submissions provided, it is important that we review the information contained within the submissions, and confirm which matters are accurately depicted planning related matters.

Please see the following table which itemises the issues raised and as per the Council's request, our responses are provided regarding the following.

Element	Submitter Comment	Applicant Response
Department of Defence Height Requirements	No response required from DoD.	Not applicable
Main Roads	Unable to assess and comment	Disagree, see below
Soil Type and Structural Engineering	Addressing impacts on the local amenity, from the rural nature of the surrounding landscape.	Not applicable
Rural Amenity	Submitter believes that the development bulk will impact local amenity.	Compliant see below
Sign Size	Submitter believes that the overall sign size will be excessively large.	Compliant see below



Signage Illumination	Suggestion that illumination of signage may occur.	Compliant see below
Precedents	Suggestion that the development will create future visual pollution.	Not applicable
Graffiti and Vandalism	Suggestion that the sign may attract vandalism / graffiti.	Compliant see below
Local Signage Content	Suggestion that the sign may consist of advertising not relevant to the locals needs.	Compliant see below

We would like to take this opportunity to respond to the submission, noting the considerate nature of the proposal overall.

The above listed concerns are further discussed below.

Department of Defence Response

The current feedback provided by the Department of Defence (DoD) clearly states that the height requirements are met by the current application.

Therefore, we note, that the proposed sign is compliant to the requirements set out by the DoD.

Main Roads Response

The current feedback received by Main Roads clearly states that the development is unavailable for comment or to be assessed. We note, the land has been acquired for the entire road reserve along the existing site, and it is unclear to us why the application would be problematic for Main Roads to assess, as the road has been taken. Therefore, we disagree with the comments received by Main Roads regarding the application.

Chittering Landcare Response

The comments received from Chittering Landcare regarding soil type, we believe, is a separate matter which needs to be addressed at the Building Permit Stage of a development. An engineering solution will be provided to the Shire in further relation to this, by ensuring that footings are to be subterranean.

The second point raised by Chittering Landcare states:

“The aesthetic amenity would be affected by the size of this sign and would detract considerably from the rural nature of the surrounding landscape.”

We disagree with the above stated comment, and refer back to an email sent by our office to the Shire on Friday 27th of January, which takes into consideration the subject site will be located within a future Highway Corridor.

We note the following comments made by our office on the above date:

“The new Perth-Darwin Road Network when built is obvious to have the lowest amenity consideration in the Shire because of the high volumes of traffic, numerous heavy vehicles, along with noise, possible odour and signage which is generally associated with highway corridors. Therefore, the Shire by their actions and the proposed Major Road outlined in the Local Planning Strategy will themselves decrease the existing amenity in the locality in which the sign is proposed.”

“Therefore, we believe that the proposed sign will be consistent with the surrounding locality and have no impact on the existing character of the site. The Shire, by going forward with the proposed highway corridor along the subject site will have a far more serious effect on decreasing amenity within a rural area.”

We are aware of the concerns relating to the signage size of the application however, we emphasise that the sign will be consistent with the surroundings once the future Highway Corridor has been built.

It is important we note that the current site will be subject to change when the proposed highway corridor is developed. Highway corridor infrastructure includes, but is not limited to the following:

- Light poles;
- Main Roads advanced warning signs;
- Large format road directional signs; and
- Speed limit signs.

With the new major road link planned, the above listed infrastructure will be displayed along the future highway corridor. We note, that while the sign is proposed to be one of the first along the corridor, and may not appear to be consistent with the current surrounding locality, when the highway is created the sign will be highly compliant with the proposed surrounding future development.

While we understand that the subject site is currently within a rural zoned area, and amenity, signage and sizing are important considerations, when the future corridor works commence, changes will see a decrease of both the amenity and character of the locality.

We note, that the current Planning Framework does not address signage size, and as far as we are aware no new changes have been made. Therefore, we believe our application is highly consistent.

Public 1 Response

In response to the numerous comments received in relation to the application, we identify the main topics of concern made by the submitter(s) which include the following:

- Rural amenity;



- Sign size;
- Signage illumination;
- Precedents;
- Graffiti and vandalism; and
- Local signage content.

Please find below the justification our office has provided for each of the issues addressed, to help further assist the needs and concerns of the local community.

Rural Amenity

In response to the rural lifestyle amenity addressed by the local community, we note, that the subject site will be located within a future Highway Corridor. As mentioned above in our previous comments, the proposed Major Road Link will itself decrease the existing rural amenity and have a far more serious affect then the proposed signage development. Therefore, we believe the sign will be consistent with the expected Highway Corridor, and the corresponding amenity.

Signage Illumination

In response to the suggested concerns of signage illumination on the subject site, we note, the illumination of signs has a strict set of standards and guidelines to be followed. We believe, the sign will be compliant and will follow the existing Main Roads requirements on illuminated signage.

Alternatively, our client is happy to have a condition of approval created to ensure that the sign is not illuminated. We note, that creating the condition will ensure that it is enforceable and will help assist in ensuring that the concerns of the local community are being addressed.

Precedents

As confirmed by the Shire today, the current Planning Framework is silent in regards to development standards. No new changes have been made to the Framework and our application is believed to be consistent with the TPS6. We note, that signage within this locality is unlikely to be repeated, and the nature of our client's application indicates that it would be one of the first signs along a future major corridor.

Graffiti and Vandalism

We believe, the sign will be compliant within the subject site. To ensure an action be taken in regards to the on-going issues of graffiti and vandalism, a management plan can be introduced to help deal with these issues. Also, ensuring that any damage created to the sign will be repaired within a week to bring a sense of ease to the local community. Therefore, the sign will be consistent and ensure a positive solution to the needs of the locals.

Alternatively, our client is happy to have a condition of approval created to ensure that a proper management plan is implemented for the sign on the subject site. The condition will help to ensure that it is enforceable and will help in creating a safe guard to assist the Council and community regarding any concerns.



Local Signage Content

As a concern of the local community was regarding the content that will be displayed on the proposed sign, we can provide the solution of advertising a range of local businesses, local Shire tourism events as well as general advertising. Therefore, the sign is consistent and by advertising the locals will help ensure that the sign is targeting the needs of the community.

Conclusion

Taking the above points into account, the following conclusions are evident:

- The State and Local Governments have proposed a future highway corridor along the subject site. We believe, the eventual local amenity is more important than the current amenity, as the site is subject to change. As such, the proposed signage will be highly consistent with the future amenity of the area.
- The illumination of the proposed sign will meet the requirements of Main Roads standards and guidelines, and if necessary not be illuminated at all.
- No new changes have been made to the Planning Framework, which indicates that our proposal is highly compliant to all requirements.
- To ensure positive actions are taken to the on-going issues of vandalism and graffiti in the Shire, we ensure a management plan will be introduced to help implement a safe guard for the site.
- The proposed signage can provide positive local community advertising by including content such as local businesses, local Shire tourism events and general advertising.

We trust the above and attached will enable the Shire to progress the preparation of a positive agenda item to Council. Should you wish to discuss the above matter in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

PINNACLE PLANNING



BEN CARTER

Local Planning Policy No 5

Signage



TABLE OF CONTENTS

STATUTORY CONTEXT	3
1.0 OBJECTIVES	4
2.0 DEFINITIONS	5
3.0 POLICY STATEMENT	8
4.0 SIGNS – ZONING MATRIX	15
Appendix 1	17

DRAFT

STATUTORY CONTEXT

The Shire of Chittering, as enabled under Part 2 of *Town Planning Scheme (TPS) No 6*, hereby makes this Local Planning Policy (LPP) regarding Signage.

Any LPP prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

An LPP is not part of the Scheme and shall not bind the Local Government in any respect of any application for Planning Approval, but the Local Government shall have due regard to the provisions of any Policy, and the objectives which the Policy is designed to achieve before making its decision.

This policy applies to all land zoned within the Shire of Chittering. (adopted <<DATE>>).

1.0 OBJECTIVES

The objectives of this policy are:

- To provide guidelines which will assist in the regulation and control of signage within the Shire of Chittering.
- To ensure the type and size of the signs is appropriate for the location.
- To avoid the proliferation of signage.
- To promote a high standard of design and presentation in outdoor advertising.
- To maintain the rural character and landscape amenity of the Shire.

DRAFT

2.0 DEFINITIONS

The following are definitions that relate directly to the application of this policy:

“Council” mean the elected members of the Shire.

“Shire” means Shire of Chittering.

“TPS No. 6” means *Town Planning Scheme No. 6*.

“Above Roof Signs” means a sign which is affixed to a building and protrudes above the eaves or parapet of the building with little or no relation to the architectural design of the building

“Advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term also includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising means the same as Sign.

“Amenity” means all of those factors which combine to form the character of an area and shall include the present and likely future amenity.

“Awning/verandah sign” means an advertising sign painted or fixed to the face or return fascia of an awning and includes signs attached to the underside of an awning or verandah (other than fascia or return end), as well as signs attached above or projecting from a verandah.

“Billboard sign” means an advertising sign (greater than 4m²) that may be either freestanding or attached to overhead infrastructure not normally related to the land use.

“Created roof sign” means a sign which is affixed to the fascia or roof of the building and compliments the architectural design of the building but does not include an above roof sign.

“Directional sign” means signs erected within thoroughfares or public places to

indicate the direction to places, services and tourist destinations within the Shire but do not include signs erected by the Council or Commissioner of Main Roads.

“Fence sign” means a sign attached to a fence.

“Fly posting” means advertising by means of placing posters on fences, walls, trees, buildings and like structures.

“Hoarding” means a detached or detachable structure other than a pylon that is erected for the sole purpose of displaying an advertising device, sign or signs including a poster panel, wall panel or an illuminated panel and has an overall height less than the sign’s horizontal dimension.

“MRWA” means a Main Roads WA.

“Monolith sign” means a freestanding advertisement sign which is fixed to the ground having one or more supports and portions of the sign face is within or partially within 1.2 metres above natural ground level.

“portable sign” means a portable free standing advertising sign and includes “Ground based” signage.

“Pylon sign” means a sign supported by one or more piers and not attached to a building and includes sign framework supported on one or more piers to which sign infills may be added.

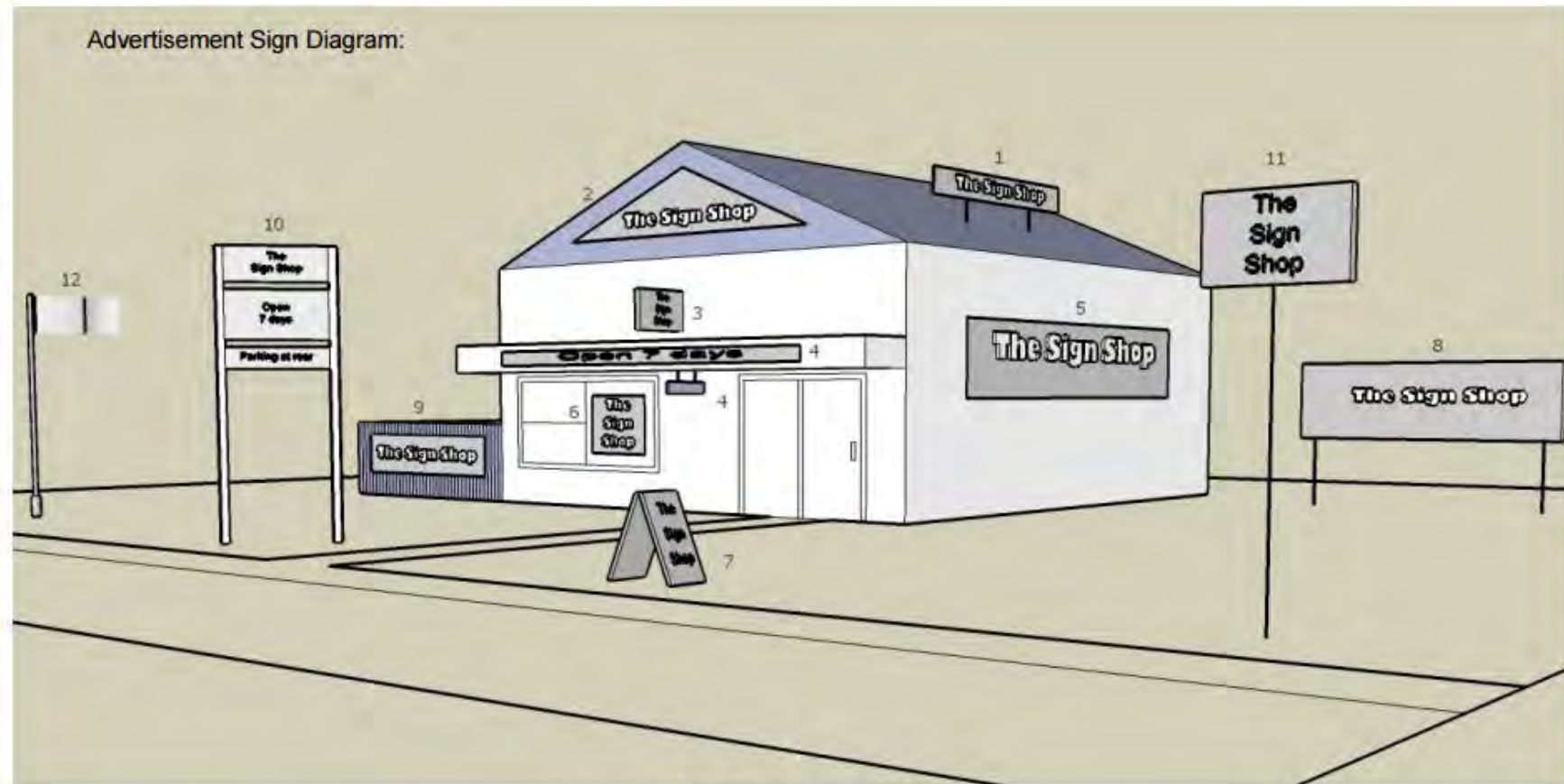
“Remote sign” means a sign located on private property but not directly related to the business being carried out on that property.

“Sign” means a notice, message or display by means of a freestanding or fixed sign or hoarding.

“Sign infill” means a panel which can be fitted into a pylon sign framework.

“Tethered sign” means a sign which is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, bunting, banners, flags and similar.

“Wall sign” means a sign painted on or directly affixed to the fabric of a wall.



Advertisement Sign Diagram:

Advertisement Sign Types:

1. Above Roof 2. Created Roof 3. Projecting 4. Awning 5. Wall 6. Window 7. Ground Based 8. Hoarding 9. Fence 10. Monolith 11. Pylon 12. Tethered

3.0 POLICY STATEMENT

The policy applies to all signage or advertising devices on private property located within the Shire of Chittering which can be viewed from a public place, thoroughfare or adjoining property.

This policy works in conjunction with Schedule 6 of *TPS6* and *Activities on Thoroughfares and Trading in Thoroughfares and Public Places 2001*.

If a provision of this Policy is inconsistent with “*Town Planning Scheme No. 6*” then the Scheme prevails.

3.1 General requirements

- a) Expect for those signs exempted by Clause 5.11.5 and Schedule 6 of *Town Planning Scheme No.6*, no person shall otherwise construct a sign within the Shire without first obtaining the written approval of the Shire.
- b) In general advertising signs:
 - (i) shall not contain any offensive material;
 - (ii) shall not be erected or displayed in a position so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods; which shall be limited to ten percent of the total window area;
 - (iii) not pose a threat to public health and safety;
 - (iv) be securely fixed to any structure which supports it;
 - (v) be maintained in good order and clean condition;
 - (vi) be compatible with the scale and architecture of the building and character of the street; and
 - (vii) are to bear relevance to the site on which they are located.
- c) Signs may only contain any or all of the following information:
 - (i) the name of the occupier;
 - (ii) the business carried out on the property;
 - (iii) the occupiers contact details;
 - (iv) hours of operation of the business;
 - (v) the logo of the business;

- (vi) a description of the goods sold or offered for sale on the property to which the sign is affixed or which it relates;
- (vii) any other information specific to the business or use undertaken specifically approved by the Shire; and
- (viii) in the case of a remote sign, information related to a tourism business or good or services for the travelling, where the remote sign design and content has been approved by the Shire.

Notwithstanding anything contained in this Policy, Council may allow the display of advertisements at churches, schools, theatres and other places of public entertainment, election notices, or advertisements of meetings or other matters of public interest upon such terms for such period as the Council may in each case decide.

3.2 Signage in the townsite/rural residential zones

- a) Where signage is proposed on a non-residential property in a predominantly residential area, it is not to detract from the amenity of the area or streetscape, or cause a nuisance to residential properties.
- b) In predominately residential areas the following signs will not be permitted:
 - (i) above roof;
 - (ii) billboard;
 - (iii) hoarding;
 - (iv) pylon;
 - (v) monolith;
 - (vi) tethered;
 - (vii) illuminated; and
 - (viii) home business signs shall be limited to a maximum of one sign per street frontage of the dwelling and be either a fence fixed sign and not exceed 0.5m² in area.

3.3 Signage in rural zones

- a) Where signage is proposed in an agricultural resource zone, the sign:
 - (i) it is not to detract from the amenity of the area, and is not to be a hazard to rural activities or road users;
 - (ii) be limited to a maximum of one sign per street frontage of the total landholding;
 - (iii) be either a fence sign, wall sign or hoarding;
 - (iv) not exceed 4m² in area ; and
 - (v) not be illuminated.

3.4 Design requirements for specific sign types

3.4.1 Above roof sign

- a) above roof signs may be considered where the sign compliments design of the building and does not adversely affect the character or amenity of the area;
- b) a maximum of one above roof sign per building may be permitted;
- c) shall not project more than 2.0m above the top of the pitch or parapet of the building; and
- d) not project laterally beyond the walls of the building.

3.4.2 Created roof sign

- a) shall be affixed parallel to the fascia or portion of the building to which it is attached;
- b) not be within 500 millimeters of either end of the fascia, roof or parapet of the building to which it is attached; and
- c) be no more than 3m² in area.

3.4.3 Hoarding

- a) hoarding may be considered in the rural and industrial zones or as remote signage;
- b) it is demonstrated that there is no undue safety risk for pedestrians or conflict with vehicles accessing the site;
- c) hoardings shall not exceed six (6) metres in height; and
- d) be no more than 10m² in area.

3.4.4 Fence sign

- a) Shall not exceed 2m² in area and a maximum vertical dimension of 2000mm;
- b) Shall be limited to one fence sign per frontage on each lot; and
- c) Shall not project beyond the fence.

3.4.5 Tethered sign

- a) shall be wholly located within the boundaries of the lot;
- b) not be located so as to distract the attention of motorists;
- c) have no part of the sign face more than six (6) metres above the ground level immediately below the sign; and
- d) not to be within 10 metres of a pylon sign

3.4.6 Fly posting

- a) A person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private or on a public place.
- b) A person may post any bill or paint, stencil, paste, affix or attach any community event bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private or on a public place for a period of no greater than one month before the event.

3.4.7 Portable signs

Portable signs are to be located in accordance with the *Activities on Thoroughfares and Public Places Local Law*.

3.4.8 Pylon signs and monolith signs

Pylon signs and monolith signs may be considered on properties on general industry and light industrial zones only.

Pylon signs and monolith signs shall be restricted to one pylon sign and one monolith sign for each frontage of the property.

Where the property has multiple tenancies or a series of businesses, the Shire may require that any proposed pylon sign or monolith sign be designed so as to incorporate one infill, module or section, or sufficient framework to accommodate one infill, for each tenancy or business on the lot.

- a) A pylon sign shall:
- i. Have no part of the sign face less than 2.1 m or more than 6m above the ground level immediately below the sign;
 - ii. Have a maximum width of two (2) metres, measured horizontally across the extremities of the pylon sign structure;
 - iii. Have a sign face no greater than 4.5m²;
 - iv. Not to be within 2m of the side boundaries of the lot on which it is erected;
 - v. Be supported by one or more piers or columns of brick, stone, timber or steel of sufficient size and strength to support the signs under all conditions.

The Shire may require engineering certification of the construction of a pylon sign.

- b) A monolith sign shall:
- i. Have a maximum clearance of 12 metres from the natural ground level;
 - ii. Have no part of the sign face more than eight (8) metres above the natural ground level immediately below the sign; and
 - iii. Have a maximum width of two (2) metres, measured horizontally across the extremities of the pylon sign structure.

3.4.9 *Wall Signs*

A wall sign shall:

- a) Not extend beyond either end of a wall, or above the top of the wall or eaves; and
- b) Not have an aggregate area greater than 30% of the total area of each frontage, up to a maximum of 10m² for each tenancy.

3.4.10 *Directional signs*

- a) the Shire must be satisfied that the proposed signage will perform a necessary function and will reflect the desired effect of directing traffic and is not merely an extended form of advertising;
- b) directional signage must relate to an approved land use or business;
- c) name plate signs must be a maximum height of 150mm with a maximum length of 900mm; and
- d) the only information to be contained on the directional signage is the business name.

3.4.11 *Awning/verandah sign*

A sign attached to the fascia of an awning or verandah is to be:

- a) limited to one sign per elevation; and
- b) Be constrained in height by the dimensions of the awning face.

A sign attached to the underside of an awning or verandah is to:

- a) not exceed 2.4 metres in length or exceed a width of 500 millimeters;
- b) have relevant structural engineering certification;
- c) only one such sign per tenancy;
- d) no project beyond the outer frame or surround of the verandah; and
- e) have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign.

3.5 Signs in proximity to state controlled roads

- a) All signs on or in the vicinity of a state road other than types exempt under *Main Roads (Control of Advertisements) Regulations 1996*, or types that can be approved by the Shire under delegation, require the approval of MRWA;
- b) All signs on or in the vicinity of a state road are to comply with table 1; and
- c) In assessing an application for signage under delegation from MRWA, the Shire may refer the application to MRWA for assessment and comment.

3.6 Signage Strategies

Where signage is proposed that does not meet any one or more of the above clauses, or more than two separate signs on any one property are proposed, a signage strategy is to be submitted and approved by the Shire. The strategy shall demonstrate how the signage complies with clauses 3.1(b) and 3.1(c) of this policy and any other applicable legislation.

4.0 Signs – Zoning Matrix

SIGN TYPE	LAND USE TYPE					
	Residential	Rural	Industry	Estate Subdivision	Commercial outside of Town Centre	Town Centre Commercial
ON BUILDING						
Above Roof	X	X	X	X	S	P
Part of Roof	X	X	X	X	P	P
Wall	S	X	X	X	S	P
Projecting	X	X	X	X	S	P
Window	X	X	X	X	S	P
OFF BUILDING						
Rural Business	X	P	P	X	P	X
Pylon	X	X	P	X	X	X
Portable	X	X	S	X	X	P
Panel	X	X	X	X	X	P
Hoarding	X	X	X	X	X	X
Tethered	X	X	P	P	P	P
Product Display	X	S	S	S	S	S
TEMPORARY						
Real Estate Directional	PE	PE	PE	PE	PE	PE
Real Estate Development	P	P	P	P	P	P
Real Estate “For Sale”	PE	PE	PE	PE	PE	PE
Construction Site	PE	PE	PE	PE	PE	PE
Display Home	PE	PE	X	X	X	X
Public Information	P	P	P	P	P	P
OTHER						
Business Direction	NA	S	NA	NA	NA	NA

LEGEND

X	Not permitted
P	Permitted, application needed
P	Permitted, exempt from application
S	Permitted, signage strategy required
N	Not applicable

Note: It should be noted that certain particular types of signs are not permitted (X) in any zones or land uses. The Policy details every type of advertising sign so as to avoid confusion which would occur if certain types were not described. Council presently considers those listed as not permitted are not acceptable forms of signage for that zone.

Appendix 1 Table 1 REMOTE SIGNAGE ON GREAT NORTHERN HIGHWAY

Signage may be erected in the following locations within the road reservation area, subject to Clause 3.4:

Location along Great Northern Highway	Maximum sign density	Sign Content
Within the Muchea Employment Node	6 signs in 5km of road length	<ul style="list-style-type: none"> • Businesses providing goods and services to the travelling public located within the Muchea Employment Node; • Events, community and tourism services located within the Chittering local government area
From 3km to either side of the designated Binda Place Town Centre and not at all within the Binda Place Locality	2 signs per 500m of road length	<ul style="list-style-type: none"> • Businesses providing goods and services to the travelling public located within the Binda Place townsite; • Events, community and tourism services located within a 10km radius of the sign

ADOPTED FOR PRELIMINARY APPROVAL by resolution < resolution no> of the **Shire of Chittering** at the Ordinary Meeting of Council held on <insert date>.

ADOPTED FOR FINAL APPROVAL by resolution <resolution no> of the **Shire of Chittering** at the Ordinary Meeting of the Council held on <insert date>.

The Common Seal of the **Shire of Chittering** pursuant to resolution <insert resolution> was affixed in the presence of:

Cr Gordon Houston
President _____

Alan Sheridan
Chief Executive Officer _____

**This page has been left
blank intentionally**



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm

LOCAL GOVERNMENT ACT, 1960*The Municipality of the Shire of Chittering*

By-laws relating to Signs, Hoardings and Bill Posting

IN pursuance of the powers conferred upon it by the abovementioned Act and all the powers enabling it the Council of the abovementioned Municipality hereby records having resolved on 18th October 1991, with amendments having resolved on 18th February 1993 to make and submit for confirmation by the Government the following By-law, which was gazetted on 1 August 1992.

1. Interpretation

1.1 In these By-laws, unless the context otherwise requires:

"Act" means the Local Government Act 1960 (as amended)

"Advertising device" means any object on which words or numbers or advertising figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking.

