

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 9TH AUGUST 2005 AT 7:00 PM.

PRESENT:

Cr H A Zelones JP	Chair
Cr P J Hart	Deputy Chair
Cr J Everts	
Cr J Knezevich	
Cr C J MacDonald	
Cr R J Tizard	
Cr L Reynolds JP	

APOLOGIES: Nil

OBSERVERS: Cr G T Wallace (7.02pm to 8.05pm)

IN ATTENDANCE:

Mr I MacRae	Executive Director Development Services
Mr P Meyrick	Health Services Manager
Mr I Townson	Building Services Manager
Mr L Fouché	Planning Services Manager
Mr R Van Delft	Senior Environmental Planner
Mrs N Cranfield	Minute Secretary
Public	Nil

DISCLAIMER

As there were no public in attendance the Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman.

DECLARATION OF MEMBER'S INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

- ♦ *Deputation regarding Lot 53 Churchman Brook Road, Bedfordale was cancelled by the applicant, Greg Rowe & Associates.*

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 12th July 2005, were confirmed.

MOVED Cr Tizard
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.15/2005

The following items were included for information in the “Development Services Strategy section” –

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Health Services Manager’s Report for June 2005
- ◆ Planning Services Manager’s Report for June 2005
- ◆ Planning Applications Monthly Statistics – June 2005
- ◆ Town Planning Scheme No.2 – Amendment Action Table
- ◆ PAW Closure Report – Significant Actions during June 2005
- ◆ Compliance Officer’s Report for June 2005
- ◆ Submissions Prepared on State Govt Policies by the City of Armadale
- ◆ Building Services Manager’s Report & Building Statistics – June 2005

Committee noted the information and no additional items were raised for further report.

DEVELOPMENT SERVICES COMMITTEE

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***ANNUAL REPORT OF LOCAL GOVERNMENT TO THE EXECUTIVE DIRECTOR,
PUBLIC HEALTH***

WARD : ALL
FILE REF : HLT/1
DATE : 7 July 2005
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- Section 38 of the Health Act 1911 requires each local government to report annually to the Executive Director, Public Health (EDPH) on health conditions within its district.
- The EDPH has indicated that the report should be to the local government's approved Environmental Health Plan.
- Recommendation that Report prepared by HSM be endorsed by Council and forwarded to the EDPH.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

1. *Building Our Community*
 - ♦ Aim: to deliver a range of services to meet community needs;
 - ♦ Ongoing Service Delivery: the ongoing delivery of Health Services;
 - ♦ Initiatives Over the Next Five Years: Enhance public and environmental health outcomes by implementing the City's Environmental health Plan
2. *Developing Our Organisation*
 - ♦ Initiatives over the Next Five Years: Create a working environment characterised by teamwork, creativity and self-empowerment by reviewing service standards for all Council services, including individual team plans.

Legislation Implications

Report is required by Section 38 of the *Health Act 1911*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Reflects ongoing consultation throughout the year with the Department of Health and Environmental Health Officers, as well as summarising monthly reports to Council during that period.

BACKGROUND

The *Health Act 1911* requires local governments to provide an annual report to the Executive Director, Public Health in February each year on the health conditions within their districts.

The Executive Director determined some years ago, however, that a variation to that procedure would apply in the case of those local governments which have adopted approved Environmental Health Plans in that the reporting period should be the financial year, rather than the calendar year as previously.

A Report to the City's Environmental Health Plan, addressing all program areas, has been prepared and a copy is *at Attachment "A1" of the Minutes*.

COMMITTEE noted the comprehensive nature of the report and that it reflected the volume and quality of the work undertaken by the Health Department throughout the year, and felt that congratulations to all concerned was appropriate.

D103/8/05 RECOMMEND

That the Report to the City of Armadale's Environmental Health Plan for the Period 1 July 2004 to 30 June 2005, as presented at *Attachment "A1" to the Minutes*, be endorsed by Council and a copy be forwarded to the Executive Director, Public Health.

MOVED Cr MacDonald
MOTION CARRIED (7/0)

FUNDING – MIDGE TREATMENT – LAKE FORRESTDAL

WARD : LAKE
FILE REF : HLT/16
DATE : 2 August 2005
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- In 1990, there was agreement between the Minister for the Environment, the (then) Metropolitan Septage Treatment Plant Liaison Committee and Council that future costs of midge treatment of Lake Forrestdale be shared equally by CALM, the Committee and Council.
- With the demise of the Committee following closure of the LWTF in 2003, an amendment to the agreement is necessary.
- Recommend that a request be made to the Minister for the Environment, that future costs of midge treatment of Lake Forrestdale be split equally between CALM and the City.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan Vision: for the City to be a place combining city living with a beautiful bushland setting.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Based on experience over the past ten years, potential increased expenditure of between approximately \$500 and \$1000 per year.

Consultation

Nil

BACKGROUND

Until 1986, the City undertook larvicidal midge treatment of Lake Forrestdale during late spring and summer, as required, often at considerable expense (the 1986-7 Budget allocation, for instance, being \$10,000).

Following an incident that year, treatment by the City ceased but in the following years contributions of around \$8,000 per year were made to the Midge Research Program undertaken by Murdoch University, and, at least in 1989, Council also contributed \$10,000 to application of larvicide by the Department of Conservation and Land Management (CALM).

Budget provision of \$12,000 was made for a similar contribution in 1990, but because the lake dried quickly that year no treatment was necessary for the first time since 1975.

On 19th July 1990, the Minister for the Environment attended, by invitation, a Special Meeting of Council's Community Services Committee in order to discuss the ongoing midge problem. The Minister offered to bring onto a permanent footing the control of midges at Lake Forrestdale on the basis that:

- costs be shared equally by CALM, Council and, subject to its agreement, the (then) Metropolitan Septage Treatment Plant Liaison Committee (subsequently the Brookdale Plant Liaison Committee);
- Council manage the finances of the scheme;
- CALM be responsible for monitoring of the breeding and arranging treatment of the lake as necessary to obtain the best result for the minimum cost; and
- total costs to include a CALM management charge component.

That proposition was subsequently accepted by Council and the Metropolitan Septage Treatment Plant Liaison Committee.

COMMENT

The arrangement remained in place and worked well until 2003, but with the closure of the Liquid Waste Treatment Facility at the end of that year and consequent demise of the Brookdale Plant Liaison Committee, together with the fact that a wetter than average winter may again see treatment required this year, an amendment to the agreement is necessary.

ANALYSIS

Between 1991-2 and 2002-3 an annual allocation of \$9,000 was provided for midge treatment expenditure, with \$6,000 budgeted as income from CALM and the Brookdale Plant Liaison Committee. Only twice during that time has treatment (and hence expenditure) been necessary, the most recent being in 2000-2001, because in most years prevailing climatic conditions minimised or prevented midge breeding.

Although on both of those occasions total cost has been around \$15,000 (the City's share being about \$5,000), in keeping with the 15 Year Plan approach, only \$6,000 was budgeted for 2004-5, with a similar amount in the current draft budget. This reflects an estimated (conservative) average per year, taking into account the possibility of 50% of years having weather conditions conducive to breeding in such numbers as to warrant treatment.

OPTIONS

1. Council continue to accept a one third contribution from CALM (which will be largely "in kind") in the event of future treatments, meeting the other two thirds of the cost itself.
2. Approach the Minister for the Environment requesting that, in view of demise of the Brookdale Plant Liaison Committee, future costs of midge treatment of Lake Forrestdale be split equally between CALM and the City.
3. Approach the Minister for the Environment requesting that, in view of demise of the Brookdale Plant Liaison Committee, future costs of midge treatment of Lake Forrestdale be met two thirds by CALM and one third by the City.

CONCLUSION

Whichever option is taken, the amount of additional expenditure by either party, based on recent experience, is not great. Option 2 is seen as the most equitable, most closely in keeping with the agreement reached in 1990 and the more likely (of the two options involving an approach to the Minister) to receive an undisputed positive response and is therefore recommended.

D104/8/05 **RECOMMEND**

That a letter be forwarded to the Minister for the Environment, requesting that, in view of demise of the Brookdale Plant Liaison Committee, future costs of midge treatment of Lake Forrestdale be split equally between CALM and the City.

MOVED Cr Reynolds
MOTION CARRIED (7/0)

NEW PUBLIC HEALTH ACT – DISCUSSION PAPER

WARD : ALL
FILE REF : HLT/1
DATE : 1 August 2005
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- A discussion paper on a new Public Health Act for Western Australia has been released for public comment.
- Comment is offered on the various proposals and ideas canvassed within the paper.
- Recommend that a response consistent with the report be forwarded to the Department of Health.

Tabled Items

Nil.

Officer Interest Declaration

Nil, but it should be noted that the Health Services Manager sits (as a local government representative) on the Local Health Authorities' Analytical Committee (a statutory Committee formed under the provisions of the *Health Act 1911*) and the WA Environmental Health Officers' Professional Review Board. Neither position involves any remuneration or other pecuniary interest, but both are subject of consideration within the Discussion Paper.

He could also potentially be affected by any alteration to the status of the Executive Director, Public Health with respect to the appointment and dismissal of environmental health officers.

Strategic Implications

The Health Act underpins the *City of Armadale Environmental Health Plan 2003 – 2008*, which is an integral part of Council's Strategic Plan.

Legislation Implications

Proposed replacement of the *Health Act 1911*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Consideration of this Discussion Paper forms part of the public consultation process.

BACKGROUND

It has long been recognized that the *Health Act 1911* is outdated and can no longer provide adequate responses to new and emerging environmental health problems or to new threats from public health emergencies, possible epidemics or bioterrorism.

Added to this, the Act and most of its attendant regulatory framework are relatively inflexible, unlike newer models of legislation that support and augment contemporary public health practice throughout much of the western world.

The Department of Health has for several years indicated its intent to draft a new Public Health Act to be considered by the Minister for presentation to Parliament. A Discussion Paper (the paper) entitled “*A New Public Health Act for Western Australia*” has now been released for public comment.

The paper broadly suggests that new legislation in Western Australia might adopt some key ideas that are current in public health thinking and practice in other states and territories of Australia, in New Zealand and in other comparable jurisdictions.

COMMENT

The paper runs to some 90 pages and seeks responses from interested parties to a number of specific questions.

In brief, it describes in some detail the history of the *Health Act 1911*, and reveals how it operates with a view of health that is now regarded as very narrow. By contrast, the World Health Organisation offers a wide view of health encompassing “physical, mental and social wellbeing” as well as disease and infirmity, this now being seen as a standard definition of the term. The challenge for public health legislation is to apply these broad ideas within a coherent and workable legislative framework.

Two key ideas emerging are recognition that:

- ◆ a range of activities and decisions impact on the public’s health and that should be reflected in decision making by other agencies applying legislation that is not regarded as public health legislation; and
- ◆ decision making under health legislation also needs to reflect the fact that the term “public health” is broad, adding to the biological aspect of public health questions of wellbeing and social issues that impact on health, while recognising that these “new” dimensions must fit within a workable model of public health regulation.

The paper identifies as its core principal the need for change and chooses as the centrepiece of this approach a proposed statutory duty, incumbent on all persons, to conduct all of their activities in a way that does not cause risk to the health of others.

Key priorities are identified as:

- ◆ the protection of public health from adverse risks; and
- ◆ the laying of a foundation to address the major causes of population ill health today, namely lifestyle factors such as poor diets, unhealthy consumption patterns, smoking, preventable injuries and inadequate physical activity.

It is proposed that a new Health Act would reflect modern approaches by incorporating a set of objectives which would establish the extent and limits of public health responsibilities such as those involved in infectious disease control and public health emergencies.

Another marked departure from past practice is the proposal that the Act bind the Crown. This has been a long-standing issue in Western Australia (the Crown being bound by only the food provisions of the Act) and has caused local government some difficulty dealing with land or buildings managed by government agencies. It is argued that the tradition of exempting the Crown or its agencies from the operation of its own legislation is no longer tenable.

Perceived needs of various interest groups are recognised, including the needs of:

- ◆ local government, as the tier of government closest to the community and a key partner and protector of public health, for effective and flexible mechanisms to undertake its role and to respond to community needs;
- ◆ the State Government for a more flexible, risk-management-based Act that will enable the Minister and Government to effectively respond to emerging health risks, public health emergencies, and the prevention of disease;
- ◆ public health professionals and health officials for a modern, flexible risk-based Act as it is their primary means of adequately protecting and promoting the health of Western Australians; and
- ◆ the community for effective legislation that adequately protects public health and safety; is contemporary, relevant and represents best practice in comparable communities worldwide, because people value their individual and community health above most other priorities.

The paper proposes concepts and strategies which seek to address and meet these needs and deliver the desired health outcomes for Western Australia. It argues that emergency powers provisions designed specifically to combat outbreaks such as influenza and tuberculosis are no longer relevant to today's issues which include disasters and the threat of bioterrorism, and suggests that certain elements of the emergency powers provisions should be reconsidered and that there should be a lesser power to deal with serious incidents not as dire as a public health emergency.

It states that the current treatment burdens on the health system as a result of unhealthy lifestyle and consumption behaviours are simply not sustainable, the prevention of modern chronic lifestyle based causes of disease needs to be addressed if we are to achieve a sustainable healthy community, and that a new Public Health Act is one of many responses needed to achieve this outcome.

The paper puts forward a model framework for a new Health Act and concludes with a brief section on transitional arrangements.

ANALYSIS

The questions to which responses are sought and some discussion on each are set out below.

1. Should the remit of a new Health Act be extended beyond its traditional focus of “nuisance and sanitation” and the containment of infectious diseases to include health in its wider context, recognising perspectives such as those offered by the Ottawa Charter? If so, how should a new Health Act formally support this widened idea of health?

The Ottawa Charter has its origin in the First International Conference on Health Promotion, held in Ottawa, Canada in November 1986. Essentially, it is based on principles including that:

- prerequisites for health are peace, shelter, education, food, income, a stable ecosystem, sustainable resources, social justice and equity;
- prospects for health cannot be ensured by the health sector alone and coordinated action by all community sectors is essential;
- strategies and programs should be adapted to local needs and take into account differing social, cultural and economic systems;
- health promotion goes beyond health care and puts health on the agenda of policy-makers in all sectors and at all levels;
- health promotion policy requires:
 - the identification of obstacles to the adoption of healthy public policies in non-health sectors and ways of removing them, so that the healthier choice becomes the easier choice for policy-makers;
 - coordinated action that leads to health, income and social policies that foster greater equity; and
 - diverse approaches including legislation, fiscal measures, taxation and organizational change that will lead to safer and healthier goods and services, healthier public services, and cleaner, more enjoyable environments;
- the way society organizes work should help create a healthy society;
- systematic assessment of the health impact of a rapidly changing environment is essential and must be followed by action to ensure positive benefit to the health of the public;
- effective community action towards better health requires full and continuous access to information and learning opportunities; and
- people need to be able to learn throughout life, to prepare themselves for all of its stages and to cope with chronic illness and injuries.

The Conference pledged to:

- ♦ move into the arena of healthy public policy, and to advocate a clear political commitment to health and equity in all sectors;
- ♦ counteract the pressures towards harmful products, resource depletion, unhealthy living conditions and environments, and bad nutrition;
- ♦ focus attention on public health issues such as pollution, occupational hazards, housing and settlements;
- ♦ respond to the health gap within and between societies, and to tackle the inequities in health produced by the rules and practices of these societies;
- ♦ acknowledge people as the main health resource, to support and enable them to keep themselves, their families and friends healthy through financial and other means;
- ♦ accept the community as the essential voice in matters of its health, living conditions and wellbeing;
- ♦ reorient health services and their resources towards the promotion of health;
- ♦ share power with other sectors, other disciplines and most importantly with people themselves;
- ♦ recognize health and its maintenance as a major social investment and challenge; and
- ♦ address the overall ecological issue of our ways of living.

Pragmatically, while the ideals espoused are commendable, it is considered that in general they are more useful as principles underpinning government's legislative direction and as a model for the development of "whole of government" policy than to incorporation within a specific Act of Parliament.

2. The Discussion Paper envisages that the current dual responsibility for public health in Western Australia vested in local government and the state government will continue. Do you agree with this proposition?

The paper sees the partnership between local government and the state government in the administration of public health, established with the first Australian public health laws over 150 years ago, as continuing.

It is considered that the Western Australian administrative structure has worked particularly well and effectively, and its continuation is supported.

3. Should the public health powers, functions and responsibilities of local government be spelt out in a new Health Act in more detail than currently exists? If so, what should they be?

The contention within the paper that Western Australia does not have a clear statement of roles and functions for local government under the Health Act is not supported. Section 26 states: "*Every local government is hereby authorized and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made there under---*" and various sections of the Act outline specific local government responsibilities in greater detail.

Nonetheless, there would be some benefit in a more concise statement of responsibility/function (similar to that in the *Local Government Act 1995*). The paper cites instances, in other jurisdictions, where the role of local government in the area of public health is defined in different ways.

The Tasmanian *Public Health Act 1997* states that a Local government within its municipal area must:

- ♦ *develop and implement strategies to promote and improve public health;*
- ♦ *ensure that the provisions of this Act are complied with;*
- ♦ *carry out any other function for the purpose of this Act the Minister or the Director determines; and*
- ♦ *carry out any function under this Act in accordance with any relevant guidelines.*

An approach similar to that is supported.

4. Should the powers and responsibilities of the state (through the Minister or other central statutory office holders) be spelt out in a new Health Act in more detail than currently exists? In particular:

4.1 Should the Act clearly make the Minister responsible for the general administration and operation of the Act?

4.2 Should those responsibilities be spelt out in more detail than currently exists under section 7 of the *Health Act 1911*?

4.3 Should the Minister's powers be constrained in any way to reinforce the independence of any other authority or statutory office holder specified in the Act?

4.4 Should any direction given by the Minister to a statutory office holder be required to be in writing and/or subject to inclusion in the Health Department's Annual Report to Parliament?

State responsibility for the administration of the *Health Act 1911* is established by section 7 which provides that "the general administration of this Act shall be under the control of a Minister of the Crown." This raises the issue of whether or not the Minister should have a direct and ongoing role in the administration of the Health Act, or should his or her responsibility be for its general administration.

Where an independent entity such as an authority or a statutory office holder (eg: in the case of the *Health Act 1911*, the Executive Director, Public Health) also exists in legislation, the relationship between the Minister and that entity needs to be considered. The current position is that section 39 of the Act provides the Minister with a power to override any statutory decision of the Executive Director. Further, the appointment to the position is made by the Minister and the Minister always retains responsibility for the overall operation of the Act and the work of state government officials.

The Paper investigates a number of possible models. It notes that the *Environmental Protection Act 1986* specifically prohibits any power of direction, with the Minister's powers being limited to the roles for which they are explicitly given. Section 8 of that Act says:

“Subject to this Act, neither —
 (a) the Authority; nor
 (b) the Chairman
shall be subject to the direction of the Minister.”

With respect to the specifying of Ministerial responsibility in more detail the South Australian *Public and Environmental Health Act 1987* provides, at section 12A:

“(1) It is the duty of the Minister
 (a) to promote proper standards of public and environmental health in the State generally
 (b) without derogating from the powers of a local government under this Act (but subject to this section), to take adequate measures to ensure that the provisions of this Act are observed within the State.”

Given the recommendations relating to the position of Executive Director, Public Health, later in this report, it is considered that the responsibilities of the Minister should be specified in a manner similar to that in South Australian Act, but that the relationship to the Executive Director should be constrained similarly to that between the Minister for the Environment and the Environmental Protection Authority under the *WA Environmental Protection Act 1986*.

5 Should there be a formal process in a new Health Act for having the Executive Director, Public Health assume the public health responsibilities of a local government when exceptional circumstances require it? And, if so, should there be a formal process or inquiry prior to that occurring?

The paper addresses the situation whereby a local government is unable or unwilling to undertake its statutory roles and draws attention to the current provisions in the *Health Act 1911* which allow the Minister and the Executive Director, Public Health to make appointments and exercise powers if a local government fails to do so.

These powers of the Executive Director have been used rarely in WA, and when they have been exercised (within memory) it has been for good reason and there has been considerable judgement in the extent to which they have been applied. There can be little doubt that, with neglect of public health issues by a local government having the potential to affect the whole state (or nation), and in some cases very quickly, some form of overriding power is essential. For that reason, the continuation of the ability of the Executive Director, Public Health to assume the public health responsibilities of a local government is supported.

A formal process prior to that occurring is seen as appropriate, with the proviso that, in an emergency, there is the capacity to bypass that process.

- 6 Given that the Crown and its instrumentalities and agencies will be bound by a new Health Act, is there value in incorporating a public health equivalent of the staged environment improvement plans for areas, particularly remote areas or premises in remote areas, that cannot immediately comply with the requirements of new public health legislation?**

The paper argues that good public policy should require the Crown to be bound by its legislation – that is, that the state government and its instrumentalities ought to be subject to the same legislation that affects ordinary citizens.

Once that premise is accepted, it follows that some aspects of the activities of government agencies, which for many years have operated outside of the requirements of the Health Act, will need some time to come into compliance. In that context, a concept similar to an “environment improvement plan” is supported.

- 7 Is there value in a new Health Act defining either ‘health’ or ‘public health’ and if so, what ideas would it include and how, if at all, might it advance the administration of the Act?**

It is difficult to see how some of the definitions of either “health” or “public health” canvassed by the paper (particularly some of the more idealistic notions captured within the Ottawa Charter), might fit within a statutory Act, or, for that matter, advance its cause. If a definition is to be included that, used within the ACT Public Health Act 1997 (the only such Act in Australia to include such a definition), is succinct and as suitable as any. It defines “public health” as: –

*“(a) the health of individuals in the context of the wider health of the community; or
(b) the organised response by society to protect and promote health and prevent illness, injury and disability.”*

- 8 Should a set of objects be placed in a new Health Act and, if so, what should they contain?**

Objectives are rarely found in public health legislation but are common in other Acts. They tend to set the tone for the administration of legislation and can provide the terms of reference for those administering it. There is a case for the new Act to incorporate a set of objectives that will direct it. The following is suggested:

To establish responsibility for the administration of the powers in this Act between the state and local governments for the purpose of ensuring that the health of persons in Western Australia is safeguarded and improved and in particular:

- ◆ *to protect persons from risks to health and to provide insofar as is reasonably practicable a healthy environment for all Western Australians;*
- ◆ *to adopt a precautionary approach in the administration of public health powers and responsibilities under this Act;*

- ♦ *to monitor specified communicable diseases and protect persons from the threat of those diseases and from public health threats generally; and*
- ♦ *to support programs and strategies designed to reduce the burden of communicable and non-communicable disease among Western Australians.*

Other options suggested in the paper seem more suited as general principles to direct government policy and law making at large.

9 Should the powers and duties of the principal public health office holder be spelt out (as in some other jurisdictions) in a general section of a new Health Act? Comment is also sought on the following options:

9.1 The principal statutory office holder under a new Health Act should be the Commissioner of Health or the Director General of the Health Department.

9.2 The principal statutory office holder under a new Health Act should be the person responsible for the day-to-day operation of the functions of the Department of Health, who may or may not be a registered medical practitioner.

9.3 The principal statutory office holder under a new Health Act should continue to be the Executive Director, Public Health, a person who must be a registered medical practitioner to undertake statutory decisions and functions, with a person responsible for administering the policy and management functions of the Department potentially being a separate person.

Until 1984, the principal statutory office holder under the Health Act was the Commissioner of Public Health. Amendments to the Act following a restructure within the (then) Public Health Department at that time saw the principal statutory position become Executive Director, Public Health (a medical practitioner) with this role being separate from the broader administration, policy and management functions of the Department.

This arrangement has worked particularly well, with the Executive Director developing a close understanding of local government issues through a personal working relationship with many Principal Environmental Health Officers.

It is difficult to see what value there may be in change, and so the third option is preferred.

10 Should a new Health Act incorporate statutory committees and, if so, which areas of its operation would be enhanced by the creation of a committee?

11 Should committees undertake only advisory functions?

12 Should there be a general power to create committees or should they specifically be named in a new Health Act?

The *Health Act 1911* has a number of committees (some with advisory and others with administrative or investigatory functions) dealing with particular aspects of the operation of the Act.

Most of these committees deal with areas that will not be part of a new Health Act. In areas where a new Act might apply, however, there is an argument for community and expert (such as the specified qualifications of medical practitioners, environmental health officers etc) involvement to allow for community and professional input into the process and for a range of voices to advise and contribute to the operation of the Act and the wider policy questions.

While there may be some benefit, in terms of transparency, in incorporation of purpose specific statutory committees in the new Act, the interests of flexibility are probably best served by a general power to create committees with only advisory functions.

13 Should a new Health Act provide for a planning process at the local government level? And, if so, how might it work and what might it achieve?

This question is interesting, given that the justification for the introduction of the practices of preparation of, and reporting to, Environmental Health Plans by local government in 1998 was that this would be a requirement within the new Act.

What is missing from the current arrangement is a truly coordinated approach to environmental health through federal, state and local government.

In 1999, the then Federal Minister for Health released the National Environmental Health Council's *National Environmental Health Strategy*. This was followed in 2000 by the *National Environmental Health Strategy Implementation Plan*. Unfortunately, the Strategy is not truly a strategy at all, but rather a summary of the *status quo*, identification of weaknesses, a collection of case studies and a summary of improvements that need to be made. Similarly, the Implementation Plan identifies challenges, needs and responsibilities but does not set out a detailed plan or time frame for the undertaking of any specific activity.

Together, however, they provide an excellent basis for good, coordinated public health planning. It is considered that the best approach to this would be for the WA Department of Health to use the Strategy and Implementation documents as the basis for its five year business or activity plan. That would include "trickle down" and complementary responsibilities for local government (derived from the Strategy, the Implementation Plan and the Act) that would then form the framework for all local governments' health planning.

This would supplement the regulatory system with a flexible, proactive and productive health planning approach.

- 14 **Is the current method as provided for in the *Health Act 1911* of specifying the qualifications of, and appointing, environmental health officers acceptable?**
- 15 **Should there be changes to either of these?**
- 16 **Is there a case for supervisory powers of the EDPH in relation to the appointment of environmental health officers and/or authorised officers?**
- 17 **By what process should environmental health officers or authorised persons be qualified and appointed?**
- 18 **Is there a need to continue the Environmental Health Officers Professional Review Board, and if so, should it be given statutory powers?**
- 19 **Should a new Health Act contain a provision for authorised officers that accommodates changing workforce issues balanced with the professional competencies required to adequately protect public health and discharge the duties of the Act and subsidiary legislation? If so, how might this be achieved?**

Section 27 of the *Health Act 1911* requires local governments to appoint such environmental health officers as may be deemed necessary by the Executive Director, Public Health. The Act also specifies that only properly qualified persons can be appointed and provides the Executive Director with extensive powers of oversight in relation to the appointment process, in particular the ability to veto the appointment or to prevent the sacking of an environmental health officer (the Act requiring every such appointment, reduction of remuneration or removal from office of an environmental health officer to be subject to his or her approval).

This extensive oversight over the appointment of environmental health officers may be seen as an interference with local government functions without any demonstrable public health benefit. The provisions certainly date back to the inception of the Act and to a large extent exist because of conditions that were different from those today.

The Executive Director has, however, recently gone to some lengths to make the point that the powers have been, and would be exercised only in a public health context. A circular to local government considered by Council at its meeting of 18th October last year made this point: “*Section 32(4) --- is confined to the protection of public health and the freedom of environmental health officers to carry out their statutory responsibilities without interference or undue influence. This provision does not protect an incompetent or unsuitable officer. The protection will not extend, however, to disciplinary procedures by a local government that relate to a general employment matter and not a public health issue.*”

With respect to appointments, the Executive Director has for many years been advised on appropriate qualifications by the Environmental Health Officers Professional Review Board (upon which the Health Services Manager sits as the WA Local Government Association's representative). The Board is also involved in professional practice issues, offers a view on and the skills and experience considered acceptable for various positions and deals with complaints and disciplinary matters. The Board has no statutory status, and to that extent it is surprising that the need for its continuation or otherwise has been canvassed within the paper.

Recently the process of consideration of appropriate qualifications has been updated by publication in the Government Gazette on 26th July of the Executive Director's *Environmental Health Officers Qualifications for Appointment Notice* under section 31 of the Act. This lists the qualifications from institutions world wide that are deemed by the Executive Director as suitable for appointment in WA. Individual consideration need be given only to qualifications from institutions not listed.

The existing system, by and large, is considered to have served Western Australia well, and any potential interference with local government functions is perceived rather than real. It does offer a degree of confidence to officers (particularly to younger sole operators in some of the more isolated areas) that they are afforded a degree of protection in carrying out their duties, which, while sometimes not popular, are at times vital to the broader community interest.

It is suggested, however, that rather than seek approval for each appointment, which inevitably delays the formal appointment process, that local governments be free to appoint any officer satisfying the requirements of the Qualifications for Appointment Notice, but that they be required to notify the Executive Director, who may have the power to veto that appointment should there be proper reason for doing so (eg: known criminal record, incompetence or unethical behaviour).

The Act empowers environmental health officers to undertake many specified functions, provides for statutory immunities and, most importantly, invests environmental health officers with the powers to conduct investigations and obtain evidence necessary for the enforcement of the Act. The paper discusses the desirability of a new Act containing a mechanism to approve the appointment a class of authorised officers with statutory powers who are able to exercise them at a state or at a local government level.

Some activities traditionally undertaken by environmental health officers can and are being done successfully by other types of officers - often under the supervision of environmental health officers. The City itself has at times employed environmental health students in a relief capacity, and has been a little limited because of the inability to authorise such officers for performance of any specific function.

The introduction of a confined and (often) supervised set of responsibilities under the legislation would enhance efficiencies and provide flexibility without compromising public health and safety.

20 Should the appointment of a Medical Officer of Health continue as a statutory requirement in a new Health Act?

The Medical Officer of Health is a long-standing statutory position in public health legislation, dating back to Victorian Britain. The City has not employed a Medical Officer for five years.

Today's public health circumstances are very different from those of the 19th century, and medical practitioners with an interest in public health, as well as a range of public health specialists employed by the WA Department of Health and other government agencies, can be (and are) called upon when required.

No advantage is seen in the Medical Officer of Health continuing as a statutory position under the Act.

21 Should a new Health Act allow for cost recovery in respect of orders and other statutory functions or actions that might lead up to them such as inspections? Alternatively, are the provisions of section 6.16 of the Local Government Act 1995 and section 344C of the Health Act 1911 to impose fees and charges sufficient to deal with this issue?

Generally speaking, it is suggested that cost recovery in respect of orders and other statutory functions is probably appropriate only in circumstances of intransigence, and on those occasions would probably be more appropriately recovered in terms of penalty than an account for services.

That having been said, it is arguable that the *Local Government Act 1995* alone provides sufficient powers relating to imposition of fees and charges and there is no need for a separate provision in the Health Act.

22 Should a new statutory duty to protect public health replace the 'nuisance' provision as the general remedy for a new Health Act?

23 Should a new statutory duty to protect public health impose positive obligations?

24 What should a new statutory duty to protect public health extend to and how should it be expressed?

25 Should a new Health Act allow for the issuing of guidelines or other advisory documents which are not mandatory but designed to assist persons to discharge their statutory duty of care?

26 Should a new Health Act allow for the prescribing of specific activities to which the statutory duty applies?

27 Are there aspects of the nuisance power that are important for public health but which are not covered by the proposed duty?

The paper suggests the statutory duty may be expressed in a manner similar to “A person must not undertake any activity that may result in harm to health unless the person takes all reasonable and practical measures to eliminate the possibility of that harm”, which is an approach similar to that used in Environmental Protection legislation. This is considered sound if supported by adequate guidelines or other advisory documents designed to assist persons to discharge their duty.

Provision of a power to allow specified circumstances to be declared to be a risk to health is also discussed. This power could be used to deal with a number of specific situations which, in effect, impose a positive duty. For example, a risk to health could be defined to include situations where the owner or occupier of premises allows them to reach a state where they might present a serious risk of infestation by rats. This, in effect, imposes a positive duty on persons to ensure that their premises are not allowed to deteriorate to such a point that they may present a risk.

The general thrust of these proposals is supported. There are no evident aspects of the nuisance power that are important for public health but which are not covered by the proposed duty.

28 Should the abatement power allow a range of possible uses (as specified in the Paper)?

29 When should the abatement power be exercisable by the local Environmental Health Officer and when should it be exercisable by the local government authority?

30 Are the supporting provisions in the *Health Act 1911*, relating to dealing with nuisance and costs, adequate or should they be strengthened in a new Health Act?

The new statutory duty would need to be accompanied by an abatement power, giving the local government or an environmental health officer the power to order the person responsible for the breach, or likely to be in breach of their duty of care, to take the measures specified in the order and within a specified time.

The scope of an abatement order should allow for a range of options and possibilities and must be sufficiently versatile to allow orders that are relevant and necessary to the range of areas that might be brought under it through public health policies. In particular, the abatement power should allow orders requiring occupiers or owners of land to:

- ♦ remove or remediate specified risks to health or to deal with or manage risks to health in specified ways;
- ♦ allow for orders to cease activities, to close or clean up or restrict the use of premises where this is necessary to avert a risk to health (for example the closure of a water supply that may pose a risk to health);

- ♦ require persons to undertake specific action if this is necessary to avert or manage a risk to health;
- ♦ oblige persons to comply with specified requirements where this is necessary to avert or manage a risk to health (for example, in the case of the manufacturer or installer of waste water systems, in order to ensure that the system operates effectively).

Generally, the abatement power should be exercisable by an environmental health officer when urgent action is needed to address a threat to human health or prevent situations that pose a threat to human health public (bearing in mind that environmental health officers can often identify an emerging risk before it fully impacts on health (ie gradual decline in food premises resulting in an increased risk of food poisoning).

Whether the local government or an environmental health officer issues the notice is less critical if there are, as is the case with the current Act, adequate powers for the local government to delegate exercise of its responsibilities to an appropriate person (eg: the Principal Environmental Health Officer) since in that circumstance fulfilment of the local government's role can be expedited.

- 31 Should there be an offence of causing a risk to health? And, if so, should it differentiate between a “material risk to health” and a “serious risk to health”?**
- 32 Should there be a defence?**
- 33 Should sentencing principles be part of a new Health Act and, if so, what should they be?**

The paper notes that public health legislation has rarely contained substantial offences. Although the maximum penalty provided within the Act is \$15,000, for the most part a maximum of \$5,000 is set, with most offenders being fined far less than the maximum.

While the test of good and effective legislation is not the size of the penalty but rather the extent to which people comply with it, penalties are significant since they are part of the mechanism to ensure compliance. In particular cases, the community will expect appropriate penalties to be available so that the “penalty fits the crime.” There is no doubt most people would feel that a person or a company whose activities have substantially placed the health of other persons at risk should stand to be fined more than a maximum of \$5,000.

The paper proposes a penalty system similar to that within the *Environmental Protection Act 1986*, which has “tiered” penalties, with the most serious offences attracting fines of up to \$500,000 or 5 years imprisonment, those being for persons who “intentionally or with criminal negligence” cause pollution or serious environmental harm.

Broadly, the proposition is that a person committing an action causing a *material risk to health* would be guilty of an offence. Where that action was knowingly or recklessly, committed, with the knowledge that the risk would occur – a higher (Tier 1) penalty would apply, and in any other case – a lower (Tier 2) penalty would apply.

Similarly, a person who committed an action that caused a *serious risk to health* would be guilty of an offence, with a Tier 1 penalty applying if the action occurred knowingly or recklessly, with the knowledge that the risk would occur, and a Tier 2 penalty applying in any other case.

Offences structured in this way inherently create a defence or an opportunity for a lesser offence to be proved, and the approach is supported.

34 Should the new Health Act contain provision for Public Health Policies? If so, what formal process would you envisage in order to develop a Public Health Policy?

The *Health Act 1911* has approximately 50 sets of regulations dealing with a range of particular issues. Many of these can be repealed and many tend to reflect the language and concerns of earlier times. The paper suggests that many can be upgraded and converted into public health policies which will contain detailed provisions that might be required for specific areas of public health regulation.

While the areas covered by policies could also be dealt with by regulations, policies are a relatively new way of providing controls and standards that are subordinate to the parent Act. They also differ from regulations insofar as the Act prescribes a process of community consultation. They are now used extensively.

It is envisaged that regulations would remain important in a new Health Act as they meet the needs that are traditionally met by regulations, such as setting fees and prescribing specific actions that the Act requires to make it fully operational. Policies are generally broader than regulations and tend to pick up whole substantive areas of concern and use the general principles of the Act as a framework to establish the legal requirements in a particular area. Policies proposed under a new Health Act will fit within the Act and apply its general principles, establishing substantive requirements and integrating them with key components of the Act such as the statutory duty and the general offence.