"AS 1742" means Australian Standard 1742 as set out in the Australian Standard Manual of Uniform Traffic Control Devices.

"Bill posting" means the sticking or posting of any bill, or pasting, stencilling, placing, sticking, posting or affixing of any advertising device or advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and "bill post" has a like meaning.

"Building Surveyor" means the Building Surveyor of the Shire of Chittering or the person acting for the time being in that capacity.

"Council" means the Council of the Municipality of the Shire of Chittering.

"Development Sign" is an advertising device and means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s).

"Direction Sign" means a sign erected in a street or public space to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the Commissioner of Main Roads in accordance with AS 1742 for a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Traffic Act.

"Existing Sign" means an advertising device, bill posting, fly posting or a sign of any description referred to in these By-laws that existed or was maintained on 7 August, 1992 being an advertising device, bill posting, fly posting or other sign referred to in these By-laws, erected on or before 7 August, 1992.

"Fly posting" without limiting the generality of the provisions in these by-laws relating to bill posting means advertising by means of more than one poster placed on fences, walls, trees, rocks and any like places, or things without authority, and "fly post" has a like meaning.

"Hoarding" means a detached or detachable structure other than a pylon, that is erected for the sole purpose of displaying an advertising device, sign or signs including a poster panel, wall panel or an illuminated panel, but does not include hoarding within the meaning of sections 377 and 378 of the Act.

"Horizontal Sign" is an advertising device and means a sign fixed parallel to the wall and/or roof of a building to which it is attached with its largest dimensions horizontal.

"Illuminated sign" is an advertising device and means a sign that is so arranged as to be capable of being lighted either from within or without by artificial light provided or mainly provided for that purpose.

"Portable sign" is an advertising device and means an unfixed sign:

- (a) located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertising a product or service available within the boundaries of the land upon which the sign is located;
- (c) not exceeding a height of 1m measured above the level of the ground immediately below it;
- (d) not exceeding 0.6m² in area;
- (e) placed so as not to cause interference or a hazard to vehicular traffic or cause interference or hazard to or impede pedestrians.

"Pylon Sign" is an advertisement device and means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added.

"Roof sign" is an advertising device and means a sign erected on the roof of a building.

"Roster sign" is an advertising device and means a sign erected by a Service Station for the time it is on roster as published in the *Government Gazette*.

"Rural Producer's sign" is an advertising device and means a sign erected on land zoned "rural" and which:

- (a) does not project more than 900mm over a street alignment as defined in the Act;
- (b) does not exceed 1m² in area;
- (c) does not exceed 3m in height above the level of the ground immediately below it; and
- (d) only advertises goods or products produced, grown or lawfully manufactured upon the land within the boundaries of which the sign is located.

"Sale sign" means a sign indicating that the premises whereon it is affixed are for sale, for letter or to be auctioned.

"Semaphore Sign" means a sign which indicates the location of the entrance to a place of business or building.

"Sign" includes a signboard, a portable sign or a bunting sign, or a sign painted directly onto the fabric of a building or flags and bunting which carry no written message or motif.

"Sign infill" means a panel which can be fitted into a pylon sign framework.

"Street" includes footway and roadway.

"Tower Sign" is an advertising device and means a sign affixed to or placed on a chimney stack or an open structural mast or tower.

"Verandah" means an overhead canopy projecting over a street and includes a balcony.

"Wall Sign" is an advertising device and means a sign painted on or directly affixed to the fabric of a wall.

1.2 Words and expressions used have the same respective meaning as is given in the Act.

2. Licences

2.1 Licences and Exemptions

2.1.1 No person shall erect, or maintain a sign or advertising device and the owner or occupier of the premises shall not suffer or permit a sign or advertising device to remain on those premises so as to be visible from a street, reserve or other public place, except pursuant to a licence issued in the form of the Second Schedule to these by-laws.

2.1.2 No licence shall be required for the following:

- (a) a sign erected or maintained pursuant to any Act having operation within the State;
- (b) a sale sign not exceeding 1m² in area;

- (c) a plate not exceeding 2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) signs for use solely for the directly and/or control of people, animals and or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 0.2m²;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) the name and occupation of any occupier of business premises painted on a window of those premises;
- (h) signs with a building;
- (i) signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;
- (j) building name signs on residential flats or home units where they are of a single line of letters not exceeding 600mm in height, fixed to the facade of the building;
- (k) newspaper posters;
- (l) roster signs providing such signs comply with AS 1742 and Main Roads (Control of Advertisement) Regulations 1973;
- (m) existing signs;

provided that the exemption from the requirement for a licence does not exempt the sign from the application of by-law 3.1.2 or any other provision of these By-laws.

- 2.1.3 Every licence that is granted shall exist subject only to the provision of these by-laws.
- 2.1.4 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws the Council may refuse a licence if:
- (a) the sign or boarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to be acceptable to residents in the area or be injurious to the natural beauty or safety of the area; or
 - (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.
- 2.1.5 Notwithstanding that a sign or hoarding would not otherwise comply with the provisions of these By-laws the Council by licence under the hand of the Building Surveyor may authorise the erection of a sign in a form approved by Council. Approval may be granted upon such terms and conditions and for such period as the Council may in each case decide provided that the Council may at any time revoke the licence issued in accordance with this by-law and notice of such revocation may be given under the hand of the Building Surveyor.
- 2.2 Revocation of Licences: The Council may, without derogation of any penalty to which that person may be liable, by notice in writing revoke the licence:
- (a) where anything purporting to be done pursuant to a licence issued under these by-laws is not done in conformity with the licence, or with these by-laws or is so altered that, in the opinion of the Council it is objectionable or contravenes paragraph 2.1.4; or
 - (b) where the sign or advertising device specified in a licence, other than a licence issued in accordance with by-law 2.1.5 contravenes or does not comply with any provision of these By-laws.
- 2.3 Application for Licence
- 2.3.1 An application for a licence under these by-laws shall:
- (a) Contain:
 - (i) name and address of owner;
 - (ii) name and address of occupier;

- (iii) name and address of applicant or contractor.
 - (b) Be accompanied by a site plan of the proposed sign indicating style, wording, colours and motifs to be used and all such plans shall be in duplicate.
- 2.3.2 An application for a licence under these by-laws shall be accompanied by a plan drawn to a scale of not less than 1:100 full size showing the position, design, method of construction and dimensions of the sign, fixing of the sign and other such information as Council or the Building Surveyor may require.
- 2.3.3 Applicant for a Licence in respect to;
 - (a) Roof signs and pylon signs shall be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.
 - (b) Illuminated signs shall be accompanied with written consent to the erection of the sign, signed by or on behalf of the person or body having control of the street in which the sign will be facing is erected;
 - (c) A photographic sign shall:
 - (i) be accompanied by the written approval of the Commissioner of Main Roads to the projection of that photographic sign onto the building, screen or structure specified in the application;
 - (ii) give details of the building, screen or structure onto which the sign is to be projected.
 - (d) An application for a licence for a sign to be fixed to the other fascia of a theatre or cinema verandah shall also be accompanied by the plans specifications and structural details of the verandah.
- 2.3.4 Application for a licence in respect of a sign or hoarding referred to in by-law 2.1.5 shall be accompanied by such documents and other information as the Council considers appropriate having regard to the nature and form of the proposed sign or hoarding.
- 2.4 Licences
 - 2.4.1 A licensee shall, on demand by an authorised officer of the Council, produce his licence for inspection.
 - 2.4.2 Every licensed sign or hoarding shall bear on its face (bottom left hand corner as viewed) in clearly legible figures, the number of the licence under which it is erected or displayed.
- 2.5 Special Permits
 - 2.5.1 Notwithstanding anything contained in these by-laws the Council may by permit under the hand of the Building Surveyor allow the display of advertisements at churches, schools, theatres and other places of public entertainment, election notices, or advertisements of meetings or other matters of public interest upon such terms for such period as the Council may in each case decide.
 - 2.5.2 The Council may revoke any such permit at any time without assigning any reason for such an action.
 - 2.5.3 Upon the expiration or revocation of a permit issued under these by-laws, the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.
- 3. Restrictions**
 - 3.1.1 A person shall not erect or maintain a sign or advertising device and the owner and occupier of any premises shall not permit a sign to remain on those premises:
 - (a) unless a licence has been issued by the Council under these by-laws or the by-laws which were in operation prior to the coming into operation of these by-laws;
 - (b) if that sign does not comply with any provision of these by-laws;

- (c) unless the sign or advertising device is exempted from the licensing requirements pursuant to by-law 2.1.2 and is not otherwise in contravention to these By-laws.
- 3.1.2 A sign or advertising device including an existing sign shall not be erected or maintained:
- (a) in any position where it obstructs or obscures the view from a street or other public place of traffic in that or any other street or public place;
 - (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign;
 - (c) except with the specific approval of the Council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building or on the roof fabric of a building;
 - (d) so as to obstruct to or from any door, fire escape or window (other than a window designed for the display of goods);
 - (e) on any building of which the stability is in the opinion of the Building Surveyor, likely to be affected by the sign;
 - (f) on any land that is zoned in a Town Planning Scheme as residential or used for residential purposes other than a site of lawful non-conforming use other than residential unless specifically permitted in these by-laws;
 - (g) if in the opinion of Council, the sign or advertising device causes or is likely to cause offence or is for reasons to be stated by Council, unsuitable or otherwise undesirable;
 - (h) in any position where, in the opinion of Council, the advertisement will be out of harmony with the surroundings in the locality in which the advertisement is proposed to be exhibited or where Council considers it will be undesirable for reasons to be stated by Council;
 - (i) displayed or exhibited on a vehicle left standing or parked on a road reserve primarily for the purpose of displaying or exhibiting such advertisements.
- 3.1.3 No glass shall be used in any sign other than an illuminated sign.
- 3.1.4 No paper, cardboard, cloth or other flammable materials shall be part of or be attached to any sign but this paragraph shall not apply to posters securely fixed to a sign board.
- 3.2 Inscription of Signs
- 3.2.1 Every sign shall:
- (a) be securely fixed to the structure by which it is supported to the satisfaction of the Building Surveyor;
 - (b) be maintained by the licensee in a safe condition in good order, repair and free from delapidation;
 - (c) be kept clean and free from unsightly matter;
 - (d) bear on its face, in figures legible from the nearest street, the number of the licence issued by the Council with respect to that sign;
 - (e) unless otherwise permitted by the Building Surveyor or specified in these by-laws, be so fixed as to provide clear headway thereunder of not less than 2.75m.
- 3.3 Removal of Existing Signs
- 3.3.1 Where an existing sign:
- (a) fails to conform with public safety standards as set out in paragraph 3.2.1 of these by-laws, a person receiving a written direction from the Council to remove the sign, shall remove it immediately upon receiving the direction;
 - (b) not being a sign which fails to conform to public safety standards as set out in paragraph 3.2.1 of these by-laws fails to conform to the requirements of these by-laws, a person receiving a written direction from the Council shall within 14 days of receiving such directions:
 - (i) remove the sign; or
 - (ii) appeal to Council.

4. Specific Signs

4.1 Direction Signs

4.1.1 A direction sign shall not exceed 150mm in depth and 750mm in length.

4.2 Illuminated Sign

4.2.1 An illuminated sign:

- (a) and any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires;
- (b) shall be so protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.

4.2.2 The electrical installation of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of the State Energy Commission.

4.2.3 The light from an illuminated sign shall not be so intense as to cause annoyance to the public.

4.3 Verandah Sign

4.3.1 A sign above the outer fascia of a verandah shall be comprised only of free standing letters which are parallel to the nearest street kerb and each of which has a height of not more than 400mm. Each letter shall be mounted on a base of 75mm in height.

4.3.2 Subject to Sub-by-law 4.13, a sign fixed to the outer or return fascia of a verandah:

- (a) shall not exceed 600mm in height;
- (b) shall not project beyond the outer metal frame or other surround of the fascia;
- (c) in the case of an illuminated sign, shall not be a flashing sign. For the purpose of this paragraph an illuminated sign which only changes colour is not a flashing sign;
- (d) shall be so constructed that the bottom edge of the sign is not lower than the bottom edge of the fascia.

4.4 Sign Under Verandah

4.4.1 A sign fixed to the underside of a verandah:

- (a) shall not exceed 2400mm in length, 0.9m² in area and 600mm in height.
- (b) shall not weigh more than 60kg.
- (c) shall be fixed at right angles to the wall of the building in front of which the sign is erected provided that where such a sign is erected at a street intersection that sign may be placed at an angle to the wall so as to be visible from both streets.

4.4.2 If a sign fixed to the underside of a verandah exceeds 300mm in heights that sign shall not:

- (a) be located within 1350mm of the nearest side wall of the building; and
- (b) be located within 2700mm of another sign fixed to the underside of the verandah.

4.4.3 If a sign fixed to the underside of a verandah does not exceed 300mm in height that sign shall not:

- (a) be located within 900mm of the nearest side wall;
- (b) be located within 1800mm of another sign fixed to the underside of the verandah.

4.4.4 For the purpose of paragraph 4.4.2 and 4.4.3, the distance of a sign from a side wall shall be measured along the front of the building from the edge of the sign closest to that side wall.

4.5 Horizontal Sign

4.5.1 A horizontal sign:

- (a) shall be fixed parallel to the wall of the building to which it is attached;
- (b) shall not project more than 600mm from the wall to which it is attached;
- (c) shall not be within 600mm of either end of the wall to which it is attached unless the end of the sign abuts against a brick, stone or cement corbel pier or plaster which is at least

225mm wide and which projects at least 25mm in front of and 75mm above and below the sign.

4.5.2 Where the distance between the bottom of a horizontal sign and the ground below that sign is that specified in the first column of the following table, subject to paragraph 4.5.4 and 4.5.5, the height of that sign shall not exceed that specified in the second column of that table.

Distance of Sign Above Ground	Maximum Height of sign
less than 7.5mm.....	600mm
7.5m to 9m.....	750mm
more than 9m.....	900mm

Provided that if any part of a sign includes a motif or capital letter the height of that part of the sign may be increased by 50per cent of the prescribed maximum height.

4.5.3 Where more than one horizontal sign is fixed to the same storey or level of a building and those signs face the same street the signs shall be fixed to that building in one line and shall be of uniform height.

4.5.4 Notwithstanding paragraph 4.5.2, if a horizontal sign on the facade of a building:
 (a) identifies the owner OR an occupier of that building; and
 (b) is the only sign on that facade to do so; that sign may be constructed to a maximum height of 1200mm.

4.5.5 Notwithstanding paragraph 4.5.2, where there is no roof sign on a building, a horizontal sign attached to the uppermost storey or level of a building may be constructed to a maximum height of 4500mm if no part of the sign is less than 12m above the ground below the sign.

4.6 Vertical Sign

4.6.1 A Vertical Sign:
 (a) shall be so constructed that, at no point, is the distance between the bottom of the sign and the ground below less than 3000mm;
 (b) shall not project more than 2400mm above the top of the wall to which it is attached at the point immediately adjacent to the sign and at no point shall the sign be extended more than 1500mm back from the face of that wall;
 (c) shall not be located within 3600mm of another vertical sign attached to the same building;
 (d) shall not be located within 1800mm of either end of the wall to which it is attached except where the end in question:
 (i) adjoins a street or right of way; or
 (ii) is set back not less than 1800mm from the boundary of the land on which the building is erected.

4.6.2 (a) Subject to subparagraph (b) of this paragraph, a vertical sign shall not project more than 900mm from the face of the building to which the sign is attached.
 (b) Where a vertical sign is fixed to the face of a building; and
 (i) that building is set back behind the face of a building which adjoins that building; and
 (ii) that building is within 3m of that adjoining building, the sign may project from the face of the building an additional distance being the distance the adjoining building projects beyond the building or 600mm whichever is the lesser.

4.7 Semaphore Sign

4.7.1 A semaphore sign:
 (a) shall not be fixed at right angles to the wall to which it is attached;
 (b) shall not exceed 1050mm in height at any point and shall not exceed 900mm in width at any point.

(c) shall be fixed over or adjacent to the entrance to a building.

4.7.2 Not more than one semaphore sign shall be fixed over or adjacent to an entrance to a building.

4.7.3 (a) Subject to subparagraph (b) of this paragraph, a semaphore sign shall not project more than 900mm from the face of the building to which the edge is attached.

(b) Where a semaphore sign is fixed to the face of a building; and

(i) that building is setback behind the face of a building which adjoins that building; and

(ii) that building is within 3m of that adjoining building,

a sign may project from the face of the building an additional distance being the distance the adjoining building projects beyond the building or 600mm which ever is the lesser.

4.8 Roof Sign

4.8.1 A roof sign:

(a) shall at no point be within 3600mm of the ground;

(b) shall not exceed beyond the external walls of the building.

4.8.2 Where the height of a building above the ground at the point where a roof sign is proposed to be erected, is that specified in the first column of the following table the distance between the top of the roof at the point and the top of the sign shall not exceed that specified in the second column of the table.

Building Height	Maximum Height of sign above rooftop
3.6m to 4.5m.....	1200mm
4.6m to 6m.....	1800mm
6.1m to 12m.....	3800mm
12.1m to 18m.....	4500mm
More than 18m	600mm

4.8.3 When ascertaining the height of a building above ground level for the purpose of this clause, any part of the roof, at the point where the measurement is being taken, which is provided solely for the purpose of architectural decoration shall be disregarded.

4.8.4 A roof sign shall not be erected on any building where a horizontal sign which exceeds 1200mm in height is attached to the uppermost storey or level of the building or if the issue of a licence for the erection of such a sign on that storey or level has been approved.

4.9 Pylon Sign

4.9.1 A pylon sign:

(a) shall be so constructed that no part of the sign shall be less than 2750mm or more than 600mm above the level of the ground immediately under the sign;

(b) shall not exceed 2550mm measured in any direction across the face of the sign or have a greater superficial area than 4m²;

(c) shall not project more than 900mm over any street, way, footpath or other public place;

(d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;

(e) shall not be within 1800mm of the side boundaries of the lot on which it is erected;

(f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.

4.10 Tower Sign

4.10.1 A tower sign:

(a) shall not, if illuminated, be a flashing sign;

(b) shall not exceed in height one sixth of the height of the mast, tower or chimney stack.

4.11 Photographic Signs

- 4.11.1 Where an applicant for a licence proposes to project photographic signs in a series, the Council may issue one licence in respect of all the signs in that series.
- 4.11.2 Where a licence for a photographic sign to be projected in a series has been issued no sign other than those in respect of which the licence has been issued shall be projected.
- 4.11.3 Where a licence for a photographic sign or signs is issued the licence shall specify the building, screen or structure onto which such sign or signs may be projected. The sign or signs shall not be projected onto any building, screen or structure not specified in the licence.
- 4.11.4 The owner and occupier of any building, screen or structure and the owner and occupier of any land on which a screen or structure is erected shall ensure that no photographic sign or signs is or are projected onto the building, screen or structure unless the licence has been issued with respect thereto and the provisions of this paragraph are complied with.

4.12 Hoardings

- 4.12.1 No new hoarding shall hereafter be erected on private property except pursuant to a requirement of or a licence issued pursuant to the Local Government Act 1960.
- 4.12.2 A person shall not erect a hoarding contrary to this Sub-by-law and the owner and occupier of any premises shall not permit a hoarding so erected to remain on those premises.

4.13 Bill posting etc.

- 4.13.1 Subject to paragraph 4.13.2, a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.
- 4.13.2 This Sub-by-law shall not apply to:
- (a) any sign for which a current licence is in force as referred to in subparagraphs 3.1.1(a);
 - (b) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on in those premises;
 - (c) the name and occupation of any occupier of business premises painted on a window of such premises;
 - (d) advertisements painted, stencilled, placed or affixed to any fence, if the advertisement indicates
 - (e) only the name or trading name of the occupier of the property upon which the fence is erected and if the letters on the advertisement do not exceed, where the fence is:
 - (i) not more than 15m from the nearest footpath, 600mm in height;
 - (ii) between 15m and 21m from the nearest footpath, 900mm in height;
 - (iii) between 22m and 30m from the nearest footpath, 1200mm in height;
 - (iv) more than 30m from the nearest footpath, 1500mm in height.

4.14 Licences

- 4.14.1 An application for a licence under these By-laws shall be in the form of the First Schedule hereto.
- 4.14.2 A licence under these By-laws shall be in the form of the Second Schedule hereto.
- 4.14.3 The fees payable for the issue of licences under these By-laws are specified in the Third Schedule hereto.
- 4.14.4 The prescribed fee for a licence shall be paid to the Council before the issue of that licence.
- 4.14.5 If at any time a sign for which a licence has been issued:
- (a) does not comply with a provision of these by-laws as applicable to that sign; or
 - (b) is altered in its size appearance, construction, location, fixing or in any other manner affected by these by-laws without the prior permission of the Surveyor;
- then the licence therefore shall be invalid and of no effect.

4.15 Penalties

4.15.1 A person who contravenes any provision of these by-laws shall be liable to a penalty of four hundred dollars (\$400) in addition to a daily penalty of forty dollars (\$40) for each day during which the offence continues.

4.16 Unlawful Signs

4.16.1 The Council or any person acting under the authority of the Council may remove any advertising device, hoarding or sign which is attached to or posted, painted or stencilled onto a hoarding and which in the opinion of Council is dangerous and objectionable.

4.16.2 Where the exercise of the power conferred under by-law 4.16.1 the Council removes an advertising device, hoarding or sign it may recover from the owner of the property which the advertising device hoarding or sign is removed, the costs of the removal from any court of competent jurisdiction.

4.16.3 The provisions of the by-laws 4.16.1 and 4.16.2 are in addition to and do not derogate the penalty provisions of by-law 4.15.

First Schedule

Shire of Chittering

APPLICATION FOR A SIGN LICENCE

No: _____

Date: _____

I hereby apply for a licence for a sign to be erected on the premises know as:

Full name and address of applicant: _____

Exact position of sign: _____

Dimensions of sign: _____

Materials and construction of sign and supports: _____

Inscription or device on sign: _____

Signature of Applicant

Date: _____

Second Schedule

Shire of Chittering

SIGN LICENCE

This document is not a receipt nor is this licence valid until the amount paid is printed by Cash Register on the space opposite.

This licence is granted to _____ in respect of a _____ sign on premises known as _____ in accordance with

Application numbered as below and subject to the by-laws of the Shire of Chittering.

Signed: _____
Shire Clerk

Date: _____

No: _____

Date of Issue: _____

Third Schedule

Shire of Chittering

**FEES
Sign By-laws**

- 1. A pylon sign \$15.00
- 2. An illuminated sign:
 - (a) on a roof \$30.00
 - (b) under a verandah \$7.50
 - (c) any other \$15.00
- 3. A sign other than a pylon sign or illuminated sign:
 - (a) on the fascia of a verandah NIL
 - (b) any other \$7.50.

Dated this twentieth day of May, 1993

The Common Seal for the Shire of Chittering was hereunto affixed in the presence of—
M. TAYLOR, President
PETER FITZGERALD, Shire Clerk

Recommended—
PAUL D. OMODEI, Minister for Local Government

Approved by His Excellency the Governor in Executive Council this 17th day of August, 1993.
D. G. BLIGHT, Clerk of the Council



Government of Western Australia
Department of Health
Public Health Division

SHIRE OF CHITTERING
RECEIVED

10 JAN 2017

Chief Executive Officer
Shire of Chittering
PO Box 70
CHITTERING WA 6502

Officer: EHO
File: 24/03/000
Ref: 1339537

Dear Sir/Madam

Amendment of the *Health (Asbestos) Regulations 1992*

I am writing to you in regard to amendment of the *Health (Asbestos) Regulations 1992*.

During consultation on the *Public Health Act 2016* local government indicated that the penalties under the *Health (Asbestos) Regulations 1992* ("the Regulations") are inadequate and are of particular concern in the context of the management of asbestos where the costs of complying with the Regulations can greatly exceed the penalty for non-compliance. Due to the significant public health risks associated with the mishandling of asbestos cement materials, local governments advocated for higher penalties and the ability to issue infringement notices as an immediate measure to deter unlawful conduct and encourage compliance.

On 24th January 2017 the Regulations will be amended to increase the penalties for offences under the Regulations and to enable local governments to issue infringement notices for specified offences. The penalties are to be increased to provide that a person who commits an offence against the Regulations is liable upon conviction to:

- a penalty of not more than \$10,000, and
if the offence is of a continuing nature, to an additional daily penalty of not more than \$1,000.

Local government preparation

Infringement notices

An infringement notice is a notice that the person to whom it is directed has committed an alleged specified offence under a regulation, and requires payment of a specified monetary amount for the offence within a specified time.

A local government may appoint a person or class of persons to be:

- authorised officers; or
- approved officers

for the purposes of Part 2 of the *Criminal Procedure Act 2004* to allow infringement notices to be issued. This appointment must be in writing.

Environmental Health Directorate | Public Health Division
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
www.health.wa.gov.au
28 684 750 332

-2-

Authorised officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* are the persons who are authorised to issue infringement notices under the Regulations on behalf of the local government.

The local government must issue a person authorised to issue infringement notices with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices under the Regulations.

A certificate of authority issued under section 30 of the *Public Health Act 2016* may also serve this purpose if it includes wording to the following effect:

“[Insert name of officer] is appointed by the [insert name of local government] under regulation 15D(5) of the *Health (Asbestos) Regulations 1992* as an officer who is authorised to issue infringement notices for the offences specified under Schedule 1 of those regulations.”

Approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* are the persons authorised to extend the period to pay or withdraw an infringement notice. For example, the Chief Executive Officer of the local government may be appointed as the ‘approved officer’. A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

Infringement notice offences and forms

The offences under the Regulations for which an infringement notice may be issued will be listed in “Schedule 1 Prescribed offences and modified penalties” of the amended Regulations. The modified penalty applicable to each offence is the amount adjacent to the specified offence. It should be noted that the modified penalty is a fixed amount and cannot be changed.

Enforcement agencies must use the Infringement Notice form which will be prescribed in Schedule 2 of the Regulations. A Withdrawal of Infringement Notice form will be prescribed in Schedule 3 of the Regulations.

Enforcing an infringement notice

The Infringement Notices Enforcement Scheme is the legislative scheme by which prosecuting authorities may attempt to enforce unpaid infringement notices. Once the preliminary requirements of the legislation under which the infringement notice was issued have been fulfilled, a prosecuting authority can attempt to enforce the unpaid infringement using the Infringement Scheme.

Each enforcement agency must register separately as a prosecuting authority should they wish to use the Infringement Scheme. The Infringement Scheme includes access by the prosecuting authority to the eCourts Portal which allows easy lodgement, withdrawal and access to updated information in regard to each case.

-3-

To register for the Infringement Scheme, the Fines Enforcement Registry has advised that a local government will need to send a formal letter advising the Registry that they would like to join the Infringement Scheme. This letter will need to include a copy of the enforcement agency's final demand notice and an authorised officers' schedule. Local governments can register any time after the Regulation amendments have come into effect. Until a local government is registered the Infringement Scheme cannot be used. However it does not prevent infringement notices from being issued and the offence enforced by the local governments in the usual way.

The Department of the Attorney General has published the Infringement Notices Enforcement Scheme Booklet which includes a template letter and demand notice to assist local governments in applying to participate in the Scheme. For further information regarding the Infringement Scheme or for a copy of the Booklet please contact the Fines Enforcement Registry at Prosecuting.authority@justice.wa.gov.au or at 1300 650 235 (speed dial extension 8).

Supporting resources

Additional resources to support implementation are available on the WA Health website: www.health.wa.gov.au. To assist local governments a factsheet on this topic is enclosed.

For queries in relation to this matter please email publichealthact@health.wa.gov.au.

Yours sincerely



Professor Tarun Weeramanthri
**ASSISTANT DIRECTOR GENERAL
PUBLIC HEALTH DIVISION**

5 January 2017



Penalty changes: *Health (Asbestos) Regulations 1992*

The *Health (Asbestos) Regulations 1992* will be amended to increase the penalties for offences under the regulations and to enable local governments to issue infringement notices for specified offences.

Supporting documents

This document should be read in conjunction with:	Available at:
<i>Health (Asbestos) Regulations 1992</i>	www.slp.wa.gov.au
<i>Fines, Penalties and Infringement Notice Enforcement Act 1994 (Part 3)</i>	Fines, Penalties and Infringement Notices Act 1994
<i>Criminal Procedure Act 2004 (Part 2)</i>	Criminal Procedures Act 2004
General information about asbestos in Western Australia	ww2.health.wa.gov.au/Articles/A_E/About-asbestos

Overview

The penalties under the *Health (Asbestos) Regulations 1992* (the Regulations) are inadequate and are of particular concern in the context of the management of asbestos where the costs of complying with the regulations can greatly exceed the penalty for non-compliance.

Due to the significant public health risks associated with the mishandling of asbestos cement materials, local governments have advocated for higher penalties and the ability to issue infringement notices as an immediate measure to deter unlawful conduct and encourage compliance.

Although the Regulations will be repealed as part of the broader implementation of the *Public Health Act 2016* this will not occur until the final stages of implementation, which is still approximately 3 to 5 years away. Therefore, as an interim measure until the modern penalty framework of the *Public Health Act 2016* applies, the penalties under the Regulations are to be increased and local governments given the ability to issue infringement notices for offences.

These changes will come into operation on **24 January 2017**.

Increased penalties

The penalties for offences under the Regulations are to be increased to provide that a person who commits an offence against the Regulations is liable upon conviction to:

- a penalty of not more than \$10,000, and
- if the offence is of a continuing nature, to an additional daily penalty of not more than \$1,000.

A corporation may be fined up to five times this amount under section 40(5) of the *Sentencing Act 1995*.

Infringement notices

An infringement notice is a notice that the person to whom it is directed has committed an alleged specified offence under a regulation, and requires payment of a specified monetary amount for the offence within a specified time.

Infringement notices provide a cost effective and efficient method of dealing with some offences. Not complying with an infringement notice can result in referral to a court for hearing or enforcement action may be taken under the [Fines, Penalties and Infringement Notices Enforcement Act 1994](#).

Once payment of an infringement notice has occurred the bringing of proceedings are prevented to the same extent as they would be if the alleged offender had been convicted by a court and punished for the alleged offence. This is regardless of whether the fine is later refunded.

Payment of an infringement notice is also not to be regarded as an admission for the purposes of any proceedings.

Who can issue and withdraw an infringement notice?

A local government may appoint a person or class of persons to be:

- authorised officers; or
- approved officers

for the purposes of Part 2 of the [Criminal Procedure Act 2004](#). This appointment must be in writing.

Authorised officers for the purposes of Part 2 of the [Criminal Procedure Act 2004](#) are the persons who are authorised to issue infringement notices under the Regulations on behalf of the local government.

It is important to note that a person, who is designated as an authorised officer under section 24(1) of the *Public Health Act 2016*, will additionally need to be appointed in writing to be an authorised officer for the purposes of the *Criminal Procedure Act 2004* in order to issue infringement notices under the Regulations.

The local government must issue a person authorised to issue infringement notices with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices under the Regulations.

A certificate of authority issued under section 30 of the *Public Health Act 2016* may also serve this purpose if it includes wording to the following effect:

[Insert name of officer] is appointed by the [insert name of local government] under regulation 15D(5) of the *Health (Asbestos) Regulations 1992* as an officer who is authorised to issue infringement notices for the offences specified under Schedule 1 of those regulations.

Approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* are the persons authorised to extend the period to pay or withdraw an infringement notice.

For example, the Chief Executive Officer of the local government may be appointed as the 'approved officer'.

A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

Infringement notice offences and forms

The offences under the Regulations for which an infringement notice may be issued are listed in "**Schedule 1 Prescribed offences and modified penalties**" of the Regulations.

The modified penalty applicable to each offence is the amount adjacent to the specified offence. It should be noted that the modified penalty is a fixed amount and cannot be changed.

Enforcement agencies must use the Infringement Notice form which is prescribed in **Schedule 2** of the Regulations.

A **Withdrawal of Infringement Notice form** is prescribed in **Schedule 3** of the Regulations.

Enforcing an infringement notice

The Infringement Notices Enforcement Scheme is the legislative scheme by which prosecuting authorities may attempt to enforce unpaid infringement notices.

Once the preliminary requirements of the legislation under which the infringement notice was issued have been fulfilled, a prosecuting authority can attempt to enforce the unpaid infringement using the Infringement Scheme.

Each enforcement agency must register separately as a prosecuting authority should they wish to use the Infringement Scheme. The Infringement Scheme includes access by the prosecuting authority to the [eCourts Portal](#) which allows easy lodgement, withdrawal and access to updated information in regard to each case.

To register for the Infringement Scheme, the Fines Enforcement Registry has advised that a local government will need to send a formal letter advising the Registry that they would like to join the Infringement Scheme. This letter will need to include a copy of the enforcement agency's final demand notice and an authorised officers' schedule.

Local governments can register any time after the Regulation amendments have come into effect. Until a local government is registered the Infringement Scheme cannot be used. However it does not prevent infringement notices from being issued and the offence enforced by the local governments in the usual way.

The Department of the Attorney General has published the **Infringement Notices Enforcement Scheme Booklet** which includes a template letter and demand notice to assist local governments in applying to participate in the Scheme.

For further information regarding the Infringement Scheme or for a copy of the Booklet please contact the Fines Enforcement Registry at Prosecuting.authority@justice.wa.gov.au or at 1300 650 235 (speed dial extension 8).

Further information

For advice on asbestos risks and its management contact the Environmental Health Directorate on 9388 4999 or enhinfo@health.wa.gov.au

Additional resources are also available on the Department of Health's website www.health.wa.gov.au



Government of **Western Australia**
 Department of **Health**
 Public Health Division

SHIRE OF CHITTERING
 RECEIVED

Chief Executive Officer
 Shire of Chittering
 PO Box 70
 BINDOON WA 6502

02 DEC 2016
 Officer: EHO, \$ ESO
 File: 07/01/0001
 Ref: 1678725

Dear Sir/Madam

**STAGE 3 OF IMPLEMENTATION OF THE *PUBLIC HEALTH ACT 2016*
 SCHEDULED FOR TUESDAY 24 JANUARY 2017**

I am writing to you in regard to stage 3 of the implementation of *the Public Health Act 2016* and the preparation that is required by local governments.

As I advised in my letter of June 2016, the *Public Health Act 2016* received Royal Assent on 25 July 2016 and implementation is to occur in a staged manner over the next three to five years. I can now advise that Stage 3 of implementation is scheduled to occur on **Tuesday 24 January 2017**.

Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. Local government need to be aware of the following changes that will take place on the date stage 3 comes into effect and the action that is required to support this stage.

Local government preparation

Changes to terminology

Terminology under the *Health Act 1911* and all subsidiary regulations, as well as any Western Australian (WA) legislation that references that Act, will change to reflect new terms coming into effect under the *Public Health Act 2016*. This includes:

- the “Health Act 1911” be renamed the “Health (Miscellaneous Provisions) Act 1911”
- “Executive Director, Public Health” will be referred to as the “Chief Health Officer”
- “environmental health officer” now referred to as “authorised officer”

Environmental Health Directorate | Public Health Division
 All correspondence PO Box 8172 Perth Business Centre Western Australia 6849
 Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
 Telephone (08) 9388 4999 Fax (08) 9388 4955
www.health.wa.gov.au
 28 684 750 332

It is important that local government officers refer to the State Law Publisher website www.slp.wa.gov.au for up to date copies of all Acts and regulations following stage 3 coming into operation. All terminology changes will be reflected in the amended legislation and made available online. Any form prescribed under legislation must be updated. Changes to the new terminology will need to be updated on any council correspondence including:

- Standard letters
- Council website content
- Information resources and guides
- Standard forms

The *Health (Miscellaneous Provisions) Act 1911* and subsidiary legislation will continue to be the main enforcement tool for local government during stages 3 and 4.

Designation of authorised officers

Designation of authorised officers and appointment of Environmental Health Officers (EHOs) must now be made under the *Public Health Act 2016*. This is the responsibility of local government enforcement agencies.

In order to minimise the impact on local governments, Section 312 of the *Public Health Act 2016* includes a transitional provision. Under that section, persons who are currently appointed as EHOs will be deemed to be designated as authorised officers for the purpose of the *Public Health Act 2016*, the *Health Act 1911* and a range of other relevant Acts.

Local governments must:

- Identify all persons who hold a current appointment as an EHO who are to be automatically designated as an authorised officer under Section 312.
- Prepare a certificate of authority template (ID cards) for your local government in accordance with Section 30 of the *Public Health Act 2016*.
- Determine the designation requirements, that is the *Public Health Act 2016* or provisions of the *Public Health Act 2016* the person will be designated or any restrictions / limitations to the designation, to be included on the certificate of authority for each person.
- Develop a list of authorised officers, which must be maintained in accordance with Section 27 of the *Public Health Act 2016*.

Reporting requirements

Local governments will be required to report on their performance of functions under the *Public Health Act 2016* from the date that stage 3 comes into effect. The reporting period will be annually on a financial year basis and will be required to be submitted in October each year. At stage 3 reporting functions will be limited.

Further information regarding local government reporting will be provided in June 2017. It is suggested that local governments familiarise themselves with Sections 22 and 16 of the *Public Health Act*. To assist local governments, factsheets on the topics outlined above are enclosed.

Supporting resources

Additional resources to support implementation are available on the WA Health website: www.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act

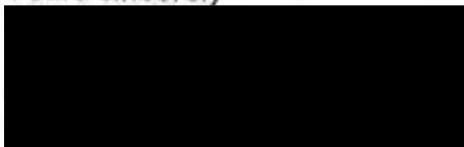
Refer to the timeline for implementation of the *Public Health Act 2016* webpage.

To keep informed about implementation, future seminars and new resources please subscribe to the environmental health mailing list. To do so, go to the following link, <http://eepurl.com/ECtdf>.

For queries in relation to the *Public Health Act 2016* or its implementation, please email publichealthact@health.wa.gov.au for further information.

We look forward to working closely with you to support the implementation of the *Public Health Act 2016*.

Yours sincerely



Professor Tarun Weeramanthri
**ASSISTANT DIRECTOR GENERAL
PUBLIC HEALTH DIVISION**

28 November 2016

Encs



Preparing for stage 3

1. **Automatic designation of Environmental Health Officers as authorised officers [section 312]**
2. **Future designation of authorised officers following stage 3 [section24]**

Public Health Act 2016

The purpose of this document is to assist local government enforcement agencies to prepare for the commencement of **Part 2, Divisions 2 and 4** of the *Public Health Act 2016* (the Act) which will commence at stage 3 of implementation of the *Public Health Act 2016*.

The Department of Health will advise local government of the date stage 3 will come into effect as soon as a date is known. It is anticipated that this may occur late January.

Please note that this document is not a substitute for reading the Act and it is important to read the relevant provisions of the Act that will come into effect at stage 3.

Preparing for stage 3

To prepare for stage 3 of implementation of the Act, enforcement agencies must:

1. Identify all persons who hold a current appointment as an environmental health officer (EHOs) who are to be automatically designated as an authorised officer [section 312]
2. Prepare a certificate of authority template (ID cards) for your local government [section 30]
3. Determine the designation requirements (the Acts or provisions of the Acts the person will be designated or any restrictions/limitations to the designation) to be included on the certificate of authority for each person to be designated as an authorised officer [section 30 and section 312(1)(b)]
4. Develop a list of authorised officers, which must be maintained [section 27]

Key messages

- The designation of authorised officers and the appointment of environmental health officers is now the responsibility of local government (enforcement agencies). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.
- Once stage 3 comes into effect, all designations must be made under the *Public Health Act 2016*, and no longer under the *Health Act 1911* [to be renamed the *Health (Miscellaneous Provisions) Act 1911*].

Overview - Designating Authorised Officers [section 24]

An authorised officer is a person or class of persons who are designated under section 24 of the Act the authority to administer and enforce provisions of the Act or another specified Act on behalf of an enforcement agency.

The Act enables an enforcement agency to designate as an authorised officer:

- a) environmental health officers, as appointed under the Act; or

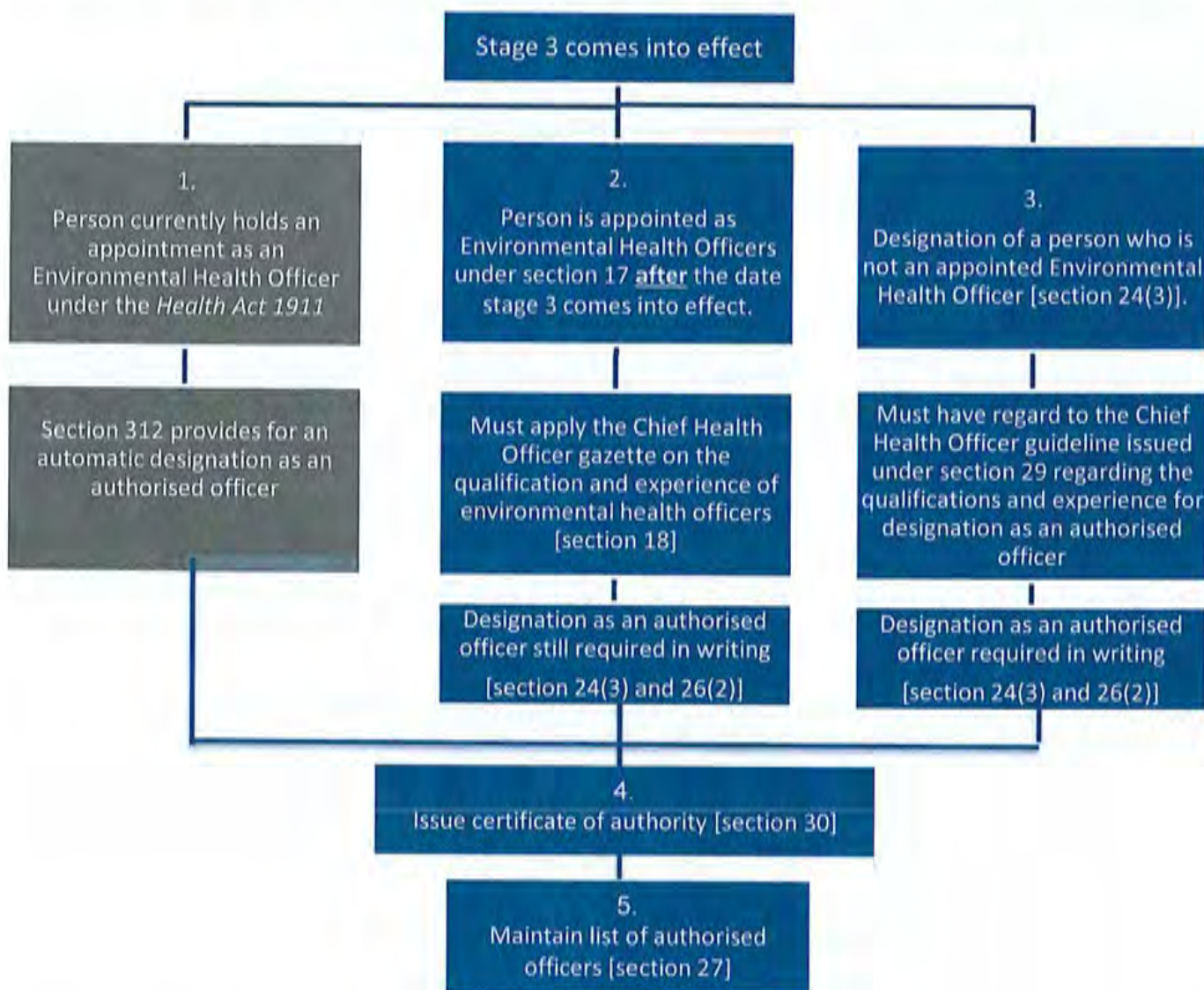
- b) persons who are not environmental health officers, but who possess other appropriate qualifications and experience to perform particular functions under the Act or other Acts; or
- c) a mixture of both.

Designations must be made in writing and each authorised officer must be issued with a certificate of authority [sections 26 and 30].

Two or more local governments may jointly designate a person or classes of persons as authorised officers [section 24(4)].

Flow chart on designating authorised officers

The below chart broadly outlines three circumstances in which a person may be designated an authorised officer under the Act.



1. Persons holding a current appointment as an environmental health officer under the *Health Act 1911* [automatic designation]

A person holding an appointment as an environmental health officer under the *Health Act 1911* on the day stage 3 comes into effect will be automatically designated as an authorised officer under the Act [section 312].

An enforcement agency will not need to designate these persons in writing but will need to issue each of these officers with a certificate of authority in accordance with section 30 of the Act.

2. New environmental health officer appointments [day after stage 3]

Any person appointed as an environmental health officer under section 17 of the Public Health Act the day after the commencement of stage 3 must have at least one of the qualifications and/or experience gazetted by the Chief Health Officer under section 18.

The appointment of an EHO is the responsibility of local government and does not need to be in writing. The appointment can be done in accordance with whatever process is used by a local government for employing staff or contractors.

A person appointed as an environmental health officer under section 17 of the Public Health Act may be designated as an authorised officer in writing and be issued with a certificate of authority.

The automatic designation provided by section 312 will not apply to new environmental health officer appointments that occur after the date of stage 3 of implementation.

3. Persons who are not appointed environmental health officers

An enforcement agency may designate as an authorised officer persons who are not also an appointed environmental health officer under section 17 of the Public Health Act. This can be done if the enforcement agency considers the person has appropriate qualifications and experience to perform the particular functions that they will be designated to perform. The Act enables an enforcement agency to specify conditions or restrictions to which the person's authority is subject, based on their qualifications and experience.

Though an enforcement agency has the discretion to assess what will constitute appropriate qualifications and experience, when making these designations an enforcement agency must have regard to any Chief Health Officer guidelines issued under section 29 of the Public Health Act.

As the Act is being implemented in a staged manner, the Chief Health Officer guidelines under section 29 will initially require that persons designated as authorised officers should:

1. hold a qualification approved by the Chief Health Officer under section 18 of the Public Health Act; or
2. have been previously approved by the Executive Director, Public Health to be appointed as an environmental health officer, under the *Health Act 1911*; or
3. hold qualifications and experience approved by the Western Australian Environmental Health Officers Professional Review Board.

As new subsidiary legislation under the Public Health Act is implemented, these guidelines will be updated to include other qualifications and experience.

4. Issuing a certificate of authority [section 30]

An authorised officer must be issued with, and show evidence on request, of their authorisation under the Act. This is achieved by issuing any person who is authorised under the Public Health Act with a 'Certificate of Authority' card.

Section 30(2) sets out the requirements for the content of the certificate which must contain the following information:

- (a) state that it is issued under the Act
- (b) state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person's signature
- (c) state the date, if any, on which it expires
- (d) specify
 - a. the Acts or provisions of the Acts for the purposes of which the person is designated as an authorised officer
 - b. any provisions of an Act that are excluded from the designation
- (e) specify any conditions or restrictions to which the person's authority is subject; and
- (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

Where necessary, a local government may issue an authorised officer with a temporary certificate of authority. This must comply with all of the above criteria other than the photograph/digital image and/or the designated authorised officer's signature. A temporary certificate of authority is valid for a period not exceeding one month.

An authorised officer must carry their certificate of authority cards with them. If asked to show their ID card (section 30(3)) and he or she cannot, the authorised officer cannot exercise the relevant powers of the Act.

Please refer to the example [Certificate of Authority template](#) available on the [Department's website](#).

Signing the certificate of authority

Under section 30(2) the certificate of authority is signed by both the person who issues it and by the authorised officer to whom it is issued. Using section 21(1)(b)(i), local governments may delegate the power to issue certificates of authority to their Chief Executive Officer ('CEO'). The CEO, as the authorised delegate, would then need to sign the certificate along with the authorised officer being issued with the certificate.

The [Department of Local Government and Communities](#) has published a "[Delegation Guideline](#)" which provides assistance to local government regarding the nature of delegations, how to go about determining whether to use delegations and other related matters.

Consolidating authority cards [section 31(3)]

If a person is designated as an authorised officer for the purposes of another written law, and that other written law requires the officer to also be issued with a certificate or other document evidencing their identity or appointment, section 31(3) of the Act provides the ability for the authorised officer to consolidate these identity cards into the one identify card.

Specifying provisions of an Act on a certificate of authority

Automatic designations (under section 312)

Section 312(1)(b) of the Public Health Act specifies the Acts and provisions of the Acts for the purposes of which a person who holds a current appointment as an environmental health officer is automatically designated to perform.

The certificate of authority prepared by a local government for these officers should be consistent with section 312.

Example wording: "The authorised officer is so designated for the purposes conferred by section 312(1)(b) of the *Public Health Act 2016*".

Alternatively a local government may choose to list the relevant provisions under section 312(b) in a certificate of authority that are applicable for each person e.g. or section 312(1)(b)(i)(ii)(v).

New designations

Where a person designated as an authorised officer does not fall within section 312, the local government is required to specify the Acts and provisions of those Acts for the purposes of which that officer is designated to perform.

The main parts of the Public Health Act that local government authorised officers must be designated for, and may need to be specified/restricted on a certificate of authority include:

- Part 8 – Registration and licensing
- Part 9 – Notifiable infectious diseases and related conditions
- Part 14 – Improvement notices and enforcement orders
- Part 16 – Powers of entry, inspection and seizure

It is important to specify the specific Parts of the Public Health Act that the designation relates to on the certificate of authority, rather than only stating the *Public Health Act 2016*. This is because other Parts of the Public Health Act also require duties to be performed by authorised officers which may not be relevant to local government authorised officers. Therefore this distinction is required on the authority card.

Example wording: "The authorised officer is so designated for the purposes conferred by:

- (i) Part 8, 9, 14, 16 of the *Public Health Act 2016*
- (i) *Health (Miscellaneous Provisions) Act 1911* sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375;
- (ii) *Food Act 2008*

Note: The certificate of authority does not need to reference subsidiary legislation, as a reference to an Act includes its subsidiary legislation. However, if an enforcement agency believes an authorised officer should be restricted from enforcing specific regulations; this may be listed as a condition or restriction in accordance with section 30(2)(e).

Example certificate of authority

An example certificate of authority template is available on the Departments website www.health.wa.gov.au and at the end of this document. This is not a prescribed form, and can be modified to suit local government's requirements, as long as it contains the content specified in section 30(2).

5. Maintaining a list [section 27]

An enforcement agency must prepare and maintain a list of all of its authorised officers.

Although it is not specified in the Act, it is recommended that the list includes:

- the person's name
- persons job title
- qualifications and experience that were considered in their designation

- date of designation
- specify the Acts and provisions of the Acts the designation relates to
- list any conditions or restrictions of the designation

The maintenance of a list of authorised officers may form part of the local government annual reporting requirements to the Chief Health Officer [section 22].

Revoking or ceasing of a designation

Any person designated to be an authorised officer by a local government ceases to be an authorised officer if the designation of the person is revoked or ceases to have effect [section 28].

An enforcement agency may revoke a designation in writing under section 26.

Where an authorised officer's designation is revoked or ceases to have effect, the officer is required to return their certificate of authority to the local government as soon as practicable [section 32].