The approach is supported in principle.

35 Do you agree with the concept of licensing as a mechanism to protect public health from specific risks and, if not, why not?

36 If yes, what options and possible arrangements do you see by which licensing could possibly support the protection of public health?

37 Should the specific licensing and registration provisions currently in the Health Act 1911 be replaced in a new Health Act with a power vested in the Minister to declare that specified activities that present a risk to public health should require a licence or registration?

38 Should there be the potential for licensing at either/both state and local government level?

Licensing or registration currently exists in the *Health Act 1911* for a series of specific places, products and activities regulated under the Act. These include lodging houses, eating houses, offensive trades, pesticides and the manufacture of therapeutic substances. The licensing requirement in a new Health Act would likely apply more generally to “any activity which is declared to present a health risk” rather than in the specific ways it applies at present.

The value of the licence is that it can be used in specific cases (eg: suppliers of drinking water) and can impose site-specific conditions and requirements that are tailored to the activity that is being controlled. It could also specify who needs to be licensed or whose premises or equipment needs to be registered and allow certain categories of persons undertaking the activity not to be required to hold a licence or to be exempt from registration. It could also deem people who have licences under other legislation to be licensed under the new Health Act in order to minimise the paperwork burden.

Generally, licensing is seen as an effective means of imposition of business specific health conditions of operation, and the approach suggested in the paper is supported.

39 Should local governments continue to make and administer local laws under a new Health Act?

40 Should either the Minister or the Executive Director, Public Health retain their existing control over the making and repeal of local laws?

41 Should a new Health Act allow for regulations that apply only to particular local governments?

Local laws, or laws specific to local government areas, are permitted under the *Health Act 1911* and are regarded as part of the Act overall. The Executive Director, Public Health must consent to any law being made, and can also require that a local government make a local law.

The *Local Government Act 1995* also provides powers to make local laws, and local laws made under the Health Act are tied back to the Local Government Act by sections 3.11 – 3.17.

Local laws allow a comprehensive body of public health controls within each local government area and, in practice, extensive sets of laws have been created. The *City of Armadale Health Local Laws 2002* run to 133 clauses, covering sanitation, bathrooms, laundries, kitchens, dwelling houses, ventilation, water supply, morgues, liquid refuse, disposal of refuse, butchers’ waste, nuisances, ventilation and so forth.

With the exception of those local laws relating to refuse collection and disposal, which contain detailed provisions specific to the City's conditions, it is arguable that, in the interest of state wide uniformity, most of these matters should be covered by regulation or public health policy. The bulk of local area specific material was transferred to the City's Environment, Animals and Nuisance Local Laws in 2002.

With respect to refuse collection, it is unlikely that the head of power governing this area will reside in the new Act (with refuse disposal increasingly being controlled by the *Environmental Protection Act 1986*) and in any event, given the linkage mentioned above, there seems no reason why the City's needs could not be covered by local laws made under the *Local Government Act 1995*.

It is considered, therefore, that the new Act should aim for all detailed provisions to be contained within regulations or public health policies, provided that regulations that apply only to particular local governments may be made.

- 42 In what way should a new Health Act help implement health impact assessments?**
- 43 Is there a case for an independent inquiry power in a new Health Act?**
- 44 Should the power to initiate an inquiry lie with the Minister or the Executive Director, Public Health or both?**

Public health concerns, environmental protection concerns and planning concerns cannot be separated. The assessment of new developments needs to take into account the risks that may be posed to persons exposed to the environmental effects of the development as much as those environmental effects themselves.

Health impact assessment is essentially a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population (WHO Gothenburg Declaration 1999).

The paper suggests that a new Health Act could contain an inquiry power whereby the Minister or the Executive Director, Public Health could initiate an inquiry into any issue relating to public health or an activity or proposed activity that may constitute a risk to public health. The Executive Director would have broad powers to make findings on any issue relevant to the possible risk. The resulting report would be given to the Minister and then be tabled in Parliament within a specified period as a public document.

This model is supported.

45 Do you think that a new Health Act can integrate with, support and advance the state's sustainability strategy? And, if so, in what way might it do this?

The paper argues that people form an integral part of the Earth's ecosystem and that their health is fundamentally interlinked with the total environment. Good public health policy, therefore, must make sustainability its key objective, because the hazards of living on a planet that cannot sustain our lifestyles will rival all of the public health problems of earlier generations.

Western Australia has prepared a detailed strategy and a proposed *Sustainability Bill* which offers a broad and comprehensive definition of sustainability, the key ideas being separated into foundation principles.

A more flexible and generic Health Act with wide objectives and principles will be better able to deal with the new public health threats of an unsustainable world. It proposes that the Act may:

- ♦ offer a broad definition of health including the social aspects;
- ♦ incorporate objects of the legislation that are wide enough to encompass future risks to health;
- ♦ offer broadly-based responses based on the general idea of a risk to health;
- ♦ ensure that the statutory public health officer is empowered to make statements about public health and emerging public health problems;
- ♦ emphasise more widely the links between public health and other areas of social regulation and sustainability;
- ♦ encourage the voices of communities, for example in the development of Public Health Policies;
- ♦ provide for reporting and planning mechanisms that emphasise accountability and community participation; and
- ♦ ensure that public health requirements do not unnecessarily impede sustainability strategies and that when public health decisions are made, the decision maker has regard to the bigger sustainability picture as well as more immediate questions.

As discussed earlier in dealing with the Ottawa Charter reference, while the ideals espoused may very well be used to underpin government's legislative direction, it is not easy to see how they could be enshrined in any form of statutory framework and doubtful whether it is appropriate that they be. There is nonetheless little doubt that, wherever possible, the Act needs to consider health in its wider context.

- 46** Should there be over-arching principles under which the disease and emergency powers provision of a new Health Act operate? And, if so, should they be based on the general idea of proportionality?
- 47** Should there be a statement of rights and responsibilities in relation to communicable diseases in a new Health Act? And, if so, how should it be set out?
- 48** Should notification of notifiable diseases follow the model discussed in the Paper? If not, what variations to the model would you suggest?
- 49** Should the framework envisaged here, notably the staged process of examination, counselling, order making and detention or isolation –together with the ancillary powers –be implemented in a new Health Act?
- 50** If not, what model would you consider desirable or what variations to the particular issues set out above would you recommend?

The *Health Act 1911* deals with communicable disease today in much the same way as it did when the provisions were first introduced into the Act almost a century ago.

The paper rightly says reform of the communicable disease provisions is long overdue and discusses models that might guide reform, including:

- ♦ the recommendations of the *HIV/AIDS Legal Working Party* in its Final Report (November 1992);
- ♦ the National Public Health Partnership Report *Principles to be Considered when Developing Best Practice Legislation for the Management of Infected Persons who Knowingly Place Others at Risk* (December 2003); and
- ♦ legislation in other Australian jurisdictions, especially the *Public Health Act 1997* (ACT) and the 1988 amendments to the Victorian *Health Act 1958*.

Having said that, it points out that experience in the past few years with issues such as the possibility of the deliberate spread of infections through bioterrorism, SARS, bird flu and so forth have raised the need for new directions and perspectives in the area of communicable disease. These are further reminders of the potential of new epidemics that might require the use of wide scale and sweeping public health powers similar to those used in earlier times.

It suggests a framework which specifies:

- ♦ principles and rights under which the part must operate;
- ♦ notification requirements;

- ♦ the power to control particular diseases, which includes the traditional powers to require a compulsory examination, place restrictions on a person’s activities and detain him/her in cases where he/she may be posing a danger to others;
- ♦ special powers in cases where there is a public health emergency;
- ♦ the capacity to review orders imposed under the part through a judicial process; and
- ♦ immunisation provisions.

The paper proposes a better balance of rights and protection of public health, in particular more effective consideration of individual rights than the current Act provides. It puts forward the idea of a progressively staged response to public health issues whereby the response must be consistent with, and not out of proportion to, the nature of the problem with the least intrusive power necessary being deployed.

The general thrust of this section of the paper is supported.

51 Should the act of placing another at risk through the transmission or possible transmission of a notifiable disease be part of the general “risk to health” offence canvassed in the Paper?

52 Should it remain a stand-alone offence?

53 Are there other ways in which you believe this issue should be dealt with?

This section describes the act of taking part in behaviour which may place others at risk (of transmission of disease) and how it is handled in various Australian jurisdictions. The debate centres largely around whether this should be a separate offence or whether it should be covered by the general offence of causing risk to health.

It is considered that the general “risk to health” offence discussed earlier is adequate for this circumstance and that nothing is served by narrowing the application of that offence.

54 Do you agree with the framework for both protecting privacy and for dealing with personal information for public health purposes outlined in the framework?

55 If not, what part of the framework do you disagree with and what do you think should be put in its place?

Briefly, it is proposed that new legislation could provide that a person who has, or may have, a disease to which the Act applies, or who engages in activities that are known to carry a potential risk of exposure to a notifiable condition, shall be accorded rights, to the extent that their exercise does not conflict with the requirements of the Act and does not infringe unduly on the wellbeing of others, including the rights to:

- ♦ privacy & confidentiality;

- ♦ dignity and appropriate care and treatment, without any discrimination other than that genuinely necessary to protect public health;
- ♦ be given information about the condition, its potential impact on the person diagnosed with the disease and on others that he or she might have contact;
- ♦ consent to treatment and examination, unless this is specifically overridden by an order under the Act; and
- ♦ have access to legal representation and advice and support from family and friends.

These rights would be balanced by key obligations incumbent upon a person who has or has reasonable cause to believe that he or she may have a disease to which this part applies, or engages in activities that are known to carry a potential risk of exposure to a notifiable communicable disease, and any person responsible for the care, support or education of such a person, including the obligation to:

- ♦ ascertain whether the condition has been contracted, and what precautions should reasonably be taken to avoid exposing others to the condition;
- ♦ comply with preventative measures or treatment that will minimise the risk to others of exposure to the condition; and
- ♦ take reasonable measures to ensure that others are not placed at risk through any action or inaction of the person or any person responsible for the care, support or education of the person.

Where an order is made in relation to these matters, the person to whom the order relates shall be informed of these rights and obligations.

This approach is supported.

56 Should a new Health Act have the power to incorporate the model immunisation provision advocated by the National Public Health Partnership either by way of a public health policy or by way of regulations made under the Act?

57 Should the Western Australian provision vary from the National Public Health Partnership model?

Section 340(1) of the current Health Act provides that local government may undertake immunisation and 340(2) provides for a similar authority for the state. Oddly, section 275 allows conscientious objection to vaccination although vaccination or immunisation is not compulsory in the legislation or elsewhere in Australia (though it has been in the past).

Such “incentives” as are currently in place operate through the Commonwealth family payments and these offer an alternative approach to compulsory immunisation.

Current thinking is reflected in the National Public Health Partnership *Model Provisions for Certification of Immunisation Status on School and Childcare Entry* (May 1998) which provides draft model legislation – the *Notification of Immunisation Status Act 1999*. As with the New South Wales and Victorian provisions it is focused on schools and the ways of confirming immunisation status prior to entry and the powers to exclude un-immunised children in the event of an outbreak. In summary the Model Act:

- ♦ requires immunisation records, whether the child has or has not been immunised, to be produced on entry to schools (which should be defined widely to include all primary and secondary schools, all child care centres and family day care centres);
- ♦ requires a record of immunisation status of each student to be kept by the school;
- ♦ protects the confidentiality of information provided under these requirements;
- ♦ imposes specific reporting requirements where a vaccine preventable disease has occurred in a school;
- ♦ imposes requirements to exclude un-immunised children from school in cases where that is deemed necessary; and
- ♦ allows for the closure of a school where this is necessary to limit the spread of a vaccine preventable disease.

The paper argues that the National Public Health Partnership model should be incorporated within the new Act, and this is supported.

OPTIONS

1. Council could offer comment consistent with that indicated within the body of the report.
2. The most obvious areas in which Council may wish to take a different position are those relating to the powers of the principle statutory health officer (currently the Executive Director, Public Health) potentially overriding or vetoing those of local government, specifically:
 - ♦ Question 5: Process for having the Executive Director, Public Health assume the public health responsibilities of a local government;
 - ♦ Question 14: Whether the current method as provided for in the Health Act 1911 of specifying the qualifications of, and appointing, environmental health officers is acceptable; and

- ♦ Question 16: Whether there is a case for supervisory powers of the Executive Director, Public Health in relation to the appointment of environmental health officers and/or authorised officers.

Some local governments have expressed objections to these provisions in the past, most particularly to the perceived “protection” afforded to environmental health officers by the Act, and on at least one occasion some 12 or 13 years ago (then) WAMA expressed its objection in principle to that particular provision.

CONCLUSION

The paper covers a range of issues, some technical and some philosophical in nature.

With respect to those areas of possible contention raised at Option 2, it is a question of balancing the perceived derogation of the power and authority of local government against the need to ensure that there are overriding powers to ensure that the public health interest of both the local and broader communities are protected.

As stated earlier, the powers of the Executive Director to direct or overrule local governments have been used rarely, and when they have been exercised there has been considerable judgement in the extent to which they have been applied. Option 1 is therefore preferred.

COMMITTEE noted that while the rate of compliance with the National Health & Medical Research Council (NHMRC) recommended schedule for infants was measured, there appeared to be no measurement against any standard for the Schools Immunisation Program.

The Health Services Manager acknowledged that this is the case, pointing out that statistical information for infants (relative to the NHMRC recommended schedule) is relatively easy to obtain as a consequence of the reporting fee paid to all providers through the national scheme operated by the Health Insurance Commission. The Schools Program is a State initiative with no equivalent reporting incentive for general practitioners and hence it is not possible to be certain of the total percentage of the target groups vaccinated, although there was a degree of confidence that the total (of children vaccinated by their own doctor or through the Schools Program) was in excess of 90%.

The Health Services Manager undertook to further investigate this matter.

D105/8/05 **RECOMMEND**

That a response consistent with that indicated within the body of the report be forwarded to the Department of Health.

MOVED Cr Hart
MOTION CARRIED (7/0)

HEALTH LEGISLATIVE REVIEW REFERENCE GROUP

WARD : ALL
FILE REF : HLT/1
DATE : 5 August 2005
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- WALGA is seeking nominations to take part in a Reference Group to assist it in making formal comment on the proposed new Health Act.
- Recommend that Councillor/s be nominated.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

Relates to the proposed replacement of the *Health Act 1911*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil

BACKGROUND

The Discussion Paper for a New Public Health Act released by the Department of Health is discussed elsewhere in the Agenda.

An Info Page received from the Western Australian Local Government Association advises that the Association has been invited to partner the Department of Health and the Health Consumers Council on a series of state-wide consultative workshops. Workshop format and time-table is being discussed with the Department.

The Association is seeking assurance from the Minister that there will be an adequate time-frame for consultation on the drafting instructions for the new legislation and the draft Bill, and has advised the Department that, in order to develop a considered Local Government response, it will:

- ◆ establish a Legislative Review Reference Group;
- ◆ prepare a Preliminary Paper for circulation and feedback from Councils;
- ◆ seek copies of member responses to the Department's Discussion Paper to inform our position;
- ◆ prepare a revised paper for Local Government comment; and
- ◆ develop a formal position through the Association's State Council

The Department of Health has called for submissions by the 30th September. Due to State Council processes a fully considered submission by the Association will not be available until after the December State Council meeting.

COMMENT

The Association is establishing a Reference Group to advise on the legislative review process. It is anticipated that the Group will consist of Local Government Principle Environmental Health Officers, Chief Executive Officers and Elected Members with an interest in health legislation, and that it will be representative of country and metropolitan Councils.

Expressions of Interest are sought by 25th August for people to participate in the Reference Group.

OPTIONS

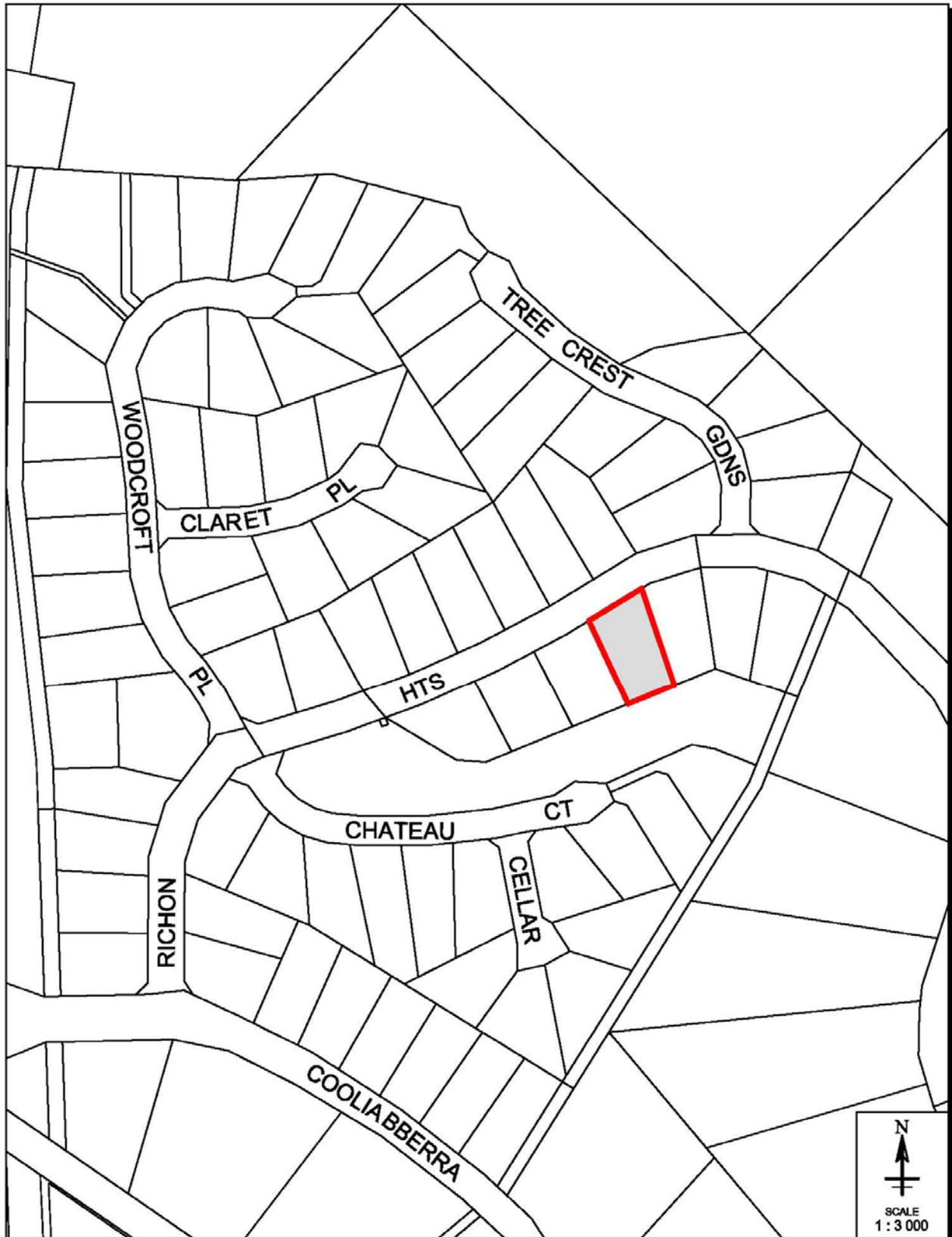
1. That a Councillor be nominated to take part in the Reference Group.
2. That no nomination be made by Council.

D106/8/05

RECOMMEND

That Councillor C J MacDonald and Health Services Manager, Mr P Meyrick be nominated to take part in the Health Legislative Review Reference Group.

MOVED Cr Reynolds
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 140 RICHON HEIGHTS, MOUNT RICHON

***FAMILY DAY CARE FACILITY –
LOT 140 (No.25) RICHON HEIGHTS, MOUNT RICHON***

WARD : NEERIGEN
FILE REF : A222325
DATE : 1 August 2005
REF : LJB
RESPONSIBLE MANAGER : PSM
APPLICANT : R & H Galer
LAND OWNER : R & H Galer
SUBJECT LAND : Property size 2000m²
Map 23-40
ZONING
MRS : Urban
TPS No.2 : Residential R5
DRAFT TPS No.4 Residential R5

In Brief:-

- Application received for Family Day Care Facility at Lot 140 (No.25) Richon Heights, Mount Richon, which is a Use Not Listed under Town Planning Scheme No.2.
- The proposal was advertised and one letter objecting to the proposal was received.
- Recommend that the proposal for the Family Day Care be approved.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Developing our City – to balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Dividing Fences Act 1961
Metropolitan Region Scheme
Town Planning Scheme No.2
Community Services (Child Care) Regulations 1988
Environmental Protection (Noise) Regulations 1997

Council Policy / Local Law Implications

Local Laws Relating to Fencing

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding landowners

BACKGROUND

The City received an application for a Family Day Care Facility on 27 June 2005. Delegation exists for officers to consider a Family Day Care following advertising and subject to no substantiated objections being received. The proposal has been referred to Council because a letter objecting to the proposal has been received.

DETAILS OF PROPOSAL

The applicant proposes to operate a Family Day Care Facility between 7am and 5.30pm, Monday to Friday. The applicant proposes to care for a maximum of seven children.

COMMENT

Development Control Unit

At its meeting of 12 July 2005, DCU recommended that the application be approved. The City's Health Department stated that the applicant would need to comply with the provisions of the Health (Food Hygiene) Regulations with a requirement to contact this Department upon approval. This would be included in an advice note to the applicant.

Public Comment

The application was advertised to five (5) surrounding landowners for a period of two (2) weeks. One letter objecting to the proposal was received during this period. The comments received in the objections are detailed below in the analysis section of this report.

Refer to Confidential Attachment "B1" of the Agenda for location plan of respondents.



**AERIAL PHOTOGRAPH
LOT 140 RICHON HEIGHTS, MOUNT RICHON**

ANALYSIS

Public submissions

The objector's comments are summarised in Italics, and a response is given below.

Due to Lot 140 being raised four metres above our property (Lot 139) there is insufficient fencing along the top of the rock wall, e.g. only pool fencing approximately 1200mm high, which creates a problem for privacy in our backyard and noise travelling from their property when the children are playing outside on or near the pool fencing side of Lot 140 and when parents drop off/pick up their children.

The fencing / privacy issue raised in the submission could be overcome by planting screening as suggested by the objector. A solid fence could be erected between the two properties but this would need to be negotiated between the landowners of both lots as required by the Dividing Fences Act 1961.

Due to the unusual geography of Lot 139 and 140 (difference in height) we are objecting to there being any more than four children allowed at any one time and suggest some screening with plants along the length of the pool fencing. We bought our property as a residential property and any more than four children we feel is affecting our lifestyle, peace and quiet.

The objector has linked the number of children to the issue of noise in the submission. It should be noted that the applicant has applied to care for a maximum of seven (7) children and therefore the total number of children allowed on the site will be limited. Given that some properties accommodate large families, the noise from seven children in Family Day Care is generally considered acceptable in the Residential Zone. The applicant would also need to comply with the Environmental Protection (Noise) Regulations 1997 and Community Services (Child Care) Regulations 1988.

Town Planning Scheme No.2 and delegations

The application can be treated as a Use Not Listed in accordance with Clause 3.4 of Town Planning Scheme No.2.

Under Clause 3.4 of Town Planning Scheme No.2 a Use Not Listed must be considered with regard to whether or not it is consistent with the objectives and purpose of the particular zone, and if deemed consistent, be advertised (which occurred administratively).

Council is now required to consider the application, with due regard to issues raised in the objection.

Amenity impacts

The Policy Statement for the Residential Zone states, "*Council also recognises that residential living should also include the opportunities for self employment or creative activity provided that those activities do not, in Council's opinion, prejudice the amenity of the residential environment.*"

It is considered that the additional traffic and noise generated by the proposal is insignificant and therefore unlikely to impact on adjoining neighbours. The proposal will not generate a substantial amount of traffic and the subject property has sufficient space to accommodate a pick-up and drop-off area. All activity associated with the proposal occurs within the time that the Environmental Protection (Noise) Regulations 1997 assigns the highest acceptable noise levels, namely between 7am and 7pm Monday to Friday.

Draft Town Planning Scheme No.4

Under Draft Town Planning Scheme No.4, Family Day Care is a Discretionary Use in the Residential Zone. The objectives of the Residential Zone include, “*To provide for a range of associated compatible activities and development, which will assist in the creation of efficient and sustainable residential neighbourhoods*”. The new Scheme will therefore provide a less ambiguous method of dealing with Family Day Care facilities, although the approach developed with this application will be similar.

Community Services (Child Care) Regulations 1988

Family Day Care operators are regulated by the Community Services (Child Care) Regulations 1988. Under the Regulations “family day care” means a child care service provided to a child in a private dwelling in a family or domestic environment, and under Clause 27 (2) a licence or permit for family day care can not be issued for more than 7 children of pre-school age, including the children of the licensee or permit holder. This effectively limits the potential for adverse impacts on residential areas from family day care premises.

OPTIONS

1. Council could approve the application if it is satisfied that the proposal is consistent with the objectives of the Residential Zone, subject to a condition regarding landscaping or fencing.
2. Council could refuse the application if it considers the proposal to be inconsistent with the objectives of the Residential Zone, and that it is likely to have an adverse impact on surrounding residential properties

CONCLUSION

The proposal as described is consistent with the objectives of the Residential Zone. The concerns raised by the adjacent landowner are not considered to represent the views of all the surrounding neighbours and are considered to generally represent matters that are adequately controlled under the Community Services (Child Care) Regulations 1988 and the Environmental Protection (Noise) Regulations 1997. Accordingly, Option No.1 is recommended.

D107/8/05 RECOMMEND

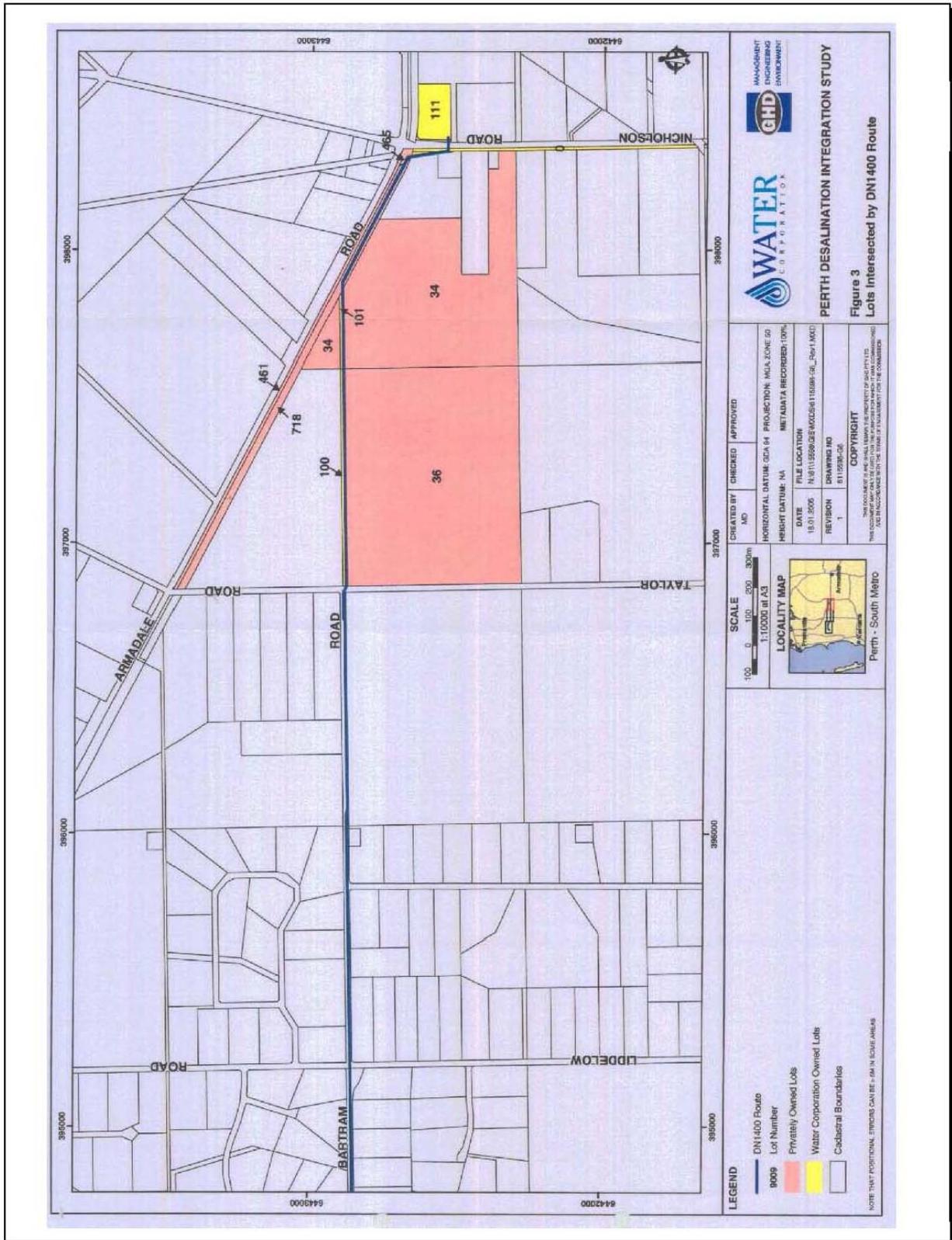
- 1. That Council determine that the Family Day Care is consistent with the objectives and purpose of the Residential Zone in accordance with clause 3.4 of the City's Town Planning Scheme No.2.**

- 2. That Council approve the application for a Family Day Care Facility at Lot 140 (No.25) Richon Heights, Mount Richon subject to the following condition(s):**
 - a) Appropriate screening (solid fence or landscaping) between Lots 139 and 140 Richon Heights, Mount Richon to the satisfaction of the Executive Director Development Services.**

 - b) In the event that landscape screening be installed, the submission of a comprehensive landscape plan to demonstrate sufficient screening of children's play areas along the boundary between Lots 139 and 140 Richon Heights, Mount Richon to the satisfaction of the Executive Director Development Services. Landscaping to be installed and continuously maintained thereafter in accordance with the approved landscape plan, to the satisfaction of the Executive Director Development Services.**

- 3. That the applicant be advised of the requirement to comply with:**
 - Community Services (Child Care) Regulations 1988;**
 - Environmental Protection (Noise) Regulations 1997;**
 - Dividing Fences Act 1961;**
 - Local Laws Relating to Fencing.**

MOVED Cr Tizard
MOTION CARRIED (7/0)



**DESALINATION PIPELINE
LOTS INTERSECTED BY DN1400 ROUTE**

WATER SUPPLY PIPELINE, VARIOUS RESERVES AND LOTS 36 (91) TAYLOR ROAD AND 34 (618) ARMADALE ROAD, FORRESTDAL

WARD : LAKE
FILE REF : DEV/1
DATE : 1 August 2005
REF : RVD
RESPONSIBLE MANAGER : PSM
APPLICANT : Water Corporation
LAND OWNER : Crown
M P Fortini (Lot 36)
D, G & M I Di Florio (Lot 34)
SUBJECT LAND : Map 16-03 & 17-03
ZONING
MRS/TPS No.2 : Various – see Analysis section
DRAFT TPS No.4 : Various – see Analysis section

In Brief:-

- Proposal to construct a 1,400mm diameter pipeline from the proposed desalination plant to the Nicholson/ Armadale Road pumping station along Bartram Road, Forrestdale.
- One submission seeking specific issues to be addressed received in response to advertising.
- Environmental Protection Authority advice requests that decision-making authorities apply its advice.
- Recommend that proposal be approved subject to conditions relating to construction management, acid sulfate soils and maintenance of access to Lot 11 (404) Nicholson Road, Forrestdale.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

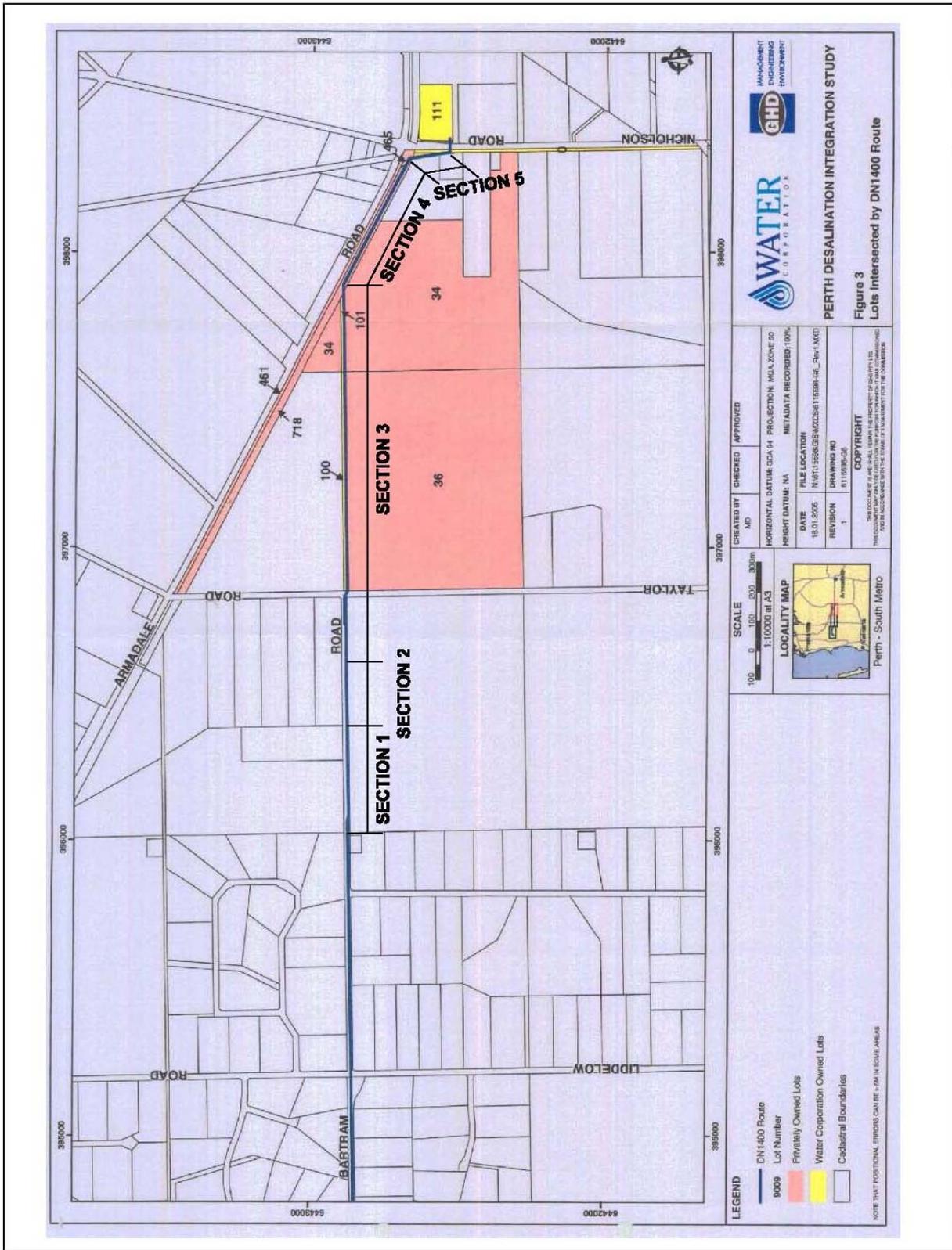
Development - “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil.



**DESALINATION PIPELINE
PLAN SHOWING ZONE SECTIONS**

Budget / Financial Implications

Nil.

Consultation

- ◆ Surrounding landholders
- ◆ Development Control Unit

BACKGROUND

The Water Corporation has proposed a pipeline be constructed from the new desalination plant at Kwinana to the Thomsons Reservoir and then through to the recently approved pumping station on the corner of Nicholson Road and Armadale Road. (See Council Resolution D26/3/05) to link in with the South West Integrated Water Supply.

DETAILS OF PROPOSAL

The proposal entails construction of a 1,400mm water supply pipeline. Within the City of Armadale the pipeline is proposed to be constructed from the City's boundary east along Bartram Road, continue in an easterly direction from the end of Bartram Road through Lot 36 Taylor Road and Lot 34 Armadale Road to Armadale Road, then along the south side of Armadale Road to the Nicholson Road, then south along the western side Nicholson Road for about 130m before leading into a proposed pumping station located on the eastern side of Nicholson Road. The area disturbed for pipeline construction will vary from 15 to 20m in width according to site constraints.