Frequently asked questions

What process must be followed under section 17 when appointing an Environmental Health Officer?

The appointment of an EHO does not need to be in writing, and can be done in accordance with whatever process is used by a local governments for employing staff. However, a person appointed as an EHO whom is to be designated as an authorised officer must have one of the approved qualifications and experience approved in the gazette.

Can enforcement agencies continue to employ technical officers / assistants to assist with the enforcement of public health legislation?

Many local governments employ technical officers to assist with numerous tasks, such as the collect of water samples, to support enforcement of public health legislation. The role of a technical officer can still continue and is unaffected by the changes.

Such technical officers may be able to be designated as authorised officers in the future once the Chief Health Officer Guideline on the qualifications and experience of authorised officers is updated at stage 5 of implementation of the Act.

What happens if the certificate of authority cards are not issued on the day that stage 3 occurs?

The certificates of authority need to be provided as soon as possible following the date stage 3 comes into effect. Under section 30(3) of the Act, authorised officers must produce the certificates:

- (a) if asked to do so by the person in charge of any premises entered under the Act by the authorised officer; or
- (b) if asked to do so by a person who, under the Act, is required by the authorised officer to produce anything or to answer any question.

EHOs who receive an automatic designation under section 312(1) of the Act will still have the powers to enforce the range of Acts listed under section 312(1), even without the certificate of authority; however they cannot enforce the relevant powers referred to in section 30(3) if they cannot produce their certificates.

Who must sign the certificate of authority?

Under section 30(2) of the Act, the certificate of authority is signed by both the person who issues it and by the authorised officer to whom it is issued. The certificate needs to state the capacity in which the person issuing the certificate is acting.

Using section 21(1)(b)(i), local governments may delegate the power to issue certificates of authority to their Chief Executive Officer ('CEO'). The CEO, as the authorised delegate, would then need to sign the certificate along with the authorised officer being issued with the certificate.

What should we do if the Council is not available to delegate the function of signing certificate of authorities when stage 3 occurs?

If this situation arises, it is understood that the CEO as the executive head of the organisation may sign and issue temporary certificates as required for enforcement action. Accordingly, as soon as the council became available they would delegate the authority to the CEO to issue the certificates. New certificates must then be issued by the CEO from this date.

The [Department of Local Government and Communities](#) has published a "[Delegation Guideline](#)" which provides assistance to local government regarding the nature of delegations, how to go about determining whether to use delegations and other related matters. Local government should refer to this guideline for any queries related to the delegation process.

Further information

An online presentation to explain this fact sheet is available on the Department of Health's Youtube webpage at www.youtube.com/playlist?list=PLG6RagF80ivpSA_0O7YR7ImZBfBfaeXsi

Alternatively email queries to: PublicHealthAct@health.wa.gov.au

Acknowledgements

This document has been reviewed by the Public Health Act Reference Group (Local Government), who is responsible for reviewing Department of Health publications designed to support local government to administer and enforce the *Public Health Act 2016*.

Summary of items to consider

To support the implementation of stage 3, the following table outlines a number of issues enforcement agencies may need to consider. This is not a comprehensive list, and enforcement agencies may need to give consideration to other internal processes not mentioned in this table.

All items need to be prepared and ready to be actioned on the date stage 3 comes into effect.

Action Y/N	Issues to consider	Explanatory information
	Establish a process for the designation of authorised officers in writing	Ideally, designation processes should be consistent with existing internal processes for designating authorised officers under other Acts, including the <i>Food Act 2008</i> , <i>Tobacco Products Control Act 2006</i> , <i>Dog Act 1976</i> or <i>Cat Act 2011</i> . A designation process should be established if one does not exist. This may include creating a standard designation in writing template.
	Written designation sign off	Determine who, within the enforcement agency, will be responsible for signing / approving the written designation of authorised officers on behalf of the enforcement agency e.g. Chief Executive Officers (CEO) (refer to section 21).
	Organise a certificate of authority template	Create a certificate of authority template card that can be used for identification purposes and determine who will be delegated the authority to sign the authority cards on behalf of the enforcement agency e.g. Chief Executive Officers (CEO) (refer to section 21).
	Identify persons to receive automatic designations under section 312	Identify all persons who hold a current appointment as an environmental health officer (EHOs) who are to be automatically designated as an authorised officer [section 312]
	Automatic designations specifications	For persons who will receive an automatic designation under section 312(1)(b), determine: <ul style="list-style-type: none"> what provisions will need to be specified on each person's certificate of authority e.g. specify the Acts and provisions of the Acts the designation relates to outlined under section 312(1)(b) what conditions or restrictions of designation may be required (if any)
	Non-automatic designations	Be prepared to determine the designation requirements to be included on the certificate of authority for each person to be designated as an authorised officer into the future (after stage 3) [section 30 and section 312]
	Create a system for recording and maintaining a list of authorised officers	Determine who will be responsible for maintaining a list of authorised officers under the Act, and ensuring this list is maintained e.g. human resources or public health.
	Position (job) descriptions	Review position / job descriptions for environmental health officers to ensure updated terminology under the <i>Public Health Act 2016</i> and <i>Health (Miscellaneous Provisions) Act 1911</i> and associated regulations



10 November 2016

Preparing for Stage 3: Local Government Reporting

Public Health Act 2016

The purpose of this document is to prepare for the commencement of **Section 22** of the *Public Health Act 2016* ('the Public Health Act') 'Reports by and about enforcement agencies.'

This document is not a substitute for reading the Public Health Act and it is important to read the relevant provisions of the Public Health Act that will come into effect at stage 3.

Overview of Local Government Reporting

The Public Health Act requires a local government to report on:

1. the performance of its functions under the Public Health Act and
2. any proceedings for an offence undertaken under the Public Health Act.

Performance of functions

As the main enforcement agency of the Public Health Act, local governments will be required to report to the Chief Health Officer on their performance of functions under the Public Health Act. Section 16 outlines a local government's functions in relation to the administration of the Public Health Act.

The Chief Health Officer will require reporting to be undertaken on an annual basis to coincide with financial year reporting. It is expected that reports will be due in October each year.

The Department of Health will release at the completion of each financial year a reporting template which will include details on what a local government will be required to report on. Initially reporting will be done through either a form or online survey and this will vary for each stage of implementation.

Offence proceedings

Local governments will also be required to report to the Chief Health Officer within one month of commencing or finalising proceedings for an offence under the Public Health Act.

Stage 3 reporting

Performance of functions

While the Public Health Act is in Stage 3 of implementation the reporting requirements under the Public Health Act will relate to:

- Details on Authorised Officers
- Details on work associated with enforcing the *Public Health Act 2016*; and

- Details relating to proceedings commenced and finalised under the *Public Health Act 2016*.

Offence proceedings

The requirement to reporting on offence proceedings will be enacted at Stage 3. It is unlikely that there will be any proceedings to report on during Stage 3 as the various sections and regulations under the Public Health Act that Local Governments will be able to use to commence proceedings will be enacted in Stages 4 and 5.

Preparing for stage 3

To prepare for Stage 3 of implementation of the Public Health Act reporting local governments should:

- Familiarise themselves with Section 22 of the Public Health Act
- Familiarise themselves with Section 16 of the Public Health Act.
- Understand their functions under the Public Health Act that will come into operation at Stage 3.
- Familiarise themselves with the requirements relating to Authorised Officers
- Determine who will be responsible for undertaking the reporting
- Assess current record keeping systems and their ability to assist with reporting

Key messages

Local governments will have limited reporting required at Stage 3 due to the limited number of functions under the Public Health Act that are in effect. Full reporting requirements will not be required until the Public Health Act has been fully implemented (Stage 5).

Whilst reporting under Section 38 of the *Health (Miscellaneous Provisions) Act 1911* will only be repealed at Stage 5, the *Annual Report Form (Local Authorities) Regulations* will be repealed at Stage 3. Therefore once Stage 3 of the Public Health Act is enacted local governments only need to focus on ensuring that reporting as per Section 22 is occurring.

Further information

Refer to the WA Health website www.health.wa.gov.au for up-to-date information including the *Public Health Act Toolkit for local governments*, or email publichealthact@health.wa.gov.au for information.

Copies of the Public Health Act can be downloaded from: www.slp.wa.gov.au



Preparing for stage 3: Changes in terminology

Public Health Act 2016

The purpose of this document is to provide advice to local government enforcement agencies that must be prepared to update outdated *Health Act 1911* terminology at stage 3 to ensure documentation is consistent with new terminology provided under the *Public Health Act 2016*.

Terminology changes

At the time of stage 3 of implementation of the new Act, the following terminology changes will be made to the *Health Act 1911*:

- The *Health Act 1911* will be renamed the *Health Act (Miscellaneous Provisions) Act 1911*
- References to the Executive Director, Public health will be amended to the references to the Chief Health Officer
- References to Environmental Health Officers will be amended to be references to authorised officers and
- References to medical officers will be amended to be references to medical practitioners.

Regulations and prescribed forms

- Terminology changes required to all regulations that sit under the *Health Act 1911* will be automatically amended on the date stage 3 comes into effect. This is achieved through the *Health (Consequential Provisions) Act 2016*.
- The Department of Health is also arranging for amendments to be made to other Western Australian legislation that makes reference to the *Health Act 1911*.
- These amendments will also include updates to the terminology of any prescribed statutory forms made under regulations.
- Following stage 3 coming into effect, it is important that local government refer to the State Law Publisher website www.slp.wa.gov.au for the amended copies of regulations and prescribed forms.

Council correspondence

Any council correspondence will need to be updated with the new terminology such as:

- Standard letters that may reference the *Health Act 1911*, Executive Director of Public Health, or specific provisions of a regulation should be updated to reflect the new terminology changes
- Council website
- Information resources, brochures and guidelines
- Standard inspection forms

Further information

Refer to the Department of Health's website ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act or email specific queries to PublicHealthAct@health.wa.gov.au

Local Government Act 1995

SHIRE OF CHITTERING

HEALTH LOCAL LAW 2017

LOCAL GOVERNMENT ACT 1995

SHIRE OF CHITTERING

HEALTH LOCAL LAW 2017

TABLE OF CONTENTS

PART 1 – PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

PART 2 – SANITATION

Division 1 – Sanitary Conveniences

- 2.1 Interpretation
- 2.2 Dwelling house
- 2.3 Premises other than a dwelling house
- 2.4 Events
- 2.5 Toilets
- 2.6 Temporary works
- 2.7 Maintenance of sanitary conveniences and fittings
- 2.8 Ventilation of toilets
- 2.9 Public sanitary conveniences
- 2.10 Lighting
- 2.11 Installation

Division 2 – Bathrooms, Laundries and Kitchens

- 2.12 Bathrooms
- 2.13 Laundries
- 2.14 Washing or keeping of clothes in kitchens
- 2.15 Kitchens

PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Houses

- 3.1 Dwelling house maintenance
- 3.2 Guttering and downpipes
- 3.3 Disposal of rainwater

Division 2 – Ventilation of Houses

- 3.4 Exemption for short term hostels and recreational campsites
- 3.5 Overcrowding
- 3.6 Calculated sufficient space
- 3.7 Ventilation
- 3.8 Sub-Floor ventilation

Division 3 – Water Supply

- 3.9 Water supply
- 3.10 Rainwater tanks
- 3.11 Bores and wells
- 3.12 Pollution

Division 4 – Second-hand Furniture, Bedding and Clothing

- 3.13 Prohibition on sale
- 3.14 Prohibition on possession

Division 5 – Morgues

- 3.15 Licensing of morgues

PART 4 – LIQUID REFUSE, LIQUID WASTE, BUTCHERS' WASTE, RUBBISH AND REFUSE

Division 1 – Liquid Refuse and Liquid Waste

- 4.1 Interpretation
- 4.2 Deposit of liquid refuse
- 4.3 Disposal of liquid waste

Division 2 – Transport of Butchers' Waste

- 4.4 Interpretation
- 4.5 Restriction of vehicles
- 4.6 Transport of butchers' waste

Division 3 – Rubbish and Refuse

- 4.7 Interpretation
- 4.8 Deposit of refuse
- 4.9 Burning of rubbish and refuse

PART 5 – NUISANCES AND GENERAL

Division 1 – Nuisances

- 5.1 Interpretation
- 5.2 Footpaths etc. to be kept clean
- 5.3 Escape of smoke etc.
- 5.4 Public vehicles to be kept clean
- 5.5 Prohibition against spitting
- 5.6 Transportation, use and storage of offal and blood
- 5.7 Use or storage and fertiliser

- 5.8 Storage and dispatch of artificial fertiliser
- 5.9 Storage of fertiliser and compost

Division 2 – Keeping of Animals

- 5.10 Cleanliness
- 5.11 Animal enclosures
- 5.12 Slaughter of animals
- 5.13 Disposal of dead animals

Division 3 – Keeping of Approved Animals

- 5.14 Interpretation
- 5.15 Keeping of pigs
- 5.16 Keeping of approved animals and provision of stables
- 5.17 Proximity of approved animals to a dwelling house
- 5.18 Manure receptacles

Division 4 – Keeping of Poultry and Pigeons

- 5.19 Interpretation
- 5.20 Limitation on number of poultry and pigeons
- 5.21 Conditions of keeping poultry
- 5.22 Roosters
- 5.23 Conditions of keeping pigeons
- 5.24 Removal of non-conforming structures or enclosures
- 5.25 Restrictions on pigeon nesting or perching

Division 5 – Feedlots

- 5.26 Interpretation
- 5.27 Premises to be approved
- 5.28 Management of beef cattle feedlots
- 5.29 Site conditions
- 5.30 Compliance with direction or notice of an Authorised Officer

PART 6 – PEST CONTROL

Division 1 – Flies

- 6.1 Interpretation
- 6.2 Control of flies

Division 2 – Mosquitoes

- 6.3 Interpretation
- 6.4 Measures to be taken to prevent mosquito breeding
- 6.5 Measures to be taken by occupier
- 6.6 Removal of undergrowth or vegetation
- 6.7 Filling in excavations etc.
- 6.8 Drains, channels and septic tanks
- 6.9 Drainage of land

Division 3 – Rodents

- 6.10 Interpretation
- 6.11 Measures to be taken to eradicate rodents

Division 4 – Cockroaches

- 6.12 Interpretation
- 6.13 Measures to be taken to eradicate cockroaches

Division 5 – Argentine Ants

- 6.14 Interpretation
- 6.15 Measures to be taken to keep premises free from argentine ants

Division 6 – European Wasps

- 6.16 Interpretation
- 6.17 Measures to be taken to keep premises free from European wasp nests

Division 7 – Bee Keeping

- 6.18 Interpretation
- 6.19 Limitation on number of hives
- 6.20 Restrictions on keeping of bees in hives
- 6.21 Bees which cause a nuisance not to be kept

Division 8 – Arthropod Vectors of Disease

- 6.22 Interpretation
- 6.23 Responsibilities of the owner or occupier

PART 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

- 7.1 Purpose of exercise of powers
- 7.2 Authorised Officer may visit, inspect and report
- 7.3 Requirements on owner or occupier to clean, disinfect and disinfest
- 7.4 Local government may disinfect or disinfest premises
- 7.5 Insanitary houses, premises and things
- 7.6 Authorised Officer may authorise disinfecting
- 7.7 Persons in contact with an infectious disease sufferer
- 7.8 Declaration of infected houses or premises
- 7.9 Destruction of infected animals
- 7.10 Disposal of a body
- 7.11 Local Government may carry out work and recover costs

Division 2 – Disposal of Used Condoms and Needles

- 7.12 Disposal of used condoms
- 7.13 Disposal of used needles

PART 8 – LODGING HOUSES

Division 1 – Registration

- 8.1 Interpretation
- 8.2 Lodging house not to be kept unless registered
- 8.3 Application for registration
- 8.4 Certificate of Registration of a Lodging House
- 8.5 Renewal of registration
- 8.6 Notification upon sale or transfer
- 8.7 Revocation of registration

Division 2 – Construction and Use Requirements

- 8.8 General construction requirements
- 8.9 Insect screening
- 8.10 Sanitary conveniences
- 8.11 Laundry unit
- 8.12 Kitchen
- 8.13 Cooking facilities
- 8.14 Dining room
- 8.15 Lounge room
- 8.16 Fire prevention and control
- 8.17 Obstruction of passages and stairways
- 8.18 Fitting of locks
- 8.19 Restriction on use of rooms for sleeping
- 8.20 Sleeping accommodation short term hostels and recreation campsites
- 8.21 Furnishing etc. of sleeping compartments
- 8.22 Ventilation
- 8.23 Numbers to be placed on doors

Division 3 – Management and Care

- 8.24 Keeper or manager to reside in the lodging house
- 8.25 Register of lodgers
- 8.26 Keeper report
- 8.27 Certificate of Sleeping Accommodation
- 8.28 Duplicate keys and inspection
- 8.29 Room occupancy
- 8.30 Infectious disease
- 8.31 Maintenance of a room by a lodger or a resident
- 8.32 Cleaning and maintenance requirements
- 8.33 Responsibilities of lodgers and residents
- 8.34 Approval for the storage of food

PART 9 – OFFENSIVE TRADES

Division 1 – General

- 9.1 Interpretation
- 9.2 Consent to establish an offensive trade
- 9.3 Notice of application
- 9.4 Registration of premises
- 9.5 Certificate of Registration of Premises for Offensive Trade
- 9.6 Change of occupier
- 9.7 Alterations to premises

Division 2 – General Duties of an Occupier

- 9.8 Interpretation
- 9.9 Cleanliness
- 9.10 Rats and other vectors of disease
- 9.11 Sanitary conveniences and hand wash basins
- 9.12 Painting of walls etc.
- 9.13 Effluvia, vapours or gases
- 9.14 Offensive materials
- 9.15 Storage of materials
- 9.16 Directions

Division 3 – Fat Rendering Establishments

- 9.17 Interpretation
- 9.18 Ventilation
- 9.19 Covering of apparatus
- 9.20 Rendering of walls

Division 4 – Fish Premises

- 9.21 Interpretation
- 9.22 Fish preparation room
- 9.23 Bench
- 9.24 Disposal of waste
- 9.25 Fish containers
- 9.26 Cooking of fish
- 9.27 Use of approved portable box
- 9.28 Fish transport vehicle

Division 5 – Laundry, Dry Cleaning Establishments and Dye Works

- 9.29 Interpretation
- 9.30 Receiving depot
- 9.31 Reception room
- 9.32 Walls and floors
- 9.33 Laundry floor
- 9.34 Escape of dust
- 9.35 Precautions against combustion
- 9.36 Trolleys
- 9.37 Sleeping on premises

Division 6 – Abattoirs

9.38 Construction

Division 7 – Piggeries

- 9.39 Interpretation
- 9.40 Limitations to registration
- 9.41 Conditions of registration
- 9.42 Sties, enclosures or sheds
- 9.43 Slaughtering
- 9.44 Feed
- 9.45 Fencing
- 9.46 Water supply
- 9.47 Feeding troughs

PART 10 – OFFENCES AND PENALTIES

- 10.1 Offences and penalties
- 10.2 Other enforcement actions

SCHEDULE 1 – Application for Registration of a Lodging House

SCHEDULE 2 – Certification of Registration of a Lodging House

SCHEDULE 3 – Notice of Change of Owner of a Lodging House

SCHEDULE 4 – Register of Lodgers

SCHEDULE 5 – List of Lodgers

SCHEDULE 6 – Certificate of Sleeping Accommodation

SCHEDULE 7 – Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Compartments

SCHEDULE 8 – Application for Licence of a Morgue

SCHEDULE 9 – Licence of a Morgue

SCHEDULE 10 – Application for Consent to Establish an Offensive Trade

SCHEDULE 11 – Application for Registration of Premises for Offensive Trade

SCHEDULE 12 – Certificate of Registration of Premises for Offensive Trade

Local Government Act 1995

Shire of Chittering

HEALTH LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Chittering resolved on 15 February 2017 to make the following local law:

PART 1—PRELIMINARY**1.1 Title**

This local law may be cited as the *Shire of Chittering Health Local Law 2017*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the entire district.

1.4 Repeal

The *Shire of Chittering Health Local Laws 1998* published in the *Government Gazette* on 29 June 1998 are repealed.

1.5 Interpretation

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

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

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute;

approved means approved by the local government;

AS or AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and in this local law includes:

- (a) *AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionization*;
- (b) *AS 2293.1:2005 Emergency escape lighting and exit signs for buildings – System design, installation and operation*;
- (c) *AS 1530.2:1993 Methods for fire tests on building materials, components and structures - Test for flammability of materials*;

- (d) *AS 1530.3:1999 Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release;*
- (e) *AS 2001.5.4:2005 Methods of test for textiles – Dimensional change – Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD);*
- (f) *AS/NZS ISO 717.1:2004 Acoustics - Rating of sound insulation in buildings and of building elements - Airborne sound insulation;*
- (g) *AS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning;*
- (h) *AS 1668.2: 2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in building;*

Authorised Officer means a person appointed under the provisions of the *Public Health Act 2016* and includes officers employed by the local government as an Environmental Health Officer, Assistant Environmental Health Officer, Acting Environmental Health Officer and Principal Environmental Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

bed linen includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

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;

Chief Executive Officer means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

Chief Health Officer means a person appointed to this position under the provisions of the *Public Health Act 2016*;

Council means the Council of the local government;

district means—

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the *Australian Drinking Water Guidelines*;

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;

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 or the like; but
- (b) excludes a bathroom, laundry, toilet, 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 65 degrees Celsius;

local government means the Shire of Chittering;

morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

nuisance has the meaning given to it in section 182 of the Act;

public place includes every place to which the public ordinarily have access, whether by payment of a fee or not;

sanitary convenience includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

sewage means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;

sewer includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

toilet means a toilet bowl or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the townsites within the district which are constituted under section 26(2) of the *Land Administration Act 1997* or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*;

urinal may be—

- (a) an individual stall or wall-hung urinal; or
- (b) each 600 mm length of a continuous urinal trough; or
- (c) a toilet bowl used in place of a urinal

- (2) Where in this local law, a duty or liability is imposed on an "owner or occupier" the duty or liability shall be deemed 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*Division 1 – Sanitary Conveniences***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 the event; or
- (b) responsible for the conduct of the event;

public sanitary conveniences means a sanitary convenience to which the public ordinarily have access; and

temporary sanitary convenience means a sanitary convenience, temporarily placed for use by—

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

2.2 Dwelling house

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
- (2) A room in which a toilet is located shall have adequate electrical lighting.

2.3 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, premises other than a dwelling house unless—
 - (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
 - (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of the 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 wash basin.

2.4 Events

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's *'Guidelines for concerts, events and organized gatherings'*.

2.5 Toilets

- (1) Toilets on premises shall be maintained in accordance with the following requirements—
 - (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
 - (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
 - (c) the floor of any internal toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
 - (d) the floor of any external toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
 - (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by *AS/NZS ISO 717.1:2004*; and
 - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary works

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

2.7 Maintenance of sanitary conveniences and fittings

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

2.8 Ventilation of toilets

- (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.
- (2) A mechanical ventilation system provided under subclause (1) shall be maintained in good working order and condition.

2.9 Public sanitary conveniences

- (1) A person shall not—
 - (a) foul;
 - (b) damage or vandalise; or
 - (c) write on or otherwise deface;a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of *Country Areas Water Supply Act 1947*, the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974* and the *Water Services Act 2012* and shall have an adequate supply of water.

*Division 2 – Bathrooms, Laundries and Kitchens***2.12 Bathrooms**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
 - (a) is adequately lined with an impervious material and has a ceiling that complies with the Building Code;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations* and the Building Code; and
 - (c) is equipped with—
 - (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.13 Laundries

- (1) A laundry must comply with the requirements of the *Health Act (Laundry and Bathrooms) Regulations* and the Building Code.
- (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1,220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.

2.14 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 bed linen; or
- (b) keep or permit to be kept any soiled clothing or bed linen.

2.15 Kitchens

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
 - (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
 - (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
 - (a) be installed in accordance with the requirements of the Department of Commerce - Energy Safety division and the manufacturer's specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (5) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Dwelling Houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house and any appurtenant buildings for which the owner or occupier has the care and control of, shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs 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 veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
 - (d) comply with the directions of an Authorised Officer to treat the premises for the purpose of destroying 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 floors even in surface and free from cracks;
 - (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
 - (i) maintain all doors and windows in good working order and weatherproof condition;
 - (j) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
 - (k) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
 - (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
 - (m) maintain all ventilators in good order and repair.

3.2 Guttering and downpipes

The owner or occupier of a dwelling house which has guttering and downpipes shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge from the guttering onto or over a footpath, street or other property.

3.3 Disposal of rainwater

The owner or occupier of a dwelling house shall not use or occupy or permit to be used or occupied, a dwelling house unless all rainwater is effectively disposed of or collected in an approved manner that will not be a nuisance or injurious or dangerous to health of any person.

Division 2 – Ventilation of Houses

3.4 Exemption for short term hostels and recreational campsites

This division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.5 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; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

- (c) any garage, shed or area under a veranda or patio to be used for sleeping purposes.

3.6 Calculated sufficient space

For the purpose of clause 3.5, 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) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

3.7 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system as its only or prime means of ventilation shall ensure that the system is—
 - (a) maintained in good working condition and in accordance with AS3666; and
 - (b) in use at all times the building is occupied.
- (4) If, in the opinion of an Authorised Officer, a house is not properly ventilated, the Authorised Officer may by notice require the owner of the house to—
 - (a) provide a different, or additional method of ventilation; or
 - (b) cease using the house until it is properly ventilated.

3.8 Sub-floor ventilation

The owner or occupier of a 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.

Division 3 – Water Supply

3.9 Water supply

- (1) The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from—
 - (a) a licensed water service operator;
 - (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.10 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the *National Health and Medical Research Council Drinking Water Guidelines* and in particular —

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every six months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

3.11 Bores and wells

The owner or occupier of any premises shall not use or permit for human consumption the use of water from any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well, leach drain or irrigation area where effluent has been discharged from any wastewater treatment system or any other possible source of pollution unless otherwise approved by the Chief Health Officer;
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
- (c) compliant with the requirements of the *Health Act (Underground Water Supply) Regulations 1959*.

3.12 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4—Second-hand Furniture, Bedding and Clothing

3.13 Prohibition on sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing which is filthy or infested with vermin or vectors of disease.

3.14 Prohibition on possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vermin or vectors of disease.

Division 5 – Morgues

3.15 Licensing of morgues

- (1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
- (2) An application for licence of a morgue shall be in the form set out in Schedule 8 and shall be—
 - (a) made by the applicant;
 - (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Section 344C of the Act.
- (3) A Certificate of Licence of a Morgue shall –
 - (a) be in the form set out in Schedule 9; and
 - (b) expire on 30 June next after the date of its issue.
- (4) A Certificate of Licence of a Morgue shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
 - (e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 –LIQUID REFUSE, LIQUID WASTE, BUTCHERS' WASTE, RUBBISH AND REFUSE

Division 1 – Liquid Refuse and Liquid Waste

4.1 Interpretation

In this division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

liquid refuse includes all washing from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including

cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

liquid waste means wastewater or any other liquid waste from domestic, industrial or commercial activities and includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.2 Deposit of liquid refuse

A person shall not deposit or cause or permit to be deposited liquid refuse—

- (a) on a street;
- (b) in a storm water disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
 - (a) discharging it into the sewage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage approved by the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

Division 2 – Transport of Butchers' Waste

4.4 Interpretation

In this division, unless the context otherwise requires—

butchers' waste includes animal skeletons and rib cages, from a boning room and the inedible products of an abattoir or a butcher's shop.

4.5 Restriction of vehicles

- (1) A person shall not use, for the transport of butchers' waste a vehicle used for the transport of food or anything intended to be used for the packing or handling of food for human consumption.
- (2) A vehicle used for the transport of butchers' waste shall not be used to transport any other item, substance or material which is not 'butchers' waste in the same compartment.

4.6 Transport of butchers' waste

- (1) A person shall not transport butchers' waste otherwise than in a compartment complying with the following specifications—
 - (a) the floor and four walls to be made of an approved impervious material;
 - (b) all joints to be made water-tight;
 - (c) the loading doors, if any, to be water-tight and kept closed at all times except when loading or unloading;
 - (d) the top and sides are to be covered by a tarpaulin or other impervious material approved by an Authorised Officer so as to keep the load out of sight of the public; or
 - (e) in a container which is water-tight, durable and impervious and which is fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause are—
 - (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
 - (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street, pavement or ground.

Division 3 – Rubbish and Refuse

4.7 Interpretation

In this division, unless the context otherwise requires—

rubbish or refuse includes 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; and

refuse disposal site means land set apart by the local government under the Act as a site for the deposit of rubbish or refuse; or which is licensed or registered under the provisions of the *Environmental Protection Regulations 1987*; and any waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government.

4.8 Deposit of refuse

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 defined in these local laws or a waste service or waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government or by an approved contractor.

4.9 Burning of rubbish or refuse

- (1) A person shall not set fire to rubbish, either in any incinerator or on the ground except in accordance with the conditions of the local government.
- (2) Subject to subclause (3), the burning of rubbish is subject to the following conditions –

- (a) the material to be burnt –
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
 - (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government refuse collection service; and
 - (b) there is no other appropriate means of disposal; and
 - (c) burning shall not take place –
 - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
 - (ii) where there is no current air dispersion alert, outside the hours of 10.00am to 6.00pm; and
 - (d) burning shall only be undertaken using an incinerator that is designed to burn efficiently in order to minimise smoke emissions and which incorporates a spark arresting device and which is located –
 - (i) at least 3 metres from a fence, building or inflammable matter; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to any requirements of a Fire Break Notice issued by the local government and any directions issued by the Department of Fire and Emergency Services, the local government may grant a permit to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

PART 5 – NUISANCES AND GENERAL

Division 1 – Nuisances

5.1 Interpretation

In this division, unless the context otherwise requires *fertiliser* includes manure.

5.2 Footpaths etc. to be kept clean

An owner or occupier of premises shall take reasonable steps to maintain in a clean and tidy condition any footpath, pavement area or right of way immediately adjacent to their premises which has been made unclean or untidy by any action of the owner or occupier or as a result of overhanging or overgrown vegetation.

5.3 Escape of smoke etc.

An owner or occupier of premises shall take reasonable measures to prevent the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

5.4 Public vehicles to be kept clean

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;
- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

5.5 Prohibition against spitting

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

5.6 Transportation, use and storage of offal or blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried or by some other effective method approved by an Authorised Officer.

5.7 Use or storage of fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

5.8 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall —

- (a) keep all artificial fertiliser in a building—
 - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and
 - (ii) free from damp and properly ventilated;
- (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is packed in such a manner so as to prevent any nuisance arising during transit.

5.9 Storage of fertiliser and compost

- (1) Subject to subclause (2) fertiliser and compost is not to be stored inside a dwelling house in a habitable room, kitchen, laundry, bathroom, living area, passage way or bedroom.
- (2) Fertiliser and compost can be stored—
 - (a) in a non-habitable building such as a shed, garage or storage room which is fully enclosed, well ventilated and separated from the habitable areas of the dwelling house; or
 - (b) in an outside area.
- (3) The owner or occupier of premises where fertiliser or compost is stored shall—
 - (a) prevent the escape of odours, dust or particles which could cause a nuisance;
 - (b) treat the fertiliser or compost in such a manner so as to effectively prevent it attracting or being a breeding place for flies or other insects; and
 - (c) store only such amounts of fertiliser or compost;
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an Authorised Officer.

*Division 2 – Keeping of Animals***5.10 Cleanliness**

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by an Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.12 Slaughter of animals

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) the slaughter of animals for human consumption in abattoirs approved by the local government;
 - (c) farmers, pastoralists and the like who slaughter stock for their own consumption and who are exempted under Regulation 20 (2) of the *Food Regulations 2009*; and
 - (d) slaughter of animals for the purposes of pet meat and game meat operations.

5.13 Disposal of dead animals

- (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (3) The requirements of subclauses (1) and (2) shall not limit the practice by farmers, pastoralists and the like of disposing of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.
- (4) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

*Division 3 – Keeping of Approved Animals***5.14 Interpretation**

In this division, unless the context otherwise requires—

approved animal means a horse, cow, pig, sheep, camel, alpaca, llama or goat;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey or pony; and

natural shelter means a mature tree or belt of trees.

5.15 Keeping of pigs

- (1) Where a piggery has been approved in accordance with the *Shire of Chittering Town Planning Scheme No 6*, the requirements of this local law under Part 9 – Offensive Trades Division 7 apply in addition to the approval.
- (2) Notwithstanding the provisions of subclauses (1) and (2), piggeries categorised under the *Environmental Protection Regulations 1987* as “*Intensive piggery: premises on which pigs are fed, watered and housed in pens*” will require licensing by the Department of Environment Regulation for premises with 1,000 animals or more (Category 2) or registration for premises with more than 500 but less than 1,000 animals (Category 69).

5.16 Keeping of approved animals and provision of stables

- (1) An owner or occupier of premises shall only keep an approved animal in accordance with the provisions of the *Shire of Chittering Town Planning Scheme No 6*.
- (2) An owner or occupier of premises who keeps an approved animal shall provide adequate natural shelter or a stable which shall comply with the requirements of the Building Code, and which—
 - (a) is not situated within 15 metres of a house or other premises;
 - (b) has adequate space for each animal;
 - (c) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
 - (d) provides adequate natural ventilation; and
 - (e) subject to subclause (3), has a floor, which —
 - (i) is constructed of a material approved by an Authorised Officer; and when required; and
 - (ii) has a fall which effectively drains liquid wastes into a trapped gully situated outside the stable and discharged in a manner approved by an Authorised Officer.
- (3) The construction of a stable with a sand floor may be permitted, subject to the following conditions—
 - (a) the site must be well drained with the highest known water table no closer than 1.5 metres below the ground or sand floor level;
 - (b) whether natural or imported sand, it must be clean, coarse, free from dust and prevent pooling of liquids;
 - (c) the stable design must facilitate suitable access for cleaning and removal of waste materials and replenishment of clean sand; and
 - (d) in all other respects subclause (2) shall apply to the stable.

- (4) The owner or occupier of premises on which a stable is located shall—
 - (a) maintain the stable in a clean and hygienic condition at all times;
 - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
 - (c) comply with the relevant requirements of the *Biosecurity and Agriculture Management Act 2007 - Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016* (as amended from time to time by the Department of Food and Agriculture).
- (5) The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

5.17 Proximity of approved animals to a dwelling house

An owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.18 Manure receptacle

An owner or occupier of premises on which a stable is constructed shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it coming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4 – Keeping of Poultry and Pigeons

5.19 Interpretation

- (1) In this division, unless the context otherwise requires—

poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;

pigeons are birds that are classified within the family Columbidae and includes doves; and

prescribed area means those areas in the *Shire of Chittering Town Planning Scheme No 6* zoned as being within a town site (and including R Coded areas within town sites) and those areas zoned Rural Residential.

- (2) This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.

- (3) Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.20 Limitation on numbers of poultry and pigeons

- (1) An owner or occupier of premises in prescribed areas shall not keep more than 20 poultry and 20 pigeons on any one lot of land.
- (2) An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a prescribed area or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.
- (3) An Authorised Officer may increase the number of poultry or pigeons kept on any one lot of land if satisfied that a health nuisance does not exist.

5.21 Conditions of keeping poultry

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that—
 - (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
 - (b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (c) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.
- (2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 15 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

5.22 Roosters

- (1) An owner or occupier of premises shall not—
 - (a) without the written approval of an Authorised Officer; or
 - (b) except in accordance with any conditions imposed by an Authorised Officer in connection with the approval under paragraph (a), keep or permit a rooster to be kept on the premises.
- (2) An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.
- (3) An Authorised Officer may rescind approval for the keeping of rooster(s) if they cause a nuisance.

5.23 Conditions of keeping pigeons

A person who keeps, or permits to be kept, pigeons shall ensure that—

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and

- (b) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres.

5.24 Removal of nonconforming structure or enclosure

If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.21 or 5.23, as applicable, an Authorised Officer may direct the owner or occupier to amend it or remove it.

5.25 Restrictions on pigeon nesting or perching

An Authorised Officer may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.

Division 5 – Feedlots

5.26 Interpretation

In this division, unless the context otherwise requires—

feedlot means a confined area with watering and feeding facilities where animals are held and fed for the purpose of weight gain.

animal includes cattle, sheep, goats, deer and the like.

5.27 Premises to be approved

- (1) No premises shall be used as a feedlot unless approved under the provisions of the *Shire of Chittering Town Planning Scheme No 6*.
- (2) Notwithstanding subclause (1), cattle feedlots with more than 500 animals are to be licensed under Schedule 1 (Category 1) of the *Environmental Protection Regulations 1987* being premises—
 - (a) situated less than 100 m from a watercourse; and
 - (b) on which the number of cattle per hectare exceeds 50; or
 registered under Schedule 2 (Category 68) for premises—
 - (a) situated 100 m or more from a watercourse; and
 - (b) on which the number of cattle per hectare exceeds 50.
- (3) Feedlots are to comply with the buffer distances in Table 1.

Table 1: Required buffer distances for feedlots

Buffer	Minimum Distances
Townsite boundaries	5,000m
Isolated rural dwellings, dairies and industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water courses, lakes, wetlands	300m
Bores, wells or soak wells used for drinking, stock or irrigation	300m
Minor water courses	100m

5.28 Management of beef cattle feedlots

Beef cattle feedlots are to be operated and managed in accordance with the *Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia (2004)*.

5.29 Site conditions

The owner or occupier of an approved feedlot must ensure that –

- (a) the premises is sited in an area where the land slope is no greater than 1:20 but no less than 1:100;
- (b) the premises is sited on sandy loam soils rather than coarse sand;
- (c) the premises has a minimum groundwater clearance of 3 metres;
- (d) drainage diverts all uncontaminated stormwater from the general waste stream;
- (e) stock numbers per pen do not cause dust and effluvia to become a nuisance; and
- (f) the premises has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

5.30 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

PART 6 – PEST CONTROL

Division 1 – Flies

6.1 Interpretation

In this division, unless the context otherwise requires –

flies means any of the two-winged insects constituting the order Diptera commonly known as flies.

6.2 Control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the *Fly Eradication Regulations*.

Division 2 – Mosquitoes

6.3 Interpretation

In this division, unless the context otherwise requires—

mosquitoes means any of the two-winged insects constituting the family *Diptera Cricidae* commonly known as mosquitoes.

6.4 Measures to be taken to prevent mosquito breeding

An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction or notice of an Authorised Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;

- (ii) eradication of mosquitoes; and
- (iii) effectively preventing the breeding of mosquitoes;
- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.5 Measures to be taken by occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

6.6 Removal of undergrowth or vegetation

Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.7 Filling in excavations etc.

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.8 Drains, channels and septic tanks

An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
 - (i) apply an approved larvicide according to the direction on the container, into the septic tank system, whenever directed to do so by an Authorised Officer; and
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.9 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land; and
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
 - (i) the water on the land may flow into the drains without obstruction;
 - (ii) no water shall remain on any portion of the land other than the drains; and
 - (iii) keep all drains in good order and free from obstruction.

*Division 3 – Rodents***6.10 Interpretation**

In this division, unless the context otherwise requires—

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.11 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) 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.
- (3) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

*Division 4 – Cockroaches***6.12 Interpretation**

This this division, unless the context otherwise requires—

cockroach means any of the various orthopterous insects commonly known as cockroaches.

6.13 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

*Division 5 – Argentine Ants***6.14 Interpretation**

In this division, unless the context otherwise requires –

Argentine ant means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humilis*).

6.15 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

*Division 6 – European Wasps***6.16 Interpretation**

In this division, unless the context otherwise requires—

European wasp means a wasp *Vespula germanica*.

6.17 Measures to be taken to keep premises free from European wasp nest

An owner or occupier of premises shall ensure that the premises are kept free from European wasp nests and shall—

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (b) follow any direction of an Authorised Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Authorised Officer, of his or her representative, to trace any nest that may be present in, on or about the premises.

*Division 7 – Bee Keeping***6.18 Interpretation**

In this division, unless the context otherwise requires—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.19 Limitation on numbers of hives

- (1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
- (2) Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
- (4) A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

6.20 Restrictions on keeping of bees in hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept—
 - (a) outside, and at least 10 metres from, any building other than a fence;
 - (b) at least 10 metres from any footpath, street, private street or public place; and
 - (c) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.21 Bees which cause a nuisance not to be kept

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

*Division 8 – Arthropod Vectors of Disease***6.22 Interpretation**

In this division, unless the context otherwise requires—

arthropod vectors of disease includes—

- (i) fleas (*Siphonaptera*)
- (ii) bedbugs (*Cimex lectularious*)
- (iii) crab lice (*Phthirus pubis*)
- (iv) body lice (*Pediculus humanus var. corporis*); and
- (v) head lice (*Pediculus humanus var. capitis*).

6.23 Responsibility of the owner or occupier

The owner or occupier of the premises shall—

- (a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (b) comply with the direction of an Authorised Officer to treat the premises, or anything on the premises, for the purpose of destroying any vectors of disease.

PART 7 – INFECTIOUS DISEASES*Division 1 – General Provisions***7.1 Purpose of exercise of powers**

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

7.2 Authorised Officer may visit, inspect and report

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, out-buildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

7.3 Requirements on owner or occupier to clean, disinfect and disinfect

An Authorised Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Authorised Officer.

7.4 Local government may disinfect or disinfest the premises

- (1) Where the local government is satisfied that any case of infectious disease has occurred on any premises, the local government may direct an Authorised Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
- (4) The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government of any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.5 Insanitary houses, premises and things

- (1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
- (2) Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
- (3) Where an Authorised Officer considers that—
 - (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) anything is insanitary, the officer may, by notice in writing, direct, as the case may be—
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
- (4) A person who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.6 Authorised Officer may authorise disinfecting

Where an Authorised Officer believes that a person is or may be infected by an infectious disease, the Authorised Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Authorised Officer.

7.7 Persons in contact with an infectious disease sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- (a) shall obey such instructions or directions as the local government may issue; and
- (b) may be removed, at the direction of the local government, to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the local government directs otherwise.

7.8 Declaration of infected house or premises

- (1) To prevent or check the spread of infectious disease, the local government may from time to time declare any house or premises to be infected.
- (2) A person shall not enter or leave any house or premises declared to be infected without the written consent of an Authorised Officer.

7.9 Destruction of infected animals

An Authorised Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice of writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

7.10 Disposal of a body

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by an Authorised Officer.
- (2) A body shall not be removed from the premises where death occurred except to a cemetery or a morgue.

7.11 Local government may carry out work and recover costs

- (1) Where—
 - (a) a person is required under this division or by a notice given under this division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 – Disposal of Used Condoms and Needles

7.12 Disposal of used condoms

- (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—
 - (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by an Authorised Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.13 Disposal of used needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak proof container and deposited in a refuse receptacle.

PART 8 – LODGING HOUSES

Division 1 – Registration

8.1 Interpretation

(1) In this part, unless the context otherwise requires—

bed means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two arranged vertically;

Certificate of Registration of a Lodging House means a certificate issued under clause 8.4 in the form of Schedule 2;

Certificate of Sleeping Accommodation means a certificate issued under clause 8.27 in the form of Schedule 6;

Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments means a certificate issued under clause 8.27 in the form of Schedule 7;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

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 and who is the person responsible for the care and management of the lodging house;

laundry unit means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specification;

lodger means a person who obtains, for hire or reward, board or lodging in a lodging house;

lodging house includes a recreational campsite, a serviced apartment and a short term hostel and has the same meaning as 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;

recreational campsite means a lodging house –

- (a) situated on a campsite principally used for –
 - (i) recreational, sporting, religious, ethnic or educational pursuits, or
 - (ii) conferences or conventions; and
 - (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;
- but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with Section 157 of the Act and this Part;

register of keepers means a register kept in accordance with Section 146 of the Act by the local government in which is registered the names and residences of the keepers of all lodging houses within its district and the situation of every such house and the number of persons authorised by the local government to be resident therein;

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

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels;

sleeping apartment means a room used for lodgers to sleep in; and

vector of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

- (2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house 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.

8.2 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 8.4;
- (c) the name of the person keeping 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 an Authorised Officer, 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 whenever there is one or more lodgers in the lodging house.

8.3 Application for registration

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
 - (ii) detailed plans and specifications of the lodging house.

8.4 Certificate of Registration of a Lodging House

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of a Lodging House in the form of Schedule 2.

8.5 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 fee as fixed from time to time by the local government under Section 344C of the Act at the time of making each application for renewal.

8.6 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 Chief Executive Officer, in the form of Schedule 3 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.

8.7 Revocation of registration

- (1) Subject to subclause (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 subclause (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 an Authorised Officer, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house; or
 - (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 Service, 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 or renovate, the condition of the lodging house is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, 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

8.8 General construction requirements

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

8.9 Insect screening

The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.10 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 or bath (or both) and hand 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 subclause (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 minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall—
 - (a) be so situated, separated and screened so 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.
- (6) Subclauses (5) (a), (b) and (c) do not apply to a serviced apartment.

8.11 Laundry unit

- (1) A keeper shall subject to subclause (2) –
 - (a) provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry unit 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 unit is properly surfaced with an even fall to a floor waste.
- (2) An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.12 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008*, *Food Regulations 2009* and *Standards 3.1.1, 3.2.2, and 3.2.3* of the *Food Standards Code* as determined by an Authorised Officer.

8.13 Cooking facilities

The keeper of a lodging house where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.14 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—

- (a) the floor area of which shall be not less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.15 Lounge room

The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area of—
 - (i) where the lounge is not combined with the dining room – not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room – not less than 1.2 square metres per person;but in either case having a minimum of 13 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.16 Fire prevention and control

- (1) A keeper shall—
 - (a) ensure smoke alarms complying with *AS 3786:2014* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
 - (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
 - (c) ensure that evacuation lighting is kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (e) ensure that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1:2005* and which are maintained in good working order at all times; and

- (f) provide firefighting equipment in accordance with the requirements of the Building Code and that the equipment is clearly visible, accessible and maintained in good working order at all times.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as required by the Building Code.
- (3) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.
- (4) A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.
- (5) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that—
 - (a) materials used in bedrooms and dormitory area comply with *AS1530.2:1993* and *AS1530.3:1995* as follows—
 - (i) drapes, curtains and blinds—
 - i. a maximum flammability index of 6;
 - (ii) flammable furniture, upholstery and beds—
 - i. a maximum spread of flame index of 6; and
 - ii. a maximum smoke developed index of 5; and
 - (iii) floor coverings—
 - i. a maximum spread of flame index of 7; and
 - ii. a maximum smoke developed index of 5; and
 - (b) Fire retardant coatings used to make a material comply with these indices must be—
 - (i) certified by the manufacturer as approved for used with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with *AS 2001.5.4-2005*; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.

8.17 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.

8.18 Fitting of locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device that prevents the door being opened from within a lodging house.

8.19 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 8.34, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
 - (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;

- (c) 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;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;
 - (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
 - (g) which is not ventilated in accordance with the requirements of the Building Code;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Authorised Officer.
- (2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

8.20 Sleeping accommodation short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
- (a) 4 square metres per person in each dormitory utilising beds; or
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
 - (b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (c) mechanical ventilation in lieu of fixed ventilation.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
- (a) beds with a minimum size of—
 - (i) in short term hostels – 800 millimetres x 1.9 metres; or
 - (ii) in recreational campsites – 750 millimetres x 1.85 metres; and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
- (a) ensure at all times there is a distance of 750 millimetres between beds and a

- distance of 900 millimetres between bunks;
- (b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free from obstruction.

8.21 Furnishing etc. of sleeping apartments

A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow;
 - (ii) is provided with a pillow case, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

8.22 Ventilation

If, in the opinion of an Authorised Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

8.23 Numbers to be placed on doors

- (1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an Authorised Officer.
- (2) The numbering system or alternative means of room identification is to be legible and easily identified.

Division 3 – Management and Care

8.24 Keeper or manager to reside in the lodging house

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.25 Register of lodgers

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be—
 - (a) kept in the lodging house; and
 - (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.26 Keeper report

A keeper shall, whenever required by the local government, provide, in the form of Schedule 5, the name of each lodger who lodges in the lodging house during the preceding day or night.

8.27 Certificate of Sleeping Accommodation

- (1) An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in the form of Schedule 6 or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in the form of Schedule 7.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.28 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 Authorised Officer, open the door of any room for the purpose of inspection by the Authorised Officer.

8.29 Room occupancy

- (1) A keeper shall not—
 - (a) allow more than the maximum number of persons permitted by the Certificate of Registration of a Lodging House to be lodged at any one time in the lodging house;
 - (b) allow to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bed linen 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) allow 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, two children under 10 years of age shall be counted as one lodger.

8.30 Infectious disease

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

8.31 Maintenance of a room by a lodger or resident

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

- (2) Where permission is given or a contract entered into under subclause (1), the keeper shall—
 - (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.32 Cleaning and maintenance requirements

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 toilets, including toilet seats, cisterns and associated plumbing; and
- (b) maintain in a clean and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) all windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet have 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 is 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;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by an Authorised 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 that is infested 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 Authorised Officer.

8.33 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable

- or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
 - (d) use a bathroom facility or fitting for laundry purposes;
 - (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or culinary purposes;
 - (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
 - (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bed linen; or
 - (ii) keep or permit to be kept any soiled clothing or bed linen;
 - (h) subject to clause 8.34—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
 - (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, bed linen or furniture, that is infested with vermin or vectors of disease;
 - (j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
 - (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
 - (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.34 Approval for the storage of food

- (1) An Authorised Officer may—
 - (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if any nuisance, vector of disease, vermin or infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 – OFFENSIVE TRADES

Division 1 – General

9.1 Interpretation

In this part, unless the context otherwise requires—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 in the form of Schedule 12;

occupier in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 Certificate of Registration of Premises for Offensive Trade;

offensive trade means any trade as defined by section 186 of the Act; and

premises includes houses.

9.2 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 9.3; and
 - (b) lodge with the Chief Executive Officer an application in the form of Schedule 10.
- (2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

9.3 Notice of application

A notice required under subclause 9.2(1) (a) 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 local newspaper at least two weeks but not more than one month before the application under clause 9.2 (1) (b) is lodged with the Chief Executive Officer.

9.4 Registration of premises

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

- (a) in the form of Schedule 11;
- (b) accompanied by;
 - (i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
 - (ii) a comprehensive management plan; and
- (c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration of Premises for Offensive Trade

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in the form of Schedule 12.

9.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.7 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 to the premises other than minor repairs, installations or interior refurbishment.

*Division 2 – General Duties of an Occupier***9.8 Interpretation**

In this Division, unless the context otherwise requires—

occupier means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

premises means those premises in or upon which an offensive trade is carried on.

9.9 Cleanliness

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.10 Rats and other vectors of disease

The occupier shall—

- (a) ensure that the premises are kept free from vermin, rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises effective means and methods for the eradication and prevention of vermin, rodents, cockroaches, flies and other vectors of disease.