COMMENT

Development Control Unit

The Development Control Unit had no objections to the proposal but recommended that more detail be provided regarding the impact of the proposal on proposed intersection improvements. Subsequent responses from the Department of Planning and Infrastructure's Urban Transport System branch and further information provided by the Water Corporation to indicate that future intersection improvements will not be jeopardised by the proposed pipeline.

Public submissions

The proposal was advertised to surrounding landholders and relevant State Government agencies for a two week comment period. Three responses have been received, one from the Department for Planning and Infrastructure's Urban Transport System branch (analysed above), one from a member of the public and one from the Environmental Protection Authority. No submissions objected to the proposal. The concerns raised in the submission by the Environmental Protection Authority and the member of the public are addressed below.

Refer to Confidential Attachment "B2" of the Agenda for location plan of respondents.

ANALYSIS

Environmental Protection Authority advice

The Environmental Protection Authority advised that following determination of an appeal, the level of assessment has been set at “Not assessed – Public Advice Given” and that the Environmental Protection Authority expects decision-making authorities to consider and implement the advice.

Advice was provided in regard to implementation of the Water Corporation’s commitments, Acid Sulfate Soils, vegetation and offsets. Advice relating to vegetation and offsets applies to sections of the pipeline outside of the City of Armadale. Impacts on a portion of Conservation Category Wetland in the City of Armadale are to be offset by the purchasing of 0.5ha of wetland in the City of Cockburn.

Commitments

The Environmental Protection Authority specifically seeks that commitments made by the Water Corporation to protect the environment are implemented (*See Attachment “A2” of the Minutes*). Of relevance to the City is the commitment to develop and implement a Construction Environmental Management System for the pipeline to consider and manage a range of impacts. It is recommended that this commitment be reflected in the conditions.

Acid Sulfate Soils

The Water Corporation has given a commitment that “construction will not commence along the pipeline until the Acid Sulfate Soil Management Plan (ASSMP) has been reviewed and it is agreed (through a sign off process) with the Department of Environment (DoE) that the plan meets DoE requirements”. It is recommended that this commitment be reflected in the conditions.

Commitments

The Environmental Protection Authority specifically seeks that commitments made by the Water Corporation to protect the environment are implemented (*See Attachment “A2” of the Minutes*). Of relevance to the City is the commitment to develop and implement a Construction Environmental Management System for the pipeline to consider and manage a range of impacts. It is recommended that this commitment be reflected in the conditions.

Issues raised by submission

The issues raised by the submission have been summarised in italics below along with a recommended response. The issues raised were forwarded to the Water Corporation to provide them with an opportunity to respond.

1. *Any deprivation of access to my business will jeopardize my livelihood.*

The Water Corporation has committed to liaise with the owners to minimise any impacts to access and business flow. The construction contractor will be required to address any issues raised prior to commencement and for the duration of works in the area.

2. *Heavy vehicles use my driveway to deliver sand, soils and mulches. The pipeline needs to be sufficiently deep not to be affected by this traffic.*

The pipeline is located in land identified as vacant crown land in the City's database that lies between Nicholson Road and the submitter's land. The submitter's lot has no access to a road reserve without crossing the land within which the pipeline will be built. The Water Corporation has indicated that the design of the pipe will allow for normal traffic loads and stated that it "reserves the right to refuse access to oversized heavy vehicle movements within its property". In this context normal traffic loads includes all truck sizes that do not require a special permit from Main Roads to utilise the road system so sand, soils and mulches could continue to be delivered to the property.

3. *Excavation should take place in January-February when water table is at its lowest to prevent flooding and when trade at my premises is lowest.*

The Water Corporation has indicated that the concerns of the submitter "are noted for consideration in the scheduling of the construction works."

4. *The pipeline along Nicholson Road has already been made and we are still awaiting tarmac for our crossover. If this area is to be excavated again, it may as well wait.*

The Water Corporation responded that the issues related to the reconstruction of the crossover have been raised with the project team on the Serpentine-Canning Link Main, the project which has been responsible for the current works in the vicinity of the property.

Statutory Planning Framework

The outcome of a complex evaluation of various Western Australian Government Acts and the City's Town Planning Scheme No.2 is a legal opinion that the Water Corporation does require planning approval to undertake works in the City, and the proposal to construct water services meets the definition of Public Utility under the Scheme.

Under the Metropolitan Region Scheme, if a local government is of the opinion that an application on land zoned under the Metropolitan Region Scheme is of State importance, then the application may be referred to the Western Australian Planning Commission for determination. The City's Planning Department referred this application to the Western Australian Planning Commission as an application of State importance, and the Western Australian Planning Commission has approved the application subject to:

- ◆ Vehicle access being maintained to adjacent private properties; and
- ◆ Reinstatement of ground levels and roads.

A proposal of State significance still requires a separate determination under the local government scheme.

The following table identifies the statutory planning framework that applies to the pipeline along its route by reference to each section as identified on the Pipeline Route Plan. Only Section 3 which lies within the General Rural zone requires detailed analysis beyond that provided in the table. (*Refer to Desalination Pipeline Plan Showing Zone Section in this Report*)

Section	MRS Zone	TPS No.2 zone	TPS No.2 Clauses	Implications and actions to date
1	Parks and Recreation (Regional)	Unzoned – Road Reserve	2.1(b) & 2.1(c)	Council's planning consent required having regard to ultimate purpose of reserve and after conferring with relevant authority before giving consent. Have conferred with (i.e. written to) relevant authorities (i.e. Department for Planning and Infrastructure Bush Forever and Department of Conservation and Land Management) but no response received. Further information on this section of the pipeline proposal is considered below under Jandakot Regional Park – Bartram Road.
2	Rural – Water Protection	Rural – Groundwater Protection	5.14	Scheme requires compliance with land use table and policy objectives of SPP 2.3 Jandakot Groundwater Policy. Public Utility is an AA use, so Council's planning consent is required. Provided construction dewatering can be managed so water of poor quality is not generated (e.g. through exposure of acid sulfate soils) the proposal does not conflict with policy objectives. Therefore approval is recommended, subject to a Construction Environmental Management Plan that addresses dewatering and rehabilitation consistent with current land use.
3	Rural	General Rural	Table 3.1 to 3.3 & Clause 3.4	Is a Use not listed. Has been advertised (see above regarding issues raised). Council to determine if consistent with the zone and then may approve proposal. More information provided separately below. Same recommendation as for Section 3.

Section	MRS Zone	TPS No.2 zone	TPS No.2 Clauses	Implications and actions to date
4	Primary Regional Road	Public Purpose	2.1(b) & 2.1(c)	Council's planning consent required having regard to ultimate purpose of reserve and after conferring with relevant authority before giving consent. Have consulted with relevant authority (Department for Planning and Infrastructure) who have no objection. Same recommendation as for Section 3
5	Primary Regional Road	Primary Regional Road	2.1(b) & 2.1(c)	As per Section 4.

Section 3 – General Rural zone – use not listed.

Under Clause 3.4 of Town Planning Scheme No.2, Council is required to determine whether or not the use is consistent with the objectives and purposes of the zone and if consistent advertise the proposal, and then may approve the proposal having due regard to submissions received.

The zone objective for General Rural is:

“Zone intended for the conservation of natural resources, the maintenance of an open broad acre rural character, the fostering of rural uses and rural industries in circumstances where they do not constitute a nuisance. Where compatible such uses promoting tourism, recreation and entertainment where it does not impact on the amenity of surrounding properties may be permitted. Apart from the subdivision which will, in Council's opinion, assist in achieving the objects of this zone, subdivision will not be recommended by Council.”

The proposal will maintain the open broad acre rural character of the area as once the pipeline is installed the affected properties will continue to be used for general rural uses. Therefore the proposal is considered it is consistent with the zone.

Given that the proposal only represents a temporary disruption it is considered a minor proposal the context of the zone. Therefore the proposal has been advertised for 14 days which is the normal advertising period for minor proposals. Submissions received have been considered above.

Construction impacts

Construction impacts are the primary issue with regard to this proposal. The primary issues of concern relate to potential construction impacts such as spreading dieback, dust, noise, clearing of vegetation within the Jandakot Regional Park, dieback spread, and potential adverse impacts from dewatering such as the creation of significant volumes of poor quality water that need to be disposed of. Therefore it is recommended that a condition requiring a Construction Environmental Management Plan be required.

Section 1 of the route – Jandakot Regional Park

This portion of the route passes through a wetland protected under the Environmental Protection (Lakes) Policy 1992. The policy (which has the force of law) prohibits the filling, excavation or mining, filling or drainage into or out of a wetland covered by the policy, unless authorised. As noted above, the proposal has now been assessed by the Environmental Protection Authority and may proceed subject to offsets.

Construction impacts in this portion of the route can be addressed through the Construction Environmental Management Plan. The road reserve is bound by a cleared paddock to the south and regionally significant vegetation to the north, with a portion of the vegetation extending into the road reserve. The road reserve vegetation acts as a buffer for weeds from the paddock to the south, and it can be argued that this would be an appropriate function for the road reserve. In January 2005 Council resolved to initiate road closure procedures for this portion of Bartram Road (CS6/1/05). Therefore it is recommended that this portion of the pipeline route be revegetated to the extent necessary to prevent weed growth in the road reserve. Council could not impose a requirement to revegetate. However, this could adversely affect the adjacent Jandakot Regional Park by reducing the buffer for weeds.

City of Armadale Rural Strategy

The Rural Strategy does not consider developments such as a pipeline.

Draft Town Planning Scheme No.4

The following table outlines how the proposal would be treated under draft Town Planning Scheme No.4.

Section	MRS Zone	TPS No.4 zone	Notes
1	Parks and Recreation (Regional)	Unzoned – Road Reserve	Clause 3.2.2 of Draft Town Planning Scheme No.4 notes that approval of the City is not required for commencement or carrying out of any use or development on a Regional Reserve. This clause, combined with the unzoned nature of the road reserves suggests the City's approval would not be needed for this section.
2	Rural – Water Protection	Rural X	Under Clause 8.2 (h), any building or works undertaken by the City or a public authority in connection with a public utility or public land does not require the planning approval of the City. Under the <i>Town Planning and Development Act 1928</i> the definition of a public authority includes a state public utility, whether corporate or not. Although other legislation may affect a final position in such a consideration, it appears likely that this section of the proposal would not require planning approval under draft Town Planning Scheme No.4.
3	Rural	Rural X	As per Section 2.

Section	MRS Zone	TPS No.4 zone	Notes
4	Primary Regional Road	Public Purpose	Approval of the City would not be required, assuming the interpretation of Clause 8.2 (h) is that the Water Corporation is a public authority, and assuming that the Public Purpose reserve is not deemed to be a local reserve.
5	Primary Regional Road	Primary Regional Road	As per Section 1.

In summary, under draft Town Planning Scheme No.4 only Western Australian Planning Commission approval would be required.

OPTIONS

1. Council could approve the proposed 1400mm pipeline as a “use not listed” in accordance with Clause 3.4 (b) of Town Planning Scheme No.2 subject to conditions relating to submission of a Construction Environmental Management System and Acid Sulfate soils.
2. Council could approve the proposed 1400mm pipeline as identified in Option 1 but without a requirement to revegetate.
3. Council could refuse the proposal on the grounds that it is inconsistent with the objectives of the General Rural zone and the ultimate purpose of the portion of the route within the Jandakot Regional Park.

CONCLUSION

It is considered that the proposal:

- ◆ will be consistent with the purpose of the Parks and Recreational (Regional) reservation provided Construction Environmental Management and revegetation are satisfactorily carried out;
- ◆ will be consistent with the Rural – Groundwater Protection zone provided dewatering impacts are managed through a Construction Environmental Management Plan;
- ◆ is consistent with the objectives of the General Rural Zone; and
- ◆ is acceptable in the Primary Regional Road reservations.

There were no objections to the proposal.

Therefore Option 1 is recommended.

D108/8/05

RECOMMEND

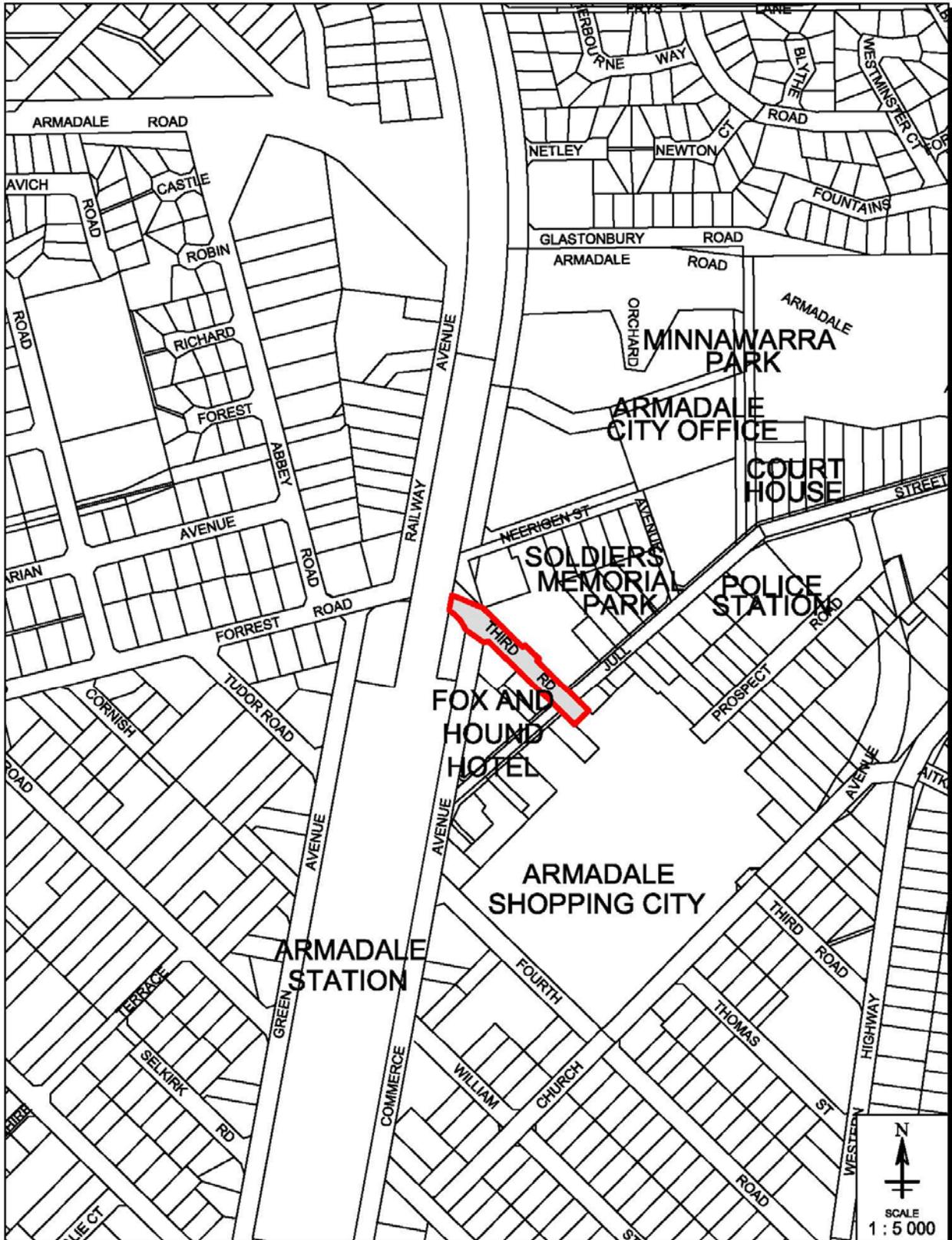
- 1. That Council determines the portion of the application in the General Rural zone as a “Use not listed” in accordance with Clause 3.4 of Town Planning Scheme No.2.**
- 2. That Council determine that the application to construct a 1400mm diameter pipeline constitutes a use that may be consistent with the objectives and purposes of the General Rural zone, Rural – Groundwater Protection zone, the Parks and Recreation (Regional) reservation and the Primary Regional Roads Reservation and approve the use subject to the following requirements:**
 - a) Submission of a Construction Environmental Management System to the satisfaction of the Executive Director Development Services that includes final plans to address:**
 - (i) Aspects identified in the Management Commitment of the DN1400 pipeline identified in Table 11 (*Attachment “A2” of the Minutes*);**
 - (ii) Noise;**
 - (iii) Dieback in the portion of the route that lies within the Jandakot Regional Park (i.e. the Parks and Recreation (Regional) Reservation);**
 - (iv) Rehabilitation of the portion of the route within the Jandakot Regional Park;**

and which covering monitoring, management and reporting.

Construction and revegetation is to occur thereafter in accordance with the approved Construction Environmental Management System, to the satisfaction of the Executive Director Development Services and Executive Director Technical Services.
 - b) Submission of an Acid Sulfate Soil Management Plan to the satisfaction of the Executive Director Development Services. Pipeline installation to be in accordance with the approved Acid Sulfate Soil Management Plan to the satisfaction of the Executive Director Development Services.**
- 3. That the applicant be advised that:**
 - (a) In regard to condition 2(a) and 2(b) both plans are to be prepared and implemented to the satisfaction of the Department of Environment.**
- 4. That the Western Australian Planning Commission be advised of Council’s determination.**

MOVED Cr Knezevich
MOTION CARRIED (7/0)

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**LOCATION PLAN
RENAMING OF A PORTION OF THIRD ROAD**

REQUEST TO RENAME PORTION OF THIRD ROAD, ARMADALE

WARD : MINNAWARRA
FILE REF : NAM/2
DATE : 26 July 2005
REF : HC
RESPONSIBLE : PSM
MANAGER
APPLICANT : Armadale Redevelopment
Authority
LAND OWNER : Crown
SUBJECT LAND : Map 22.03
ZONING
MRS : Central City Area
ARA Scheme : Road Reserve within City
Centre Retail Zone

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Fits with aims for developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

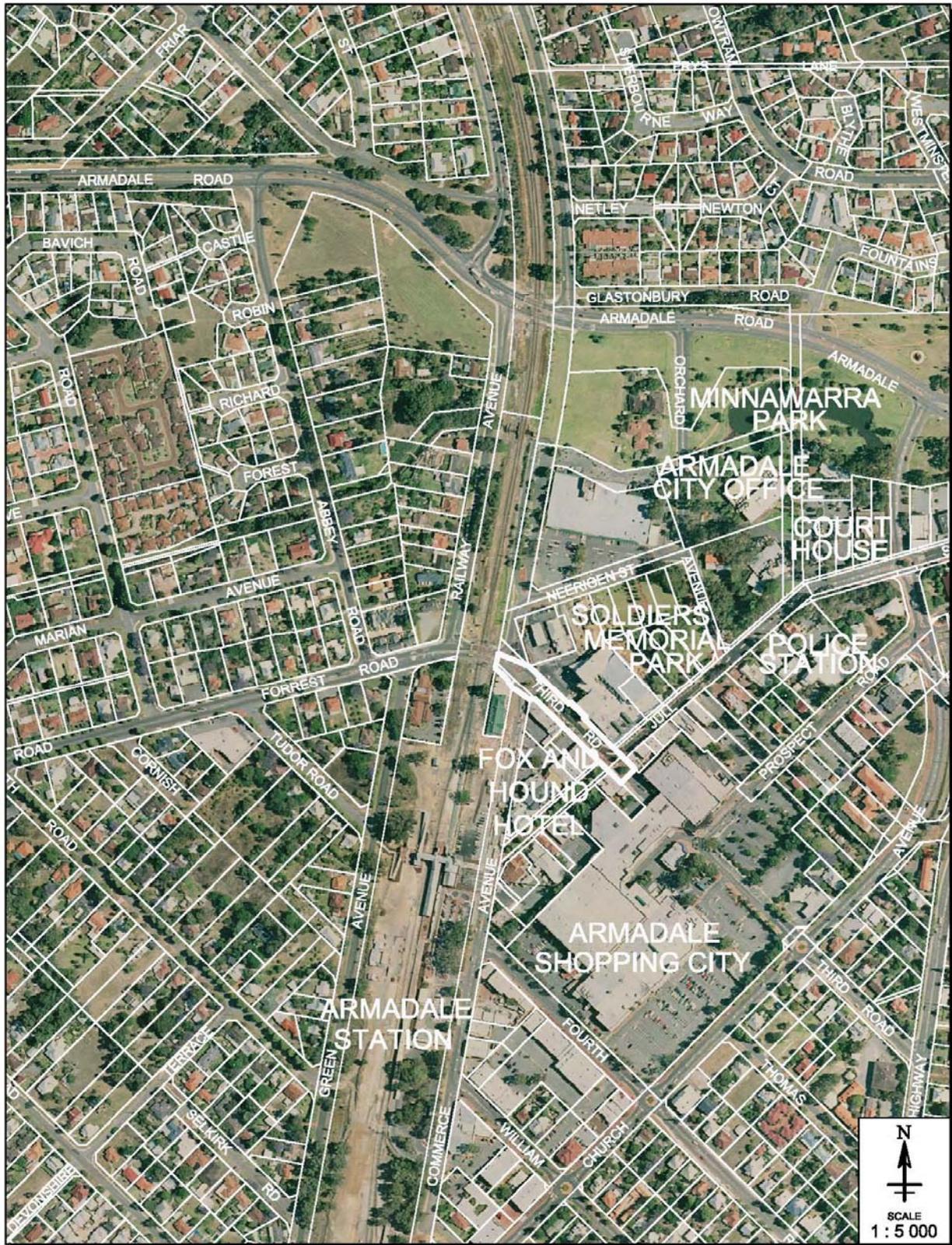
\$220 non-essential road name change fee to Department of Land Information.
\$227.50 approximately per sign and installation.

In Brief:-

- The ARA requested the City to consider renaming the portion of Third Road between the railway line and Jull Street to Forrest Road and advertising was undertaken.
- In July 2005 the Development Services Committee deliberated on various names and concluded that the name “Jacaranda Rise” was a suitable name. Council resolved that the recommendation be not adopted and the matter be recommitted to the next Development Services Committee.
- Recommend that Council approach the Geographic Names Committee seeking approval to rename the portion of Third Road between the railway line and Jull Street as Minnawarra Way (or other suitable road type).

COMMITTEE resolved that –

- *following resolution of Part 3 of this Recommendation Council approach the Geographic Names Committee seeking approval to rename the portion of Third Road between the railway line and Jull Street as “Jull Street”.*
- *That Council seek public comment to rename Streich Avenue, between the round-about on Commerce Avenue and Armadale Road.*
- *That Council seek public comment on the renaming of the Jull Street Mall through a wider public comment process.*



**AERIAL PHOTOGRAPH
RENAMING OF A PORTION OF THIRD ROAD**

Consultation

- ◆ Submissions received from newspaper advertising and letter drop.
- ◆ Geographic Names Committee (GNC) informally.
- ◆ Armadale Redevelopment Authority (ARA).

BACKGROUND

The ARA requested the City to consider renaming the portion of Third Road between the railway line and Jull Street to Forrest Road.

At its meeting of 22 March 2005 Council resolved to advertise the proposal to rename portion of Third Road between the railway line and Armadale Shopping City shopping centre seeking community opinion on the proposal:

- a) For the name Forrest Road; or
- b) Whether a unique name for the portion of road should be found, in which case suggestions for an appropriate name are sought.

Following advertising, options for road names put to Committee for consideration included:

- ◆ Cinema (Way or Gate);
- ◆ City;
- ◆ Remembrance; or
- ◆ Forrest Road.

The Development Services Committee deliberated on various names in July 2005 and concluded that the name “Jacaranda Rise” was a suitable name for the relevant portion of Third Road. At its meeting of 18 July 2005 Council resolved that the recommendation be not adopted and the matter be recommitted to the next Development Services Committee.

COMMENT

“Jacaranda”, one of the names that has been considered in debate on this matter, will not meet GNC criteria as there is already a Jacaranda Rise in Roleystone.

Martin Jull married Roberta Fergusson-Stewart, the first woman medical practitioner in WA who became well known in the state for her work with women and children’s causes. Unfortunately the GNC advises that the name “Roberta Jull” is not suitable as it is “duplicated” in Roberta Rise, Mt Nasura and Jull Street and double-barrelled names cause addressing problems to Australia Post. It can be noted that Roberta Rise commemorates Dr Roberta Jull.

ANALYSIS

Portion of Third Road formed the southern boundary of Martin Julls’ property “Brookside”, which was later renamed “Minnawarra” by Warden Owen. Brookside has already been used as a road name in Kelmscott, but though Third Road no longer abuts anything called Minnawarra today, “Minnawarra” could be considered as a suitable name.

A blacksmith shop was located on the site of what is now the Armadale Plaza Shopping Centre at the beginning of the twentieth century. Some names of owners of the blacksmith shop have already been used in Armadale, but “Davidson” (one of the owners) should meet GNC criteria. Extending the analogy, “Blacksmith”, “Wheelwright” and “Forge” are names that could be considered.

Other historical names that are associated with the area around either Third Road or Jull Street and should meet GNC criteria include:

- ◆ Caldwell (Drapers shop);
- ◆ Capstick (Policeman);
- ◆ Cole (Newsagency);
- ◆ Colyer (Doctor);
- ◆ Courtney (Bootmaker);
- ◆ Cowie (Policeman);
- ◆ Goddard (Confectionery business);
- ◆ Hand (Butcher) though may be confused with Handa Street, Seville Grove;
- ◆ Handcock (Bootmaker);
- ◆ Kitley (Chemist);
- ◆ Meldrum (family who lived in Jull Street);
- ◆ McKinlay (Baker);
- ◆ Saggars (Butcher);
- ◆ Warden (as in Warden Owen);
- ◆ Whitely (Delicatessen).

OPTIONS

1. Decline to rename the portion of road and leave it as Third Road.
2. Seek GNC approval for the change of name to Minnawarra Way or suitable road name type.
3. Choose a name that has some historical significance to the area around the relevant portion of Third Road.

CONCLUSION

The ARA suggested renaming the portion of Third Road to Forrest Road. Whilst one other submission supported renaming this portion of road to Forrest, another was adamantly opposed to the proposal. The railway line does form a cadastral barrier between Third Avenue and Forrest Road that could lead to confusion as Third Road is further distanced from Forrest Road by a roundabout and change of direction.

It is not recommended that Council decline to rename the portion of road following the request to rename and the submissions received.

It is recommended that option 2 “Minnawarra” with Way being a suitable road type, be considered by Council as an appropriate name for the area and the road.

Officer's report recommends –

That Council approach the Geographic Names Committee seeking approval to rename the portion of Third Road between the railway line and Jull Street as Minnawarra Way (or other suitable road type).

COMMITTEE gave careful consideration to the renaming of portion of Third Road and was of the view that "Jull Street" was an appropriate name as it has flow-on implications for future road works and proposed developments in the surrounding area.

COMMITTEE further requested that Council seek public comment to rename Streich Avenue, between the round-about on Commerce Avenue and Armadale Road and to also seek public comment on the renaming of the Jull Street Mall through a wider public comment process.

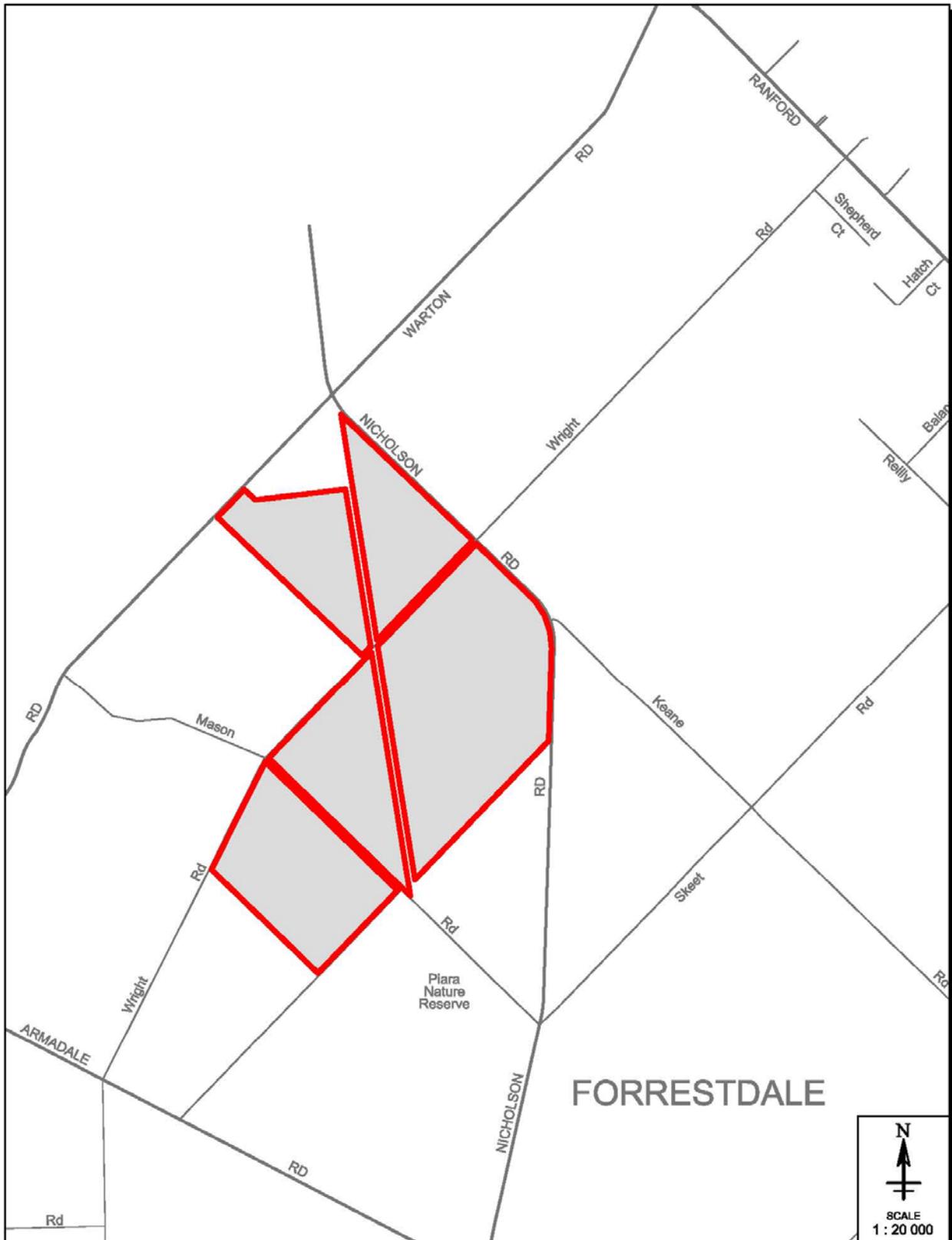
Accordingly, the officer's Recommendation was amended to reflect Committee's views.

COMMITTEE requested that it be noted that as future road works may include closure of Neerigen Street, the road name "Neerigen Street" be retained for its future relocation to the northern side of the proposed new retail and mixed use development (land bounded by Orchard Avenue, Memorial Park, Jull Street, Third Road and Streich Avenue).

D109/8/05 RECOMMEND

- 1. That following resolution of Part 3 of this Recommendation Council approach the Geographic Names Committee seeking approval to rename the portion of Third Road between the railway line and Jull Street as "Jull Street".**
- 2. That Council seek public comment to rename Streich Avenue, between the round-about on Commerce Avenue and Armadale Road.**
- 3. That Council seek public comment on the renaming of the Jull Street Mall through a wider public comment process.**

MOVED Cr Hart
MOTION CARRIED (7/0)



**LOCATION PLAN
NEWHAVEN ESTATE STAGE 1, FORRESTDALE**

**ROAD NAMING –
LOT 48 AND PT LOTS 3, 4 & 15 NICHOLSON ROAD, FORRESTDAL**

WARD : LAKE
FILE REF : NAM/2
DATE : 27 July 2005
REF : NK/HC
RESPONSIBLE MANAGER : PSM
APPLICANT : Whelans OBO Stockland WA
LAND OWNER : RL Dawkins, & Tillbrook Nominees Pty Ltd
SUBJECT LAND : Lot 48, & Pt Lots 3, 4, & 15 Nicholson Road, Forrestdale. Property size 45ha approx Map 17.06
ZONING MRS/TPS No.2 : Urban / Special Use, Res : Development Area, & Urban Development Zone.
DRAFT TPS No.4 : Urban Development Zone & Additional Use.

In Brief:-

- Council has received a proposal to name new road reserves within the Newhaven Estate, Nicholson Road, North Forrestdale
- Proposed road names should meet Geographic Names Committee (GNC) criteria.
- Recommend that Council approach GNC seeking approval for following new road names: Trumbull Way, Highland Rise, Mina Close, Isla Place, Edgehill Walk, Chapel Way, Broadway Boulevard, Kobuk Street, Columbia Parkway, Kalinda Pass, Birmingham Drive, Lowell Terrace, Westville Mews, Bluestone Parade, Mansfield Way, Whittaker Parade, Turin Lane, Temple Way and Sheldon Street (or acceptable road types).

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

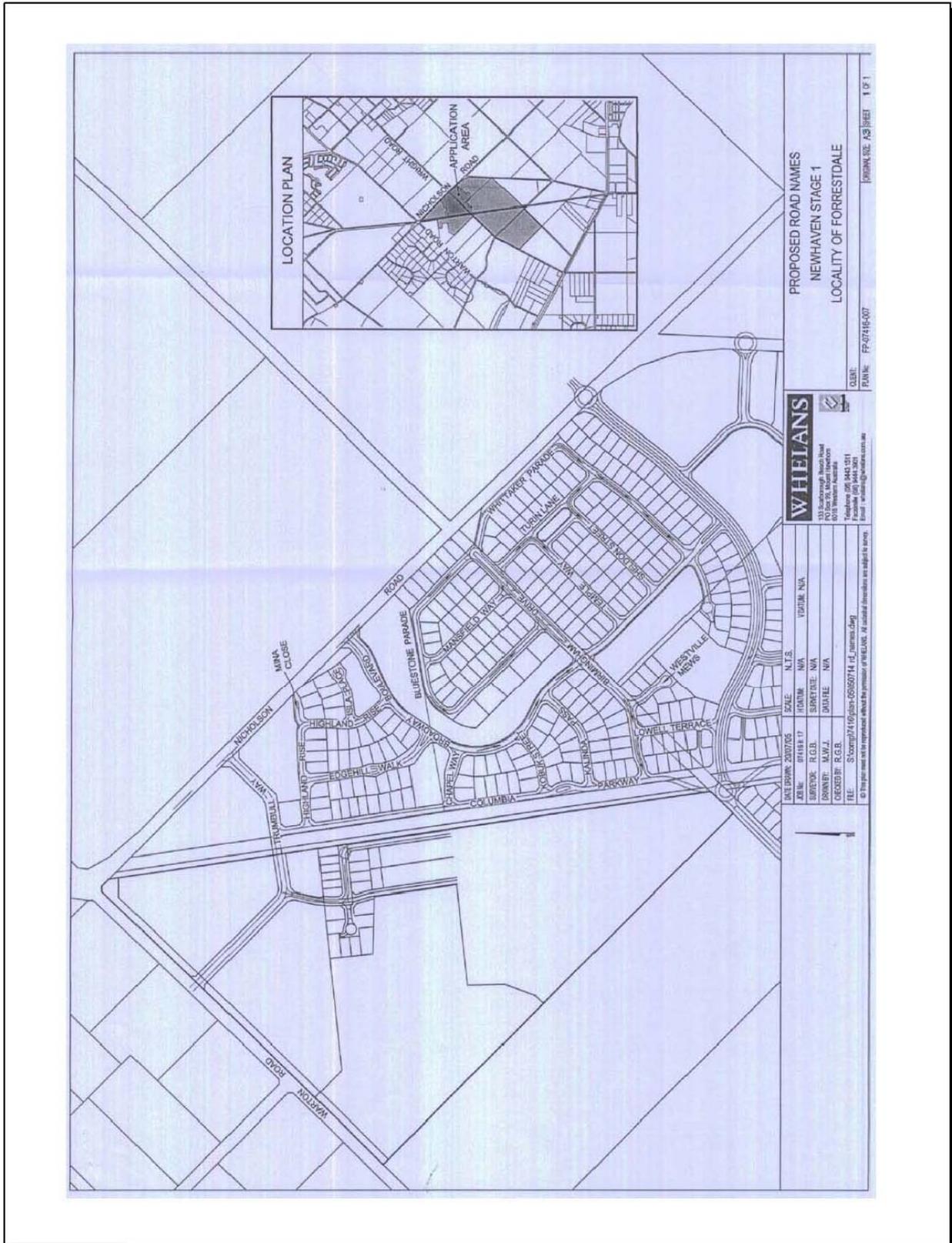
Fits with aims for developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.



**PROPOSED ROAD NAMES
 NEWHAVEN ESTATE STAGE 1, FORRESTDALE**

Budget / Financial Implications

Nil.

Consultation

- ◆ Geographic Names Committee (GNC)

DETAILS OF PROPOSAL

Council has received a proposal for the naming of road reserves in the new residential development proposed under Subdivisions 125881 and 126768 adjoining the ERADE Village in Forrestdale. The developer is terming the subdivision “Newhaven Estate”.

The applicant proposes the following names to be allocated to the new road reserves in the positions indicated in the plans.

- | | | |
|----------------------|--------------------|--------------------|
| ▪ Trumbull Way | ▪ Kobuk Street | ▪ Bluestone Parade |
| ▪ Highland Rise | ▪ Columbia Parkway | ▪ Mansfield Way |
| ▪ Mina Close | ▪ Kalinda Pass | ▪ Whittaker Parade |
| ▪ Isla Place | ▪ Birmingham Drive | ▪ Turin Lane |
| ▪ Edgehill Walk | ▪ Lowell Terrace | ▪ Temple Way |
| ▪ Chapel Way | ▪ Westville Mews | ▪ Sheldon Street |
| ▪ Broadway Boulevard | | |

ANALYSIS

The applicant states they have discussed the names and suffixes with the GNC and the GNC has no objection to the names as shown on the plan.

OPTIONS

1. Approve the road names as submitted.
2. Not approve the names but ask for the developer to provide alternative road names complying with GNC criteria.

CONCLUSION

The names should meet GNC criteria and appear to be appropriate road names for Council to approve.

D110/8/05 RECOMMEND

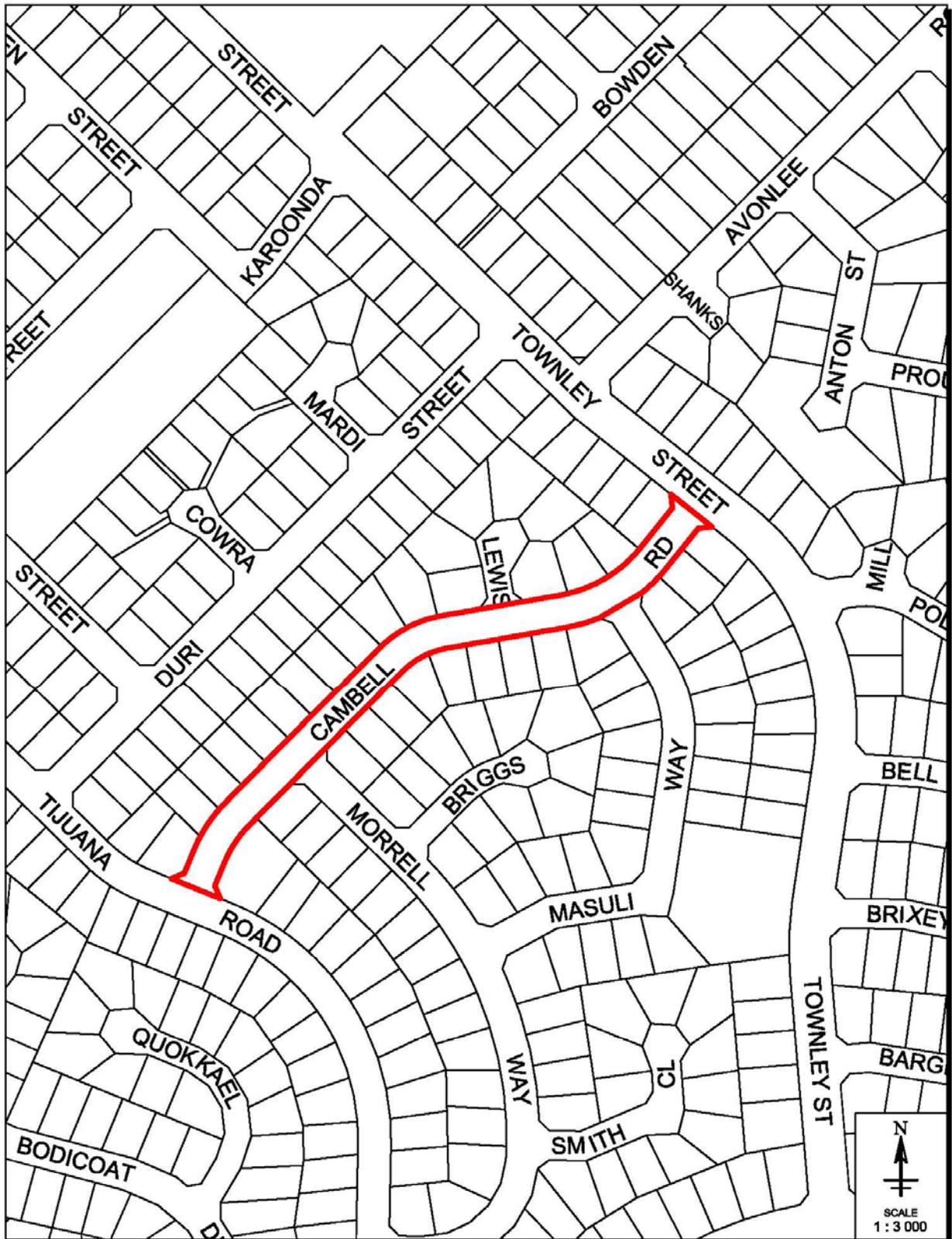
That Council approach the Geographic Names Committee seeking approval for the following new road names in the Newhaven Estate subdivision, Lot 48 and Pt Lots 3, 4 and 15 Nicholson Road, Forrestdale:

- | | |
|-----------------------------|---------------------------|
| ♦ Trumbull Way | ♦ Birmingham Drive |
| ♦ Highland Rise | ♦ Lowell terrace |
| ♦ Mina Close | ♦ Westville Mews |
| ♦ Isla Place | ♦ Bluestone Parade |
| ♦ Edgehill Walk | ♦ Mansfield Way |
| ♦ Chapel Way | ♦ Whittaker Parade |
| ♦ Broadway Boulevard | ♦ Turin Lane |
| ♦ Kobuk Street | ♦ Temple Way |
| ♦ Columbia Parkway | ♦ Sheldon Street |
| ♦ Kalinda Pass | |

or appropriate road types acceptable to the Geographic Names Committee.

MOVED Cr Everts
MOTION CARRIED (7/0)

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**LOCATION PLAN
CAMBELL ROAD, ARMADALE**

***ROAD NAME SPELLING PREFERENCE –
CAMBELL ROAD OR CAMPBELL ROAD, ARMADALE***

WARD : LAKE
FILE REF : NAM/2;RDC/80
DATE : 27 July 2005
REF : MF
RESPONSIBLE MANAGER : PSM
APPLICANT : Mrs W Fraser
LAND OWNER : CROWN
SUBJECT LAND : Cambell Road, Armadale
Map 22-01
ZONING
MRS/TPS No.2 : Urban / Residential 'R15'
DRAFT TPS No.4 : Residential 'R15 / R25'

In Brief:-

- Letter received from applicant noting that Cambell Road, Armadale is spelt with a “p” in the current street directory.
- Campbell (with a “p”) approved by the Nomenclature Advisory Committee in September 1983.
- Cambell (without a “p”) established in Council’s records since 1983.
- Letters sent to landowners and/or occupiers requesting spelling preference.
- Recommend that Council approach Geographic Names Committee seeking approval for Cambell (without a “p”).

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aim to sustain and maintain the distinctive character of the City.

Legislation Implications

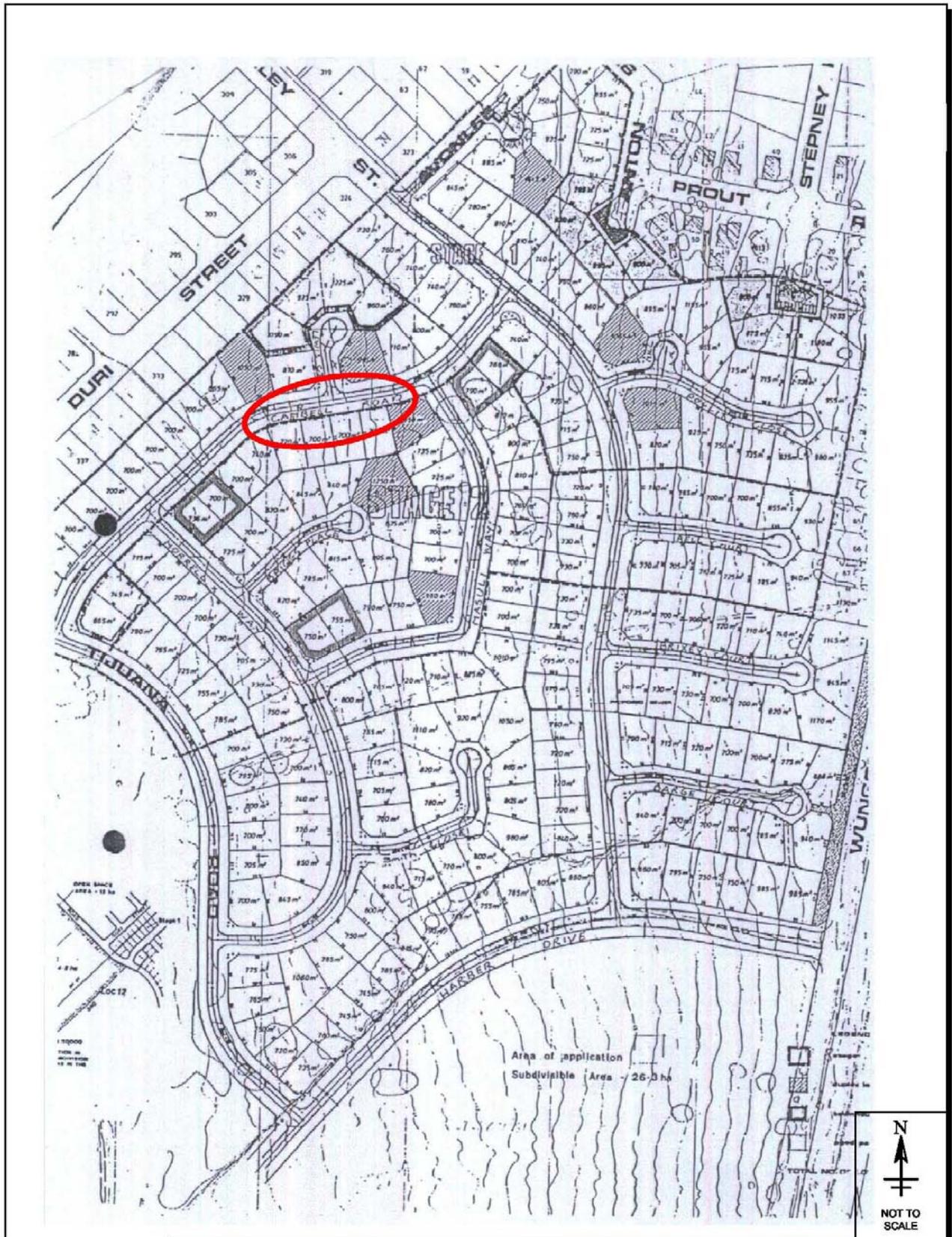
Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



**ORIGINAL PLAN OF SUBMITTED STREET NAMES
CAMPBELL ROAD, ARMADALE**

Consultation

- ◆ Finance Section – Rates.
- ◆ Landowners in Cambell Road.
- ◆ Geographic Names Committee
- ◆ Department of Land Information (DLI)

BACKGROUND

In 1983, the State Housing Commission (now the Department of Housing and Works) subdivided an area of its land in Armadale bounded by Tijuana Road to the west, Wungong Road to the east and Harber Drive to the south.

As part of the subdivision process, the State Housing Commission proposed street names for the subdivision. These street names (including Campbell Road) were approved by the Nomenclature Advisory Committee in September 1983.

There is no information regarding the identity of the person after whom Campbell Road was so named, except that a Council letter sent to the State Housing Commission's planning consultants at that time indicated that the proposed names (including Campbell Road) were historically linked with the Armadale locality. The book 'First Stage South' by Daphne Popham refers to 'Campbell and Thomas' who won the contract for the making of desks at the Kelmscott Primary School. There does however not appear to be any direct connection with Armadale.

It would appear that an error was made in transposing this spelling in Council's records so that the spelling of Campbell Road was inadvertently altered to Cambell Road and subsequently established as such in Council's records. The attached original Plan of submitted names may explain how the letter 'p' was missed in the spelling of Campbell Road by virtue of the fact that a 'p' was inserted over the word 'Cambell' between the 'm' and the 'b' but without the use of the omission symbol '^'.

DETAILS OF PROPOSAL

The applicant has recently discovered that Cambell Road is spelt 'Campbell' in the current street directory and has requested that either the road sign or the street directory needs to be changed to resolve the situation.

However, since her personal documents and identification cards show the spelling as 'Cambell' she feels that a decision by Council to resolve this matter should not be at the cost and time of the residents of Cambell Road.

COMMENT

Letters were sent to 29 owners and/or occupiers of Cambell Road requesting their preferences for the spelling of Cambell Road. Advertising period extended from 20 June to 29 July 2005.

10 responses were received as follows:

Cambell Road (without a “p”) - 6

Campbell Road (with a “p”) - 4

Refer to Confidential Attachment “B3” of the Agenda for location plan of respondents.

RESUME OF RESPONSES

Cambell Road (without a “p”)

Respondents prefer the status quo to remain because it has always been spelt without a “p” and because all their personal documents and identity cards contain this spelling. The alternative spelling will entail considerable inconvenience and expense to the landowners and/or occupiers of Cambell Road.

Campbell Road (with a “p”)

Respondents indicate that this is a more appropriate spelling because it is consistent with the street directory and can be found easily. It relates to two names - “camp” and “bell” which gives the name meaning.

ANALYSIS

The official spelling of the road name is Campbell (with a “p”) as confirmed by Survey Plan No.14703, approved by the Nomenclature Advisory Committee in September 1983.

Recent telephone enquiries made to the Department of Land Information (DLI) confirm that the Title documents of at least two properties indicate the spelling of “Campbell” (with a “p”). It is therefore assumed that the other properties are also similarly delineated.

Council’s archive records show that Cambell Road (without a “p”) has been in use since 1983 and the last known entry of this spelling has been in the 1998 Street Smart. The current telephone directory (White Pages) also shows this spelling.

The spelling of Campbell (with a “p”) appears in the 2004 and 2005 Street Smart. However, in terms of creating the least amount of inconvenience and expense, it is considered more appropriate to retain Cambell (without a “p”). The Geographic Names Committee has advised that if Council resolves to retain Cambell (without a “p”), then a simple Council resolution to that effect would suffice to enable the changes to be made provided that Council has followed the relevant procedures, including obtaining the views of the landowners and/or occupiers of Cambell Road.

Council Officers have followed the relevant procedures and sought the views of the residents.

OPTIONS

1. Resolve to approve “Campbell” (with a “p”) on the grounds that this is the official spelling approved by the Nomenclature Advisory Committee in 1983.
2. Resolve to retain Cambell (without a “p”) and to approach the Geographic Names Committee seeking approval for this spelling on the grounds that this Option will cause the least amount of expense and inconvenience to the landowners and/or occupiers.

CONCLUSION

It is recommended that Council adopts Option 2 and resolves to retain Cambell (without a “p”) on the grounds that this has been the de facto situation since 1983. The alternative spelling will entail landowners being subjected to considerable inconvenience and expense. Advice from the Geographic Names Committee suggests that if Council resolves to maintain the status quo, a resolution to this effect would suffice to make the necessary official changes. This option will not cause any disruption to the landowners and/or occupiers.

D111/8/05

RECOMMEND

1. **That Council approach the Geographic Names Committee seeking approval to establish Cambell Road, Armadale (without a “p”) as the official spelling instead of Campbell Road, Armadale (with a ‘p’).**
2. **That landowners and/or occupiers of Cambell Road, Armadale, including respondents, be advised of Council’s decision.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

PROPOSED REVISION TO SUBDIVISION GUIDE PLAN – LOT PT 53 CHURCHMAN BROOK ROAD, BEDFORDALE

WARD : NEERIGEN
FILE REF : SCH/2/121
DATE : 1 August 2005
REF : RVD
RESPONSIBLE MANAGER : PSM
APPLICANT : Greg Rowe & Associates
LAND OWNER : Gilete Brook Pty Ltd
SUBJECT LAND : Lot Pt 53 Churchman Brook Road, Bedfordale
Property size 7.0246ha
Map 25-03
ZONING
MRS/TPS No.2 : Rural/ Special Use Zone No.82 Rural Residential/ Cluster
DRAFT TPS No.4 : Special Residential/ Development (Structure Planning) Area No.11

In Brief:-

- Revised Subdivision Guide Plan received that proposes to increase the lot yield on Pt Lot 53 from 7 to 13 lots.
- Proposal is recommitted from Council meeting of 18th July 2005 as the applicant wished to provide further information.
- Advertised and two objections received.
- The revised Subdivision Guide Plan is similar to one previously approved in August 2001, but policy has changed since then.
- Concerns regarding road width, intersection design, the location of development envelopes and screening need to be addressed.
- Recommend that subject to revision of the Plan, Council endorse the revised Subdivision Guide Plan and forward it to the Western Australian Planning Commission for adoption.

Tabled Items

Nil.

Officer Interest Declaration

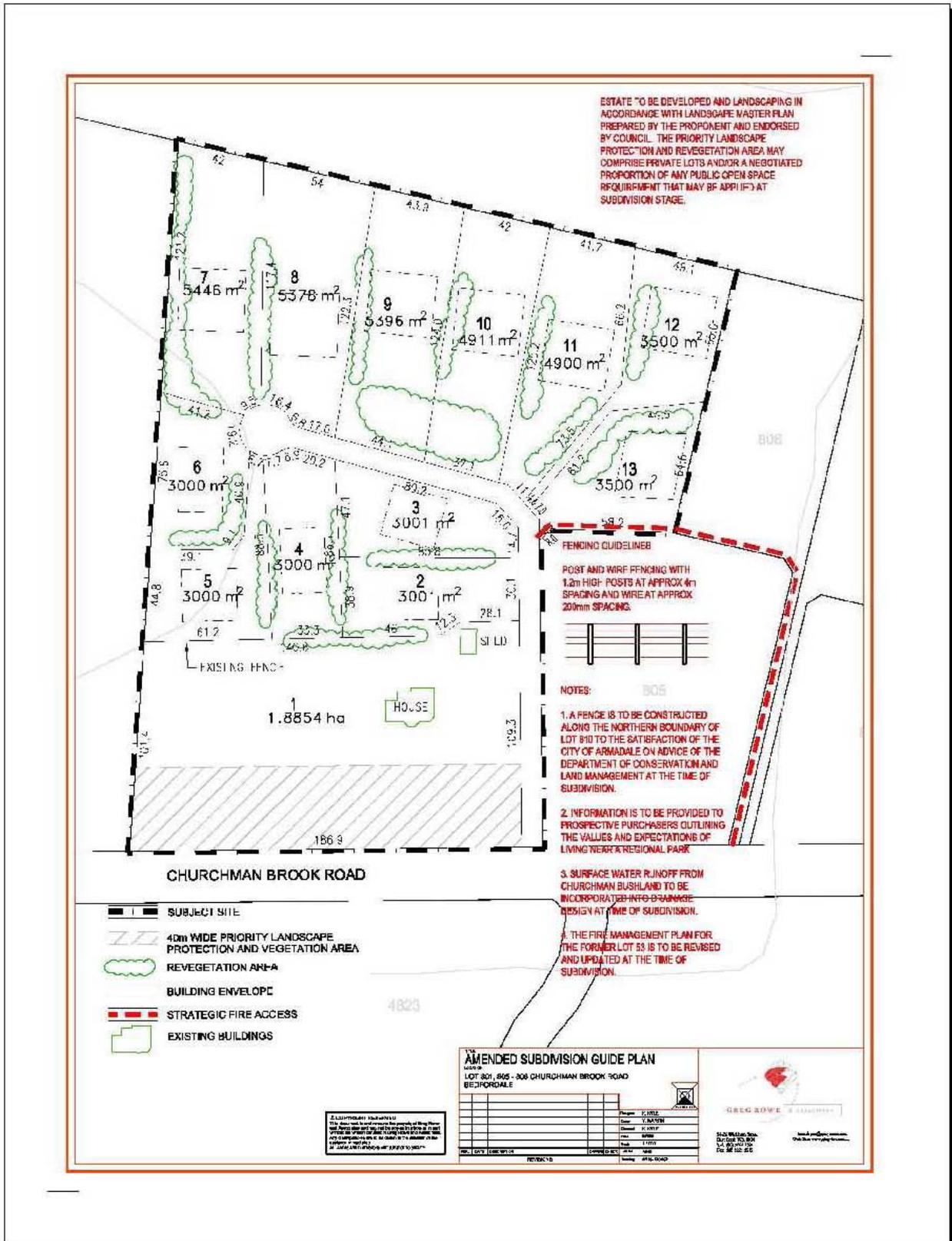
Nil.

Strategic Implications

Developing our City “balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2



**AMENDED SUBDIVISION GUIDE PLAN
P1 LOT 53 CHURCHMAN BROOK ROAD, BEDFORDALE**

Council Policy / Local Law Implications

City of Armadale Local Rural Strategy

Western Australian Planning Commission Policies

DC2.5 Special Residential zones
 DC3.7 Fire Planning

Budget / Financial Implications

Nil.

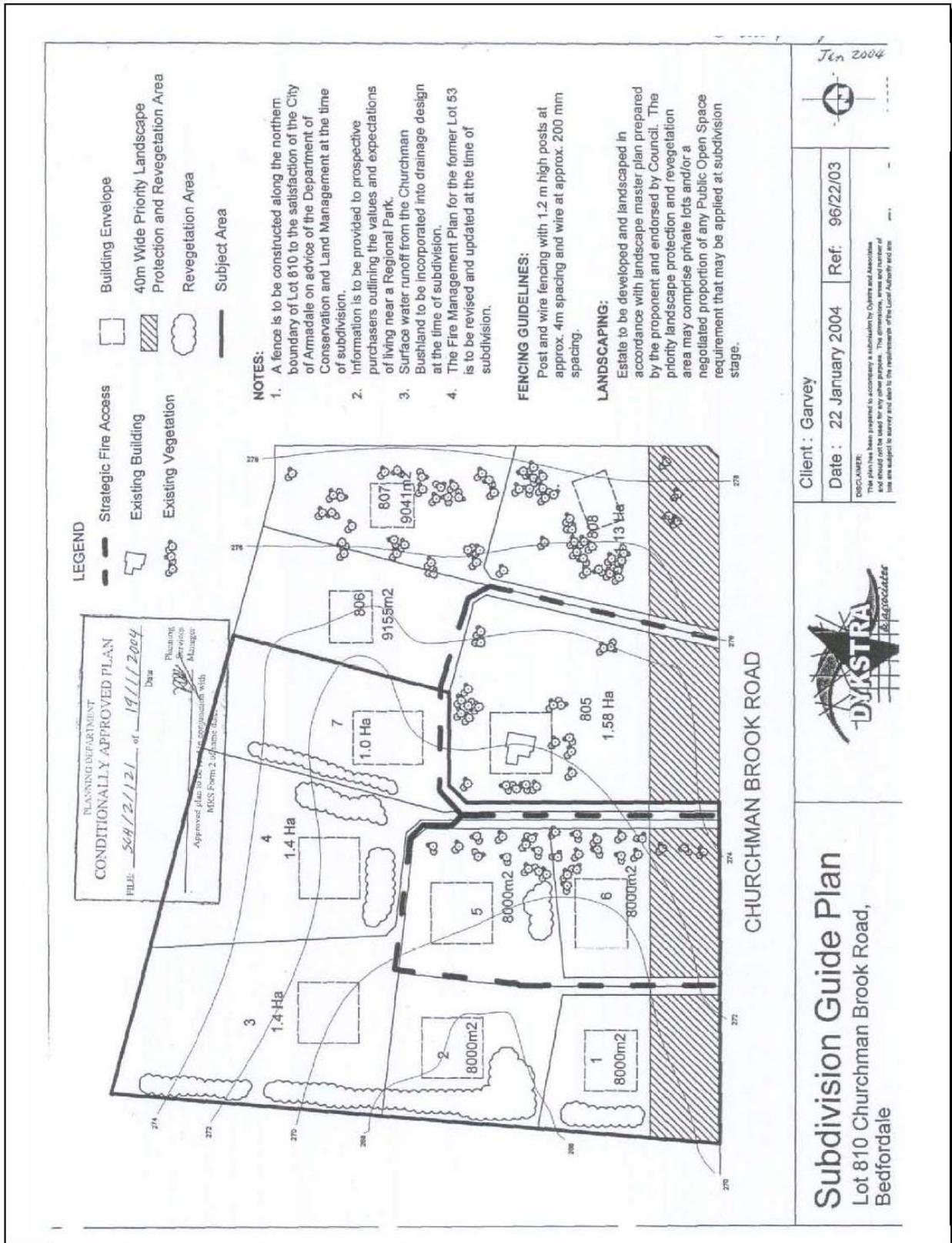
Consultation

- ◆ Development Control Unit
- ◆ Surrounding landholders

BACKGROUND

Since gazettal of Special Use Zone No.82 in 1997 Council has considered and approved five different Subdivision Guide Plans for Lot 53 Churchman Brook Road, Bedfordale as indicated in the table below.

Date Adopted by Council	Key characteristics	Total No. of Lots
July 1997	<ul style="list-style-type: none"> • Cluster of eight mostly 3000m² lots in north east corner, one large 2.6ha lot on Churchman Brook Road and three 2ha lots over the remainder of the lot. • Access off a built road from Shrike Close (now known as Beeloo Close) for all but three lots. • Two lots fronting Churchman Brook Road. • No narrow battleaxe legs. 	12
March 1999	<ul style="list-style-type: none"> • Cluster of eight lots replaced with three lots of about 8,500m² and the large 2.6ha lot split into two lots. No change to the three 2ha lots. • Access from two battleaxe legs of Churchman Brook Road. • Four lots fronting Churchman Brook Road. 	8
August 2001	<ul style="list-style-type: none"> • Significant change that included 0.5ha lots along the northern boundary, 0.3ha lots south of these lots and larger lots fronting Churchman Brook Road and the north east corner of the lot. • Access to the 0.5 and 0.3ha lots via a constructed road. • Three 1ha and a 1.5ha lot fronting Churchman Brook Road. 	17
July 2002	<ul style="list-style-type: none"> • Similar to the March 1999 plan but with the three 2ha lots split into four 1.5ha lots. • No change to access and lots fronting Churchman Brook Road. 	9



**CURRENTLY APPROVED SUBDIVISION GUIDE PLAN
FORMER LOT 53 CHURCHMAN BROOK ROAD, BEDFORDALE**

Date Adopted by Council	Key characteristics	Total No. of Lots
January 2004	<ul style="list-style-type: none"> • The four 1.5ha lots split into four 8000m² lots and two 1.4ha lots. • Access from three battleaxe legs from Churchman Brook Road. • No change to number of lots fronting Churchman Brook Road. 	11
Current proposal	<ul style="list-style-type: none"> • Four lots between 1.58 and 0.9044ha already subdivided, two of which front Churchman Brook Road. • Twelve lots between 0.3 to 0.59ha plus one lot of 1.5ha fronting Churchman Brook Road. • Access to the smaller lots via a constructed road. 	17

The eastern third of the subject land has been subdivided and the remaining portion of Lot 53 (i.e. Lot Pt 53) is now the subject of a revised Subdivision Guide Plan.

The currently approved Subdivision Guide Plan comprises a total of seven lots on Lot Pt 53, Churchman Road, Bedforddale (i.e. the subject land). The subject land has recently changed ownership, and the new landholder is seeking to amend the Subdivision Guide Plan back to a pattern similar to one approved by Council in August 2001.

The proposal was considered by the Development Services Committee meeting of 12 July 2005 but at the Council meeting of 18 July 2005 the applicant requested the opportunity to provide additional information and the item was recommitted. Further information in respect to the application of Western Australian Planning Commission Policy DC 3.7 *Fire Planning* has been provided.

DETAILS OF PROPOSAL

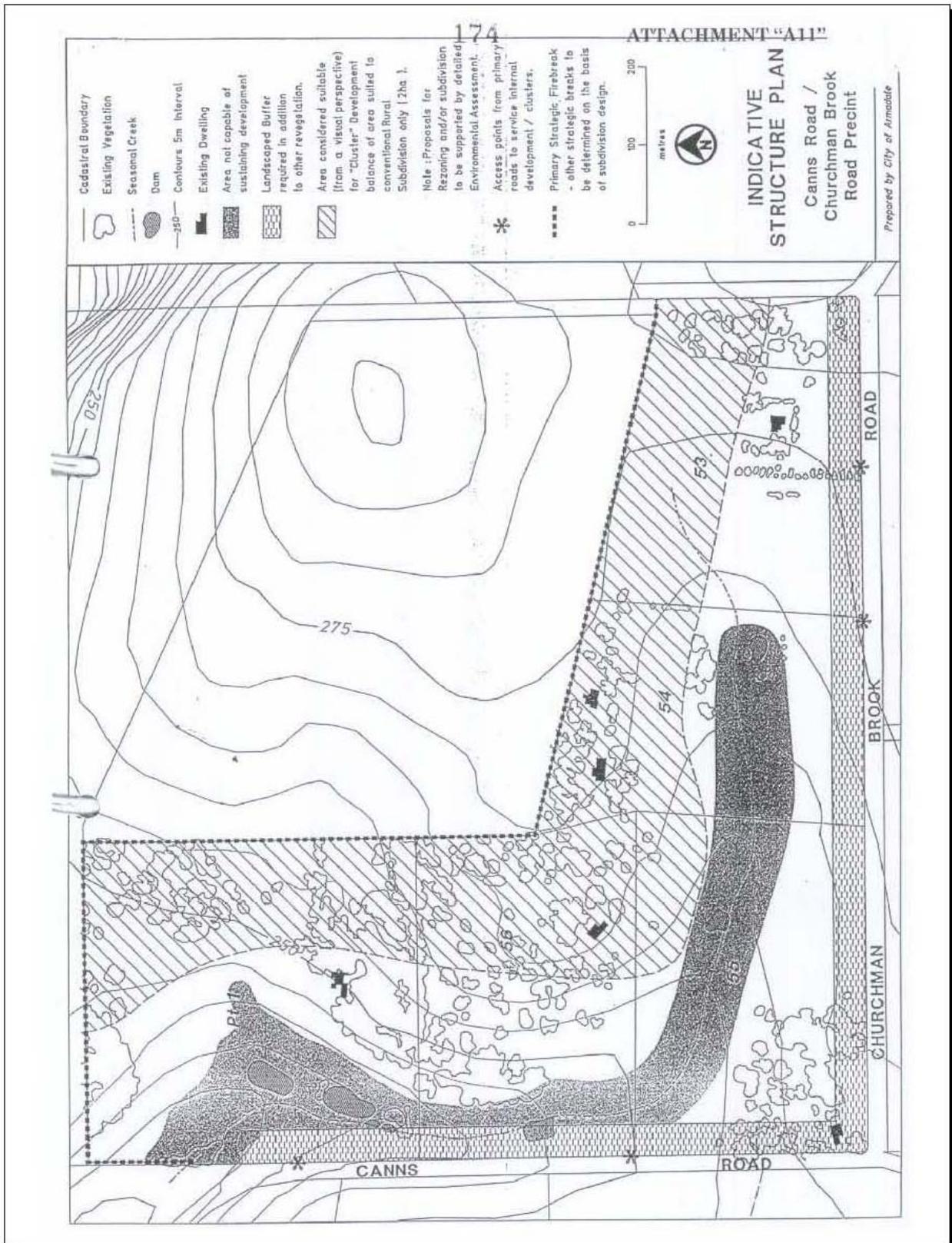
The applicant proposes to revise the Subdivision Guide Plan over the un-subdivided portion of the former Lot 53 to provide 13 lots over that area, thus bringing the total to 17 lots on the former Lot 53. A 1.5ha lot faces Churchman Brook Road and lots ranging from 3000m² to 5,900m² at the rear of the Lot Pt 53 are serviced by a 260m long cul-de-sac.

COMMENT

Development Control Unit

The Development Control Unit meeting of 23 June 2005 raised concerns regarding the width of the road reserve, the dimensions of the cul-de-sac bulb and the intersection of the proposed cul-de-sac road with Waterwheel Road.

In response to concerns regarding the road reserve width the applicant provided cross sections showing the location of services to the Technical Services Directorate, which concluded that the proposed 10m road width would not be adequate. Typically a minimum road reserve width of 14m would be required. Therefore it is recommended that the Subdivision Guide Plan be amended to show a 14 m road reserve width.



**INDICATIVE STRUCTURE PLAN
 LOT 53 CHURCHMAN BROOK ROAD, BEDFORDALE.**

In regard to the proximity of the intersection of the proposed road, Austroads (Part 5) states that left right staggers are not appropriate unless a right turn pocket is provided on the main road, in this case Churchman Brook Road. This is to ensure that through flows on Churchman Brook Road are not impeded by vehicles turning right. In terms of the stagger distance it would appear that they meet the criteria for distance between staggers. It is recommended that the layout be revised so as to conform with Austroads (Part 5) standards and a note be placed on the Subdivision Guide Plan advising that road modifications will be required to be undertaken as part of subdivision approval.

Public submissions

The proposal was advertised to adjacent landholders commencing on 26 May 2005 and with comments closing on 20 June 2005. Three submissions were received in response to the proposal.

Total number of responses received	:	3
Number opposed	:	2
Number in favour/ no objections (Health Department of WA)	:	1

A copy of a location plan of respondents is at Confidential Attachment “B4” of the Agenda.

The issues raised by submissions have been summarised and responded to under Analysis below.

ANALYSIS

Public submissions

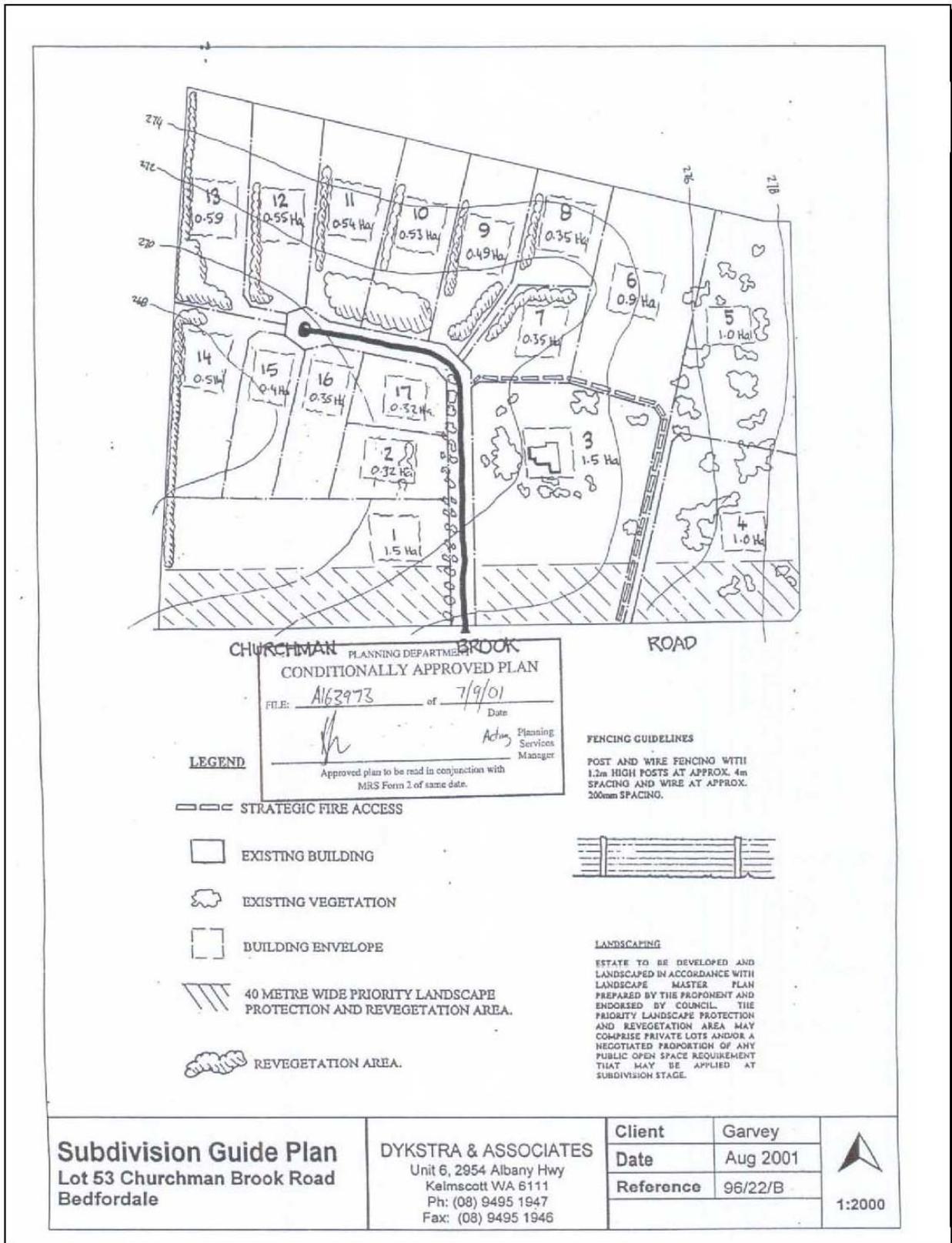
A summary of the issues raised in the submissions objecting to the proposal appears in italics below, along with a recommended response.