9.11 Sanitary conveniences and hand wash basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.12 Painting of walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Authorised Officer.

9.13 Effluvia, vapours or gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises.

9.14 Offensive material

The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or other interval as may be directed by an Authorised Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.15 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

9.16 Directions

An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

Division 3 – Fat Rendering Establishments

9.17 Interpretation

In this Division, unless the context otherwise requires—

fat rendering establishments means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.18 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.19 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.20 Rendering of walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 4 – Fish Premises

9.21 Interpretation

In this Division, unless the context otherwise requires—

appliance includes a utensil, an instrument, a cover, a container or apparatus;

fish means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs but does not include –

- (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
- (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

fish premises includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include retail fish shops in which no significant fish processing occurs;

fish transport vehicle includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and
- (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

portable box means a box for the transport or storage of fish and includes a fish transport vehicle.

9.22 Fish preparation room

- (1) The occupier of a fish premises which requires a fish processing or preparation room shall ensure that this room complies with the following requirements—
 - (a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks and crevices;
 - (b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;
 - (c) the minimum floor area shall be 9 square metres;
 - (d) the room shall be furnished with a hand wash basin connected to a piped supply of hot and cold water; and
 - (e) the room shall be fly-proofed and provided with adequate light and ventilation.

- (2) The occupier shall ensure that all fish are prepared in the fish processing or preparation room and that room is to be used solely for that purpose.
- (3) The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

9.23 Bench

The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

9.24 Disposal of waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in clause 9.14 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.25 Fish containers

The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

9.26 Cooking of fish

Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain—

- (a) a hood, which shall be of an approved design and construction in accordance with the requirements of AS 1668.2:2012 and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking;
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.27 Use of an approved portable box

An Authorised Officer may permit an approved portable box to be used for the transport or storage of fish.

9.28 Fish transport vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

- (a) the frame is made of metal or other approved material;
- (b) all internal surfaces—
 - (i) are made of metal or approved impervious plastic substance, which may include

- stainless steel, aluminium galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
- (ii) are smoothly finished;
 - (iii) are rigidly secured with a solid backing; and
 - (iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius, but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
- (i) continuously welded; or
 - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibreglass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

Division 5 – Laundries, Dry Cleaning Establishments and Dye Works

9.29 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis.

dye works means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste therefrom into a public sewer;

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

laundromat means a public place with coin or card operated washing machines, spin dryers or dry cleaning machines; and

laundry means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.30 Receiving depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Authorised Officer who may at any time by written notice withdraw such permission.

9.31 Reception room

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
 - (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
 - (b) cause such articles as may be directed by an Authorised Officer to be thoroughly disinfected.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

9.32 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be impervious, constructed of concrete or other material approved by an Authorised Officer and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall and be deposited on it.

9.33 Laundry floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.34 Escape of dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.35 Precautions against combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Authorised Officer for that purpose.

9.36 Trolleys

The occupier of a dry cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

9.37 Sleeping on premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 6 – Abattoirs

9.38 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

Division 7 – Piggeries

9.39 Interpretation

In this Division, unless the context otherwise requires:

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened for purposes of trade, and shall include any portion of the premises to which pigs have access.

9.40 Limitations to registration

No premises shall be registered as a piggery unless every portion of such piggery is—

- (a) greater than 200 metres from the lot boundary of the lot upon which the piggery is to be situated;
- (b) greater than 100 metres from any dwelling house, dairy or other premises where food for human consumption is prepared, stored or sold;
- (c) outside the gazetted townsites of Bindoon, Muchea and Wannamal and an area of 3km wide surrounding and contiguous to the boundaries of each of these townsites; and
- (d) outside that land described as being part of the rural residential zones in the *Shire of Chittering Town Planning Scheme No 6* and an area 1km wide surrounding and contiguous to the boundaries of the rural residential zones.

9.41 Conditions of registration

Any person intending to establish a piggery within the district shall ensure the application made in the form of Schedule 10 is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and

- (c) details of the method by which cleanliness of the piggery shall be maintained.

9.42 Sties, enclosures or sheds

- (1) The occupier of every piggery shall provide either—
- (a) sties and enclosures; or
 - (b) enclosures; or
 - (c) sheds;
- within which pigs shall be kept.
- (2) Where sties and enclosures are provided—
- (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials;
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
 - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then—
- (a) the fences of such enclosures shall be movable; and
 - (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Authorised Officer.
- (4) Where one or more sheds are provided, then—
- (a) the floor of every shed shall comply with subclause 2(a);
 - (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
 - (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.43 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.44 Feed

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

9.45 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.46 Water supply

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.47 Feeding troughs

- (1) Every such occupier shall:
 - (a) where sties and enclosures are provided under the provisions of clause 9.42(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
 - (b) where enclosures are provided under the provisions of clause 9.42(3), provide feeding troughs in every such enclosure;
 - (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
 - (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.
- (2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

PART 10 – OFFENCES AND PENALTIES**10.1 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 subclause (1) is liable to—
 - (a) a penalty which is not more than \$2,500 and not less than—
 - (i) in the case of a first such offence, \$250; and
 - (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third or subsequent such offence, \$1,250 and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

10.2 Other enforcement actions

- (1) In addition to a penalty imposed under clause 10.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.
 - (2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.
-

SCHEDULE 1 - Application for Registration of a Lodging House

[clause 8.3]

To: Chief Executive Officer
Shire of Chittering

I/We, (Full name of Applicant/s)

of (Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

as a lodging house to be classified as:

- a lodging house;
a short term hostel;
serviced apartments;
a recreational campsite; or
other, (specify).

and for my name to be entered in the Register as the keeper of the lodging house

DESCRIPTION OF LODGING HOUSE

Number of storeys

Rooms for private use

Table with 3 columns: Room Type, Number, Area. Rows include Laundries/toilets/bathrooms, Bedrooms, Dining Rooms, Kitchens, Sitting Rooms, and Other (Specify).

Rooms for lodgers

Table with 3 columns: Room Type, Number, Area. Rows include Bedroom, Dining Rooms, Kitchens, Sitting Rooms, and Other (Specify).

Sanitary Conveniences for male lodgers

	Number
Toilets
Urinals
Baths
Showers
Hand wash basins

Sanitary Conveniences for female lodgers

	Number
Toilets
Baths
Showers
Hand wash basins

Laundry Facilities

	Number
Wash troughs
Washing machines
Drying cabinets or clothes lines

Additional Details

- (a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere:
.....
- (d) There will be.....family members residing on the premises with the keeper/manager.

Application fee of \$.....is attached.

.....
(Signature of Applicant/s)

.....
(Date)



SCHEDULE 2 - Certificate of Registration of a Lodging House

[clause 8.4]

THIS is to certify that the premises situated at

.....

..... are registered as Lodging House and classified as:

- a lodging house
- a short term hostel
- serviced apartments
- a recreational campsite
- other (specify)

until 30 June 20....., on the following conditions:

1. that, whose name is entered on the register of keepers of the Shire of Chittering, continues to be the keeper of the lodging house;
2. that, appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration of a Lodging House is not sooner cancelled or revoked;

That the maximum number of rooms to be used as sleeping apartments for lodgers is:

4.; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed.....

This Certificate of Registration of a Lodging House is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Chittering Health Local Law 2017* and is not transferable.

Dated 20.....

Fee received: \$.....

.....
 Signature
 Authorised Officer
 Shire of Chittering

SCHEDULE 3 - Notice of Change of Owner of a Lodging House

[clause 8.6]

To: Chief Executive Officer
Shire of Chittering

I/We,.....
(Full name of Applicant/s)

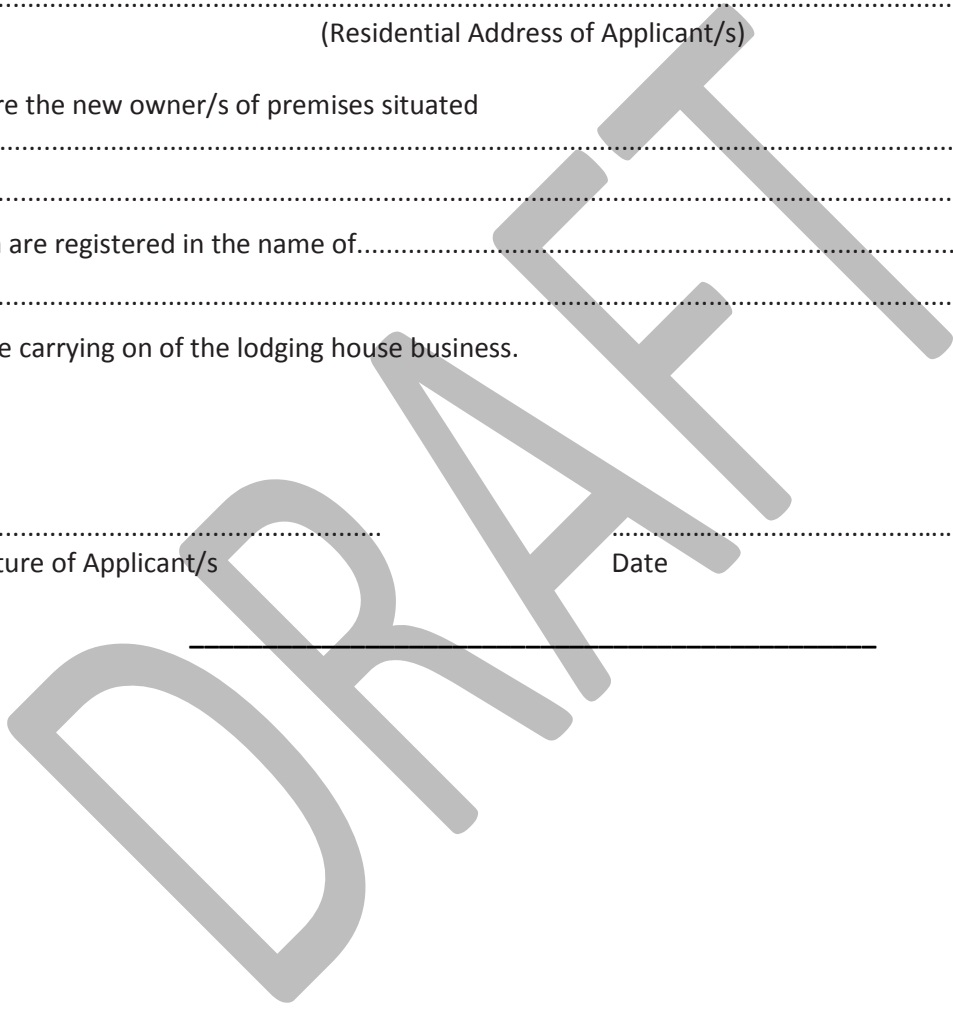
of.....
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated
at.....

which are registered in the name of.....

for the carrying on of the lodging house business.

.....
Signature of Applicant/s Date



SCHEDULE 4 - Register of Lodgers

[clause 8.25]

Location of Lodging House:

.....
.....

Date of Arrival

Name

Previous Address

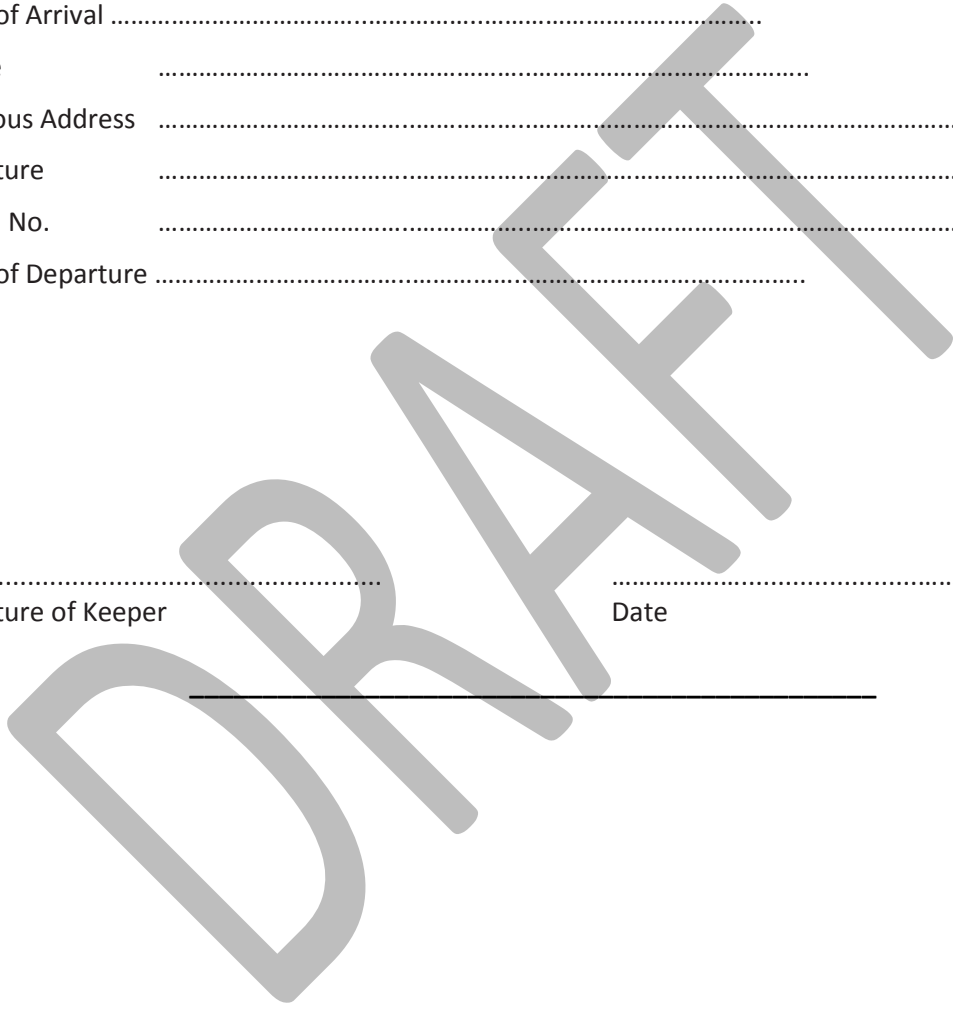
Signature

Room No.

Date of Departure

.....
Signature of Keeper

.....
Date



SCHEDULE 5 - List of Lodgers

[clause 8.26]

The following is the name of every person who resided in the lodging house at

.....
.....
.....
.....
.....

on the day of 20.....

.....
Signature of Keeper

.....
Date

DRAFT

SCHEDULE 7 - Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments

[clause 8.27]

To.....
(Name of Keeper)

of.....
(Address of Keeper)

for the registered lodging house situated at
.....
.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

<u>ROOM NUMBER</u>	<u>MAXIMUM OCCUPANCY</u>
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

.....
Signature of Authorised Officer

.....
Date

SCHEDULE 8 - Application for Licence of a Morgue

[clause 3.15 (2)]

To: Chief Executive Officer
Shire of Chittering

I.....
(full name in block letters)

of.....
(full residential address)

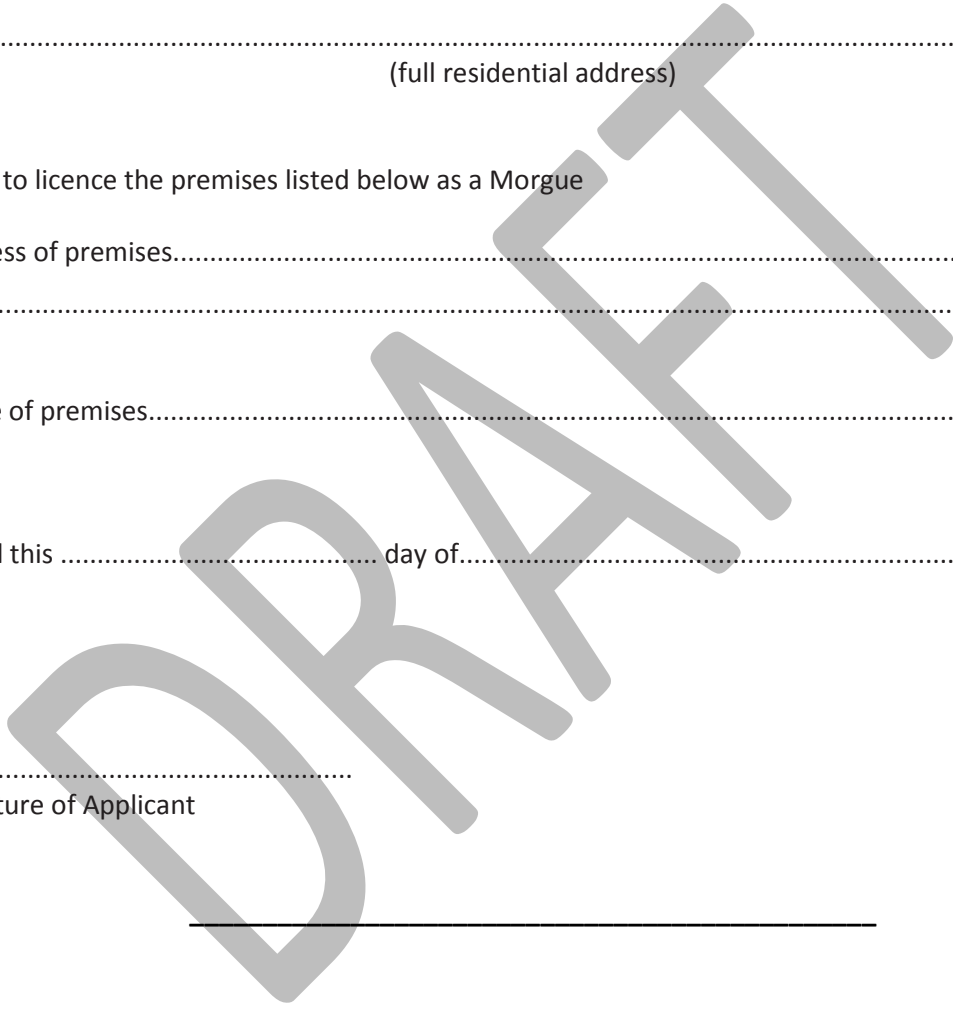
apply to licence the premises listed below as a Morgue

Address of premises.....
.....

Name of premises.....

Dated this day of 20.....

.....
Signature of Applicant



SCHEDULE 9 - Certificate of Licence of a Morgue

[clause 3.15(3) (a)]

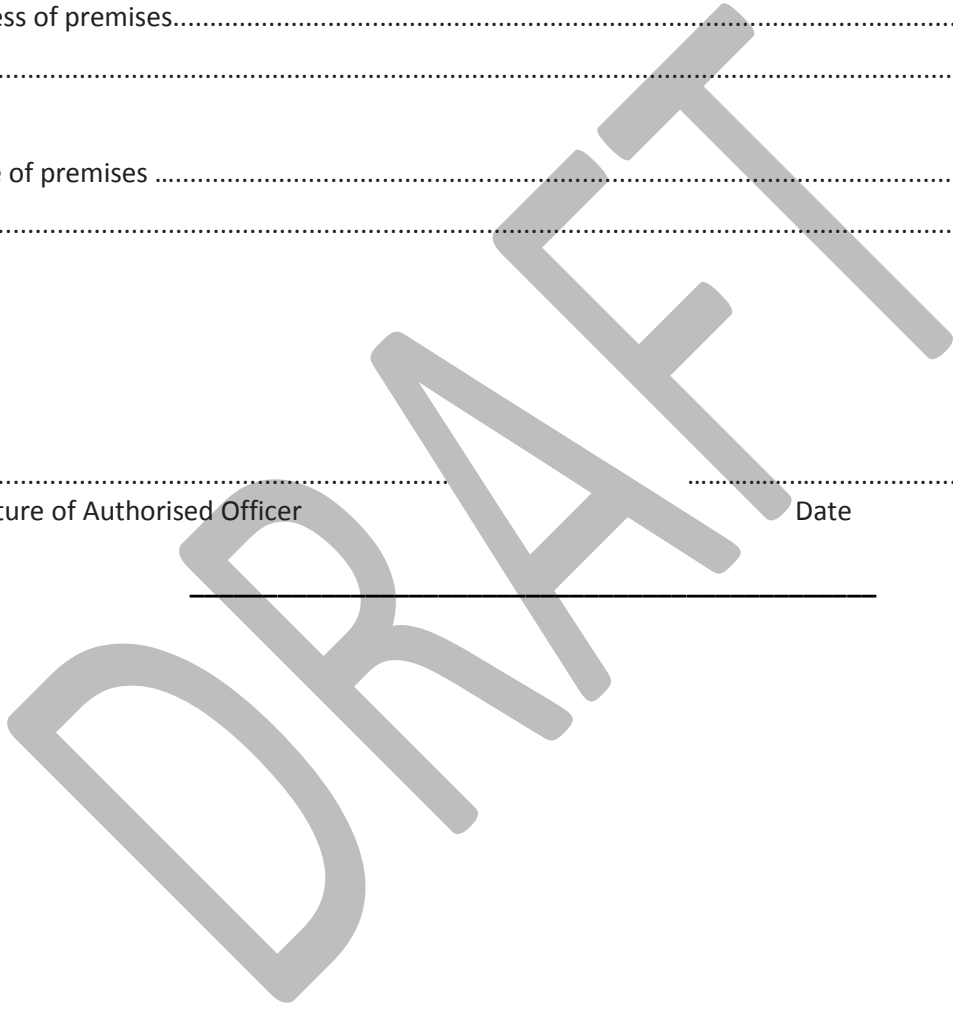
This is to certify the following premises is licensed as a morgue from:

..... day of..... 20.....
until 30th day of June 20.....

Address of premises.....
.....

Name of premises
.....

.....
Signature of Authorised Officer Date



SCHEDULE 10 - Application for Consent to Establish an Offensive Trade

[clause 9.2(1)(b)]

To: Chief Executive Officer
Shire of Chittering

I/We.....
(Full Name of Applicant/s)

of.....
.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being.....
.....

Description of Offensive Trade

in or upon

Location of the Premises

Notice of my/our intention to make this application was advertised

in.....
.....
on.....
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....
Signature of Applicant/s

.....
Date

SCHEDULE 11 - Application for Registration of Premises for Offensive Trade

[clause 9.4 (a)]

To: Chief Executive Officer
Shire of Chittering

I/We,.....
(Full Name of Applicant/s)

of.....
.....
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended
of.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely
.....
.....
(Description of Offensive Trade)

under the business name of.....
.....

The prescribed registration fee of \$..... is attached.

.....
Signature of Applicant/s

.....
Date

SCHEDULE 12 - Certificate of Registration of Premises for Offensive Trade

[clause 9.5]

This is to certify that the premises situated at.....
.....

of which.....

is the occupier, are registered for the carrying on of the trade
of.....

Trade

Name.....

This registration expires on the day of 20

Dated this day of 20

.....
Signature of Authorised Officer

.....
Date

Dated:

The Common Seal of the }
Shire of Chittering }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

Cr Gordon Houston
Shire President

Alan Sheridan
Chief Executive Officer



Government of Western Australia
Department of Health

Your Ref: 01677324, 19/04/0017
Our Ref: F-AA-03303
Enquiries: Donald Howell [REDACTED]

Mr Alan Sheridan
Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Dear Mr Sheridan

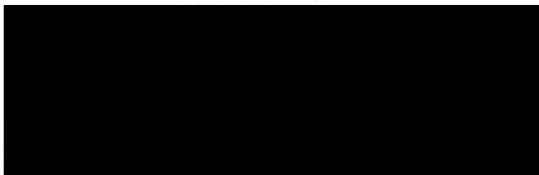
PROPOSED SHIRE OF CHITTERING HEALTH LOCAL LAW 2016

Thank you for your letter of 26 October 2016 in which you submitted Council's proposed *Shire of Chittering Health Local Law 2016*.

An examination of the proposed local law has identified a number of issues which require further attention. I have attached, for your consideration a report that sets out our concerns and the information required to resolve these issues.

Should you require further information or assistance, please contact Donald Howell on [REDACTED]

Yours sincerely



Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

22 November 2016

Att.

**SHIRE OF CHITTERING
RECEIVED**

28 NOV 2016

Officer..... EHO, JESD
File..... 19/04/0017
Ref..... I1678585

Environmental Health Directorate | Public Health Division
All correspondence to: PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
ABN 28 684 750 332
www.health.wa.gov.au

F-AA-03303

SHIRE OF CHITTERING HEALTH LOCAL LAW 2016

The above local law has been reviewed and the following problems noted and recommendations made:

1. Council's proposed Clause **1.2** – Commencement is superfluous and can be deleted. Section 3.14 of the *Local Government Act 1995* does not apply in relation to local laws made under the *Health Act 1911*. [See Section 342(3) of the *Health Act 1911*]. Commencement is the date of publication in the *Government Gazette*, unless a later date is stated but there is no benefit in delaying the commencement of this local law.
2. In subclause **1.5** (1), the definition of “**water**”, requires upgrading. The title of the Guidelines is now the *Australian Drinking Water Guidelines*.
3. The Joint Standing Committee on Delegated Legislation has previously told other local governments to provide a consistent use of one of the terms ‘wash hand basin’, ‘hand wash basin’, ‘hand basin’ and ‘wash basin’. The Shire of Chittering has mostly used the term ‘hand wash basin’. To maintain consistency the following change should now be made:
In subclause **2.3** (1) (c) (iii), change “basin” to “hand wash basin”;
4. There is a format and numbering error in subclause **2.3** (2). Subparagraphs (d) and (e) should be numbered as sub-sub paragraphs (i) and (ii), as they are currently in subsection **6** (2)(c) of the *Shire of Chittering Health Local Laws 1998*.
5. Then, after correcting the format and numbering as described above, in Subclause **2.3** (2) (c) (ii), change “hand basin” to “hand wash basin”.
6. There is a format error in clause **2.7**. In subclause (1) the last line is indented too far to the right. To correct the problem, move the line to the left, so that the word “all” aligns with “The” the first word of the clause and then the line will clearly apply to both paragraphs (a) and (b) and not just (b).
7. In subclause **2.7** (2), the words “all sanitary conveniences, including sanitary fittings in or on the premises” should be removed from paragraph (b) and inserted on the next line, aligned with the left margin, so that they apply to both paragraphs (a) and (b).
8. In subclause **2.9** (1), paragraph (c), the words “a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located” should be removed from paragraph (c) and inserted on the next line, aligned with the left margin, so that they apply to paragraphs (a), (b) and (c).