The proposed increase is not in keeping with the policy regarding properties adjacent to Regional Parks.

Although not clear from the submission what policy is being referred to, it is assumed to be Western Australian Planning Commission Policy DC3.7 *Fire Planning*. This policy is discussed in detail below.

The outlook from our property will be compromised. Two lots are proposed adjacent to our property, with development envelopes too close to the property boundary. There should be sufficient space to plant at least three rows of trees (at least 4-5m apart) to buffer the visual impact. (Two submissions from different properties).

The applicant’s response to this concern was that the location of the building envelopes is for indicative purposes only and will be further examined as part of the subdivision approval process. However, it is the City’s experience that Subdivision Guide Plans are often used for sales purposes and false expectations can be created. Furthermore, assurance is needed at this stage that building envelope sizes will be acceptable given the constraints that apply to the site.



**SUBDIVISION GUIDE PLAN AS APPROVED AUGUST 2001
 FORMER LOT 53 CHURCHMAN BROOK ROAD, BEDFORDALE**

Under the existing scheme provisions “no building shall be constructed within six (6) meters of any lot boundary.”

It is considered that two rows of trees, spaced 4m apart should provide sufficient screening from the adjacent properties. This would mean a development envelope setback of about 11m based on a 3m firebreak, 2m to the first tree line, 4m to the next tree line and then 2m to provide canopy space for the trees. It is recommended that the applicant be required to amend the Subdivision Guide Plan to provide screening and a minimum setback of 11m for development envelopes along the eastern and western boundaries of Pt Lot 53.

It is considered that 600m² provides a relatively small envelope given that some houses built in the area have a 300m² floor area, but is probably acceptable.

The proposed fencing will restrict the movement of the kangaroo population and increase the kangaroo hazard along Churchman Brook Road.

The proposed Subdivision Guide Plan does not change the situation in regard to fencing along the boundary with the Darling Range Regional Park and the change along Churchman Brook Road is very minor. The Subdivision Guide Plan requires fencing along the boundary to be constructed to the satisfaction of the Department of Conservation and Land Management. It is considered that this issue is adequately addressed.

If the proposal is to proceed, the following obligations should apply; ban the keeping of cats and dogs, require each household to have a rainwater tank, insist the Bedforddale volunteer bushfire brigade is informed before any burning off, and ban the riding of trail bikes.

The keeping of cats is best addressed through Local Laws, and cannot be addressed through a Subdivision Guide Plan process. It is currently expected that Council will consider the issue of cat local laws following the outcomes of research work being undertaken by Murdoch University that is due for completion at the end of 2005.

Previous fencing designs recommended by the Department of Conservation and Land Management have specifically been designed to prevent the entry of most types of dog into the Regional Park. The Dog Act also provides a mechanism for the control of dogs. Additional controls on the keeping of dogs are not considered necessary.

Rainwater tanks are not considered necessary as under Town Planning Scheme No.2 all lots are to be provided with reticulated water supply.

Burning off and the riding of trail bikes are matters that cannot be addressed through a Subdivision Guide Plan and are considered to be adequately addressed by the existing State and Local Laws.



**AERIAL PHOTOGRAPH
Pt LOT 53 CHURCHMAN BROOK ROAD BEDFORDALE**

Town Planning Scheme No.2

The subject lot falls within Special Use Zone No.82 which has a number of requirements. Requirement 1 states that the Subdivision Guide Plan “*shall generally observe the following subdivision standards:*”

- ◆ *overall maximum number of lots being in accordance with the approved Subdivision Guide Plan.*
- ◆ *minimum lot sizes in clusters 3000m² with an average of 4000m²*
- ◆ *minimum lot size outside clusters – 1.5ha”*

The average lot size in the clustered area is 4,350m². This is considered to be a relatively minor variation that can be accommodated because Requirement 1 states that the subdivision standards be “generally” observed.

The Subdivision Guide Plan complies with all other relevant requirements of Special Use Zone No.82.

Under Clause 5.2.1 of the Scheme Council may amend the Subdivision Guide Plan after consideration of submissions, and then shall forward the Subdivision Guide Plan to the Western Australian Planning Commission together with a copy of Council’s decision in relation to each submission received.

Development Envelope setbacks

Requirement 4 of Special Use Zone No.82 requires that “*lots below 1ha shall comply with the building standards of the R2.5 Residential Planning Code excepting that no building shall be constructed within six (6) metres of any lot boundary*”. Under R2.5, minimum setbacks apply of 15m from a primary street and 7.5m from a secondary street. It is recommended that the development envelopes be modified to reflect the 15m setback from the primary street and 6m from the side boundaries.

Under Town Planning Scheme No.2, the boundaries of a development envelope do not supersede the Scheme or the *Residential Design Codes of Western Australia* requirements. Most development envelopes are in the order of 600m² in area, and only a few building envelopes contain areas within which structures cannot be built on.

Draft Town Planning Scheme No.4

Under Draft Town Planning Scheme No.4 the site is zoned Special Residential and is subject to Schedule 12 – Development (Structure Planning) Areas.

There are significant differences between the provisions that apply under Town Planning Scheme No.2 and Draft Town Planning Scheme No.4, and there have been a number of changes to the provisions that would apply to this proposal since the Draft Scheme was advertised.

Under the Special Residential zone provisions, building setbacks are to comply with the R5 Residential Planning Code, which has a 12m setback from the primary street, a 6m setback from secondary street and other setbacks are 6m or less depending on the length and height of proposed walls and whether or not they have major openings (i.e. doors and windows). However, under Draft Town Planning Scheme No.4 the development envelope is taken as the setback for the development by way of variation to the Residential Design Codes.

The likely change to the Scheme provisions reinforces the need to ensure development envelopes reflect the appropriate primary street and side setbacks.

Planning framework and visual amenity

The revised Subdivision Guide Plan proposal is within the “Indicative Structure Plan – Canns Road Churchman Brook Road Precinct” which was prepared by the City of Armadale, advertised with Amendment No 121 and adopted in July 1997. The Indicative Structure Plan identifies that the rear portion of Lot 53 as “Area considered suitable (from a visual perspective) for Cluster Development”. The area considered suitable for cluster development aligns roughly with the east-west portion of the road, so the lots south of the east-west are outside of this area.

Therefore it is recommended that additional revegetation be required on the southern side of each development envelope south of the road to protect the rural amenity of the area.

Western Australian Planning Commission Policy DC3.7 Fire Planning

The Western Australian Planning Commission Policy DC3.7 Fire Planning came into effect in October 2001, after Council approved the previous 13 lot proposal in August 2001.

In January 2004 when Council considered the current Subdivision Guide Plan, fire management was raised as a key issue by the Department of Conservation and Land Management who requested that *Planning for Bushfire Protection* published by the Western Australian Planning Commission in 2001 be taken into account in the new subdivision and advised in their correspondence that the fire hazard from the adjacent Churchman bushland was “Extreme”.

Planning for Bushfire Protection provides guidance on how the WAPC Policy DC3.7 Fire Planning should be met.

Assessment of the fire hazard as “Extreme” was questioned given that the Churchman Bushland vegetation is not uniform around Lot 53 having been cleared along the northern boundary. A separation of 100m is recommended between “Extreme” fire hazard areas and residences by *Planning for Bushfire Protection*, so January 2004 it was agreed that the relocation of building envelopes to about 80-100m from the northern boundary was acceptable.

Following the Full Council meeting of 18 July 2005, the applicant commissioned FirePlan WA to undertake an assessment of the fire hazard using the Western Australian Planning Commission’s policy framework. The assessment determined that the bushfire hazard assessment for the adjacent Churchman bushland was “Medium” and that a 40m setback from the bushland should apply.

The assessment was provided to the Department of Conservation and Land Management, who advised that they supported the revised assessment and that their previous advice should be disregarded. The City's Ranger Services also support the revised assessment. Accordingly, it is recommended that the Subdivision Guide Plan be amended to ensure all building envelopes are set back 40m from the Churchman bushland boundary.

The applicant also investigated the likelihood of revegetation of the Churchman bushland and was advised that none was planned in the foreseeable future and that if revegetation was to take place the Department of Conservation and Land Management would endeavour to reduce the fire hazard risk for adjoining properties through a fire break or fuel load reduction within the bushland itself.

Planning for Bushfire Protection also recommends that cul-de-sacs should not exceed 200m, but that can be increased to 800m if two way access and egress is provided. The proposed cul-de-sac is 260m long. Alternative egress is provided part way along the cul-de-sac through the strategic fire access that runs around Lot 805.

The Subdivision Guide Plan Notes require that the Fire Management Plan be revised and updated at the subdivision stage.

Western Australian Planning Commission Policy DC 2.5 Special Residential zones

Western Australian Planning Commission Policy DC 2.5 includes locational, design and servicing requirements for special residential zones which are defined as areas with lot sizes between 2,000m² and 1ha.

Issues concerning the locational requirements have been dealt with when the original Subdivision Guide Plan was approved. The design and servicing requirements specified by the policy have generally been met.

City of Armadale Local Rural Strategy

Town Planning Scheme No.2 provisions and the Subdivision Guide Plan address the relevant Local Rural Strategy recommendations for the Canns Rural Planning Area. All of Lot Pt 53 is rated High Capability for Rural Residential Development.

OPTIONS

1. Council could endorse the Subdivision Guide Plan subject to a redesign to achieve adequate road width, intersection treatment, and development envelopes and screening to address fire planning, *Residential Design Codes of Western Australia* and rural amenity concerns.
2. Council could refuse to endorse the proposed modification to the Subdivision Guide Plan and request that subdivision occur in accordance with the currently approved Subdivision Guide Plan.

CONCLUSION

The proposed Subdivision Guide Plan has been reassessed with particular regard to policy that has been developed since the previous 13 lot Subdivision Guide Plan was adopted by Council in August 2001. With re-arrangement of the location of development envelopes, a wider road, intersection treatment and additional screening the proposed Subdivision Guide Plan would provide an acceptable outcome. The applicant has provided a draft revision to the Subdivision Guide Plan that demonstrates compliance with most of the recommendations, and those that have not been shown only require minor changes. Therefore Option 1 is recommended. Following receipt of the amended Subdivision Guide Plan it should be forwarded to the Western Australian Planning Commission for its adoption.

COMMITTEE considered that 600m² provided a relatively small development envelope, and requested that it be increased to “as near as possible to 1000m²”. Accordingly, Part 1(iv) of the Recommendation was amended.

D112/8/05 RECOMMEND

1. **That Council endorse the revised Subdivision Guide Plan, subject to submission of an amended plan showing:**
 - (i) **a road reserve width of 14m;**
 - (ii) **a road design on Churchman Brook Road that complies with Austroads (Part 5) standards;**
 - (iii) **a note that improvements to Churchman Brook Road are required at subdivision;**
 - (iv) **development envelopes as near as possible to 1000m² with setbacks at least 40m from the Darling Range Regional Park, 15m from primary street, 6m from side boundaries and 11m from the eastern and western boundaries of Lot Pt 53;**
 - (v) **a notation stating “Adequate screening vegetation to be implemented on the eastern and western boundaries of Lot Pt 53 and on the south side of each development envelope south of the proposed cul-de-sac.”**
2. **That Council forward the revised Subdivision Guide Plan (as amended by Recommendation 1) and the Schedule of Submissions to the Western Australian Planning Commission and request the Commission to adopt the Subdivision Guide Plan as the basis for approval of subdivision applications within the area covered by the plan.**

MOVED Cr Tizard
MOTION CARRIED (7/0)

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SIGNS LOCAL LAWS AND DESIGN GUIDELINES

WARD : ALL
FILE REF : LAW/21
SIGN/1
DATE : 30 July 2005
REF : SA / LF
RESPONSIBLE : PSM
MANAGER

In Brief:-

- The City's Local Laws relating to Signs, Hoardings and Bill Posting date from 1963 and lack discretion as well as provision for modified penalties and impounding illegal signs.
- The current signage legislation requires dual signage applications by the City and the ARA.
- The City's current Policy PLN 4.2 Advertising Devices Local Laws relating to Signs, Hoardings and Bill Posting Policy and the ARA's Signage Design Guidelines are also vastly different.
- Recommend that the City commence the amendment of the Signage Local Laws and Policy with the public advertising of these two documents.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City –

- ♦ To sustain and maintain the distinctive character of the City; and
- ♦ Balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Armadale Redevelopment Act 2001.
Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Local Government Act 1995
Metropolitan Region Scheme
Town Planning Scheme No.2.
Town Planning Scheme No.3.
Town Planning Scheme No.4.
Armadale Redevelopment Scheme

Council Policy / Local Law / ARA Implications

Policy PLN 4.2 Advertising Devices 2003
Local Laws relating to Signs, Hoardings and Bill Posting 1963
ARA Signage Design Guidelines 2004

Budget / Financial Implications

Cost of advertising Local Laws and Policy, including gazettal of Local Laws.

Council's Fees and Charges also refer. Amendment to the Local Laws has implications on signage applications which currently require approval from the City in terms of the current Local Laws. It is proposed that only a single signage application (and fee) apply to all signage in the City and that a second signage application (and fee) to the City not be required in terms of the Local Laws, given applications (and fees) are required in terms of the ARA Scheme or Town Planning Scheme No.4. The new Signs Local Laws will also introduce new modified penalties / remedies for non-compliance (in City of Armadale and ARA areas).

Consultation

- ◆ Armadale Redevelopment Authority (ARA)
- ◆ Other local authorities
- ◆ City's solicitors (Mullins Handcock)

BACKGROUND

Signage in the City has been controlled in terms of the Local Laws relating to Signs, Hoardings and Bill Posting since 1963. In addition, the City's Town Planning Scheme No.3 and the ARA Town Planning Scheme, require applications for signage, as will be the case with the City's new Town Planning Scheme No.4.

The current legislation has the effect that dual signage applications are required in TPS No.3 and the ARA Scheme areas (as will be the case with TPS No.4). In TPS No.2 areas however signage applications are only required in terms of the Local Laws.

In addition, the remedies for non-compliance in terms of the Town Planning and Development Act and the relevant Town Planning Schemes include prosecution and direction notices. The current Local Laws however do not include modified penalties.

Reviews have been undertaken of other Local Authorities Local Laws, particularly the City of Subiaco and consultation has taken place with Council's solicitors who have given the Local Laws a preliminary scrutiny. Furthermore, the draft Local Laws have been crafted in conjunction with, and to complement, the requirements of the City's and the Armadale Redevelopment ARA's Town Planning Schemes.

Given that the City's current Advertising Devices Policy is not consistent with the ARA's Signage Design guidelines, it is appropriate to review the policy as well.

DETAILS OF LOCAL LAWS

The draft Local Laws will apply Citywide (in both the ARA and the City's Town Planning Scheme areas) and consist of definitions, remedies / fines for non-compliance as well as provisions to impound illegal signage. The draft Local Laws propose to update the existing Local Laws and streamline the current approval process by eliminating an approval that is required under the current Local Laws. Under the draft Local Laws approvals would be granted under the City's Scheme or the ARA's Scheme.

Included in the draft Local Laws are provisions to impose modified penalties for a number of offences including failing to obtain the appropriate approvals or complying with the conditions of an approval. Also included are provisions for authorised officers to impound offending signage.

A copy of the Signs Local Laws is at Attachment “A3” of the Minutes.

DETAILS OF THE LOCAL PLANNING POLICY – SIGNAGE DESIGN GUIDELINES

This policy will supersede Policy PLN 4.2 Advertising Devices, adopted by Council on 16 June 2003 and is formulated to supplement the Local Laws relating to Signs and the City’s Town Planning Scheme. The policy will apply to all advertising signs other than signs exempt from planning approval in terms of the City’s Town Planning Scheme (and not to the ARA Scheme area).

The policy consists of objectives, policy statements, definitions and a table setting out permitted and discretionary design standards. Appendix 1 also includes specific requirements for Illuminated Directional Signs, Illuminated signs in general, Direction Signs, Temporary Community Signs, Public Event and Cultural Directory Signage.

The policy provides a framework for the regulation of the erection and placement of advertising signs in the interests of protecting and improving upon the amenities of the City.

The policy is intended to provide guidance for applicants applying for signage applications in terms of the City’s Town Planning Scheme as well as guide the City in assessing and determining such applications.

A copy of the Signage Design Guidelines is at Attachment “A4” of the Minutes.

COMMENT

- ◆ *Section 3.5 of the Local Government Act 1995 (the Act) confers upon Council the power to make Local Laws.*

The current Signs, Hoardings and Billposting Local Laws and Policy are considerably out of date and ineffective. Amendments alone are not considered to be the solution to the current situation, but a complete overhaul has in effect resulted in a new draft Local Law and Policy.

- ◆ *Section 6.16 of the Act confers upon Council the power to impose (with an absolute majority) and recover a fee or charge for any goods or service.*

In this instance it is proposed to impose an initial charge of \$20 with an additional charge of \$5 per day per sign for a period of 3 months after which the City may dispose of the sign as it sees fit if it has not been collected. This will in due course be addressed in a separate report to Council on fees and charges.

- ◆ *Section 9.16 of the Act confers upon Council and its authorised officers the power to issue an infringement notice with a modified penalty upon an alleged offender.*

It is proposed that Council confer upon its Compliance Officers the power to impound illegal signs and to issue Infringement Notices imposing a modified **penalty (\$100)**.

The draft Local Laws and Policy have been drafted to complement the City's Town Planning Scheme and the ARA's Town Planning Scheme.

ANALYSIS

Local Laws

The intent with the new local laws is twofold. Firstly the requirement for signage applications in terms of the local laws are removed as this will be covered by the relevant town planning schemes. Secondly, the remedies for non-compliance are clearly addressed with fines and the ability to impound illegal signage (with additional daily charges).

The current Local Laws relating to Signs, Hoardings and Bill Posting 1963 do not include modified penalties, which are generally believed to be more appropriate and effective in addressing non-compliance as far as signage is concerned. This aspect is now addressed in the new Local Laws.

The City's solicitors have reviewed a draft version of the Local Laws, which have since been modified to accommodate provisions in the proposed Signage Design Guidelines. Further recommendations on the draft Local Laws from the City's solicitors will be incorporated in any amendments subsequent to advertising.

Design Guidelines

In general, signs should comply with the provisions of Table 1 of the Signs Design Guidelines. The Acceptable Development Criteria (Permitted Standards) contained in the table provide for means by which development can be "deemed to comply" and therefore provide for an expedited and certain path for approval, while the Alternative Performance Criteria (Discretionary Standards) allow the applicant to introduce alternative methods of achieving an acceptable outcome. This is a methodology also applied in the Residential Development Codes and the ARA Signs Design Guidelines.

The Design Guidelines will essentially be a Local Planning Policy in terms of Town Planning Scheme No.4. It will therefore not have the same legislative status that the previous Local Laws had. Where the Local Laws relating to Signs, Hoardings and Bill Posting are prescriptive in terms of requirements with the application of discretion by the City in very few instances, the Design Guidelines will be prescriptive with performance elements for most categories of signs, providing far more discretion in the determination of signage application. In this regard it should be noted that signage applications will no longer be treated as licences under the Local Laws but as development applications under the Scheme, providing applicants with the opportunity for review/appeal to the State Administrative Tribunal in terms of the Town Planning and Development Act.

Although the above may have some drawbacks in terms of certainty for both the applicant and the City, the new local laws will be relatively consistent with the ARA Signage Design Guidelines, providing sign companies with a more consistent approach to the determination of signage applications in the City and reducing the opportunity for confusion.

OPTIONS

Local Laws -

1. Retain the existing Local Laws relating to Signs, Hoardings and Bill Posting 1963.
2. Advertise the new draft Signage Local Laws for public comment.

Signs Design Guidelines –

1. Retain the existing Policy PLN 4.2 Advertising Devices Local Laws relating to Signs, Hoardings and Bill Posting.
2. Advertise the new Local Planning Policy - Signage Design Guidelines for public comment.

CONCLUSION

While the current Local Laws have served the City well in the past, it has specific drawbacks such as dated wording, limited opportunity for the application of discretion and a lack of modified penalties. In addition the current signage legislation requires dual signage applications by the City and the ARA. The City's current Policy PLN 4.2 Advertising Devices Local Laws relating to Signs, Hoardings and Bill Posting Policy and the ARA's Signage Design Guidelines are also vastly different.

For the City to effectively control advertising signage, whilst providing reasonable opportunities for commercial advertising, an up to date Local Law and Policy is necessary to address today's requirements and standards.

In order to address the above situation it is considered appropriate to commence the amendment of the Signage Local Laws and Policy with the public advertising of these two documents.

D113/8/05 RECOMMEND

- 1. That notice be given in accordance with the provisions of Section 3.12(3) of the Local Government Act 1995 that the Council of the City of Armadale intends to adopt amendment local laws as specified in *Attachment “A3” of the Minutes*, the purpose and effect of which are to provide reasonable opportunities for commerce within the City to advertise without causing undue adverse effect on the visual amenity of a locality and to provide for effective enforcement.**

- 2. That proposed new policy PLN 4.2 Signage (Advertisements) – Design Guidelines in *Attachment “A4” of the Minutes*, be advertised for public comment in accordance with the provisions of Clause 5.10.1 of Town Planning Scheme No.2, Clause 9.2 of Town Planning Scheme No.3 and Clause 2.4 of Town Planning Scheme No.4.**

MOVED Cr Everts
MOTION CARRIED (7/0)

PROPOSED ILLUMINATED DIRECTION SIGN – INTERSECTION OF CHAMPION DRIVE AND WESTFIELD ROAD, WESTFIELD

WARD : HERON
FILE REF : A110742
DATE : 5 JULY 2005
REF : SA
RESPONSIBLE : PSM
MANAGER
APPLICANT : Perth Sign Company
SUBJECT LAND : Road Verge
Map 21.06
ZONING
MRS/TPS No.2 : Urban/Abutting Res R15
DRAFT TPS No.4 : Res R15

In Brief:-

- Application received for an illuminated directional sign to be erected at the intersection of Champion Drive and Westfield Road, Westfield.
- Recommend that the application be approved subject to appropriate conditions.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Developing our City – to sustain and maintain the distinctive character of the City.

Legislation Implications

Local Government Act 1995

Council Policy / Local Law Implications

Commercial / Tourism Advertising Format and Criteria for Establishing Commercial / Tourism Advertising Signage (June 1994)

Signs, Hoardings and Bill Posting Local Law

Budget / Financial Implications

Annual Rental income of \$300 plus GST per sign.

Consultation

- ◆ Technical Services Directorate

BACKGROUND

At its meeting of June 1994 Council resolved to adopt a format for commercial / tourism advertising signs and criteria for the establishment of such signs. The criteria for establishing commercial / tourism advertising signage are:-

- ◆ Only to be located subject to Council approval on Council controlled roadways, reserves etc. Design and specifications to meet Australian standard requirements and Council's Engineering requirements.
- ◆ Signage should be a comprehensive generic description of a Centre and avoid promotion of individual businesses and brand names.
- ◆ The incidence of such signage to be very selective and limited to strategic locations otherwise avoiding clutter and confusion.
- ◆ The cost of establishing and maintaining such signage in good order is to be borne by the applicants. In the event of non-compliance with maintenance standards, the Council may within 14 days of notice remove such signage and bill the applicants for the removal and disposal costs. All obligations to be confirmed in writing.

It should also be noted that in May 2004 Council approved an illuminated direction sign that is located at the intersection of Champion Drive and Lake Road, which advertises the Champion Drive Shopping Centre and Coles.

DETAILS OF PROPOSAL

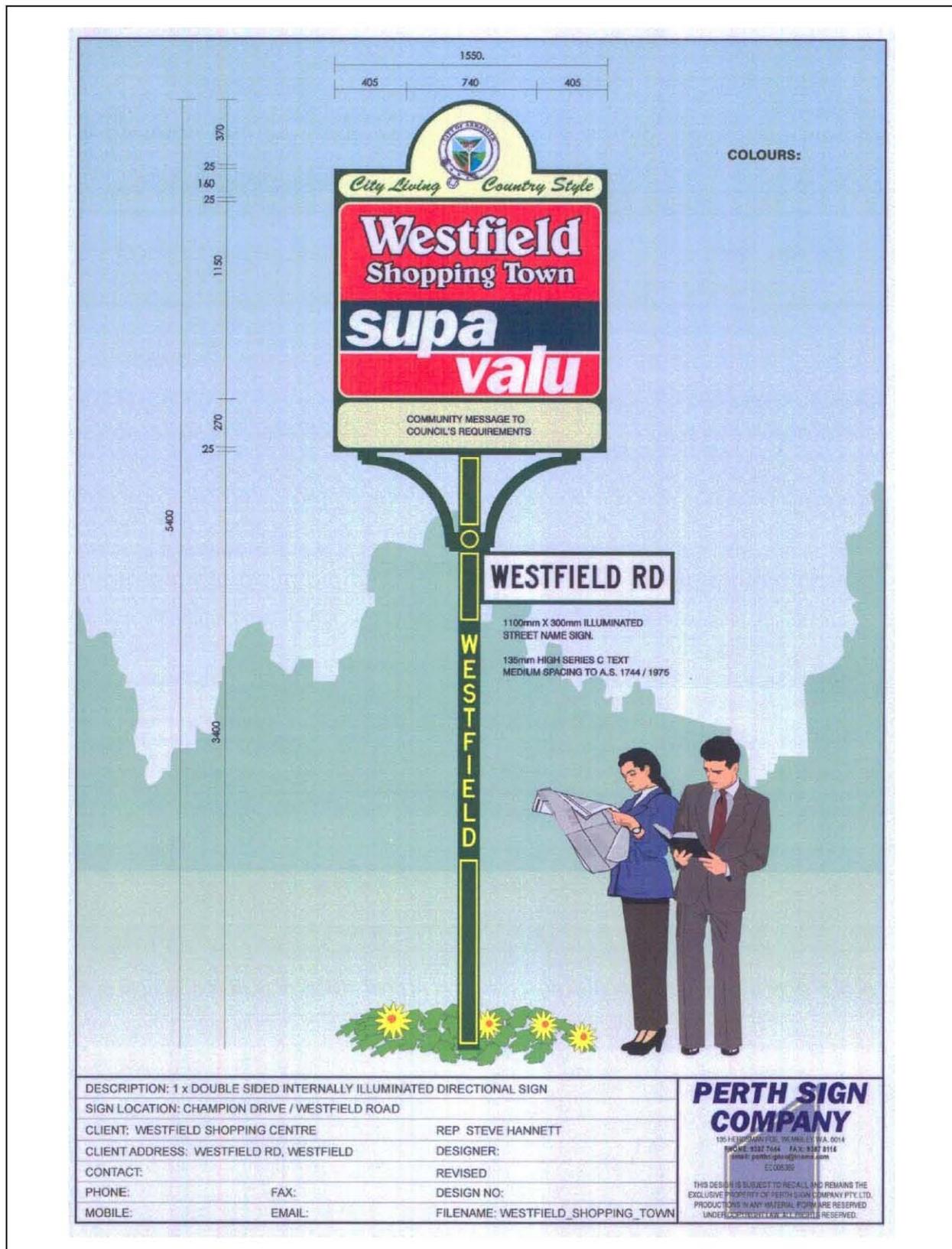
The applicant proposes to erect an illuminated direction sign for the Westfield Shopping Town at the intersection of Champion Drive and Westfield Road, Westfield. The proposed sign will promote the Shopping Centre and display the Westfield Road, road sign. There is also provision to display a community message of Council's choosing. The proposal also includes the secondary advertising of "Supa Valu".

COMMENT

Technical Services Directorate

Council's Technical Services Directorate have assessed the proposed location and advised the following:

- ◆ Financial Services will charge an annual rental fee of \$300 plus GST.
- ◆ Only traffic information signs should be placed in the median strip.
- ◆ The sign must be set back at least 4.5m from the back of the kerb and must not interfere with any pathway, crossover, cycleway or line of sight for "heavy vehicles".



**ELEVATION PLAN
ILLUMINATED DIRECTION SIGN
CORNER CHAMPION DRIVE AND WESTFEILD ROAD, WESTFEILD**

- ◆ A written agreement being provided to the Executive Director Technical Services prior to the erection of the sign that the sign company will be responsible for **all** maintenance, removal (within 24 hours should the sign be damaged), replacement as well as informing the City should any of the above be carried out, and relocate the sign if any road widening is required in future.

ANALYSIS

Although the sign proposes to promote the Shopping Centre it also promotes an individual business. Whilst the “Supa Valu” advertising is secondary to the primary message, the sign is not wholly generic.

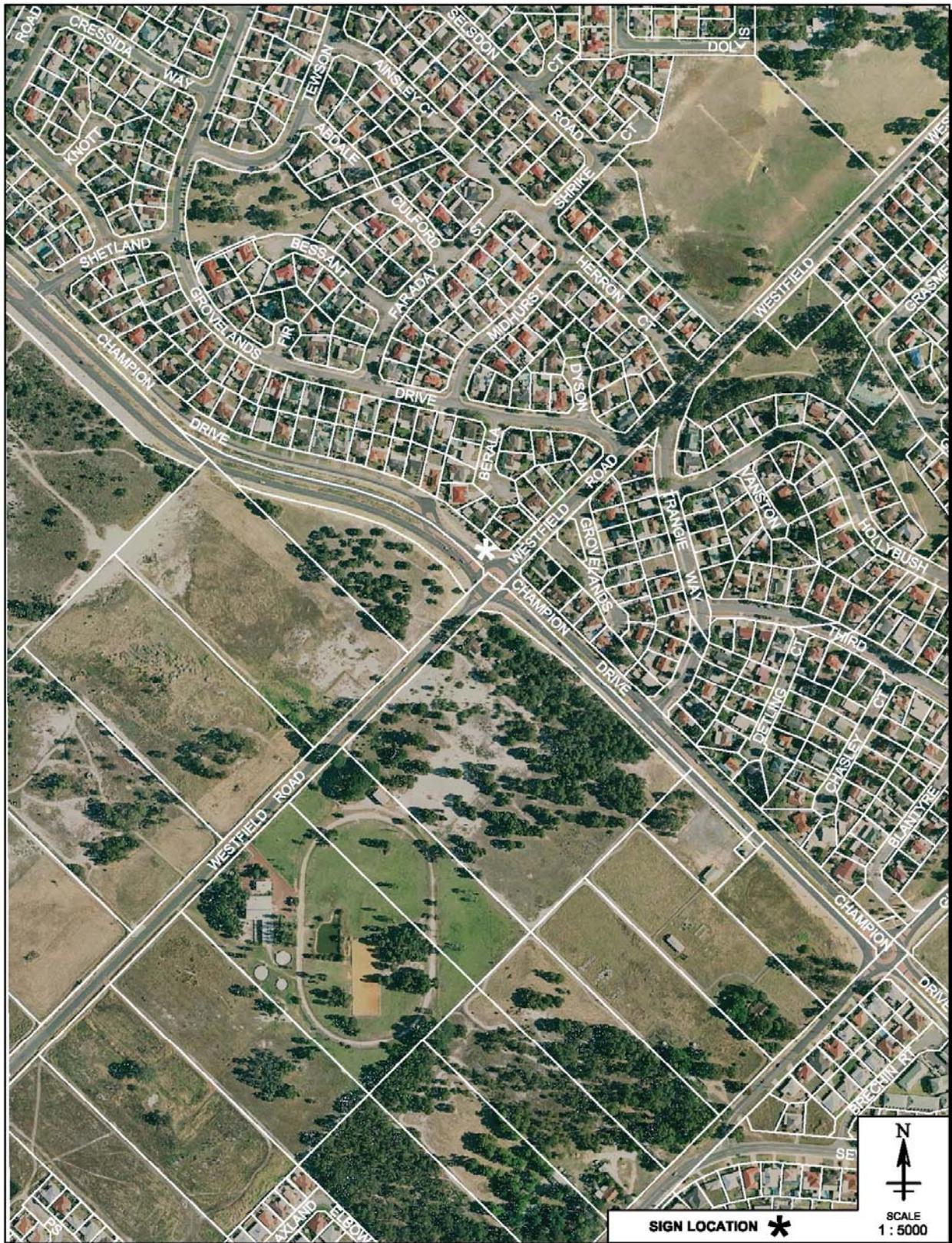
Council has previously approved signs that are not wholly generic for Champion Drive Shopping Centre (Coles), Roleystone Shopping Centre (Dewsons), Araluen (Country Club, Restaurant and Golf Course), West Armadale Shopping Centre (Farmer Jacks) and Mazzega’s. However, with the exception of the Mazzega’s sign, it could be said that these signs are of a generic nature, with highlighted businesses.

As a first choice the applicant proposes to locate the sign in the median strip 4.0m from the roundabout roadway. This location is unacceptable to Council’s Technical Services Division on the grounds that it is likely to distract drivers. As a second choice the applicant proposes to locate the sign 500mm off the footpath, approximately 3.0m from the kerb, on the northern side of Champion Drive to the north west of the roundabout, which does not accord with Main Roads WA Guide to the Management of Roadside Advertising standards. The sign must be set back 4.5m from the back of the kerb to allow for vehicles to leave the road and reduce the impact a vehicle may sustain in a collision with the sign.

After consultation with the Councillors from the Heron ward, it is suggested that either Harold King Community Centre or Armadale Kelmscott Seniors be identified in the panel reserved for community messages.

OPTIONS

1. Council could refuse the application for an illuminated direction sign to be erected at the intersection of Champion Drive and Westfield Road, Westfield on the grounds that it is of a non-generic nature and would be located in the median strip at the preferred location and too close to the edge of the road at the suggested secondary location.
2. Council could approve the application (subject to minor resiting) in light of similar signs having been approved at other locations within the City.



**AERIAL PHOTOGRAPH
ILLUMINATED DIRECTION SIGN
CORNER CHAMPION DRIVE AND WESTFEILD ROAD, WESTFIELD**

CONCLUSION

The proposed illuminated direction sign is not wholly generic and does not strictly meet Council's criteria for generic description or selective and limited strategic locations. However, Council has approved similar signs at other locations in the City and has approved similar signs in the vicinity on Railway Avenue and Lake Road. Given that Council has approved similar signs at other locations within the City, it is recommended that Council approve the application subject to the applicant implementing the requirements of Council's Technical Services Directorate.

D114/8/05 RECOMMEND

That Council approve the application by Perth Sign Company to erect an Illuminated Direction Sign advertising "Westfield Shopping Town" located at the Champion Drive/ Westfield Road, Westfield intersection, subject to the following conditions:

- a) **The sign must be set back at least 4.5m from the back of the kerb and located in a manner satisfactory to the Executive Director Technical Services.**
- b) **On going management arrangement with the Executive Director Technical Services which includes the payment of an annual rental fee.**
- c) **A written agreement being provided to the Executive Director Technical Services prior to the erection of the sign that the sign company will be responsible for all maintenance, removal (within 24 hours should the sign be damaged), replacement as well as informing the City should any of the above be carried out, and relocate the sign if any road widening is required in future.**
- d) **A copy of a Public Liability Insurance Policy to the value of \$10,000,000 being provided and such a Policy remaining current for the life of the sign.**
- e) **Inclusion of Harold King Community Centre identification.**
- f) **Removal of the road name finger sign, with the road name to be incorporated into the main sign.**
- g) **Compliance with the City of Armadale Signs, Hoardings and Billposting Local Laws and Policy.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

ATTENDANCE BY ELECTED MEMBERS AT THE PLANNING INSTITUTE OF AUSTRALIA (WA DIVISION) 2005 ANNUAL STATE CONFERENCE

WARD : ALL
FILE REF : CRS/4
DATE : 26 July 2005
REF : HC
RESPONSIBLE : PSM
MANAGER

In Brief:-

- Planning Institute Australia (PIA) is holding its Annual State Conference at the Belvoir Homestead from 12 to 14 October 2005.
- Officers from the City will be attending.
- Matters to be covered should be of benefit to Councillors and of interest in the Armadale context.
- Recommend that Councillor/s be nominated to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for developing our organisation to:

- ♦ Deliver high quality, professional governance and administration; and
- ♦ Ensure the Council is a proactive, enquiring organisation.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy ADM 3 – Conferences, Seminars and Training.

Budget / Financial Implications

- ♦ Conference - \$450 for PIA members, \$550 for non-members (early bird registration – before 1 September 2005) or after 1 September \$495 for PIA Members, \$595 for non-members.

- ◆ One Day Attendance - \$350 Thursday, \$300 Friday.

(A maximum of four delegates from the same organization are permitted to share one full registration. Delegates sharing a registration may not attend the same conference session. A shared registration only allows for one conference dinner place and one delegate gift. Day registrations cannot be shared.)

Consultation

Nil.

DETAILS OF CONFERENCE

The Planning Institute Australia Western Australia Division (PIA) is holding its Annual State Conference, entitled “*Celebrating Planning Endeavours – The Challenge of Collaboration*”, at the Belvoir Homestead, Swan Valley, from Wednesday, 12 October to Friday, 14 October 2005. *A copy of the Conference brochure is at Attachment “A3” of the Agenda.*

Keynote speakers include:

- ◆ Hon Alannah MacTiernan - Minister for Planning;
- ◆ Rob Adams - Director City Beach Projects, City of Melbourne;
- ◆ Peter Sheahan - Author, *Generation Y Thriving and Surviving with Generation Y at Work*;
- ◆ Gilbert Rochecoute - Creative Place Management;
- ◆ Sue Holliday – National Planning Education and Employment;
- ◆ Mick Pearce – Melbourne Best Practice Green Building Design; and
- ◆ Di Jay - CEO - The Planning Institute Australia.

It is noted that this year marks the fiftieth anniversary of the publication of the Stephenson Hepburn plan for metropolitan Perth and Fremantle. This plan was a seminal piece of work for the Perth planning community; it reinvigorated public interest in the planning process in Western Australia, it exposed the city to a range of planning ideas and approaches drawn from throughout the world and it established the metropolitan planning system that has controlled the growth and development of Perth ever since. This year’s conference will celebrate, reflect and commemorate the contribution of these two great planners and the plan they produced whose legacy is indelibly printed on the character and style of Perth and its planning processes.

The conference proper commences on Thursday 13 October. Wednesday 12 October events entail lawn balls and golf challenge (at extra cost) and the welcome reception.

CONCLUSION

Officers from the Planning Department will be attending the PIA State Conference. The conference should be an informative and interesting gathering that will deal with many issues that are relevant to the City. The item is raised for information for any Councillors who may wish to nominate to attend.

D115/8/05

RECOMMEND

- 1. That Cr R J Tizard and Cr H A Zelones JP be nominated to attend the Planning Institute Australia West Australian Division 2005 Annual State Conference to be held in the Swan Valley from Wednesday 12 to Friday 14 October 2005, with costs incurred to be charged to GL Account 7040111.7504.702.**

MOVED Cr Knezevich
MOTION CARRIED (7/0)

BROOKDALE URBAN WATER STUDY TOUR

WARD : ALL
FILE REF : PSD/1
DATE : 21 JULY 2005
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- Executive Director Development Services took part in an ARA organised tour of Eastern States sites in June 2005.
- A number of urban water issues were investigated.
- Recommend that Council note the report and agree to the recoup of costs to Executive Director Development Services.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Building Our Community – 3.1 Engaging in development of the new communities at Brookdale and Forrestdale.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

\$1750

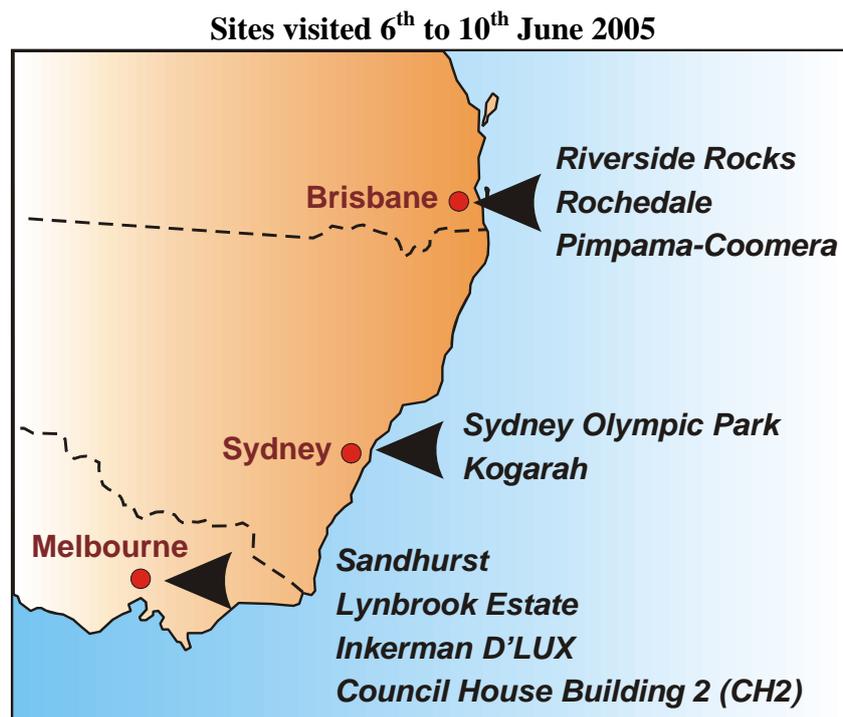
Consultation

- ◆ Consultation with various technical advisers in the Eastern States

BACKGROUND

Between 6th and 10th June 2005 the Executive Director Development Services joined a study tour of Eastern States sites organised by the CSIRO for the ARA.

The prime purpose of the tour was to investigate the ways in which new developments had taken account of the need to carefully manage water usage. However, the study tour also took in other sustainability initiatives.



COMMENT

The main features of the sites visited were:

- ◆ Riverside Park, Brisbane. Low tech treatment of wastewater (filtering through natural processes) and reticulation of adjacent 26 hectare regional park. \$3 million plant.
- ◆ Rochedale. City of Brisbane project for 1700 hectare area 15km SW of CBD. Aim to achieve integrated development with provision for employment (6000 jobs), integrated water management and regional park development.
- ◆ Pimpama-Coomera. A large developing area in SE Queensland wherein a range of water management initiatives are being implemented.
- ◆ Olympic Park, Homebush, Sydney. The 2000 Olympic Games site which was required to meet high standards of sustainability and land restoration.
- ◆ Kogarah Town Centre. A project initiated by the local government to provide the development of residential and commercial units with a range of water management initiatives.

- ◆ Sandhurst, SE Melbourne. A golf course residential estate with use of recycled water for the golf course and public spaces.
- ◆ Lynbrook Estate, SE Melbourne. Residential suburb with on-street stormwater management.
- ◆ Inkerman D’Lux, St Kilda. Units with water recycling.
- ◆ Melbourne City Council House Building 2. State of the art CBD building designed to achieve six star rating.

MAIN ISSUES

Recycling Waste Water

- ◆ Use of sewerage water – set up costs significant if at the Rocks Riverside park type of arrangement whereby treatment is part of project. Need to receive treated water from water agency that would otherwise go to waste – as in SE Melbourne.
- ◆ Need to have some degree of political impetus – eg State government direction regarding target for recycling. Possibly could be written into water strategy.
- ◆ Use of rainwater tank makes sense if plumbed in with pipes and plumbing upon initial construction. Question whether it would be worth it in WA with its seasonal rainfall.
- ◆ Long term responsibility for maintenance and management of third pipe systems was not investigated on tour. Water supply authorities tended to be saying – let’s do it now and think about it later because if we worry about all the details we’ll never start.
- ◆ Concern that third pipe could have an impact on road widths. But certainly need for swales could be difficult to provide in minimum road width roads.



The Rocks Regional Park



Filter Beds



Third Pipe Schemes

Subdivision scale third pipe systems are feasible and are being implemented/developed in Queensland, New South Wales and Victoria. Lessons learned include:

- ◆ Needs to be built and plumbed from the outset (for greenfields development).
- ◆ No clear indication provided on how long term responsibility for maintenance and management of third pipe system was being handled at the sites visited. Water supply authorities appeared to be adopting the approach of implementation with a view to addressing these issues once system is operational.

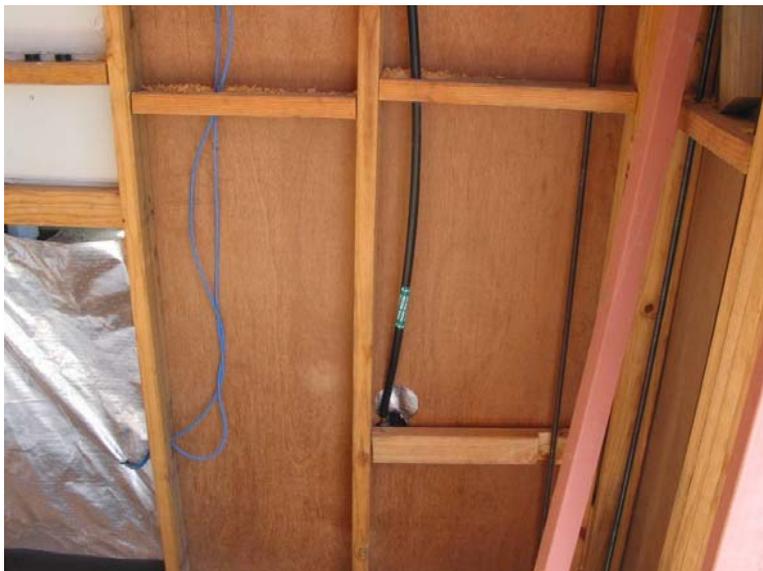
- ◆ Environmental and health barriers to implementing greywater and third pipe systems can be overcome – difficulties were noted at Kogarah and Pimpama Coomera.
- ◆ Need to implement comprehensive and ongoing stakeholder education programme.
- ◆ Need dedicated resource “on the ground” to guide subcontractors and respond to issues arising from installation of a new system.
- ◆ However, third pipe *may* be more risky and less benefit than focus on non-potable water to public spaces. Third pipe has set up cost, problems with householders and who is going to be responsible? Cannot make it too cheap if it is to be used for toilet and garden use as people will cross wire.

Possible Action

It is proposed that the potential for third pipe installation at Brookdale be investigated.



Plumbed in water tank



Plumbed in third pipe

Stormwater Management

Subdivision scale approaches to stormwater management are feasible and are being implemented/developed in Queensland, New South Wales and Victoria. Lessons learned include:

- ◆ Stormwater retention and recycling is relatively easy and is becoming accepted in the eastern states (Sandhurst, Lynhurst, Pimpama-Coomera, Kogarah, Newington and Rochedale).
- ◆ No clear indication provided on how long term responsibility for maintenance and management of stormwater management elements was being handled at the sites visited. Common theme of resistance from engineers and agencies agency branches responsible for maintenance.
- ◆ Need 4-5m for swale. Parking on swale could interfere with function. Need to pursue local governments, for instance in Casey City Council or Greater Dandenong, to verify management issues.
- ◆ Water supply authorities generally appeared to be adopting the approach of implementation with a view to addressing longer term maintenance issues later.
- ◆ Pimpama-Coomera provided good example of the development of wastewater management design solutions over time – good opportunity to explore the construction practices that have developed and learnings on construction management and maintenance during development phase.
- ◆ Installation creates opportunities for development of attractive neighbourhoods.
- ◆ Swales and drainage areas in POS may need reticulation in WA climate.
- ◆ Impact of swales on road widths must be considered carefully, particularly with respect to other required services.

Possible Action

There will be a need to pursue local governments, for instance Casey City Council or Greater Dandenong, to verify management issues



Examples of stormwater management on public spaces

Examples of stormwater management on public spaces



Overall Sustainability

An integrated program inclusive of a range of sustainable elements, not just water conservation, maybe the way forward. Lessons learned include:

- ◆ Many estates reviewed focused on water management but in some cases appeared to pay little attention to energy usage or community benefit. For instance Kogarah was a good example of environmental sustainable elements, but did not seem to address its context with respect to the nearby train station and established shopping area.
- ◆ Need to focus on sustainability matters that can be achieved in the public domain through subdivision (POS and road verges) and private domain through building design (energy efficiency, water wise gardens). Should avoid leaps into the unknown and initiatives that involve untested and expensive establishment and thereafter management.

- ◆ Rochedale Urban Community Masterplan (prepared by Brisbane City Council) may be a good parallel for Brookdale in terms of size and overall objectives.

Possible Actions

Need to develop a comprehensive sustainable development and education package – not a “single issue” one.

Need to ensure integration of developments with existing centres and commercial viability.

Establish linkages with the Rochedale Masterplan team.

Built Form

There was little focus on energy efficient built form in areas inspected.

An inspirational example of sustainable built form was provided in the form of the CH2 building in Melbourne. This provided a state of the art approach to design and overall design philosophy for a new building.

CONCLUSION

The Brookdale Urban Water tour provided a useful exposure to developments at the forefront of developments in environmentally sustainable water management.

CSIRO organised the tour and covered some of the costs, excluding airfares and accommodation (estimated to amount to \$1750).

D116/8/05 RECOMMEND

That Council note the report of the Brookdale Urban Water Study Tour and agree to refund Executive Director Development Services for the costs incurred.

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTED

Executive Director Development Services updated Committee on the following matters –

- ◆ Town Planning Scheme No.4 is currently before the Minister for final endorsement. It is possible that the Minister would finalise the Scheme within the next week and gazettal would then occur in the week starting 22 August 2005.
- ◆ Following the recent report to Council on consultation procedures, the standard letter to be sent to those affected by development proposals would be amended and all proposals for which public comments are sought will be provided on the City's website.
- ◆ The grouped housing tour would be held on the morning of 31st August. Details will be provided to Councillors shortly. Hon. Kay Hallahan, ARA Board Member, to be invited to attend.
- ◆ Consultants to undertake the Keane Road environmental assessment had been selected.
- ◆ While the Minister was yet to determine the ARA's Scheme Amendment No.3, it would be necessary to provide expedited advice to the ARA on the Westzone Development Application for which a special Committee meeting or consideration within the CEO's report may be necessary.

MEETING DECLARED CLOSED AT 8.05 PM

CITY OF ARMADALE

**REPORT TO THE CITY OF ARMADALE'S ENVIRONMENTAL HEALTH
PLAN FOR THE PERIOD 1 JULY 2004 TO 30 JUNE 2005.**

1. INTRODUCTION

The City of Armadale district has an area of about 545 square kilometres and a population of about 54,000.

Its Health Department is staffed by:

Health Services Manager	:	Mr P Meyrick
Senior Environmental Health Officer	:	Mr I Watt
Environmental Health Officers	:	Mr M Ryan Ms J Quan Mr D Bond Ms C Lam
Clerk – Secretary	:	Mrs P Jones

Environmental Health Officer Ms J Ngo left the City's employment in October and was replaced by Ms Lam. Mr J Howe and Ms B Little have been employed as relief Environmental Health Officers during periods of leave and high workload throughout the year.

Council does not employ a Medical Officer of Health, having for some five years provided its community immunisation service in partnership with Armadale Health Service.

The Health, Building, Planning and Environmental Departments form the Development Services Directorate, which is headed by Executive Director, Mr I MacRae. The Health Services Manager is responsible directly to him.

The Directorate reports to Council's Development Services Committee, which meets on the Tuesday following the second Monday of each month. Current membership of that Committee is:

Chairman	:	Cr H A Zelones, JP
Deputy Chairman	:	Cr P Hart
Other Members	:	Mayor L Reynolds, JP Cr J Everts Cr R J Tizard Cr C J MacDonald Cr J Knezevich

Cr MacDonald replaces Cr T Hodges who did not nominate for election last May.

This Annual Report provides comment upon each Program area within the *City of Armadale Environmental Health Plan 2003-8* and provides a summary statistical report to the Plan's Performance Indicators for each subprogram.

2. PROGRAM : ADMINISTRATION

2.1 Subprogram 1 – Financial Management:

The expenditure/income balance for 2004-5 was around \$22,600 (5.6%) within the Budget estimate of \$400,200 (net).

The more significant variations from budget were:

- legal expenses – up almost \$35,000, primarily as a consequence defended prosecutions – one involving noise and the other a failure to meet the requirements of the Food Standards Code;
- fines and penalties – up almost \$9,000 (for the same reason);
- salary expenditure - some \$6,000 within budget;
- \$3,300 saving on pest control because there was again no necessity for midge treatment at Lake Forrestdale;
- the Government Subsidy payment for the school immunisation program exceeding budget expectation by about \$10,000; and
- payments associated with waste water treatment system applications exceeding budget by a little over \$3,000.

All accounts for payment were issued on time, and, for the most part, payments were received by the due date.

The following summarises performance against each of the Plan's Performance Indicators in this area:

2.1.1 Efficiency

- Budget preparation and Budget reviews throughout the year were all completed in accordance with the corporate timetable.
- The year's programs were completed 5.6% within Budget.
- There was substantial adherence to the Plan's schedules and programs for the year (see further comment under individual programs).

2.1.2 Effectiveness

- As at August 31st 2004, the only licence/registration payments outstanding were those for Caravan Parks. This arose as a consequence of an administrative error within the department and was subsequently rectified.
- There were no unrecovered debts as at 30th June 2005, with the exception of a charge of \$3,400 resulting from the clean up of a property pursuant to the nuisance provisions of the Act. This amount has been registered as a charge against the property title as prescribed by Section 184(5)..

2.2 Subprogram 2 – Service and Enquiries

There were no major problems in this area throughout the year, although the percentage of instances in which the initial issue is resolved but the same persons cause or allow similar circumstances to occur again continues to be of some concern.

With respect to the Plan's Performance Indicators:

2.2.1 Efficiency

- The Directorate Complaints Protocol met with conformity throughout the year.
- Only one of the 163 complaints received did not meet with a response within the target of five working days or less, six days being taken in that case.
- Formal replies to all correspondence were forwarded within 10 working days, other than in several instances where issues took some time to resolve. In those cases there was ongoing verbal communication with correspondents.

2.2.2 Effectiveness

- Of all complaints/service requests received, a little under 16% were recurring, a marginal improvement on last year's 17%.

2.3 Subprogram 3 – Health Local Laws, Policies and Procedures

A review in July of local laws within the Health Department’s jurisdiction resulted in amendments to the *City of Armadale Environment, Animals and Nuisance Local Laws 2002*, the most significant being a tightening of controls on back yard burning in residential areas.

A number of minor amendments to the Procedures/Document Control Manual were completed. This process is likely to continue, the Manual being a “living” document.

As to the relevant Performance Indicators:

2.3.1 Efficiency

- Local Law and Policy Reviews were completed in July as scheduled
- Procedure Manual was reviewed in November.

3. PROGRAM: HEALTH PROMOTION

3.1 Subprogram 1 – Health Promotion (General):

An extensive array of information promoting a high standard of healthy living is kept on display for the benefit residents. Topics covered include:

- Alcohol
- Asbestos
- Burning of Green Waste and other Materials
- Body Art
- Cleaning and Sanitising
- Communicable Diseases:
 - Campylobacter
 - Cryptosporidiosis
 - Chicken Pox
 - Gastroenteritis
 - Giardiasis
 - Hepatitis A & C
 - Impetigo
 - Scabies
 - Tuberculosis
 - Venereal Diseases
 - Whooping Cough
- Disposal of Needles and Syringes
- Disposal of Used Pesticide Containers
- Drinking Water – rainwater, filters, nitrite
- Drugs
- Effluent Disposal Systems
- Fleas
- Fly Control
- Food Hygiene, Food Labelling & Food Poisoning
- Greywater Reuse
- Halogen Light Sources
- Handling of Industrial Waste
- Hats & Food Handlers
- Head Lice
- How safe are household chemicals
- How safe is Recreational Water
- How safe is Perth's air.
- Immunisation
- Indoor Condensation
- Keeping of Chickens
- Mosquitoes In Your Backyard
- Noise
- Passive Smoking and Children
- Portuguese Millipedes
- Pesticide Residue in Fruit and Veg
- Pool Safety
- Rats
- Potting Mix

- ❑ Safe Use Of Household Chemicals
- ❑ Soft Serve Ice Cream
- ❑ Stable Fly
- ❑ Sulphur Dioxide in Foods
- ❑ Temporary Food Stalls
- ❑ Ultraviolet Radiation from Quartz Halogen Light Sources
- ❑ Using Household Chemicals Safely
- ❑ Your Child and Smoking

Various services and information have been promoted throughout the year at displays held at the Minnowarra Festival, the Kelmscott Show and other special events in which the City has been involved.

Only one presentation was delivered during the year, that being to Armadale Senior High School students on Food Hygiene.

Promotion of the City's immunisation services has been primarily through regular advertisements in local papers, with, in the case of the influenza clinics for the City's senior residents, supplementary promotion by sending pamphlets to the local Seniors' Centres and displaying posters the City's local libraries.

Performance Indicators adopted in this area are:

3.1.1 Workload

- ❑ There was one presentation to community groups/institutions throughout the year.

3.1.2 Efficiency

- ❑ The newsletter for food businesses, *Spot On*, was produced and issued bimonthly as scheduled/

4. PROGRAM : FOOD

4.1 Subprogram 1 – Food Premises/Vehicle Inspection and Food Handler Education:

A total of 647 food business premises inspections were undertaken during the year, considerably less than last year's figure of 814, this being largely as a consequence of the reduced number improvement notices/directives requiring follow up inspection (88 compared to 203 last year and 344 the previous year). This was an issue identified as in need of further attention in the 2002-3 Report, and results to date are encouraging.

The inspection schedule was pretty well maintained for the year, with there being only five weeks in which a few premises were overdue for inspection.

The Average Risk Factor Score (RFS) of all businesses continues to improve, albeit marginally, moving from 1.38 last year to 1.24. Despite this, the number of inspections finding a RFS in excess of the Target (32 compared to 18 last year) again increased. While this partially reflects the reduction in the Target RFS from 10 in the 1998 – 2003 Plan to 7 in the current Plan, it appears that there is consistent non compliance by some businesses and these will form a focus for action in the coming year.

Nonetheless, the overall trend of reduction, since inception of the first Plan in February 1999, in the Average RFS and the number of instances in which follow up inspections are necessary indicate continuing improvement in food safety practices adopted by the City's food outlets and manufacturers.

There were four new staff training accreditations during the year, bringing the total number in the district at 30th June to 39.

While high-risk businesses have been urged to develop and use comprehensive Food Safety Plans (FSPs), in the absence of a clear legislative requirement success has been limited. Only two businesses have produced satisfactory documented FSPs. A recent survey of high risk businesses, however, indicated that most have intentions of developing a Plan but proprietors and staff have difficulty in understanding exactly what is required. There was widespread interest in attending information sessions on the requirements of the Food Safety Standards, which should help in that area, and a series of seminars will be organised in coming months.

The table on the following page answers directly to each of the Plan's Performance Indicators, with comparison of the more significant elements over the last four years charted.

4.1.1 Workload

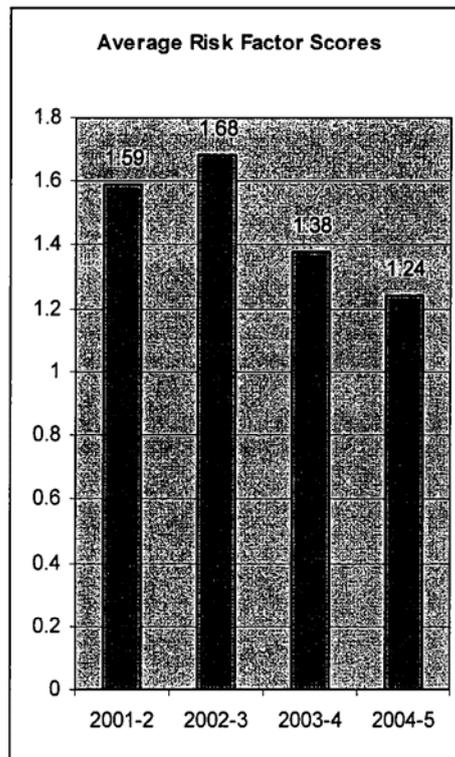
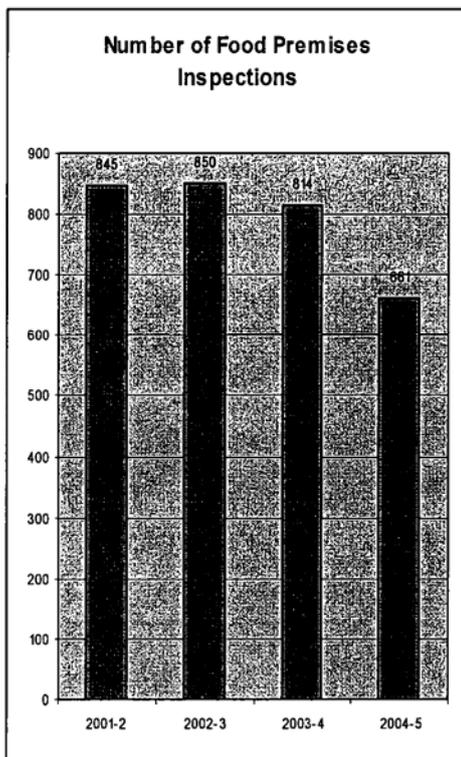
- Number of inspections (including 14 food vehicles) **661**

4.1.2 Efficiency

- Adherence to the inspection program (number of inspections overdue at 30th June) **4**

4.1.3 Effectiveness

- Number of premises or vehicles exceeding Target RFS **32**
- Average RFS of all premises **1.24**
- Number of businesses in which staff have undergone Food Handler Training **4**
- Number of High Risk businesses that have developed and implemented Food Safety Plans **2**
- Number of rectification directives issued **88**



4.2 Subprogram 2 – Community Events Planning and Approvals

Seven events were held throughout the year, and all were successful from the community participation viewpoint. While there were eleven instances of food stall operations returning a Risk Factor Score in excess of the Target, all were able to be rectified to the extent that avoided the necessity for closure.

The table below summarises Performance Indicator statistics.

4.2.1 Workload

- | | |
|--|----------|
| □ Number of Special Events requiring issue of permits
And inspections | 7 |
|--|----------|

4.2.2 Effectiveness

- | | |
|---|-----------|
| □ Number of instances of stall holders operating without a
Special Events Permit | 9 |
| □ Special Events Permit Number of stalls exceeding the
Target RFS | 11 |
| □ Number of stalls required to cease operating due to poor
hygiene standards | 0 |

4.3 Subprogram 3 – Food Sampling

The food-sampling program was again successfully completed for the year. As was the case for every year of the previous Plan, all allocated Analytical Units were used (the City being among a limited number of local governments to consistently be in this position).

Turn around times from the appointed analyst are still not meeting the performance standard agreed with the LHAAC, although there has again been some improvement.

4.3.1 Workload

- | | |
|---|-----------|
| □ Number of samples taken | 61 |
| □ Number of Category 1 & 2 Food Recalls | 34 |

4.3.2 Efficiency

- | | |
|--|---------------|
| □ Percentage of analytical unit entitlement utilised | 104.85 |
|--|---------------|

4.3.3 Effectiveness

- | | |
|--|-------------|
| □ Percentage of samples failing to meet prescribed standards | 1.64 |
| □ Number of prosecutions instituted | 0 |
| □ Number of prosecutions successful | 0 |

4.4 Subprogram 4 – Water sampling – Food premises, commercial accommodation, spring water and other sources intended for human consumption

4.3.2 Workload

- Number of samples taken **155**

4.3.2 Efficiency

- Adherence to the sampling program (number of sites overdue at 30th June) **0**
- Maximum response time (days) to identified problems (Target 2) **2**

4.3.3 Effectiveness

- Number of samples failing to meet prescribed standards **13**

5. PROGRAM : DISEASE CONTROL

5.1 Subprogram 1 – Immunisation and Child Health

The year was again a successful one for immunisation within the City, with the number of immunisations being almost 5,650. Of these, there were 1,840 Diphtheria-Tetanus - Pertussis vaccinations and 1,820 Hepatitis B vaccinations undertaken in the course of the schools program subsidised by the Commonwealth and State Governments.

Collaborative Immunisation Service: The arrangement with Armadale Health Service for delivery of a joint immunisation service continues to prove very effective and economical. Clinics were run on the 1st, 2nd, 3rd and 4th Wednesdays each month (with no clinic on any 5th Wednesdays) from 9.00am, and, excluding the free Influenza vaccine for seniors, 1850 vaccinations were administered through this program.

Influenza Vaccination: 131 Senior Citizens availed themselves of the opportunity for free vaccination at special Seniors' Clinics (run immediately following regular Immunisation Clinics). This was down on the 215 last year, at least in part as a consequence of uncertainty until the very last as to the availability of vaccine. Promotion was undertaken by:

- contact being made with Senior Citizen Clubs within the City;
- posters being placed at each of the Clinic locations, at the Council Office and in the Minnowarra Festival display; and
- advertisements placed in local and seniors' newspapers.

Schools Based Program: The City and Armadale Health Service Teams again combined to provide not only schools in the Armadale district but also six schools in the adjoining Shire of Serpentine-Jarrahdale the State and Commonwealth Government subsidised Diphtheria-Tetanus - Pertussis and Hepatitis B vaccination program.

The result of this cooperative "three levels of government" approach is very pleasing, with thousands of young people being protected against the target diseases. It was once again evident that commitment from the Commonwealth and State to assistance to local government and locally based State government agencies, which are best placed to actually deliver services to their communities, is essential to maximise community benefit.

The Health Service and the City share the Government's incentive payment, and this is making public immunisation within the district much more viable, and this has resulted in there being no financial cost to Council in operating immunisation services this year.

Vaccination Type	1 July 03 to 30 June 04	1 July 04 to 30 June 05
Adult Diphtheria-Tetanus	64	83
Dip – Tetanus – Pertussis	494	2244
Influenza	214	131
Prevenar Pneumococcal	23	339
Comvax	357	294
Hepatitis B	1460	1848
Measles-Mumps-Rubella	185	160
Poliomyelitis	470	390
Meningococcal Disease	4576	160
Total	7843	5649

Client Satisfaction: A client satisfaction survey was undertaken during April-May, with questionnaires being handed out at the four regular clinic venues, as part of an annual assessment and review of the quality of the service offered as perceived by its users. Forty-one parents or guardians completed questionnaires and the outcome was again very positive.

Most respondents had only positive things to say, with comments including:

- there are no costs, unlike at their GP;
- receive good advice from staff;
- easier than waiting for the family GP;
- convenience of not having to book an appointment, unlike at the GP;
- good atmosphere;
- helpful and friendly staff;
- great service;
- close to home and well informed; and
- generally good if you arrive early.

It was once again clear that Child Health Nurses play an important role in publicising the Clinics, with 85% of respondents indicating that their first awareness was as a result of advice from the Child Health Nurse. Increased involvement of the nurses is seen as an ancillary benefit from the City’s partnership with Armadale Health Service.

The survey did show that waiting times are increasingly being recognised as a negative – in fact that factor accounted for the only negative comments received. Unfortunately, the length of time per client has increased significantly due to the care being taken by nurses in questioning parents and thoroughly explaining potential side effects of vaccinations, something that can hardly be avoided in today’s increasingly litigious society.

Suggestions for improvements included a request that reminders be sent when vaccinations were due and that a play area with toys be provided to occupy children while they are waiting. While consideration will be given to these comments, practicality and liability issues do impinge upon the capacity of the City to satisfy everyone’s wishes.

Finally, the table below summarises statistical information against the Performance Indicators within the Plan.

5.1.1 Community Satisfaction

- Overall level of community satisfaction was high, with 93% of the respondents being very happy with the service.

5.1.2 Workload

- Number of vaccinations 2004-5 **5649**
- Number of vaccinations 2003-4 **7881**

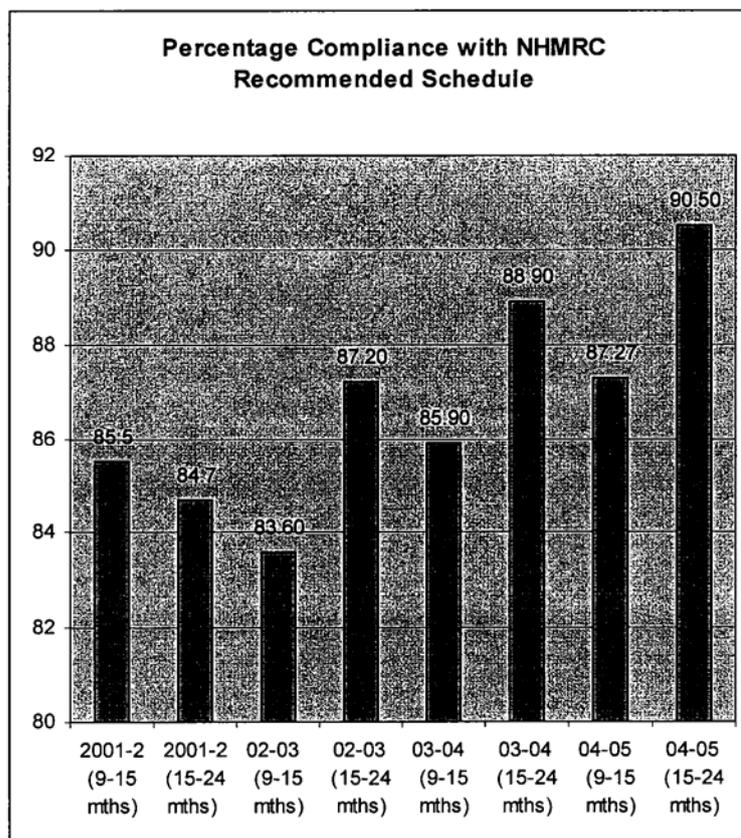
5.1.3 Efficiency

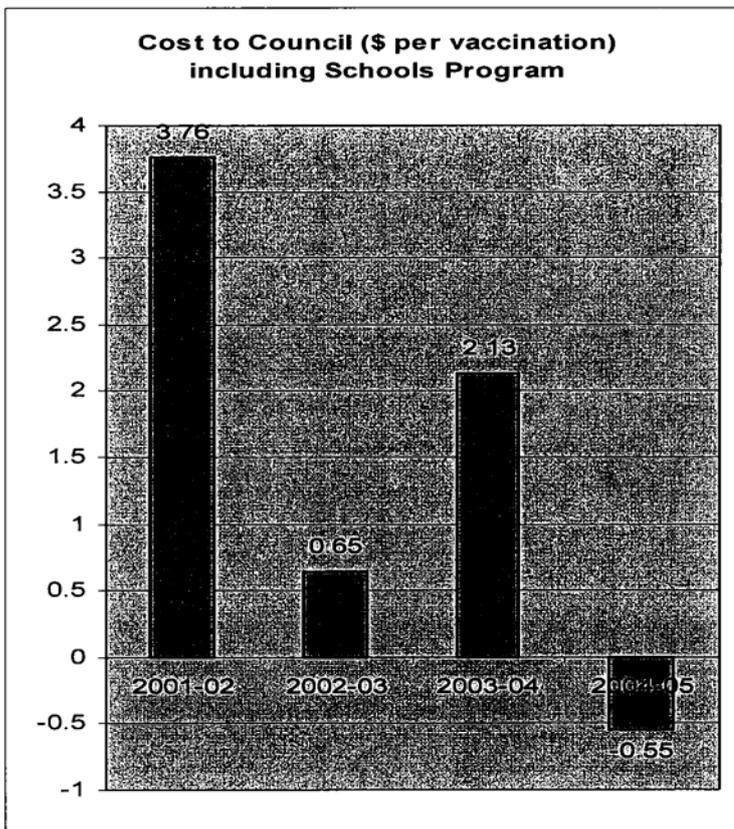
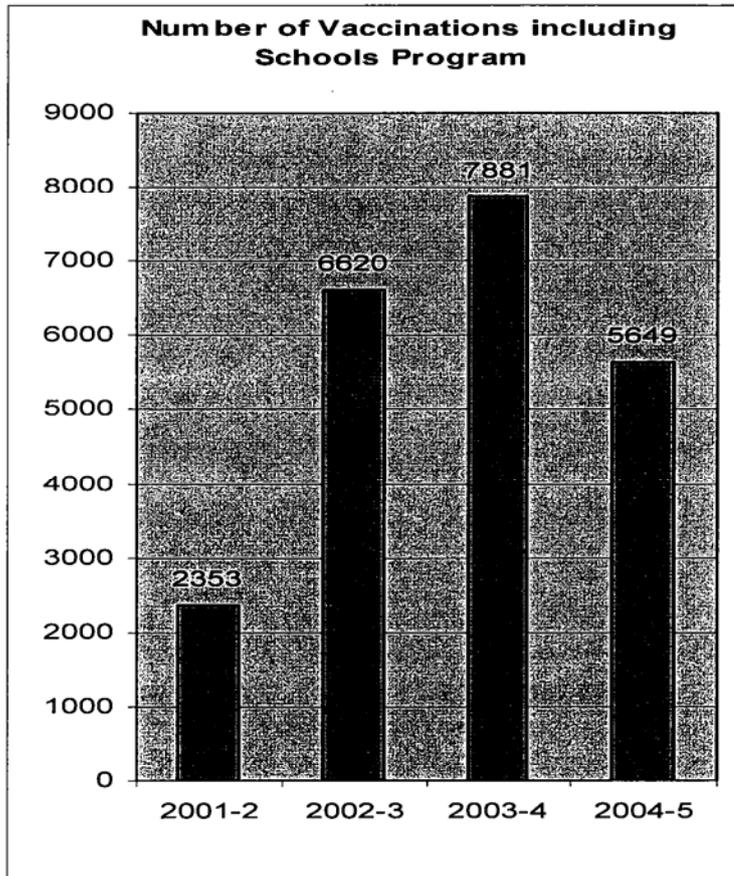
- Estimated net cost per vaccination **-\$0.55**

5.1.4 Effectiveness

- Rate of compliance with NHMRC recommended Schedule
 - 12-15months **87.27%**
 - 24-27 months **90.50%**

The charts below and on the following page compare some of these figures over the last four years.