9. In **PART 3 – Housing and General**, the title of Division 2 should be “**Ventilation of houses**”. The head of power for this division, in the *Health Act 1911*, refers to: “for the ventilating of houses and buildings, or of rooms therein”. It is not appropriate to restrict the application of Division 2 to just “dwelling houses”. In the *Health Act 1911*, “dwelling houses” are a subset of “houses” and the terms are not interchangeable.
10. For the same reason as in item 9 above, in clauses **3.5, 3.6, 3.8, 3.9** and **3.10** change “dwelling house” to “house” in each of the six places it is used.
11. In subclause **3.9** (1), paragraph (d) applies to paragraphs (a), (b) and (c). It should be printed as the final sentence of subclause **3.9** (1), as currently in subsection **27**(1) of the *Shire of Chittering Health Local Laws 1998*. Alternatively, subclause (1) could be rewritten as:
- “(1) The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from -
- (a) a licensed water service operator;
 - (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.”
12. There is a format and numbering error in clause **3.10**. Paragraphs (b) and (c) should be numbered as sub paragraphs (i) and (ii), as they are currently in section **28** of the *Shire of Chittering Health Local Laws 1998*. Paragraphs (d) through to (i) should then be numbered as paragraphs (b) to (g).
13. In clause **3.11**, paragraph (c), the word “complies” should be the word “compliant” so that it follows on from “is –” in the opening sentence of the clause.
14. In subclause **5.12** (2), paragraph (a), the word “buy” is a misspelling, it should be “by”.
15. In subclause **5.27** (2), the title of the Regulations should be printed in *italics* to conform to drafting conventions.
16. There is a format and grammatical error in clause **6.4**. The words that should apply to both subclauses (1) and (2) have been inserted into subclause (1). This causes subclause (2) to be incorrect. Rewrite it as:
- “6.4 Measures to be taken to prevent mosquito breeding**
An owner or occupier of premises shall ensure that the premises are kept free from possible breeding sites and shall -
- (a) follow any direction of an Environmental Health Officer for the purposes of-
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication; or
 - (iii) effectively preventing the breeding of mosquitoes; and
 - (b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be in or about the premises.”
17. In clause **6.8**, subparagraph (b) (ii), the word “opening” should be the plural word “openings”.

18. The scientific name of the Argentine ant has been changed. Therefore, in clause **6.14**, replace the words "*Irdomyrmex humilis*" with the words "*Limepithema humile* (formally *Irdomyrmex humilis*)".
19. There is an error in clause **6.15**. The *Argentine Ant Regulations* were repealed in 2013. The reference should be changed to the relevant 'Bio-security' legislation.
20. In paragraph **6.20** (b), subparagraph (ii) is a mistake, it repeats the requirement already contained in subparagraph (i). Instead it should read:
"at least 10 metres from any footpath, street, private street or public place".
21. There is a format and numbering error in paragraph **6.20** (b). Subparagraph (iv) should be paragraph (c).
22. In subclause **6.21** (2), the word "is" should be "are" as it is used with the plural words "bees" and "hives".
23. Clause **6.22** is not subdivided into paragraphs (a), (b), (c), etc. so using the letter "(a)" is superfluous and it should be deleted.
24. In clause **6.22**, paragraph (vi) does not comply with Section 199 (20) of the *Health Act 1911* and therefore, cannot be made. Paragraph (vi) must be deleted.
25. In clause **7.3**, the last words "or both, to the satisfaction of an Environmental Health Officer" in paragraph (b), should start on the next line and be aligned with "within", the first word of the main second line in the clause, so that they apply to both paragraphs, (a) and (b) and not just to (b).
26. There are formatting issues in subclause **7.5** (3). To correct these problems, delete paragraph (b) and replace it using the same format as the corresponding paragraph (b) in subsection **119** (3) of the *Shire of Chittering Health Local Laws 1998*:
"(b) anything is insanitary, the officer may, by notice in writing, direct, as the case may be —
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice."
27. There is a formatting error in clause **7.7**. Paragraphs (b) and (c) should not be separate paragraphs. They should be combined into one paragraph (b).
28. A change is required to the definition of "**laundry**" in subclause **8.1** (1). Change "**laundry**" to "**laundry unit**". This enables a large facility requiring two or more 'laundry units' to have them located in the same room. What is being regulated is not the number of rooms provided as laundries but the minimum number of laundry facilities being provided. As a consequence of this change, in subclause **8.11** (1) (a) change the word "laundry" to "laundry unit".
29. In subclause **8.1** (1), in the definition of "**lodging house**", the word "as" is missing from before the word "defined".

30. There is a formatting error in clause **8.2**, paragraph (d) (ii). The words “resides or intends to reside continuously in the lodging house, whenever there is one or more lodgers in the lodging house” should be moved to the next line, aligned with “either”, the first word of paragraph (d), so that they apply to both subparagraphs (i) and (ii) and not just to subparagraph (ii).
31. In clause **8.15**, paragraph (a) (ii), the words “but in either case having a minimum of 13 square metres; and” should be moved to the next line, aligned with “with”, the first word of paragraph (a), so that they apply to both subparagraphs (i) and (ii) and not just to subparagraph (ii).
32. In clause **8.17**, the words “in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.” are missing. They should form the last line, aligned with “A”, the first word of the clause, so that they apply to both paragraphs (a) and (b) and not just to paragraph (b).
33. There is a formatting error in subclause **8.20** (6). The three paragraphs (a), (b) and (c) should be reformatted as (a) (i) and (ii) and (b). That is, use the same format as the corresponding subclause (6) in section **149** of the *Shire of Chittering Health Local Laws 1998*.
34. There is a error in clause **8.24**, paragraph (b). Remove the words “for more than 48 consecutive hours”. Those words were removed from section **153** (b) of the *Shire of Chittering Health Local Laws 1998* by the *Health Local Laws 2002*, made by the Governor in Executive Council and published in the *Government Gazette* on 13 August 2002. Those words cannot be reintroduced by this proposed health local law.
35. There are several formatting errors in clause **8.32**, various paragraphs have wording that does not conform to the initial words of the subclause in which they are located. Return to the format of section **161** of the *Shire of Chittering Health Local Laws 1998*.
Change subparagraph (b) (iii) to paragraph (c);
Change subparagraph (b) (iv) to paragraph (d);
Change paragraph (c) to paragraph (e);
Change paragraph (d) to paragraph (f);
Change subparagraph (d) (iii) to paragraph (g);
Change subparagraph (d) (iv) to paragraph (h);
Change subparagraph (d) (v) to paragraph (i);
36. In clause **8.33**, subparagraph (a) (iii), the word “nay” is a misspelling, it should be “any”.
37. Remove the word “obnoxious” from subparagraph (a) (iii) of clause **8.33**. At the direction of the Parliamentary Joint Standing Committee on Delegated Legislation, the *Health Local Laws 2009* deleted the word from all existing health local laws. If the Shire of Chittering makes clause **8.33** including the word “obnoxious”, then Parliament will formally disallow the *Shire of Chittering Health Local Law 2016*.

38. There are several formatting errors in clause **8.33**, various paragraphs have wording that does not conform to the initial words of the subclause in which they are located. Return to the format of section **162** of the *Shire of Chittering Health Local Laws 1998*.
Change subparagraph (a) (iii) to paragraph (b);
Change subparagraph (a) (iv) to paragraph (c);
Change subparagraph (a) (v) to paragraph (d);
Change subparagraph (a) (vi) to paragraph (e);
Change subparagraph (a) (vii) to paragraph (f);
Change paragraph (b) to paragraph (g);
Change paragraph (c) to paragraph (h);
Change subparagraph (c) (ii) to paragraph (i);
Change paragraph (d) to paragraph (j);
Change subparagraph (d) (iii) to paragraph (k);
Change subparagraph (d) (iv) to paragraph (l);
39. In subparagraph (b) (i) of clause **9.4**, the correct citation of the regulation must be used and it should be printed in italics. The title of the regulations should be "*Health (Offensive Trades Fees) Regulations 1976*", following the insertion of a new citation by an amendment published in the *Government Gazette* on 2 May 2006 p. 1703.
40. Remove clause **9.8**. The equivalent section in the *Shire of Chittering Health Local Laws 1998* was deleted by the *Health Local Laws 2009*. The Parliamentary Joint Standing Committee on Delegated Legislation believes this section is ultra vires the *Health Act 1911* and has directed it not be used. If the Shire of Chittering makes clause **9.8**, then Parliament will formally disallow *the Shire of Chittering Health Local Law 2016*.
41. In the title of clause **9.12**, the word "**hand**" is missing from before the word "**wash**".
42. In clause **9.12** change "wash hand basins" to "hand wash basins".
43. In subclause **9.23** (1), paragraph (d), change "wash hand basins" to "hand wash basins".
44. In paragraph (a) of clause **9.25**, the reference to "clause 9.26" should be a reference to "clause 9.15".
45. In **Schedule 1** under each of these section headings, "**Sanitary conveniences for male lodgers**" and "**Sanitary conveniences for female lodgers**", the words "Wash hand basins" should be changed to "Hand wash basins".
46. In **Schedule 1**, in the table entitled "Laundry Facilities", the inclusion of the fixture "Coppers" may be inappropriate because the description of laundry facilities in subclause **8.1** (1) does not include the option of using a copper.
47. **Schedule 4**, has formatting errors. Various column and row titles are misplaced. Reformat **Schedule 4**.

48. There is no consent page, so provision has not been made for recording the consent of the Executive Director Public Health. Please provide an appropriate consent page with provision for the EDPH's consent, after the space provided for the signatures of the Shire President and the CEO, for example:

Consented to _____
EXECUTIVE DIRECTOR
PUBLIC HEALTH

dated this.....day of 2016.

A copy of an example consent page is attached. [Note: the use of the Common Seal is optional.]

EXAMPLE CONSENT PAGE

This Local Law was made by the Shire of Chittering at an Ordinary Meeting held on of 2016.

The Common Seal of the Shire of Chittering was hereunto affixed by authority of Council in the presence of –

on this day of....., 2016

Gordon HOUSTON, SHIRE PRESIDENT

Alan SHERIDAN, CHIEF EXECUTIVE OFFICER

Consented to _____
**EXECUTIVE DIRECTOR
PUBLIC HEALTH**

dated this day of....., 2016

From: Chatter
Sent: Friday, 9 December 2016 8:24 AM
To: Glenn Sargeson
Cc: Natasha Mossman
Subject: I1678981 - FW: Department of Local Government and Communities - Comments on draft local law

From: Steven Elliott [REDACTED]
Sent: Thursday, 8 December 2016 11:33 AM
To: Chatter
Subject: Department of Local Government and Communities - Comments on draft local law

Dear Mr Sheridan

This email is in response to your letter dated 26 October 2016 addressed to the Minister for Local Government regarding the Shire's proposed local law.

The Department's comments are attached to this email. These comments should be considered in addition to any feedback that the Department of Health may provide on the draft.

Shire of Chittering Health Local Law 2016

1. Public Health Act 2016 – Implications for health local laws

The Department is aware that the *Public Health Act 2016* received Royal assent on 25 July 2016.

It is likely to have multiple implications for health local laws in the future. It is suggested that the Shire contact the Department of Health for more information on how the new *Public Health Act 2016* is likely to affect health local laws.

2. Australian Standards

The Delegated Legislation Committee has expressed concerns with the use of Australian Standards in local laws, as the Standards are protected by copyright and are not public documents.

The Shire should double check to ensure the references to the Australian Standards are correct and up to date. If the citation is not accurate, the Delegated Legislation Committee may request the citation be amended.

In addition, where a reference is made to Australian Standards, the Committee has previously requested that the reference include the words "as amended from time to time." One suggestion may be to include this in the **AS or AS/NZS** definition in clause 1.5.

The Committee has also expressed that where Australian Standards are used, the general public should be informed by the Shire as to where they can freely access these standards. The Committee may inquire as to how this information will be made available to the public.

3. External documents

In addition to the Australian/New Zealand Standards referenced above, the local law also makes reference to other external documents, including the Building Code of Australia, the Australian Drinking Water Guidelines and the Food Standards Code.

The Shire should ensure that copies of all external documents referred to in the local law are included when it is submitted to the Committee. The Committee may also inquire as to how these external documents will be made available to members of the public.

4. Interpretation

It is suggested that the Shire clarifies the meaning of, or insert definitions for the following terms which are used throughout the local law:

- “Certificate of Registration” (see comment 14 below);
- “Energy Safety WA”;
- “register of keepers”;

While not all of these definitions are necessary, they may assist readers and reduce the possibility of misinterpretation.

In clause 8.1 in the definition of *recreational campsite*, it is suggested to add the following:

—
 but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;
 —

5. Hand wash basin

The local law currently uses the term “hand wash basin” and “wash hand basin” interchangeably. It is recommended that the local law should only use the term “hand wash basin” and amend all other variations accordingly.

6. Clause 3.1 – Dwelling house maintenance

Clause 3.1 states that an owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use.

This clause is potentially problematic as the owner or occupier of a dwelling house may not have the care and control of the appurtenant buildings, which will hinder their ability to maintain those buildings as required in the local law. It is suggest the Shire account for this possibility.

7. Clause 5.2 and 5.3 – Identical clauses

Clause 5.2 is titled “Footpaths etc. to be kept clean” however, the clause deals with the escaping of smoke and appears to be identical to clause 5.3. It is suggested that clause 5.2 be reviewed.

8. Nuisance and “reasonable steps”

The local law contains a number of clauses designed to prevent nuisance.

The owner or occupier of premises may not be able to completely control the circumstances that lead to nuisance. In previous cases, the Committee has requested that these clauses only require the individual to take “reasonable steps” or “reasonable measures” to prevent the nuisance.

9. Clause 5.5 – Prohibition against spitting

Clause 5.5(b) concerns the prohibition of spitting on public transport. The Shire should consider how it may enforce the clause as the offence may be committed on a vehicle owned and operated by state authorities.

10. Clause 8.12 – Kitchen

“Food Standards Code” should be defined under clause 8.1. An example is provided below for your consideration:

—
Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;
 —

11. References to certificates.

Multiple clauses in the local law make references to certificates. These may cause confusion to readers, as the clauses assume that the reader knows what specific kind of certificate is being referring to.

It is suggested that the Shire insert definitions for the different kinds of certificate and use these terms in the relevant clauses. For example:

— **Certificate of Registration** means a certificate issued under clause 9.5;

—

12. Clause 8.33 – Use of the term “obnoxious”

The Delegated Legislation Committee has previously requested the word “obnoxious” be deleted from health local laws. It is suggested that the word be deleted in clause 8.33(a)(iii).

The Delegated Legislation Committee addressed this issue in the 26th Report. The Committee held that the term was vague and not defined in the Health Act or the Local Government Act. This meant that the term was subject to interpretation and likely to be confusing to readers.

13. Clause 9.7 – Alterations to premises

Clause 9.7 states that a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to premises. The term “change or alteration” can be subject to several interpretations, including minor repairs, installations or interior refurbishment. If the Shire wishes to exempt certain alterations from this clause, this should be mentioned.

14. Clause 9.8 – Occupier includes employee

Clause 9.8 potentially makes employees liable for failing to comply with a duty imposed on an occupier. This may cause issues, since an employee may not have the authority to carry out the actions that the duty requires.

The Delegated Legislation Committee has previously stated such a clause is not authorised by the empowering legislation. It is suggested that clause 9.8 be deleted. If the Shire wishes for a duty to include people other than occupiers, the offence should refer to a “person” rather than the “owner or occupier”.

15. Minor edits

The following minor edits are suggested:

- a) The local law refers to “dwelling house” and “house” interchangeably. It is suggested that the Shire use one term consistently. This also applies to the use of “short term hostel” and “short-term hostel”, “rainwater” and “rain water”, and “two-winged” and “two winged”.
- **Clause 1.4:** delete the word “the” before “29 June”.
- **Clause 1.5:**
 - a. In the definition of **bed**, replace the full stop with a semicolon.
 - b. In the definition of **district**, insert a dash after “means” and at paragraph (a), insert a semicolon after “*Local Government Act 1995*”.
 - c. In the definition of **habitable room**, insert a dash in the first line after the word “and”.
 - d. In the definition of **urinal**, replace the full stop with “; and”.
- **Clause 2.1:** In the definition of **public sanitary conveniences**, replace the comma with a semicolon.
- **Clause 2.3(2):** paragraph (d) and (e) should be indented to the right and redesignated as subparagraphs (i) and (ii).
- **Clause 2.5(1)(d)(i):** insert a semicolon after the word “thickness”.
- **Clause 2.12(1)(b):** insert the word “and” after the semicolon.
- **Clause 2.15:**
 - a. In subclause (3)(a), remove the capitals in “Manufacturer’s Specifications”.
 - b. In subclause (5), replace “cooking facility” with **cooking facility**.
- **Clause 3.2(b):** After “discharge” insert “from the guttering”.
- **Clause 3.5(a):** delete the word “or” after the semicolon.
- **Clause 3.10:** paragraph (b) and (c) should be indented to the right and redesignated as subparagraphs (i) and (ii). Paragraphs (d) – (i) should be redesignated accordingly.
- **Clause 4.9(2):**
 - a. Paragraphs (b) and (c) should be indented to the right and redesignated as subparagraphs (i) and (ii). The remaining paragraphs should be redesignated accordingly.
 - b. In paragraph (e)(iii) replace “an incinerator must be designed” with “using an incinerator that is designed”
- **Clause 5.1:** replace “fertiliser” with **fertiliser**.

- **Clause 5.8:** the first few lines of the clause should be redrafted to reflect the following format:

—
An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall –

- (a) keep all artificial fertiliser in a building -
 - (i) of which the walls, floors and ceilings.....
 - (ii) free from damp.....
 - (b) take proper precautions to.....
 - (c) ensure that all artificial.....
-

- **Clause 5.12:** In subclause (2)(a), replace “buy” with “by”.
- **Clause 5.14:** in the definition of *natural shelter*, insert a full stop at the end of the sentence.
- **Clause 5.15:**
 - a. Subclause (1) should be deleted. If a person fails to use property in accordance with a planning scheme, this should be dealt with under the relevant planning legislation.
 - b. In subclause (2) replace “must be complied with” with “in addition to the approval”.
- **Clause 5.26:** It is suggested that this clause start with the words “In this division, unless context otherwise requires –”. Alternatively, move the definitions to clause 1.5.
- **Clause 5.27:** In subclause (2), italicise “Environmental Protection Regulations 1987”.
- **Clause 5.29(e):** delete the full stop before the semicolon.
- **Clause 6.4:**
 - a. Remove the designation “(1)”.
 - b. Replace “(2)” with “(d)” and realign the paragraph accordingly.
- **Clause 6.18:** in the definition of *bee*, insert the word “and” after the semicolon.
- **Clause 6.22:** Delete “arthropod” as this term is not used in clause 6.23.
- **Clause 8.1:** in the definition of *sleeping apartment*, insert the word “and” after the semicolon.
- **Clause 8.7:** subparagraph (iv) and (v) should be redesignated as paragraph (c) and (d) and shifted to the left.
- **Clause 8.9:** after “condition” insert “on the premises”
- **Clause 8.10(6):** insert round brackets around “5”.
- **Clause 8.20:**
 - a. In subclause (5), on the first line, replace the colon with a dash.
 - b. In subclause (5)(a) move the second sentence to a new paragraph and replace “Dormitories shall be provided” with “each dormitory with”
 - c. In subclause (6)
 - insert a dash after the words “shall provide”
 - place “beds with a minimum size of –” on a separate line and designate this line as (a).
 - redesignate paragraphs (a) and (b) as subparagraphs (i) and (ii) and align them to the right.
 - renumber paragraph (c) as (b).
- **Clause 8.21:**
 - a. In paragraph (b)(iii), replace the full stop with a semicolon.
 - b. In paragraph (c), replace the full stop with “; and”.
- **Clause 8.32:**
 - a. Subparagraphs (b)(iii) and (b)(iv) should be expressed as paragraphs and realigned to the left.
 - b. If the change is made in the above comment, redesignate the remaining paragraphs accordingly.
- **Clause 8.33:**
 - a. Subparagraphs (a)(iii) – (a)(vii), (c)(iii), (d)(iii), and (d)(iv) should be redesignated as paragraphs and aligned to the left.
 - b. If the change is made in the above comment, redesignate the rest of the paragraphs accordingly.
 - c. In paragraph (a)(iii) replace “nay” with “any”.
- **Clause 9.27:** In paragraph (a), include the year in the Australian Standard citation.
- **Clause 9.4:** In paragraph (b), replace the colon with a dash.
- **Clause 9.42(a):** replace the full stop with a semicolon.
- **Clause 9.43(2)(a)(iv):** replace the full stop with a semicolon and insert the word “and” after it.
- **Clause 9.48(d):** replace the semicolon with a full stop.

The Shire should recheck all references and cross references, particularly if any changes are made as a result of the Department’s comments.

Minister’s Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlgc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire policies and objectives.

Regards

Local Government Act 1995
Waste Avoidance and Resource Recovery Act 2007

SHIRE OF CHITTERING

WASTE LOCAL LAW 2017

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

WASTE LOCAL LAW 2017

CONTENTS

PART 1 – PRELIMINARY

- 1.1 Short title
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Meaning of terms used in this local law
- 1.6 Local public notice of determinations
- 1.7 Rates, fees and charges
- 1.8 Power to provide waste services

PART 2 – LOCAL GOVERNMENT WASTE

- 2.1 Supply of receptacles
- 2.2 Deposit of waste in receptacles
- 2.3 General waste receptacles
- 2.4 Recycling waste receptacles
- 2.5 Organic waste receptacles
- 2.6 Direction to place or remove a receptacle
- 2.7 Duties of owner or occupier
- 2.8 Exemption
- 2.9 Damaging or removing receptacles
- 2.10 Verge collections

PART 3 – GENERAL DUTIES

- 3.1 Duties of an owner or occupier
- 3.2 Removal of waste from premises
- 3.3 Receptacles and containers for public use

PART 4 – OPERATION OF WASTE FACILITIES

- 4.1 Operation of this Part
- 4.2 Hours of operation
- 4.3 Signs and directions
- 4.4 Fees and charges
- 4.5 Depositing waste
- 4.6 Prohibited activities

PART 5 – ENFORCEMENT

- 5.1 Offences and general penalty
- 5.2 Other costs and expenses
- 5.3 Prescribed offences
- 5.4 Form of notices

SCHEDULE 1 – Meaning of ‘Non-Collectable Waste’

SCHEDULE 2 – Prescribed Offences

DRAFT

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Shire of Chittering

WASTE LOCAL LAW 2017

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Chittering resolved on [insert date] to make the following local law.

PART 1 – PRELIMINARY

1.1 Short title

This is the *Shire of Chittering Waste Local Law 2017*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals Part 4 Division 2 of the *Shire of Chittering Health Local Laws 1998*, as published in the *Government Gazette* on 29 June 1998.

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the *LG Act* to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

commercial purpose means an activity conducted for the purpose of generating income or making a profit from the re-sale of waste materials;

costs of the local government include administrative costs;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means the Shire of Chittering;

local government waste has the same meaning as in the *WARR Act*;

non-collectable waste has the meaning set out in Schedule 1;

nuisance means –

- (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 of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the *LG Act*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and

- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

Schedule means a schedule appended to this local law;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the *WARR Act*;

waste facility means a waste facility, as defined in the *WARR Act*, that is operated by the local government; and

waste service has the same meaning as in the *WARR Act*.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the *LG Act*, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);
- (d) after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the *LG Act*; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the *WARR Act* and sections 6.16 and 6.17 of the *LG Act*.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the *WARR Act*.

PART 2 – LOCAL GOVERNMENT WASTE**2.1 Supply of receptacles**

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
 - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause (a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 1.1(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

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

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 1.1(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3 – GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,
a receptacle provided for the use of the general public in a public place.

PART 4 – OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than—
 - (a) at a location determined by a sign and in accordance with the sign; and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.

- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5 – ENFORCEMENT

5.1 Objection and appeal rights

Division 1 of Part 9 of the *LG Act* applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.10(1);
- (d) an authorisation under clause 3.2(1)(c);
- (e) an approval under clause 3.2(2); and
- (f) an approval under clause 3.3(3).

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 02, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *LG Act*.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *LG Act* is that of Form 1 in Schedule 1 of the *LG Regulations*.
- (2) The form of the infringement notice given under section 9.16 of the *LG Act* is that of Form 2 in Schedule 1 of the *LG Regulations*.

- (3) The form of the infringement withdrawal notice given under section 9.20 of the *LG Act* is that of Form 3 in Schedule 1 of the *LG Regulations*.

SCHEDULE 1 – Meaning of ‘Non-Collectable Waste’

[clause 1.5]

non-collectable waste means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

SCHEDULE 2 – Prescribed Offences

[clause 5.3]

Item No.	Clause No.	Description	Modified Penalty
1	(2)(a)	Failing to pay fee or charge	\$350
2	(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	(1)	Depositing non-collectable waste in a receptacle	\$350
4	(2)	Depositing waste in another receptacle without consent	\$350
5	(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350

Item No.	Clause No.	Description	Modified Penalty
7	(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	(a)	Failing to keep a receptacle in the required location	\$250
13	(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	(c)	Failing to provide a sufficient number of receptacles	\$250
15	(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
16	(a)	Damaging, destroying or interfering with a receptacle	\$400
17	(4)(b)	Removing a receptacle from premises	\$400
18	0(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or tampering with waste deposited for collection	\$250
21	(4)(a)	Failing to provide a sufficient number of receptacles	\$250
22	(4)(b)	Failing to keep a receptacle in good condition and repair	\$250
23	(4)(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	(4)(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	(4)(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	(4)(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	(1)	Unauthorised removal of waste from premises	\$250
28	(2)	Removing waste from a receptacle without approval	\$250
29	3.3(a)	Depositing household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place	\$250
30	3.3(b)	Removing any waste from a receptacle provided for the use of the general public in a public place	\$250

Item No.	Clause No.	Description	Modified Penalty
31	1.1(2)	Failing to comply with a sign or direction	\$500
32	1.1(4)	Failing to comply with a direction to leave	\$500
33	1.1(1)	Disposing waste without payment of fee or charge	\$500
34	1.1(1)	Depositing waste contrary to sign or direction	\$500
35	1.1(1)(a)	Removing waste without authority	\$250
36	1.1(1)(b)	Depositing toxic, poisonous or hazardous waste	\$500
37	1.1(1)(c)	Lighting a fire in a waste facility	\$300
38	1.1(1)(d)	Removing or interfering with any flora	\$300
39	1.1(1)(e)	Interfering with any fauna without approval	\$300
40	1.1(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
41	(2)	Acting in an abusive or threatening manner	\$300

Dated:

The Common Seal of the }
 Shire of Chittering }
 was affixed by authority of a }
 resolution of the Council in the }
 presence of: }

Cr Gordon Houston
Shire President

Alan Sheridan
Chief Executive Officer

From: Alan Sheridan
Sent: Thursday, 1 December 2016 12:37 PM
To: Bronwyn Southee; Glenn Sargeson
Subject: I1678929 - FW: Department of Local Government and Communities - Comments on proposed waste local law

Follow Up Flag: Follow up
Flag Status: Flagged

Alan Sheridan
 Chief Executive Officer



6177 Great Northern Highway PO Box 70 Bindoon WA 6502
 T: 08 9576 4600 F: 08 9576 1250 E: chatter@chittering.wa.gov.au
 www.chittering.wa.gov.au

Click a link, below, to Check Out Chittering!

[Events Calendar](#) [Promotional Video](#) [eNewsletter](#) [Local Directory](#)



Think before you print

DISCLAIMER

- This correspondence, including any attachments, is intended only for use by the addressee(s) and may contain confidential and/or personal information. It may also be the subject of legal privilege.
- Any personal information contained in this correspondence is not to be used for any purpose other than the purpose for which you have received it. If you are not the intended recipient, you must not disclose or use the information contained in it.
- As this correspondence is intended for the addressee(s) only it should not be republished in part, or in its entirety, without first receiving the written consent of the author.
- This organisation accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email.

From: Chatter
Sent: Thursday, 1 December 2016 12:34 PM
To: Alan Sheridan
Cc: Natasha Mossman
Subject: FW: Department of Local Government and Communities - Comments on proposed waste local law


Tracy Berryman-Seery
 Customer Service Officer



Click a link, below, to Check Out Chittering!

[Events Calendar](#) [Promotional Video](#) [eNewsletter](#) [Local Directory](#)



 Think before you print

DISCLAIMER

- This correspondence, including any attachments, is intended only for use by the addressee(s) and may contain confidential and/or personal information. It may also be the subject of legal privilege.
- Any personal information contained in this correspondence is not to be used for any purpose other than the purpose for which you have received it. If you are not the intended recipient, you must not disclose or use the information contained in it.
- As this correspondence is intended for the addressee(s) only it should not be republished in part, or in its entirety, without first receiving the written consent of the author.
- This organisation accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email.

From: Steven Elliott [REDACTED]
Sent: Thursday, 1 December 2016 11:45 AM
To: Chatter
Subject: Department of Local Government and Communities - Comments on proposed waste local law

Dear Mr Sheridan

This email is in response to your email dated 26 October 2016 addressed to the Minister for Local Government regarding the Shire's proposed local law.

The Department's comments are noted below. Please contact me if you have any queries regarding the comments.

Shire of Chittering Waste Local Law 2016

1. WALGA model

It is noted that the Shire's local law appears to be based on the new model prepared by WALGA and the Department of Environment Regulation.

The Joint Standing Committee on Delegated Legislation has made a preliminary analysis of the model (including in relation to specific clauses) and provided their general approval for the content. However, the Committee noted in its 77th Report that:

...its general approval of the proposed template should not be taken as meaning that the Committee could not still recommend disallowance of a waste local law drafted in accordance with the final template.

The Shire should be prepared for the possibility that the Committee may still raise concerns with the local law after they have reviewed it.

2. Clause 1.4 – Repeal

It is suggested this clause be reworded as follows:

—
This local law repeals Part 4 Division 2 of the *Shire of Chittering Health Local Laws 1998*, as published in the *Government Gazette* on 29 June 1998.
—

3. Clause 1.5 - Meaning of terms used in this local law

It is suggested that the Shire inserts definitions of the following terms which are used in the local law:

- **commercial purpose;**
- **Schedule;**

Whilst not all of these definitions are necessary, they may assist readers and reduce the possibility of misinterpretation.

The following definitions should be deleted as these terms do not appear to be used anywhere else in the clauses of the local law:

- **commencement date;**
- **Council;** and
- **WARR Regulations.**

4. Not prescribing modified penalties for certain offences

The Shire may wish to provide a modified penalty for the offences in clause 3.3. This will provide the Shire with more options regarding the way in which the clause is enforced within the district.

5. Schedule 1 – non-frangible metal

Schedule 1, at (i), includes “non-frangible metal” in the definition of **non-collectable waste**.

In its 77th Report, the Committee stated that the term “non-frangible metal” was uncertain and should be specifically defined. It is suggested that the Shire insert a definition of “non-frangible metal”.

6. Schedule 1 – Meaning of ‘non-collectable waste’

Paragraph (m) in Schedule 1 provides that the Shire can “determine” other waste as “non-collectable waste”. It is suggested that the Shire review paragraph (m) of Schedule 1 and consider whether the preceding paragraphs already provide enough restrictions to suit the Shire’s requirements.

7. Schedule 1 and Schedule 2

It is suggested that the heading of the Schedules be followed by a bracketed reference to the relevant clause in the local law, for example:

Schedule 2 – Prescribed Offences

[Clause 5.3]

8. Written approval

The Department is aware that this local law is being made under the *Waste Avoidance and Resource Recovery Act 2007* as well as the *Local Government Act 1995*.

The Shire should ensure that a copy of the proposed local law is provided to the Minister for Environment, if this has not already occurred.

9. Minor edits

The following minor edits are suggested:

- **Clause 1.1:** italicise “Shire of Chittering Waste Local Law 2016”.
- **Clause 1.5:**
 - a. In the definition of **collection**, delete the comma immediately following the bold text.
 - b. In the definition of **organic waste receptacle**, delete the space between “waste” and the semicolon.
 - c. In the definition of **receptacle**, delete the comma immediately following the bold text.
- **Clause 2.7(b):** insert the word “to” before “ensure that”.
- **Clause 3.1(d):**
 - a. In paragraph (c)(ii), delete the space between “receptacle” and the semicolon.
 - b. In paragraph (d), delete the space between “receptacle” and the full stop.
- **Clause 5.4:**
 - a. In subclause (1), replace the semicolon with a full stop.
 - b. In subclause (2), replace “; and” with a full stop.
- **Schedule 2:**
 - a. Item 9 – replace “unauthorized” with “unauthorised”.
 - b. Item 20 – replace “leaving in disarray” with “tampering with” to reflect the wording in clause 2.10(3).
 - c. Item 22 – delete the word “clean and” from the offence description, as clause 3.1(b) does not address the obligation to keep a receptacle clean.
 - d. Item 35 – after fire insert “in a waste facility”.

The Shire should check all references and cross references, particularly if any changes are made as a result of the Department’s comments.

Minister’s Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlqc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire policies and objectives.

Kind regards

Steven Elliott

Senior Legislation Officer
Local Government Legislation
Department of Local Government and Communities
Tel: 
Fax: 
Email: 
Web: www.dlqc.wa.gov.au

Unconventional Gas Exploration and Production Activities – Background Paper

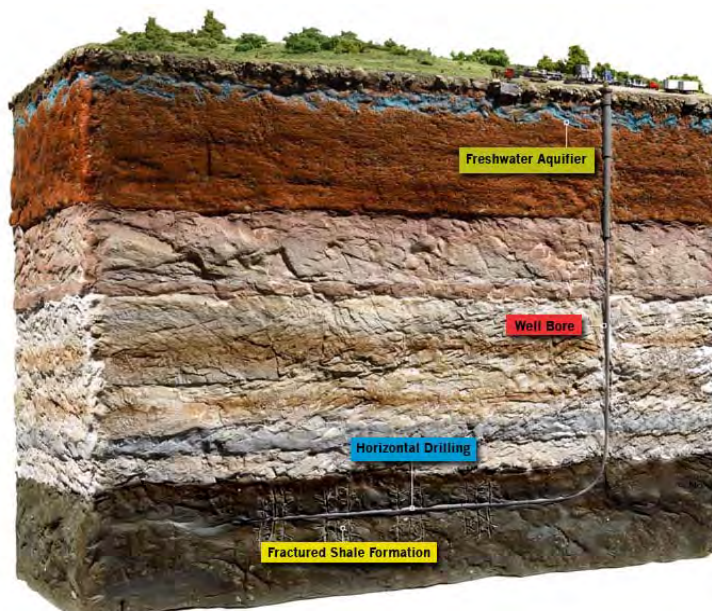
Background

Hydraulic fracturing (or fracking) is a well stimulation technique in which rock is fractured by a pressurized liquid. The process involves the high-pressure injection of 'fracking fluid' (primarily water, containing sand or other proppants suspended with the aid of thickening agents) into a wellbore to create cracks in the deep-rock formations through which natural gas, petroleum, and brine will flow more freely. When the hydraulic pressure is removed from the well, small grains of hydraulic fracturing proppants (either sand or aluminium oxide) hold the fractures open.

Hydraulic fracturing began as an experiment in 1947, and the first commercially successful application followed in 1950. As of 2012, 2.5 million "frac jobs" had been performed worldwide on oil and gas wells; over one million of those within the U.S. Such treatment is generally necessary to achieve adequate flow rates in shale gas, tight gas, tight oil, and coal seam gas wells.

Hydraulic fracturing is highly controversial in many countries. Its proponents advocate the economic benefits of more extensively accessible hydrocarbons. Opponents argue that these are outweighed by the potential environmental impacts, which include risks of ground and surface water contamination, air and noise pollution, and the triggering of earthquakes, along with the consequential hazards to public health and the environment.

https://www.en.wikipedia.org/wiki/Hydraulic_fracturing



In WA, substantial “tight gas” or “shale gas” deposits have been identified which may be suitable for recovery using hydraulic fracturing. Shale gas deposits are found at depths of 2,000 to 4,000 metres, whereas coal seam gas deposits are much shallower at depths of 300 to 1,000 metres. Unlike Queensland, there are no known coal seam gas deposits in WA.

DMP publications indicate that:

- Western Australia's shale and tight gas resources represent a significant economic opportunity for the State and offer benefits to regional communities.
- Hydraulic fracture stimulation has been undertaken in Western Australia for more than 55 years, without incident.
- There is no evidence to date that fracture stimulation in Western Australia has led to any environmental harm.

A two year parliamentary inquiry into the Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas in Western Australia (completed in November 2015) found that the risks from hydraulic fracture stimulation can be safely managed. The inquiry found:

- There is significant concern amongst the community about the risks associated with hydraulic fracturing but at the same time, there is a level of misinformation present in the public domain that can cause confusion and mistrust
- Recognised the potential benefits of the shale gas industry as an employer, an investment generator and provider of future energy security
- Regulation of the industry in WA was robust

Common arguments made against Fracking

- Exploratory fracking for shale and tight (*unconventional*) gas in Western Australia only commenced in the last decade and only a handful of wells have been fracked in that time
- Fracking for unconventional gas is vastly different to the historical techniques used in conventional gas extraction, and usually involves high volume "slickwater" (ie. chemical and water fluid mixes) hydraulic fracturing as well as horizontal drilling
- Modern fracking technology has never been deployed on a commercial scale in Western Australia
- Modern fracking uses very large quantities of a variety of chemicals, many of which are known to be toxic or their toxicity is as yet unassessed
- Modern fracking processes require massive volumes of water and produce large volumes of toxic wastewater
- Much higher pressures must be applied to the well to undertake a frack in modern processes, increasing risk of well failure. New horizontal drilling techniques also make effective and secure well construction much more difficult to achieve.
- The WA Government and the gas industry claim that fracking can be done safely if it is regulated appropriately and 'best practice' well construction guidelines are followed. However there is growing evidence to show that even strict regulations are simply not capable of preventing harm and that 'world's best practice' well construction just isn't enough to stop wells leaking.

http://www.frackfreewa.org.au/frack_facts

Legislative Authority

Such activities are legislated and administered by the State Government under the Australian Petroleum and Geothermal Energy Resources Act 1967 which operates separately to the Local Government Act 1995 and the Planning and Development Act 2005. Local Government does not have legislative control over these activities. This does not however, stop Council from expressing an opinion regarding such activities or having regard to its planning scheme provisions.

Local Planning Strategy (2001 – 2015)

In considering such activities, the Shire is to have regard to the Local Planning Strategy and its objectives. Due to the nature of fracking, some objectives (such as those listed below) may conflict with any proposal for gas extraction.

- Protect the natural environment and landscape qualities from adverse impacts of inappropriate development and exploitation
- Promote a range of opportunities for the community for environmentally clean employment opportunities
- Retain the lifestyle in the context of the rural character of the shire

While the strategy does not make any specific reference to fracking, page 28 - “General and Noxious Industry” does state *“To protect the urban settlements, agricultural and horticultural activities, as well maintaining a clean living and natural environment, council will not support the establishment of industries or toxic or dangerous material dumping, which may present an undue threat of pollutant discharge into the soil, waterways, or air”*. The above statement is relevant to Fracking due to the nature of chemicals utilised and the process of extraction.

Town Planning Scheme No. 6

TPS 6 does not list unconventional gas extraction as a use in the scheme. Furthermore, under TPS 6, fracking would not be able to be considered as an ‘Extractive Industry’ use as it does not involve the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land. Likewise, ‘Shale’ or ‘tight’ gas cannot come under ‘mining industry’ use as it is not considered a mineral.

Certain exploration activities including clearing for exploration drilling would constitute development and require planning approval as a ‘use not listed’. Therefore, if an application was received it would be referred to Council to consider whether the proposed ‘use not listed’ was consistent with the objectives of the zone. A ‘use not listed’ is an ‘A’ use and therefore required to be advertised to the public prior to any determination being made.

As fracking is not listed as a use in TPS 6, there are no mechanisms in place to control the use. The new planning scheme could include the use to ensure there are methods in place to control any associated development. Additionally, it would also demonstrate the Shire’s position on the activity.

Council's Local Planning Strategy is currently under review and once formalised it will state that the Shire has a general presumption against mining and similar activities within its boundaries. Mining is also listed as an 'X' use under Town Planning Scheme No 6. Staff will also be exploring all options to help ensure best practice environmental outcomes for any and all activities undertaken within the Shire.

If an application for fracking were to be received by the Shire, *Clause 10.2 matters to be considered* of TPS 6 outlines a number of considerations that may directly conflict with any such a proposal. These considerations may include but are not limited to:

- *the compatibility of a use or development within its setting taking into consideration any Special Control Area.*
- *any social issues that have an effect on the amenity of the locality;*
- *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- *the preservation of the amenity of the locality;*
- *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- *whether the proposal is likely to cause soil erosion or land degradation;*
- *the conservation of water resources;*
- *any relevant submissions received on the application*

Any assessment and determination of a proposal would need to have regard to the above.

Where are the Potential Resources?

Western Australia is highly prospective for shale gas in the Canning Basin (Kimberley and East Pilbara regions) and for tight and shale gas throughout the Northern Perth Basin (Mid-West region), which stretches the length of the coastal plain from Busselton through to north of Geraldton. The attached following map refers:

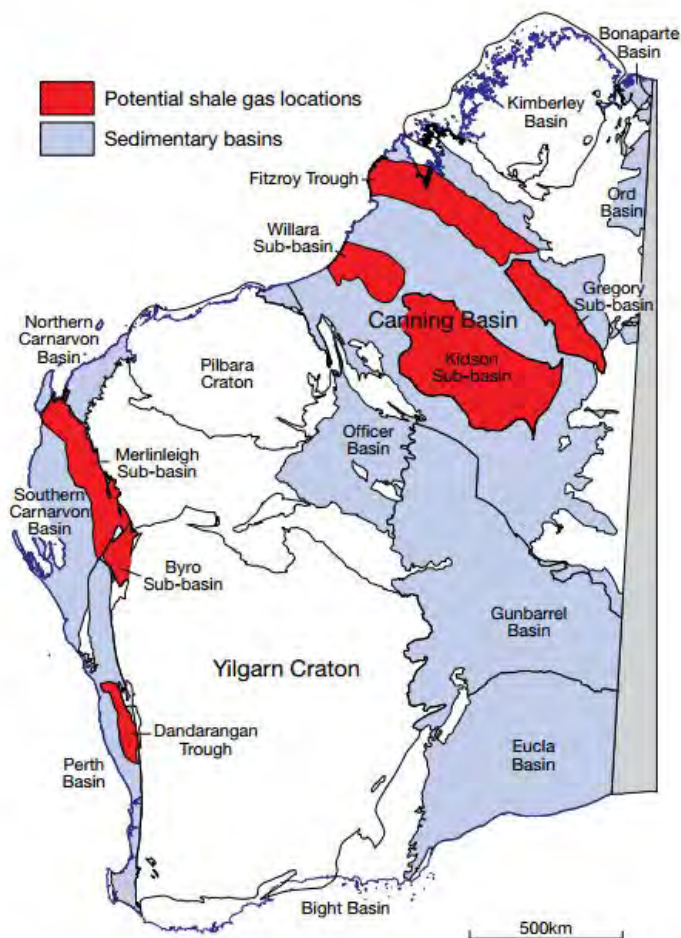


Figure 2: Sedimentary basins of Western Australia showing potential shale gas resource locations

What Exploration Permits Exist with Chittering Shire

Exploration Permits 'EP 494' and 'EP 389' (refer attachments) cover parts of the Chittering Shire. EP 389 is associated with an active production site at Red Gully near Gingin which is currently producing gas from conventional gas wells. EP 494 covers an extensive area from east of Eneabba to the fringes of Perth. The permit runs through parts of the Chittering Shire. The conditions of that permit require a certain amount of work to be undertaken within the six year time-frame as detailed within the permit. Advice from DMP is that neither of these permit holders is interested in unconventional gas deposits at this time - their focus is on conventional deposits which can be extracted without fracking.

Regulatory Controls

The Western Australian Government has been regulating the oil and gas industry for nearly a hundred years. The regulation by government covering the development of a petroleum resource - irrespective of whether it is for conventional petroleum, shale gas or tight gas - is exactly the same. All projects are assessed on a site-by-site, project-by-project basis with regards to safety and the environment. The regulatory framework rests on five key principles:

1. Transparent, effective and risk-based regulation
2. Whole-of-government approach
3. Consistent State and Commonwealth Government objectives
4. Effective engagement with stakeholders, particularly local communities
5. Compliance and enforcement

DMP is the lead agency responsible for the regulation of petroleum activities in Western Australia. The key statutes, administered by DMP relating to shale and tight gas, are the Petroleum and Geothermal Energy Resources Act 1967, the Petroleum (Submerged Lands) Act 1982 and the Petroleum Pipelines Act 1969 and associated regulations. DMP's lead agency role is complemented by key regulatory processes undertaken by the Department of Water, as well as the Environmental Protection Authority (EPA) and Office of the Environmental Protection Authority (OEPA).

In order to explore for any petroleum resource, a company must apply for, and be granted, a petroleum exploration title over the relevant area of land, whether it be Crown land or private land. An exploration title can be granted after successful finalisation of native title access arrangements. The timeframe from the granting of an exploration permit to proving a resource and commencing production is extensive and can take anywhere from 5 to 10 years.

There is a common misconception in the community that private land owners have no rights to refuse fracking, however, the Department of Mines and Petroleum (DMP) released an open letter (refer publications) stating that "*petroleum companies are legally required to obtain consent from private land owners and occupiers before approval to undertake any activities on their land is granted*".

Response of Other Shires

Shire of Gingin

The Shire of Gingin has not adopted a position regarding fracking. However, the matter was raised at the Annual Electors Meeting in December, and as a result, the CEO will be preparing a report for Council over the coming months.

Shire of Dandaragan

The Shire of Dandaragan has not adopted a position regarding fracking. The Council's view is that this is not a matter for Council to decide on as it has no control over fracking, which is governed by the State Government (through the DMP). The Shire advises that it has had numerous delegations and representation regarding the issue, but to date, has maintained a consistent approach in dealing with the issue. The following link references a March 2016 media report which further explains Council's position:

<http://www.abc.net.au/news/2016-03-23/dandaragan-shire-takes-different-approach-to-fracking-concerns/7270542>

Shire of Coorow

At its Ordinary Council Meeting in September 2014, the Council resolved to adopt Policy Statement regarding Petroleum, Mining and Extractive Industries. Extracts are as follows:

Policy Statement. The Shire of Coorow supports the expansion of industry that helps deliver economic prosperity to its residents however, in providing this support Council supports every effort being undertaken to ensure that the initial assessment as well as compliance and monitoring of any activity is carried out at a level that protects the amenity of the natural and built environment and that of residents.

Council Position. Council does not support further petroleum resource development within the Shire (including exploration) which has not first undergone thorough and independent assessment of environmental, health, agricultural and socio-economic impacts (including cumulative impacts) by the Environmental Protection Authority, Department of Health and other relevant agencies.

The policy document lists a number of essential criteria / standards which would be applied to future exploration and production activities, including zero impact on groundwater resources and community consultation which demonstrates broad community support. The policy concludes by indicating that the Shire of Coorow is not willing to provide its support or assistance to proponents or other parties (including the State Government) who seek to undertake or promote petroleum activities within the Shire that do not meet these standards.

City of Swan

At its October 2016 Council Meeting, the City of Swan considered a Notice of Motion regarding Petroleum Exploration and Production Activities. The Officers Comment noted the following:

- Under the Petroleum and Geothermal Resources Act 1967, production and exploration activities are not exempt from the requirements of planning legislation. The City has a role as planning authority and can regulate activities within the Scheme area.
- Notwithstanding that the City has a role in the management of its Local Planning Scheme it is considered premature for the City to prepare appropriate Scheme Amendment to govern land use activity in the Swan Valley and its surrounds.

The Council resolved (in part) to:

Not support any form of unconventional gas mining including coal seam gas and fracking within the local government boundary due to the need to act with a precautionary approach to large residential populations, sensitive environments, water resources and horticultural land uses.

Shire of Mundaring

At its December 2016 Council Meeting, the Shire of Mundaring considered a report regarding Petroleum Exploration and Production Activities. The report notes:

- Given the environmental risks and community concerns about unconventional gas extraction it appears a precautionary approach would be appropriate by not allowing this industry within the Perth metropolitan area, and particularly within drinking water catchments.
- In the absence of a defined land use within Local Planning Scheme No. 4, unconventional gas extraction proposals on zoned land would be treated as a 'use not listed'. Certain exploration activities including clearing for exploration drilling would also constitute development and require planning approval as a 'use not listed'. Currently, if an application was received it would be referred to Council to consider whether the proposed 'use not listed' was consistent with the objectives of the zone.

The report made the recommendation:

- That council not support any form of unconventional gas mining including shale and tight gas fracking within the local government boundary due to the need to act with a precautionary approach to residential populations, sensitive natural environments, underground water resources and rural and horticultural land uses.

Publications

A number of useful State Government publications are available regarding unconventional gas exploration and production including:

1. DMP – The Facts about natural gas and fracture stimulation in Western Australia dated April 2016:

http://www.dmp.wa.gov.au/Documents/Petroleum/The_Facts_about_Fracking_Brochure.pdf

2. DMP - Open Letter to the Community re: South West Petroleum Exploration dated 21 June 2016:

<http://www.dmp.wa.gov.au/News/Open-letter-to-community-South-18890.aspx>

3. DMP – Shale and Tight Gas in Western Australia – An Overview of Western Australia's guide to the regulatory framework dated August 2016:

http://www.dmp.wa.gov.au/Documents/Petroleum/Shale_and_Tight_Gas_overview.pdf

4. EPA – Environmental Protection Bulletin No. 22 – Hydraulic fracturing for onshore natural gas from shale and tight rocks dated December 2014:

<http://edit.epa.wa.gov.au/EPADocLib/EPB22-Fracking-171214.pdf>

5. DMP - Map of Petroleum Exploration Titles in WA (Permits):

<http://www.dmp.wa.gov.au/Documents/Petroleum/PD-SBD-GEO-119D.pdf>