5.2 Subprogram 2 – Notifiable Disease Investigations

The table below summarises the reported cases of the various notifiable diseases referred to the City for investigation.

Disease	Notifications 2003	Notifications 2004 - 2005
Campylobacteriosis	5	5
Giardiasis	0	1
Hepatitis A	1	0
Ross River Virus	19	0
Barmah Forest Virus	0	1
Salmonellosis	3	3
Shigellosis	0	0
Legionella	0	0
Cryptosporidiosis	1	3
Listeria	0	0
Typhoid**	0	1
TOTAL	28	14

** Acquired overseas

Other than two instances in which patients could not be contacted all notifications were investigated.

The chart on the right uses total notifications for the year, as supplied by the Department of Health, to compare the rate of incidence of notifications over the last four years.

For the sixth year in succession the rate of notifications per unit population in Armadale was below the metropolitan average.

The report to the Performance Indicators within the Plan is set out below:

5.2.1 Workload:

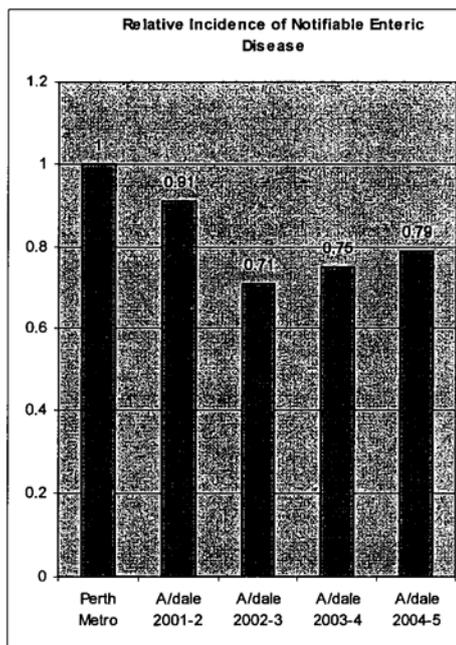
- N° of investigations **14**

5.2.2 Efficiency

- Percentage notifications investigated **100%**
- Maximum response time (days) for investigations referred for immediate

follow up by the Department of Health 2

5.2.3 Effectiveness



5.3 Subprogram 3 – Hairdresser and Skin Penetration Premises Inspections

This sub program was completed without notable incident throughout the year.

5.3.1 Workload

- | | |
|-------------------------|----|
| □ Number of inspections | 80 |
|-------------------------|----|

5.3.2 Efficiency

- | | |
|--|---|
| □ Adherence to the inspection program (number of inspections overdue at 30 th June) | 0 |
|--|---|

5.3.3 Effectiveness

- | | |
|---|---|
| □ Number of businesses exceeding Target RFS | 0 |
| □ Number of rectification directives issued | 0 |

5.4 Subprogram 4 – Second Hand Clothing and Furnishing Premises Inspections

It is noted that, despite an assurance from the Department of Health in 2003, suggested amendments to the *Health (Cloth Materials) Regulations 1985* have not been gazetted. The Department’s assurance followed an approach to the Department by the City as a consequence of some Department officers and at least one previous Minister for Health indicating that some regulatory provisions should not be enforced.

In the absence of regulatory amendments, given the responsibilities under Section 26 of the Act and their vulnerability should they make conscious decisions not to enforce regulatory requirements, Local Governments have been left in the position of having to enforce legislative requirements in which the Department and possibly the Minister do not have confidence.

Nonetheless, inspections of such premises within the City found them to be operating in a manner that presented minimal health risk, as the following Performance Indicators show.

5.3.1 Workload

- | | |
|-------------------------|---|
| □ Number of inspections | 9 |
|-------------------------|---|

5.4.2 Efficiency

- | | |
|--|---|
| □ Adherence to the inspection program (number of inspections overdue at 30 th June) | 0 |
|--|---|

5.4.3 Effectiveness

- | | |
|---|---|
| □ Number of businesses exceeding Target RFS | 0 |
| □ Number of rectification directives issued | 0 |

5.5 Subprogram 5 – Head Lice Treatment and Control

Following advice from the Graylands Pharmacy early in 2004 The Communicable Disease Control Directorate of the Department of Health has indicated that free head lice lotion is unlikely to be available to local governments in the foreseeable future. This has reinforced the focussing of attention on the active promotion of non-chemical means of head lice control, an initiative in the 2003-8 Plan.

Parents were provided with Fact Sheets including *Head Lice, How to Check Effectively for Head Lice* and *Choosing a Nit Comb*, and encouraged to use the Department of Health's 10 Day Hair Conditioner Treatment as an effective, efficient and inexpensive option.

The web site www.health.wa.gov.au/headlice proved an invaluable resource, and was recommended to parents and teachers.

The sole Performance Indicator within the Plan relevant to this area is:

- Certification, by monthly audit of pamphlet stocks, that appropriate information on head lice control is always available: Audits of pamphlet stocks were undertaken eight times during the year and appropriate head lice information was always available.

5.5 Subprogram 6 – Safe Needle and Syringe Disposal

The apparent quantity of discarded needles and syringes remains low compared to the period preceding the WA AIDS Council's Needle Exchange Program four years ago. In fact, Environmental Health Officers received only two direct reports to this effect during the year.

The Plan's Performance Indicators relevant to this sub program are:

5.5.1 Efficiency

Certification, by monthly audit that

- The pamphlet "*Safe Disposal of Needles and Syringes*" is always available: Audits of pamphlet stocks were undertaken eight times during the year and stocks of this pamphlet were maintained throughout.
- The Discarded Sharps Register is maintained: Although this practice was kept under surveillance and the register reviewed eight times, there remains some doubt as to its real value.
- Sharps disposal containers are regularly checked for vandalism, continued need and degree of use: Ten checks were undertaken rather than the twelve targeted but the objective that containers be properly and safely maintained was achieved.

6. PROGRAM : ALCOHOL AND OTHER DRUGS

6.1 Subprogram 1 – Alcohol

Council continues to support the *South Suburban Alcohol Accord*, although only two meetings were held during the year and circumstances prevented attendance at one of them.

The *City of Armadale Alcohol Policy* remains effective in influencing responsible sale and consumption of alcohol in Council owned buildings, as well as raising community awareness of the City's attitude towards alcohol. Under the Policy, submissions were made to the Director of Liquor Licensing on three applications for new or altered licences during the year, and all were successful in producing an outcome reasonably satisfactory to Council.

No alcohol related projects were undertaken during the year.

Performance Indicators for the purposes of the Plan are:

6.1.1 Workload

- ❑ Number of programs that the City supports or in which it Participates 0

6.1.2 Efficiency

- ❑ Certification, by monthly audit of pamphlet stocks, that appropriate information on alcohol, particularly that targeted at young people and their parents, is always available: Eight audits of pamphlet stocks, rather than the targeted twelve, were undertaken during the year but suitable material was always available.

6.2 Subprogram 2 – Tobacco

Council once again supported Quit Week with promotional posters and information handouts.

In conjunction with routine inspections of food and other retail outlets, hotels and taverns and other public buildings, officers continued surveillance for breaches of the *Tobacco Control Act 1990* and the *Health (Smoking in Enclosed Public Places) Regulations 2002*. There were no cases requiring formal corrective action.

Pamphlets such as *Your Child and Smoking* and *Smoking and Pregnancy* are always available in the foyer display in the Administration Building.

As to the Plan's Performance Indicators:

6.2.1 Efficiency

- Adherence to the inspection program (number of inspections overdue at 30th June) **0**
- Certification, by monthly audit of pamphlet stocks, that appropriate information on smoking and health is always available: Eight audits of pamphlet stocks, rather than the targeted twelve, were undertaken during the year but suitable material was always available.

6.2.2 Effectiveness

- Number of rectification directives with respect to the *Health (Smoking in Enclosed Public Places) Regulations 2002* issued **0**

6.3 Subprogram 1 – Illicit Drugs and Solvent Abuse

Council awards Certificates of Recognition (where wanted) to those retail chain and hardware outlets selling solvents and which adopt the *Voluntary Code of Practice for Retailers Regarding Availability of Materials Used for Solvent Abuse*. This is based on a concept developed by the North East Metropolitan Drug Service team. While not all known outlets have actively participated, there is no indication of anything other than responsible behaviour by those who have not done so.

As to the Plan's Performance Indicators:

6.3.1 Efficiency

- Certification, by monthly audit of pamphlet stocks, that appropriate information on drug and solvent abuse is always available: Eight audits of pamphlet stocks, rather than the targeted twelve, were undertaken during the year but suitable material was always available.

6.3.2 Effectiveness

- Number of businesses certified as having put in place the WA Drug Abuse Strategy Office's *Voluntary Code of Practice for the Sale of Solvents*. **8**

7. PROGRAM : PUBLIC SWIMMING POOLS

7.1 Subprogram 1 – Water Surveillance

This sub program was completed without significant incident during the year. Several unsatisfactory results were returned from small pools associated with multiple residency buildings in connection with “start up” sampling but deficiencies in chemical treatment were promptly rectified.

Performance Indicators:

7.1.1 Workload

- Number of pool samples taken **75**

7.1.2 Efficiency

- Adherence to sampling program (number of pools overdue for sampling at 30 June) **0**

7.1.3 Effectiveness

- Number of unsatisfactory sample results **3**

7.2 Subprogram 2 – Public Swimming Pool Inspections

A comprehensive inspection of each pool was carried out during September-October, in conjunction with “start-up” sampling, with a further inspection mid-season.

All pools within the City are seasonal, opening from approximately September to April or May each year, and most were inspected again prior to closure for the year to identify any problems that needed to be addressed before reopening.

Performance Indicators for this sub program are:

7.2.1 Workload

- Number of inspections **23**

7.2.2 Efficiency

- Adherence to sampling program (number of pools overdue for inspection at 30 June) **0**

7.2.3 Effectiveness

- Number of pools exceeding Target RFS **0**
- Number rectification directives issued **2**

8. PROGRAM : ACCOMMODATION

8.1 Subprogram 1 – Public Buildings

The focus on this sub program last year, incorporating an intensive and comprehensive inspection program as well as detailed correspondence with building operators, appears to have produced sound outcomes, with significant reductions in both the number of buildings found to exceed the Target RFS and the number of rectification directives issued both being substantially reduced.

The proportion of inspections resulted in identification of legislative breaches reduced markedly (from 47% to 33%), while those inspections resulting in a RF Score in excess of the Target reduced from (from 23% to 14%).

Typical breaches continue to result from alterations having been made since the previous inspection, such as incorrect door locking or latching mechanisms, or lack of maintenance, such as failing "Exit" sign illumination. There does appear, however, to have been a marked increase of interest in attending promptly to these issues by clubs and tenancies in response to the stricter approach taken.

Turning now to the Performance Indicators for this sub program:

8.1.1 Workload

- Number of inspections **127**

8.1.2 Efficiency

- Adherence to inspection program (number of buildings overdue for inspection at 30 June) **0**

8.1.3 Effectiveness

- Number of buildings exceeding Target RFS **18**
- Number rectification directives issued **42**

8.2 Subprogram 2 – Caravan Park Inspections

Routine health surveillance inspections of each of the parks have been conducted in accordance with the schedule within the Plan. No problems of public health significance were identified.

The multi-disciplinary (Health, Building and Planning) of the three parks in the district occurred prior to licensing, as usual.

8.2.1 Workload

- Number of inspections 9

8.2.2 Efficiency

- Adherence to inspection program (number of premises overdue for inspection at 30 June) 0

8.2.3 Effectiveness

- Number of premises exceeding Target RFS 0
- Number rectification directives issued 0

8.3 Subprogram 3 – Lodging Houses/Aged Persons Accommodation

No significant problems were identified in this area.

8.3.1 Workload

- Number of inspections 9

8.3.2 Efficiency

- Adherence to inspection program (number of premises overdue for inspection at 30 June) 0

8.3.3 Effectiveness

- Number of premises exceeding Target RFS 0
- Number rectification directives issued 0

9. PROGRAM : WASTE DISPOSAL

9.1 Subprogram 1 – Sewage Treatment and Effluent Disposal

Routine assessments and approvals of applications, as well as inspection and testing of new installations, proceeded satisfactorily during the year. Self certification of plumbing work facilitated by regulatory amendment this year has, of course, significantly reduced workload, and the trend to a greater degree of compliance at the first inspection noted in recent years has continued. There nevertheless were a number of instances in which buildings were occupied without the City having been provided with AS3500 Certification and the "as constructed" diagram, and hence not having issued the "Permit to Use Apparatus", and a number of warnings with respect to this practice have been issued to builders and plumbers.

The area of ATU audits was again reasonably satisfactory, with problems in maintenance and reporting identified in only two cases. This was drawn to the attention of the maintenance company concerned for attention. There has still not been any advice from the Health Department of WA as to what is proposed in order to "tighten up" licensing procedures, following the deficiencies identified and drawn to the attention of the Department four years ago.

The maximum application processing time for the year was five days (on one occasion), with by the remainder of applications being dealt with in two days or less.

As to the Performance Indicators for this sub program:

9.1.1 Workload

- Number of treatment system tests/commissioning inspections **79**
- Number of Aerobic Treatment Unit audits **12**

8.3.2 Efficiency

- Maximum time taken to process applications in days
(Target 3 days) **5**
- Maximum time taken to issue Certificates in days
(Target 2 days) **2**
- Completion of ATU audits (Target **10, 12** completed)

8.3.3 Effectiveness

- Number of reinspections due to incomplete or
unsatisfactory work **11**

9.2 Subprogram 2 – Industrial Liquid Waste Management

The first round of inspections for this program was undertaken during the year, and focused on an educational approach rather than enforcement approach, with deficiencies noted during inspections of relevant industrial premises resulting for the most part in the dissemination to business proprietors of information on cleaner production practices. Businesses associated with the automotive industry were primarily targeted, past experience having shown these are among the main contributors to liquid waste pollution.

The test of effectiveness of the subprogram will be determined over the coming year with the second round of inspections.

9.2.1 Workload

- Number of inspections **65**

9.2.2 Efficiency

- Adherence to inspection program (number of premises overdue for inspection at 30 June) **0**

9.2.3 Effectiveness

- Number of premises exceeding Target RFS **3**
- Number rectification directives/infringement notices issued **9**

10. PROGRAM – NUISANCES/COMPLAINTS

10.1 Subprogram 1 – Offensive Trades Premises Inspections

The only offensive trades premises remaining in the District are five intensive poultry establishments and two poultry processors. Increasing urbanisation and implementation of the City’s Town Planning Scheme N° 4 are likely to see this number decline further over the next few years, with the likelihood of registration of any new establishments being remote.

There are also two “manure works” that are licensed by the Department of the Environment but inspected from time to time by the City’s Environmental Health Officers. Standards overall are good, although one poultry processor’s operation occasionally gives rise to some concern.

Performance Indicators:

10.1.1 Workload

- Number of inspections **17**

10.1.2 Efficiency

- Adherence to inspection program (number of premises overdue for inspection at 30 June) **0**

10.1.3 Effectiveness

- Number of premises exceeding Target RFS **0**
- Number rectification directives issued **0**

10.2 Subprogram 2 - Intensive Housing of Animals Inspections

Inspections were undertaken in two distinct phases, with registered kennels inspected during August, in conjunction with the annual inspection by Rangers Department staff for compliance with Council’s local laws relating to dogs, and stables being inspected in October-November to coincide with the spring fly breeding season.

10.2.1 Workload

- Number of inspections **20**

10.2.2 Efficiency

- Adherence to inspection program (number of premises overdue for inspection at 30 June) **0**

10.2.3 Effectiveness

- Number of premises exceeding Target RFS **1**
- Number rectification directives issued **2**

10.3 Subprogram 3 – Pest Control

There was again a reduction in complaints during the year, all of those received relating to rats. Although there is still some reluctance on behalf of complainants to accept responsibility for eradication and control themselves, seemingly expecting that Council has that responsibility, educational efforts made in recent years appear to be effecting something of a change of mindset in the community. As a matter of course, rat bait is not supplied, and actions are limited to:

- inspection and advice;
- circularising of nearby properties advising of the problem and recommended control measures; and
- follow up inspections until the issue is resolved.

These complaints are typically relatively lengthy to bring to a conclusion, but none remained unresolved at year’s end.

10.3.1 Workload

- | | |
|------------------------|----------|
| □ Number of complaints | 4 |
|------------------------|----------|

10.3.2 Efficiency

- | | |
|---|----------|
| □ Maximum response time in days (Target 5 days) | 2 |
|---|----------|

10.3.3 Effectiveness

- | | |
|--|----------|
| □ Number of recurring complaints | 1 |
| □ Number rectification directives issued | 0 |

10.4 Subprogram 4 – Noise

The number of complaints referred to the City was similar to last year, with none remaining unresolved at 30th June. The number of recurring complaints also remained around the same, suggesting that for the most part actions taken by officers are successful in achieving a long-term resolution.

Although most cases are brought to an acceptable conclusion, the difficulty in proving offences means that noise will continue to prove a challenging management problem.

10.4.1 Workload

- | | |
|------------------------|-----------|
| □ Number of complaints | 59 |
|------------------------|-----------|

10.4.2 Efficiency

- | | |
|---|----------|
| □ Maximum response time in days (Target 5 days) | 5 |
|---|----------|

10.4.3 Effectiveness

- | | |
|--|-----------|
| □ Number of recurring complaints | 17 |
| □ Number rectification directives issued | 31 |

10.5 Subprogram 5 – Other Nuisances

The trend towards receipt of a reduced number of general complaints noted in recent years continued, with 104 received compared to 101 last year and 124 in 2002-3.

It seems that this trend may reflect better education of the community and increasing recognition of respect for and obligations to neighbours, as suggested last year. Matters typically addressed included the keeping of poultry, pigeons and other animals, housing, odour, dust, smoke and effluent discharge, with the predominant categories this year being smoke followed by inadequate housing.

By 30 June, all but three were satisfactorily resolved, those being in the process of resolution.

Other than in one instance, response times were within the target of five days. The continuing decline in the number of recurring issues and reduction in the number of written directives suggest increased effectiveness in dealing with issues that do arise.

10.3.1 Workload

- Number of complaints **104**

10.3.2 Efficiency

- Maximum response time in days (Target 5 days) **6**

10.3.3 Effectiveness

- Number of recurring complaints **9**
- Number rectification directives issued **41**

11. CONCLUSION

Significant outcomes from year two of operation and monitoring of performance to the City's second Environmental Health Plan include:

11.1 Program - Food:

□ Food Premises Inspections

There has been a further reduction in the average Risk Factor Score (RFS) calculated during inspections of food premises from 1.38 last year to 1.24 by 30 June 2004.

Despite this, the number of inspections finding a RFS in excess of the Target (32 compared to 18 last year) again increased. While this partially reflects the reduction in the Target RFS from 10 in the 1998 – 2003 Plan to 7 in the current Plan, it appears that there is consistent non compliance by some businesses and these will form a focus for action in the coming year.

□ Food Sampling

Samples submitted this year totalled almost 5% in excess of allocated Analytical Units. The City's continued representation among the leading participators in usage of the Local Health Authorities Analytical Committee's Scheme is pleasing, given that contributions to the Scheme are in effect mandatory and that participation is essential for both its effectiveness and viability.

□ Food Handler Education

Despite the best efforts of officers, in the absence of any legislative obligation development of Food Safety Plans by High Risk businesses is proving a difficult practice to establish. Information sessions on the requirements of the Food Safety Standards should help proprietors in understanding what is required.

11.2 Program – Disease Control:

□ Immunisation

The schools based programs subsidised by the State and Commonwealth Governments this year focussed on Hepatitis B (1820 vaccinations) and Diphtheria – Tetanus – Pertussis (1840 vaccinations).

Of note also are:

- just over 1850 vaccinations against diseases such as diphtheria, tetanus, pertussis (whooping cough), hepatitis B, poliomyelitis, haemophilus influenza (Hib) measles, mumps and rubella (German measles) at Council's routine Wednesday morning clinics; and
- 130 seniors vaccinated against influenza in special Seniors' Clinics run in April.

This represents another outstanding outcome of the year's program, and is a consequence both of the continuing successful partnership between the City

and Armadale Health Service, both agencies being well placed to deliver immunisation services to their communities, and of Council's ability to commit additional resources to immunisation as a direct result of State and Commonwealth payments.

Compliance rates with the NHMRC recommended schedule continue to improve and are now comparable with the State as a whole.

□ **Notifiable Infectious Disease Investigations**

The rate of incidence of notifications of communicable enteric diseases per unit population in Armadale was again below the metropolitan average as it has been since the inception of the 1998-2003 Plan.

11.3 Program – Nuisances/Complaints:

□ **Other Nuisances**

The continuing reduction in complaints about various health matters lodged by residents seems to reflect a more general improvement both in the community's knowledge and understanding of expected standards and in residents' consideration for their neighbours. Nevertheless, there remains some work to be done to minimise the number of such issues that reoccur once resolved.

11.4 Program – Waste Disposal:

□ **Industrial Liquid Waste Management**

The first round of inspections suggests that standards of automotive type business premises and other businesses reputed to pose problems with handling and disposal of wastes are, overall, reasonably good. There has been a good level of cooperation and many proprietors have been familiar with cleaner production techniques.

Follow up inspections in the coming year will be telling now that a benchmark has been established.

11.6 Program – Accommodation:

□ **Public Buildings**

Improvement in this area has been solid since the intensive focus last year. Inspections of higher risk premises during evening operating times are proposed in the coming year.

Generally, all reasonable measures suggest continuing improvement in the public health status of the community, and the successful targeting of problem areas afforded by the measurement techniques used result in further progress next year.

This report was considered by Council, and formally endorsed, at its meeting of 15th August 2005.



Table 11 Management Commitments for the DN1400 pipeline

Issue	Management Commitment	Aspect	Explanation
Environmental Management	The Water Corporation will develop a Construction Environmental Management System (CEMS) for the DN1400 Pipeline, which will address the following aspects: <ul style="list-style-type: none"> ▶ Flora Protection and Rehabilitation; ▶ Wetland Management and Restoration; ▶ Water Quality and Dewatering; ▶ Fauna Protection; ▶ Construction; ▶ Acid Sulphate Soils; ▶ Aboriginal Heritage; ▶ European Heritage; and ▶ Audits and Checks. 	Flora Protection and Rehabilitation	CEMS will include provision for development of a Flora Protection and Rehabilitation Plan (including Dieback Management, a Clearing Plan and Weed Control), which will comprise: <ul style="list-style-type: none"> ▶ Flora Protection and Rehabilitation; ▶ General Pipeline Restoration; ▶ Restoration between Kogolup and Thomson Lakes; ▶ Restoration of Bartram Road Buffer Lakes; ▶ Species lists for rehabilitation; and ▶ Compliance criteria.
		Wetland Management and Restoration	CEMS will include provision for development of a Wetland Management and Restoration Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Wetland management and restoration; ▶ Hydrological management; ▶ Species lists for rehabilitation; and ▶ Compliance criteria.
		Water Quality and Dewatering	CEMS will include provision for development of a Water Quality and Dewatering Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Water Quality and Dewatering Management; and ▶ Commissioning water and scour management.
		Fauna Protection	CEMS will include provision for development of a Fauna Protection Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Fauna Protection; ▶ Management of A Class Nature Reserve During Fence Removal; and ▶ Trench Management.
		Construction	CEMS will include provision for development of a Construction Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Construction Management; ▶ Fire Management; ▶ Construction Dust, Noise and Vibration Management; ▶ Air Quality Management; ▶ Traffic and Public Safety Management; ▶ Hazardous Materials Management; ▶ Aesthetics and Visual Amenity; ▶ Incident Management; ▶ Site Induction and Environmental Awareness Training; and ▶ Community Liaison, Communication Protocol and Complaints Procedure.
		Acid Sulphate Soils	CEMS will include provision for development of an Acid Sulphate Soils Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Detailed acid sulphate soils investigation; ▶ Acid Sulphate Soils Management; ▶ Dewatering Management in areas of ASS; ▶ Groundwater monitoring in areas of ASS; and ▶ Contingency.
		Aboriginal Heritage	CEMS will include provision for development of an Aboriginal Heritage Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ Aboriginal Heritage Management; and ▶ Aboriginal Site Management.
		European Heritage	CEMS will include provision for development of a European Heritage Management Plan, which will comprise: <ul style="list-style-type: none"> ▶ European Heritage Management.
		Audits and Checks	CEMS will include provision for development of an Audit Plan, which will comprise: <ul style="list-style-type: none"> ▶ Audits of implementation of other management plans (above)



Issue	Management Commitment	Aspect	Explanation
	The Water Corporation will ensure the effective implementation of the CEMS		
Environmental Offsets	The Water Corporation will develop an offsets package in agreement with CALM and the Environmental Protection Authority Services Unit (EPASU).	Clearing of vegetation.	
	The Water Corporation will implement the offsets package which has been agreed upon with CALM and the EPASU.		

LOCAL GOVERNMENT ACT 1995

CITY OF ARMADALE

SIGNS LOCAL LAW 2005

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Armadale resolved to make the following Local Law on 15th August 2005.

PRELIMINARY

1. Title

This local law may be referred to as the City of Armadale Signs Local Law 2005.

2. Commencement

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

3. Repeal

The Local Government Model By-Laws (Signs, Hoardings and Billposting) No. 13 – except By-Law 38 adopted by the Municipality of the Shire of Armadale-Kelmscott on 8th June 1965 and approved by His Excellency the Governor in Executive Council on 1st September 1965 are repealed on the day this Local Law comes into operation.

4. Application of the Local Law

This Local Law applies throughout the City of Armadale including any areas that are, or will eventually fall, within the jurisdiction of the Armadale Redevelopment Authority.

5. Transition

A sign that immediately prior to the commencement date was the subject of an approval issued under the local laws repealed by Clause 3 is deemed to be the subject of an approval issued under the Town Planning Scheme for so long as the sign remains unaltered.

6. Approval

Any person wishing to erect a sign within the City requires an approval from either the City under the provisions of its Town Planning Scheme or from the Armadale Redevelopment Authority under the provisions of its Town Planning Scheme, unless the sign is an exempted sign.

7. Definitions

“Act”	means the Local Government Act 1995, as amended;
“advertisement”	has the meaning given to it in Schedule 1 of the Scheme;
“applicant”	means any person who applies for an approval;
“application fee”	means the fee, which relates to the lodgement, assessment and determination of an application ;
“approval”	means a consent issued under the Signs, Hoardings and Billposting local law, the Scheme or the Armadale Redevelopment Authority Town Planning Scheme;
“approved sign”	means a sign that has been granted an approval under this local law, the Scheme or the Armadale Redevelopment Authority Town Planning Scheme;
“authorised person”	means a person authorised by the City under Section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
“business directory”	means a sign for a building in multiple tenancies, which identifies the name of the business and its location within the building and does not contain any product or other advertising;
“City”	means the City of Armadale and includes its duly appointed officers;
“Council”	means the Council of the City;
“district”	means the district of the City;
“exempt sign”	means a sign that is classified as exempt pursuant to this local law or the Scheme or the Armadale Redevelopment Authority Town Planning Scheme;
“garage sale”	means the occasional sale of second hand domestic goods in domestic quantities from the owner’s residence, which is not part of a business, trade or profession.
“hoarding”	means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the Act;
“land”	includes buildings, parts of buildings and other structures and land covered with water;

“local government property”	means any thing- a) that belongs to the City; b) of which the City is the management body under the Land Administration Act 1997; c) which is an otherwise unvested facility within Section 3.53 of the Act; and includes a thoroughfare or verge;
“person”	does not include the City;
“policy”	includes a planning policy made under the Scheme;
“public place”	means any place to which the public has access and includes, but is not limited to, car parks and verges;
“pylon sign”	means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more supports to which sign infills may be added;
“residential area”	means an area that has been so zoned under the Scheme;
“Scheme”	means the City’s Town Planning Scheme made under the <i>Town Planning and Development Act 1928</i> , and, unless otherwise stated, refers to the Scheme, which is in force at the time;
“Scheme Area”	means the Scheme area referred to in clause 1.3 of the Scheme;
“sign”	means any message, direction or representation whatsoever displayed on or attached to any thing or structure, or a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means;
“thoroughfare”	has the same meaning given to it in section 1.4 of the Act and includes the verge.
“vehicle”	includes – a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and b) an animal being ridden, driven or led, but excludes – c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and d) a pram, stroller or similar device;
“window sign”	means a sign or signs on a transparent surface of a window or located less than 150 mm behind a transparent surface. Also includes signs on any window, which has been painted opaque.

8. Remedies

Any person(s) who erects a sign without having first obtained approval to do so from the City or the Armadale Redevelopment Authority commits an offence for which the offender(s) could be liable to a modified penalty as detailed in Appendix 1 and or legal action under the Scheme or the Armadale Redevelopment Authority Scheme.

9. Offences

- 1) It is an offence to;
 - a) display a sign without an approval;
 - b) breach a condition of an approval;
 - c) place a moveable or portable sign on local government property, in a street or public place;
 - d) post a Bill;
 - e) fail to comply with a Notice to repair, modify or remove a sign;
 - f) fail to comply with a Notice to rectify a breach;
 - g) park a vehicle in a street or other public place for the purpose of using such a vehicle and or attachments as an advertising device.
- 2) The City may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare, footpath, verge or other public place under the care control and management of the City, unless placed or erected in accordance with the provisions of an approval and this local law.
- 3) Any 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 that person is prohibited from doing, commits an offence.
- 4) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

10. Removal of Signs from Public Property

- 1) Where a sign, advertisement, or other advertising device is removed to an appointed place in accordance with Part 3 Division 1 Subdivision 4 of the Act and where it is possible to identify the name of the owner, or person or company deriving any benefit from the sign or advertising device, a notice shall be served on that person or company advising—
 - a) the location of the appointed place to where the sign has been removed;
 - b) that the sign may be collected during such hours and on payment of such charges as may be specified in the notice.

11. Miscellaneous

1) Application Fees and Charges

All fees and charges referred to in this local law shall be as imposed and determined by the City under and in accordance with section 6.16 and 6.19 of the Act.

2) Name, Address and Date of Birth to be Given on Demand

An authorised person or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person that person’s name address and date of birth;

A person who refuses to give his or her name, address and date of birth, or who states a false name, address and/or date of birth on a demand being made, commits an offence.

3) Public Liability Insurance Policy

a) On the request of an authorised person, an owner or applicant must provide for inspection, a certificate of currency for the required insurance policy.

b) An owner or applicant who refuses or cannot provide a current certificate of insurance within 2 working days as requested under subclause 3(a) commits an offence.

4) Power of Entry onto Private Property

The powers of entry upon land by authorised persons are the same powers as those conferred under the Scheme.

12. Exemptions from Approval

1) In addition to exempted signs detailed in the Scheme and Armadale Redevelopment Authority Town Planning Scheme, the following signs are exempt from the requirements of Clause 6 of these local laws—

a) a sign within a building unless—

- i) it is clearly visible from a public place outside the building;
- ii) it is considered objectionable by the City;

b) one rural producer’s sign per street frontage which complies with the dimensions of pylon signs (maximum 2m height x 2m length);

c) a sign erected by the City, or with the approval of the City, on land under the care control and management of the City;

- d) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the City and the company responsible for those signs;
- e) a maximum of 4 garage sale signs per property, each not greater than 0.25m², advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;
- f) a sign erected by the City for the purpose of indicating the name and location of a polling place for an election;
- g) one business directory per building with a maximum horizontal dimension of 600mm;
- h) window signs not occupying more than 10% of the surface area of the window, only permitted at ground floor / street level windows;

13. Constraints

A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain on any land or building—

- 1) so as to obstruct the view from a street or public place of traffic in a street or public place;
- 2) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the Regulations made under that Act;
- 3) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- 4) except with the approval of the City on an 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;
- 5) where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
- 6) as a movable or portable sign in a thoroughfare, verge, street or public place;
- 7) on any light or power pole;
- 8) on any tree, shrub or plant;
- 9) which is temporarily or permanently fixed to any vehicle, which is parked in one location on private or public property or in a public place, so as to advertise or display a message to the public;

- 10) which contains glass other than an electric light globe or tube or toughened glass;
- 11) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard, flags, banners or canvas awnings;
- 13) on any street, thoroughfare or other public place, if the sign is an election sign;
- 14) as a hoarding except where the City deems that to approval such a structure and its message would be in the interests of the community.

Appendix 1

City Of Armadale

SIGNS LOCAL LAW 2005

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

No.	Penalty	Offence
1	\$100	Displaying a sign without approval from the City of Armadale or the Armadale Redevelopment Authority
2	\$100	Breach of condition of approval from the City of Armadale or the Armadale Redevelopment Authority
3	\$100	Portable sign causing obstruction of local government property
4	\$100	Bill posting
5	\$100	Failure to comply with a Notice to repair, modify or remove a sign
6	\$100	Failure to comply with a Notice to rectify a breach
7	\$100	Parking a vehicle in a street or other public place for the purpose of using such a vehicle and or attachments as an advertising device.

Second Appendix

**FORM 1
CITY OF ARMADALE
SIGNS LOCAL LAW 2005**

INFRINGEMENT NOTICE

Infringement Notice No.

(1) Date _____

(2) To _____

(3) of _____

It is alleged that on (4) _____ at (5) _____ am/pm at

(6) _____ you committed an offence against Clause (7) _____

of the City of Armadale Signs Local Laws 2005 by (8) _____

For which the modified penalty payable is (9) \$_____

If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after this notice is given to you, by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Armadale at Locked Bag No. 2, Armadale WA 6992 or by delivering this form and paying the amount of the modified penalty to an Authorised Person at the offices of the City of Armadale at 7 Orchard Avenue, Armadale.

Name of Authorised Person issuing notice _____

Title of Authorised Person _____

Signature of Authorised Person _____

- (1) Insert date of infringement notice
- (2) Insert name of alleged offender [or owner of (vehicle identification) if given with notice under section 9.13 of the Act]
- (3) Insert address of alleged offender [not required if given with a notice under section 9.13 of the Act]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert number of clause of local law
- (8) Insert description of offence
- (9) Insert amount of modified penalty.

**Third Appendix
FORM 2
LOCAL GOVERNMENT ACT 1995
CITY OF ARMADALE
SIGNS LOCAL LAW 2005**

NOTICE REQUIRING OWNER TO IDENTIFY DRIVER

(1) Date _____

(2) To _____

(3) of _____

It is alleged that on (4) _____ at (5) _____ am/pm at

(6) _____ your vehicle (7) _____ was involved in the

commission of an offence against Clause (8) _____ of the City of Armadale

Signs Local Laws 2005.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed. If you do not prove otherwise, you will be deemed to have committed the offence unless-

- a) within 28 days after being given this notice-
 - (i) inform the Chief Executive Officer, or an Authorised Person of the City of Armadale, as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) You satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given to you or such further time as may be allowed.

Name of Authorised Person issuing notice _____

Title of Authorised Person _____

Signature of Authorised Person _____

- (1) Insert date of notice
- (2) Insert name of owner {or" owner of (vehicle identification)"
- (3) Insert address of owner [not required if owner not named]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert vehicle registration number and description
- (8) Insert number of clause of local law

Fourth Appendix
FORM 3
LOCAL GOVERNMENT ACT 1995
CITY OF ARMADALE SIGN LOCAL LAWS 2005
INFRINGEMENT NOTICE

Infringement Notice No.

- (1) Date _____
(2) To _____
(3) of _____

It is alleged that on (4) _____ at (5) _____ am/pm at (6) _____ your vehicle (7) _____ was involved in the commission of an offence against Clause (8) _____ of the City of Armadale Signs Local Laws 2005 by (9)

For which the modified penalty payable is (10) \$ _____

If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after this notice is given to you. Unless within 28 days after the giving of this notice to you -

- (a) the modified penalty is paid; or
(b) you-
- (i) inform the Chief Executive Officer, or an Authorised Person of the City of Armadale, as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or

you will be deemed to have committed the above offence and court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Armadale at Locked Bag No. 2, Armadale WA 6992 or by delivering this form and paying the amount of the modified penalty to an authorised person at the offices of the City of Armadale at 7 Orchard Avenue, Armadale.

Name of Authorised Person issuing notice _____

Title of Authorised Person _____

Signature of Authorised Person _____

- (1) Insert date of infringement notice
- (2) Insert name of alleged offender [or owner of (vehicle identification)]
- (3) Insert address of owner [may be omitted]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert vehicle registration number and description
- (8) Insert number of clause of local law
- (9) Insert description of offence
- (10) Insert amount of modified penalty.

Fifth Appendix

**FORM 4
LOCAL GOVERNMENT ACT 1995
CITY OF ARMADALE SIGN LOCAL LAWS 2005
NOTICE OF WITHDRAWAL**

(1) Date _____
(2) To _____
(3) of _____

Infringement Notice No.(4) _____ dated (5) _____ has been withdrawn.

The modified penalty of (6) \$ _____

* has been paid and a refund is enclosed

* has not been paid and should not be paid

(* delete as appropriate)

Name of Authorised Person issuing notice _____

Title of Authorised Person _____

Signature of Authorised Person _____

- (1) Insert date of notice
- (2) Insert name of alleged offender to whom infringement notice has been given
- (3) Insert address of alleged offender
- (4) Insert infringement notice number
- (5) Insert date of infringement notice
- (6) Insert amount of modified penalty.

PLN 4.2

SIGNAGE (ADVERTISEMENTS) DESIGN GUIDELINES

1. INTRODUCTION

This Policy is formulated to supplement the advertising By-Laws (Local Government Model By-Laws – Local Laws relating to Signs, Hoardings and Bill Posting - No 13 which were published in the Government Gazette No.42 of 11th June 1963 and any subsequent replacement Signs Local Laws) and the City's Town Planning Scheme.

The Policy provides a framework for the regulation of the erection and placement of advertising signs in the interests of protecting and improving upon the amenities of the City. Signs in the City should not detract from the visual amenity and streetscape of the locality but be compatible with the character of the buildings and localities that they are erected in.

This policy supersedes Policy PLN 4.2 Advertising Devices, adopted by Council on 16 June 2003, which is hereby revoked.

2. APPLICATION OF POLICY

The policy applies to all advertising signs other than signs exempt from planning approval in terms of the City's Town Planning Scheme.

The policy is intended to provide guidance for applicants applying for signage applications in terms of the City's Town Planning Scheme as well as guide the City's officers in assessing such applications.

3. OBJECTIVES OF POLICY

- To ensure advertising devices that are proposed for a specific property are related to the land use or occupancy of that land (i.e. advertising does not promote premises elsewhere or product names generally);
- To prevent portable advertising devices in streets and other public places;
- To improve the quality of advertising signs and their overall visual impact on the streetscape of the City by orderly regulation and setting reasonable standards and opportunities;
- To ensure that advertising signs do not detract from the level of safety for road users and pedestrians by obstructing sight lines or causing distractions;
- To take into consideration the architectural style, heritage and character of a building and place where a sign is to be erected;

- To ensure that the scale of a sign is appropriate to the size of a building;
- To ensure that colour schemes of signs are used that are consistent with the overall style and character of a building and the vicinity;
- To ensure that materials that are used for signs are compatible with surrounding development;
- To ensure that a consistency of signage format is provided where multiple signs are erected on a single building;
- To limit the number of signs on any one property and avoid the general clutter of advertising devices along road frontages;
- To provide specific parameters for permissible signs in terms of illumination, area, size text, graphics or images etc.;
- To encourage the use of appropriate advertising signs to inform the public of business names and functions;
- To ensure that advertising signs are constructed to appropriate safety levels.

4. POLICY STATEMENT

4.1 Information to be submitted by applicants

In order to assess applications against the Policy requirements, the following information must be submitted with all advertising sign applications:

- Completed relevant Forms and Additional Information as required in the relevant Schedules to the Scheme;
- A photograph or photographs of the premises showing superimposed thereon the proposed position of the sign/advertisement and those signs/advertisements to be removed;
- Full (to scale) working drawings/plans showing dimensions (see Figure 1), location in plan or position on a building and the method of attachment to the ground or to the building;
- Graphic content of the sign or a graphic concept, clearly showing the colours and lettering style to be used in the sign/s;
- A description of the method of illumination (if applicable);
- All accompanying and Additional Material as required in the Scheme.

4.2 Matters to be considered

- (a) Applications to erect advertising signs will be assessed in accordance with the "*Matters to be considered by the City*" provisions in the Scheme, the relevant performance criteria in the policy and the following:
- Compliance with the objectives of this policy;
 - Consideration of existing signs, including signs on buildings and outdoor uses that constitute a sign/advertisement;
 - The dimensions and location of the sign;
 - The content and style of the sign;
 - The historic cultural values of the building;
 - The impact of the sign on pedestrian and traffic safety.
- (b) In addition to (a) above, the City will consider the context of the extent to which the sign / advertisements:
- protect and enhance the amenities of the various localities in the City;
 - result in the reduction of the aggregate number of signs on buildings;
 - result in the rationalisation of advertising devices on individual premises and in the City in general;
 - result in good design in the construction/preparation of advertising devices;
 - result in the incorporation of advertising devices into the design consideration of buildings.
- (c) With the development of significant development proposals such as shopping centres, the City will require a comprehensive signage format / approved signs regime (see Figure 3A and B) to be produced by the applicant, which is to demonstrate a consistent theme for proposed signage that will be located on the site. The provision of pre-allocated positions or frames for the placement of signs on buildings is recommended. Where framing is not considered necessary, additional cut-out/3-D lettering directly attached to the building could be considered.
- (d) No advertising shall be permitted which, in the City's opinion, would be likely to affect the established amenities of a locality or the likely future amenity of an area taking into consideration future planning projections or proposals.

4.3 General requirements for all signs

- (a) Except for hoardings or direction signs, signs shall only display the following;
 - (i) The name of the occupier/s of the business;
 - (ii) Details of the business carried on in the premises;
 - (iii) Details of the goods sold in the premises to which it is affixed;
 - (iv) Any other information specifically approved by the City.

- (b) All signs shall:
 - (i) in design, colour and location be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and any building or structure to which it is affixed;
 - (ii) be kept clean and free from unsightly matter and shall be maintained by the applicant or owner in good order and repair to the satisfaction of the City, whether requiring approval or otherwise.

- (c) No sign shall:
 - (i) be placed and constructed so as to endanger public safety;
 - (ii) be constructed of glass, unless it is part of an illuminating globe or tube, glass used in any sign;
 - iii) be constructed of readily combustible material (including paper, cardboard or cloth.), except as part of a banner, flag or poster securely fixed to a signboard or other structure.

4.4 Public liability Insurance and Indemnity

Where, a sign / advertisement will be placed in or overhang a public place or street, the owner of the property / applicant will be required where appropriate to provide a public liability insurance policy indemnifying the City against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected under the approval and keep that insurance policy current for the duration of the approval. The applicant and/or land owner shall –

- (a) take out a public liability insurance policy in the name of the owner or applicant and the City, for a minimum value of \$10million or such other amount as considered appropriate to the risk involved;

- (b) keep that insurance policy current for the duration of the approval;

- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the City;
- (d) include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the City if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

4.5 Prohibited signs

No sign shall be erected which will:

- a) obstruct the view, from a public street, public place or traffic in the same street or public place;
- b) be likely to be confused with, or mistaken for an official traffic light or sign, or so as to contravene the Traffic Act 1919, or the Traffic Regulations;
- c) be likely to affect the stability of any building;
- d) be placed as a portable sign in a street or public place;
- e) not relate to the land use or occupancy of that land (i.e. advertising that promote premises elsewhere or product names generally), unless otherwise specifically approved by Council (i.e. directional signs);
- f) be located in a position where it will unreasonably obstruct or obscure the existing view from a dwelling of a significant visual feature such as a lake, river etc.;
- g) be fully or partially projected, flashing or animated, moving or rotating;
- h) emit light of such intensity that it could in the opinion of the City create a traffic hazard or nuisance to the public;
- i) be injurious to the amenity of the area.

4.6 Specific sign requirements and performance criteria

In general, signs should comply with the provisions of Table 1. The Acceptable Development Criteria (Permitted Standards) contained in the table provide for means by which development can be "deemed to comply" and therefore provide for an expedited and certain path for approval, while the Alternative Performance Criteria (Discretionary Standards) allow the applicant to introduce alternative methods of achieving an acceptable outcome. Where no Acceptable Development Criteria are specified, the Alternative Performance Criteria will be applied.

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
ARCADE SIGN	NO ACCEPTABLE CRITERIA		Max height: Max depth: Min clearance from ground level: Min distance from any other Arcade sign or horizontal projecting wall sign:	500mm 300mm 2.4m 2.4m
AWNING/VERANDAH FASCIA SIGN	NO ACCEPTABLE CRITERIA		Max height: Other requirements:	250mm Shall not project beyond the fascia line of an approved or existing awning/verandah Shall not project above or below the fascia of the awning/verandah
AWNING/VERANDAH FASCIA (ABOVE) SIGNAWNING/VERANDAH FASCIA (ABOVE) SIGN	Max height: Max length: Min clearance from ground level: Shall be of a single panel design.	150mm 300mm 2.4m	Max height: Max depth: Max length: Min distance from any other Awning/Verandah sign or Horizontal Projecting Wall Sign: Min distance from side boundary of the lot:	500mm 300mm Shall not project beyond the width of the awning/verandah or exceed 2.7m whichever is the shorter. 2.4m 1.2m

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
<p align="center">AWNING/VERANDAH FASCIA (BELOW) SIGN</p>	<p align="center">As for Above Awning/Verandah Sign</p>	<p>Max height: Max depth: Max length:</p> <p>Max weight:</p> <p>Min distance from any other Awning/Verandah sign or Horizontal Projecting Wall Sign: Min distance from side boundary of the lot:</p>	<p>500mm 300mm Shall not project beyond the width of the awning/verandah or exceed 2.7m whichever is the shorter Total weight not to exceed 50kg unless certified by practising structural engineer. 2.4m 1.2m</p>
<p align="center">BANNER SIGN</p>	<p align="center">NO ACCEPTABLE CRITERIA</p>	<p>Max height: Max length: Other requirements:</p>	<p>1.0m 2.0m One sign per building. May be placed on the face of a building at street level providing it can be demonstrated that to do so would not cause injury or inconvenience to pedestrians. Must not project beyond the face of the building.</p>
<p align="center">HOARDING (BILLBOARD)</p>	<p align="center">NO ACCEPTABLE CRITERIA</p>	<p>Requirements:</p>	<p>Only permitted in restricted locations approved by the City (i.e specific roadways and reserves). Must include information that is of community interest.</p>

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
BUILDING NAME SIGN	Max height: Max length: One Building Name sign per building.	300mm 3.0m	Max height: Max length: Other requirements:	450mm 5.0m More than one Building Name sign shall only be considered as part of an overall signage package.
	NOT PERMITTED			
	EXEMPT (SUBJECT TO “EXEMPT” PROVISIONS IN LOCAL LAWS)			
	NO ACCEPTABLE CRITERIA		Max height: Max length: Max depth: Other requirements:	400mm 400mm 40mm Shall only be considered in association with eating establishments. May be internally illuminated.
	NO ACCEPTABLE CRITERIA		Max height: Max length: Max Display Period:	3.0m 1.5m 6 months
	NO ACCEPTABLE CRITERIA		Min clearance from ground level: Max length: Max depth: Comply with Appendix 1.	2.7m 750mm 150mm

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
ELECTORAL SIGN	NOT PERMITTED		
FENCE SIGN	NO ACCEPTABLE CRITERIA	Max height: Max length: One line of signs only to a maximum of 6 signs whose total horizontal measurement does not exceed:	300mm 2.0m 2.0m
FLAG	EXEMPT (SUBJECT TO PROVISIONS IN DEFINITION)	Max height: Max length: Other requirements:	900mm 1.6m Restricted to company insignia only. Shall not display any advertising of commodities. Shall not contain fluorescent or iridescent colours.
GROUND BASE SIGN	NO ACCEPTABLE CRITERIA	Max height: Max area of each face: Other requirements:	2.4m 2.5m ² Shall not encroach on any road or other public place. May be externally illuminated.
HOARDING	NOT PERMITTED		

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
HORIZONTAL SIGN	Max height: Max length: One sign per property	500mm 1.5m	Max height: Max length: Other requirements:	1.5m 3.0m More than one sign to be on one line.
HORIZONTAL PROJECTING WALL SIGN	As per the criteria for above and below Awning/Verandah signs		Max height: Max length: Max width: Min clearance from ground: Other requirements:	500mm 2.7m 300mm 2.4m One sign per property. Shall not be approved if there is a Vertical Projecting Wall sign on the same site.
ILLUMINATED DIRECTION SIGN	NO ACCEPTABLE CRITERIA		Max height: Max length: Max depth: Min clearance from ground level: Max height to top of sign: Other requirements:	2.0m 2.0m 300mm 2.4m 6.0m Shall display a generic message only. Comply with Appendix 1.
INFORMATION PANEL	NO ACCEPTABLE CRITERIA		Max height: Max length: Other requirements:	3.0m 3.0m Must be affixed to a wall or other solid feature.

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
INSTITUTIONAL SIGN	Max height: Max length: Min clearance from ground level: One Institution sign only per street frontage.	2.0.m 2.0m 2.4m	Max height: Max length: Min clearance from ground level:	3.0m 3.0m 2.4m
INTERPRETIVE SIGN	NO ACCEPTABLE CRITERIA		Requirements:	Part of an approved coordinated signage framework. Combination with artistic works encouraged.
LAND SALE SIGN	Max area: Max Display Period:	10m ² 24 months (commencing only when land is appropriately zoned and subdivision is approved by WAPC).	Max area: Min land area to be developed: Max Display Period:	20m ² 5ha 24 months (commencing only when land is appropriately zoned and subdivision is approved by WAPC).
MOVEABLE SIGN	NOT PERMITTED			
PORTABLE SIGN (SANDWICH BOARD)	NOT PERMITTED			
PROJECTION SIGN	NOT PERMITTED			

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
PUBLIC EVENT & CULTURAL DIRECTORY SIGN	Max height: Min Height: Max. Width: (Triangular) Max. diameter: (Column/bollard)	2m 1.8m 500mm 500mm	Requirement:	Comply with Appendix 1
PYLON SIGN	NO ACCEPTABLE CRITERIA		Max height: Max length: Max depth: Max height to top of sign: Min clearance from ground: Min distance from any other pylon sign: Other requirement:	2.0m 2.0m 300mm 6.0m 2.4m 10.0m One pylon sign per property.
REAL ESTATE SIGN (FOR SALE SIGN)	EXEMPT (SUBJECT TO “EXEMPT” PROVISIONS IN TOWN PLANNING SCHEME)		Max height: Max length: Other requirements:	3.0m 1.5m One sign per property.

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
ROOF SIGN	NO ACCEPTABLE CRITERIA		Max height: Max length: Max distance between top of sign and roof or parapet: Max height of building: Other requirements:	750mm 4.5m 750mm 7.5m Engineers certificate required confirming that the integrity of the roof will not be adversely affected. Message on no more than two faces only. One roof sign per property. Must not be illuminated.
RURAL PRODUCERS SIGN	EXEMPT (SUBJECT TO “EXEMPT” PROVISIONS IN TOWN PLANNING SCHEME AND LOCAL LAWS)		Max height: Max length: Max height to top of sign: Min clearance from ground: Other requirements:	2.0m 2.0m 6.0m 2.4m One pylon sign per road frontage.
SUN BLIND SIGN	NO ACCEPTABLE CRITERIA		Min clearance from ground level: Min distance from kerb line: Other requirements:	2.4m 450mm May be illuminated
TEMPORARY COMMUNITY SIGN	NO ACCEPTABLE CRITERIA		Other requirements:	Comply with Appendix 1
TEMPORARY SIGN	Max height: Max length: Max period:	400mm 400mm 2 months	Height greater than: Length greater than: Max period:	400mm 400mm 4 months

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)		ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
<p align="center">TETHERED SIGN (BALLOONS & BLIMPS)</p>	<p align="center">NO ACCEPTABLE CRITERIA</p>		<p>Max height: Max diameter: Min height from ground: Max height from ground: Min distance from any pylon sign: Other requirements:</p>	<p>9.0m 7.0m 2.7m 8.0m 10.0m Located wholly within the boundaries of the subject lot. Not to be displayed for more than 30 days aggregate in any calendar year.</p>
<p align="center">VERTICAL PROJECTING SIGN</p>	<p align="center">NO ACCEPTABLE CRITERIA</p>		<p>Max height: Max length: Min distance from ground: Other requirements:</p>	<p>450mm 300mm 2.4m One sign per building. Will not be permitted if there is a horizontal projecting wall sign on the same site.</p>
<p align="center">WALL MURAL</p>	<p align="center">NO ACCEPTABLE CRITERIA</p>		<p>Other requirements:</p>	<p>Must demonstrate its ability to convey, complete or restore an image of historical or cultural significance.</p>
<p align="center">WALL SIGN</p>	<p>Max height: Max length: One sign per building.</p>	<p>300mm 3.0m</p>	<p>Max height: Max length: Other requirements:</p>	<p>450mm 5.0m No more than one wall sign.</p>

TABLE 1

ADVERTISING DEVICE/SIGN	ACCEPTABLE DEVELOPMENT CRITERIA (PERMITTED STANDARDS)	ALTERNATIVE PERFORMANCE CRITERIA (DISCRETIONARY STANDARDS)	
WINDOW SIGN	EXEMPT (SUBJECT TO “EXEMPT” PROVISIONS IN LOCAL LAWS)	Max. window surface area: May be located on windows other than ground floor windows.	50%

Notes:

- Unless a sign is categorized as an “Exempt” in the Town Planning Scheme or Local Laws, an application must be submitted to the City for approval.
- Where a sign is to be located on a place that is a Heritage Area or included in the Municipal Heritage Inventory or a Heritage List, an application for such signage must be submitted to the City for approval, notwithstanding that the sign type may be categorized as “Exempt” under the Exempted Advertisement Schedule of the Town Planning Scheme.
- Signage applications meeting Acceptable Development criteria will be considered as “permitted” (‘P’ use) applications. Signage applications meeting Alternative Performance Criteria or signage for which no performance criteria are specified, will be considered as “discretionary” applications.
- Any sign not listed in the Scheme or these policy provisions, prohibited by this policy or not complying with the standards of the policy, will not be permitted unless specifically approved by Council.

5. DEFINITIONS

“Act”	unless otherwise specified means the Local Government Act 1995, as amended;
“advertisement”	has the meaning given to it in Schedule 1 of the Scheme;
“animation”	means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping and any mechanical or electrical device;
“applicant”	means any person who submits an application for a sign to the City;
“application fee”	means the application fee, which relates to the lodgement, assessment and determination of a sign application;
“applicant”	means the person who applies for an approval and to whom an approval is issued, transferred or deemed to be transferred and includes the holder of a licence/approval deemed to be issued under the City’s Local Laws relating to Signs, Hoardings and Bill Posting;
“approval”	means an approval for a sign issued under the Town Planning Scheme or local law;
“approved sign”	means a sign, which is the subject of a valid approval;
“approved signs regime”	means a comprehensive plan of sign types, sizes, location and restrictions approved by the City for an entire site;
“arcade sign”	means a sign suspended from or attached to the ceiling of an internal pedestrian area;
“authorised person”	means a person authorised by the City under Section 9.10 of the Act to perform any of the functions of an authorised person under the local law;
“awning / verandah”	includes cantilever awnings, cantilever verandahs and balconies whether in or above a street, way, footpath, public place or private property;
“awning / verandah sign”	includes a sign above an awning/ verandah fascia, on an awning/verandah fascia and under an awning/verandah;
“banner sign”	means a vertical or horizontal fabric sign attached at one or both ends;

“bill”	means : a) any written, printed or illustrated message on paper, plastic or similar material; b) commonly produced in volume for the either or both purposes of distribution to persons or for posting or attaching to any structure or thing; and c) where the message advertises or promotes an event, person or thing, which is not an exempted advertisement;
“bunting”	means a string of flags, streamers and the like strung in a line(s) from or otherwise attached to a building or other structure;
“business directory”	means a sign for a building in multiple tenancies, which identifies the name of the business and its location within the building and does not contain any product or other advertising;
“cabinet sign”	means a cabinet with a transparent face attached to a wall of a building or structure for the display of information within (e.g. menus);
“City”	means the City of Armadale and includes its duly appointed officers;
“Council”	means the Council of the City;
“development sign”	means a sign erected to display and advertise future development of a building or property;
“display”	in relation to a sign, includes the erection, placement, use and maintenance of the sign;
“display”	in relation to a bill, includes the posting, attachment, erection, placement use and maintenance of the bill;
“direction sign”	means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the Local Government or the Commissioner of Main Roads or 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 Road Traffic Act 1974 or relevant legislation in force at the time;
“district”	means the district of the City;

“electoral sign”	means a sign erected to encourage persons to vote for a candidate, political party or issue in a forthcoming election of the Parliament of the Commonwealth or State or Local Government or a referendum;
“exempt advertisement”	means a sign that is classified as exempt pursuant to the Local Laws or that is exempt pursuant to the provisions of the Town Planning Scheme;
“fence sign”	means a sign attached to a boundary fence, dividing fence, internal fence or dividing wall;
“flag”	means a piece of cloth displaying the natural symbol of any country, state, territory, ethnic group, the standard of a representative of a royal family or visiting dignitaries, an international institution (e.g. United Nations, Red Cross), club, organisation or government agency;
“ground base sign”	means a sign permanently attached to the ground on its own supportive structure independent of any building, but not including a pole, pylon sign, business directory, public event sign or cultural directory signage.
“hoarding”	means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the Local Government Act 1995, as amended ;
“home occupation”	has the same meaning as described in the Town Planning Scheme;
“horizontal sign”	means a sign fixed or painted on the wall of a building or structure where its largest horizontal dimension exceeds its vertical dimension;
“illuminated sign”	means a sign that is so arranged as to be capable of being illuminated, either from the inside or outside by artificial light provided for that purpose but shall not emit flashing, intermittent or sequential light;
“institutional sign”	means a sign erected or placed on land or a building used for or by an organization or establishment in connection with a public, educational, medical, charitable or other organization or establishment of a similar nature;

“interpretive sign”	provides - information for visitors, plans, historic information, location of services, features and businesses, includes artworks, which convey meaning. This type of sign can be private (i.e. placed by and for the benefit of a private business) or public (i.e. placed by a public agency in the public interest);
“land”	includes buildings, parts of buildings and other structures and land covered with water;
“land sale sign”	means a sign erected on an area of land which has been approved for subdivision into smaller lots, advertising the subdivided lots for sale;
“licence”	means a licence issued under the City’s Local Laws relating to Signs, Hoardings and Bill Posting;
“local government property”	means any thing- a) that belongs to the City; b) of which the City is the management body under the Land Administration Act 1997; c) which is an otherwise unvested facility within Section 3.53 of the Act; and includes a thoroughfare or verge;
“moveable sign”	means a sign that can be moved and or is attached to a thing that is capable of being moved under its own power or with the assistance of another thing;
“name plate”	a single sign identifying one of the occupants of a property used for profession rooms, attached flush to the wall of a building (e.g. a traditional Doctor or Lawyer brass plate);
“person”	does not include the City;
“planning scheme”	means the City’s Town Planning Scheme made under the <i>Town Planning and Development Act 1928</i> , and, unless otherwise stated, refers to a Town Planning Scheme, which is in force at the time;
“policy”	includes a planning policy made under the Scheme;
“portable sign”	means a sign not permanently fixed to the ground, building, wall, fence or structure and includes, but is not limited to, a sandwich board sign consisting of two sign boards attached to each other at the top by hinges or other means;

“projection sign”	means a sign that is made by the projection of light onto a canvas, wall or similar structure;
“public place”	means any place to which the public has access and includes, but is not limited to, car parks and verges;
“Public event and cultural directory sign”	means a structure permanently attached to the ground, designed to accommodate small bill posters or public notices, the messages of which may be changeable or variable and the sign may also have a public art function.
“pylon sign”	means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more supports to which sign infills may be added;
“residential area”	means an area that has been so zoned under the Town Planning Scheme which is in force within the City at the time;
“roof sign”	means a sign or advertising device erected on or attached to the roof of a building;
“rural producers sign”	means a sign erected on land lawfully used for rural purposes that advertises commodities or produce grown, produced or lawfully manufactured within the boundaries of the land on which the sign is erected;
“real estate sign”	means a sign indicating that the property or premises whereon it is affixed is for sale or for lease or to be auctioned;
“Scheme”	means the City of Armadale Town Planning Scheme which is in force at the time;
“Scheme Area”	means the Scheme area referred to in the Scheme;
“sign”	means any message, direction or representation whatsoever displayed on or attached to any object or structure, or a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;

“site specific advertising”	means any display of a message or thing which only identifies the name and or principal business and or thing or service, produced, stored, displayed, sold or supplied in the principal business of an occupier of the land or building on which the message or thing appears or is proposed to appear;
“sun blind sign”	means a sign incorporated into the fabric or structure of a sunblind or canopy situated over a door or window.
“temporary community sign”	means a sign displayed by community groups and associations to advertise charitable or non-profit meetings, functions, artistic and cultural activities or other events of public interest.
“temporary sign”	means a sign displayed for a total of more than five (5) days but less than four (4) months in any given year.
“thoroughfare”	has the same meaning given to it in section 1.4 of the Local Government Act 1995, and includes the verge;
“vertical sign”	means a sign fixed or painted on the wall of a building or structure where its vertical dimension exceeds its horizontal dimension;
“vehicle”	includes – a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and b) an animal being ridden, driven or led, but excludes – c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and d) a pram, stroller or similar device;
“wall panel”	means a panel displaying a posted or painted advertisement, which is fixed to the wall of a business premises or erected in the forecourt of a business premises;
“wall sign”	means a sign fixed or painted on the wall of a building or structure;
“window sign”	means a sign or signs on a transparent surface of a window or located less than 150 mm behind a transparent surface. Also includes signs on any window, which has been painted opaque.

Note: Also see Table 1, Figure 2 and Appendix 1 for requirements for and illustrations of various signs.

APPENDIX 1

ADDITIONAL SIGN REQUIREMENTS

1. Illuminated Directional Signs

1.1 Colour Scheme

Dark green border, lettering and pole(s), cream face, red scroll.

1.2 Form

Generally rectangular 2m width by 1.3m depth with curved corners and crest circle protruding above. Dimensions variable to suit location. Signs to be low in profile subject to practical safety standards.

1.3 Symbol

City crest

1.4 Message

- a) Name of Centre
- b) Services as applicable
- c) Direction/distance symbol
- d) Road / street name

1.5 Restrictions

- a) Only to be located subject to Council approval on Council controlled roadways, reserves etc.
- b) Design and specifications to meet Australian Standards and requirements of the Technical Services Directorate.
- c) Signage should be of a comprehensive generic description of a centre and avoid promotion of individual businesses and brand names.
- d) The placement of these signs to be selective at strategic locations to avoid general signage clutter and confusion.
- e) The sign must be set back at least 4.5m from the back of the kerb and located to the satisfaction of the Technical Services Directorate and Main Roads WA (where appropriate).
- f) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles.
- g) Attachment of road/finger signs to be restricted to specific locations approved by Council.

1.6 Cost

- a) The cost of establishing/erecting and maintaining the signs in good order to be borne by the applicants.
- b) In the event of non-compliance with approval and maintenance conditions, the City may, within 14 days of a notice, remove the sign and charge the applicants for removal and disposal.
- c) Annual rental to be paid to the City as specified by the City.
- d) Electricity costs to be paid to Western Power.

1.7 Written agreement and Public Liability Insurance

- a) A written agreement is to be provided to the City prior to the erection of the sign, stating that the applicant/sign company will be responsible for all maintenance, removal (within 24 hours should the sign be damaged), replacement as well as informing the City should any of the above be carried out, and relocate the sign if any road works is required in the future.
- b) A copy of a public liability Insurance Policy to the value of \$10 000 000 being provided to the City and such a policy remaining current for the life of the sign.

2. Illuminated signs

2.1 Requirements

- a) Boxing, casing or framing to be constructed of incombustible material;
- b) Electrical installation to be to the satisfaction of the appropriate electrical supply company and in accordance with AS3000-1991;
- c) Sign is to be maintenance to operate as an illuminated sign;
- d) Light emission is not to be of such intensity or colour as to cause annoyance to the public, constitute a traffic hazard or interfere with traffic lights;

3. Direction signs

3.1 Requirements

- a) Signs shall be securely affixed to and supported by one or more columns of sufficient size and strength to support the sign under all conditions;
- b) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles.

4. Temporary community signs

4.1 Requirement

- a) Signs shall not be erected earlier than 2 weeks before the event and shall be removed by the applicant no later than 2 days after the conclusion of the event;

5. Public Event and Cultural Directory Signage

5.1 Requirements

- a) Should provide for adequate recognition and access to view information and direction;
- b) Should be capable of forming an integral part of streetscape without being dominant;
- c) Should not detract from the character of the surrounding space;
- c) Should be robust and resistant to vandalism whilst ensuring pedestrian and vehicle safety is not compromised;
- d) Art work or embellishment shall be secondary to and not detract by way of colours, motifs or design from the function of the structure.

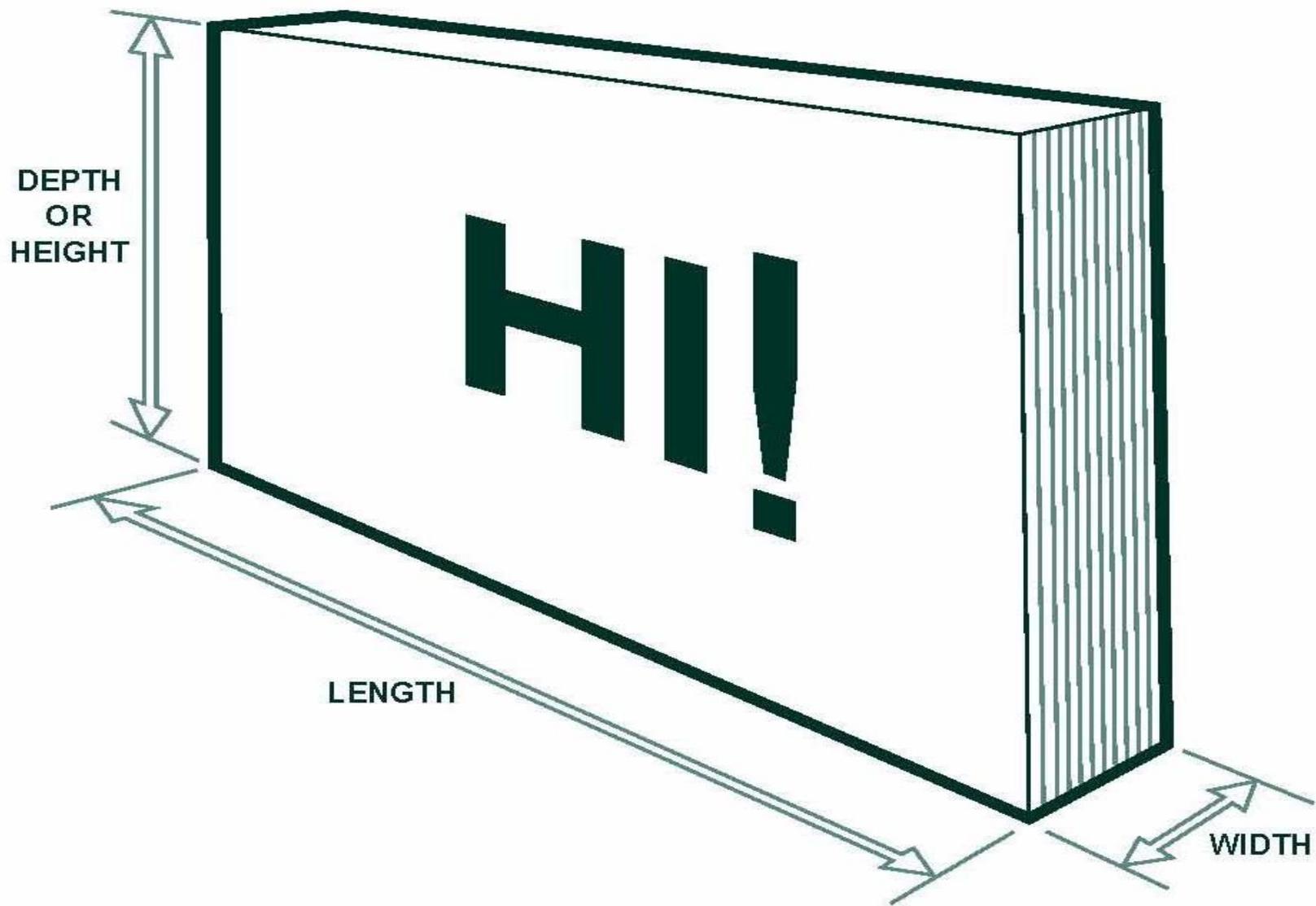


Figure 1: Sign Dimensions



KEY TO SIGNS

Ref No.	Sign Type	Max Width (mm)	Max Height (mm)
1	Window Sign	1200	
2	Hanging Sign	600	500
3	Wall Sign	1600	900
4	Street Number		200
5	Nameplate	300	600
6	Portable Sign	600	800

Note: Dimensions need to be specified as well as sign type and location.

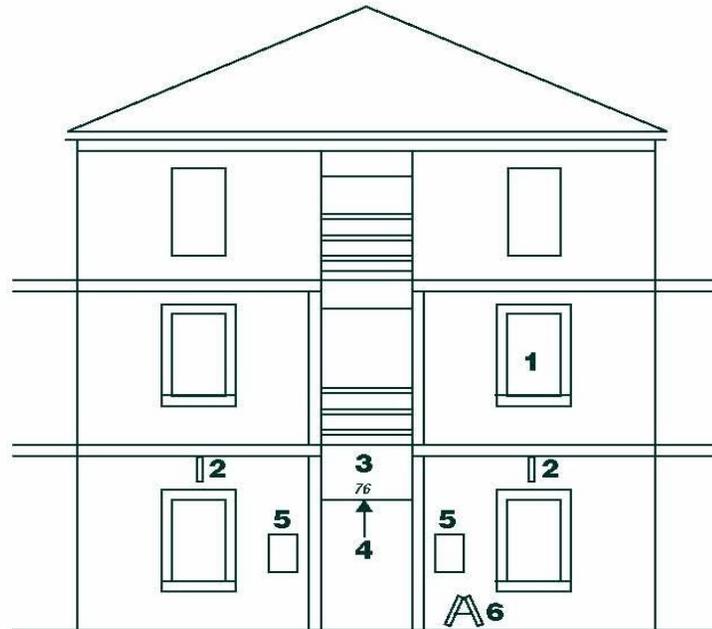


Figure 3 – Example of Signs Regime (Comprehensive Signage Format)