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Rescinded OC1208

<b>Procedure:</b>	
<b>Originating Section:</b> Health	<b>Relevant Legislation:</b> <i>Health (Miscellaneous Provisions) Act 1911</i>
<b>Reviewer:</b> Manager Health Services	<b>Delegated Authority:</b> 203
<b>Adopted:</b> Minute OC0213, 14.02.07	<b>Other References:</b> Department of Health guidelines and notes
<b>Amended:</b> Minute OC0206, 19.02.14 <b>Rescinded</b> Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2017	

### INTRODUCTION

The Department of Health has advised enforcement agencies to adopt a strategic approach to the application of legislative enforcement provisions. Compliance and enforcement action should be a graduated application of enforcement measures, generally commencing with, for example, lighter measures and then progressively applying more severe enforcement measures depending on inherent risks and the overall performance of the food business.

### OBJECTIVE

1. To provide for consistency in approach to the enforcement activity.
2. To be efficient in enforcement approach.
3. To provide transparency to consumers and the food industry on how the Shire makes decisions on enforcement action.
4. To guide decision making and actions by the Shire in the consistent use of enforcement options commensurate with the risk.
5. To use compliance and enforcement strategies in such a way as to best achieve legislated objectives and encourage compliance with legislated provisions.
6. To provide a framework to implement a cooperative and collaborative approach to enforcement action to achieve compliance in a manner that protects consumers.
7. To provide protection for consumers from inappropriate and/or misleading trade practices.

### POLICY STATEMENT

Health Services will conduct food regulatory enforcement activities based on the compliance and enforcement provisions of the *Food Act 2008*, *Food Regulations 2009* and the Australia New Zealand Food Standards Code.

The enforcement measures taken will follow a graduated approach, commensurate with the food safety risk and are based upon measures identified in the National Enforcement Guideline (October 2009) and the WA Food Regulation : Department of Health Compliance and Enforcement Policy.

<b>Procedure:</b>	
<b>Originating Section:</b> Health Services	<b>Relevant Legislation:</b> <i>Food Act 2008</i> <i>Food Regulations 2009</i> Food Standard Code
<b>Reviewer:</b> Principal Environmental Health Officer	<b>Delegated Authority:</b> 133
<b>Adopted:</b> Minute OC0912, 22.09.10	<b>Other References:</b> Department of Health guidelines and notes
<b>Amended:</b> Minute OC0206, 19.02.14 Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2019	
<b>Amendments</b> 20.12.17 Sentence removed from Introduction however meaning and intent unchanged, Manager Health replaced by Principal EHO.	

### INTRODUCTION

Local government is in a unique position to assist in the prevention of skin cancer at the community level to ensure that the community has access to facilities and services that provide protection from ultraviolet (UV) radiation.

### OBJECTIVE

Provide guidance to the Council to reduce community exposure to ultraviolet (UV) radiation. Guidance may include consideration of measures outlined in the Cancer Council Western Australia document "*The Shade Handbook: A practical guide for shade development in Western Australia 2012.*"

Guide Source -<https://www.cancerwa.asn.au/resources/2013-03-06-theshade-handbook-web.pdf>

### POLICY STATEMENT

1. Council recognises that there are opportunities to improve the provision of shade across existing and new council developed facilities.
2. Ensure that consideration of shade provision is made in the assessment of development applications relating to urban and open spaces where relevant.
3. Increase the provision of sustainable, quality shade at particular sites within the Shire including parks, playgrounds, sporting and recreational facilities and early childhood services. Children's play areas will be considered a high priority for shade provision.
4. Ensure that consideration of shade is made when renovating existing infrastructure, facilities and landscaping.
5. Take advantage of existing campaigns and strategies to promote 'sun safe and sun smart' behaviours to Shire employees and to the community, including messages through newsletters, brochures and posters.
6. Promote the importance of sun protection in pre-event publicity and literature including events flyers, tickets and programs.

### POLICY APPLICATION

The application of this policy is to be considered in conjunction with the associated Council Polices and guidelines will apply throughout the Shire of Capel to all outdoor areas.

<b>Procedure:</b>	
<b>Originating Section:</b> Health	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Principal EHO	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0404, 18.04.12	<b>Other References:</b> Capel & Boyanup Open Space Strategy The Shade Handbook (Cancer Council of WA)
<b>Amended:</b> Minute OC0206, 19.02.14 Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> 20.12.17 Sentences removed from Introduction and Policy Statement 1, however meaning and intent unchanged. Manager Health replaced by Principal EHO.	

### INTRODUCTION

This policy sets out Council's conditions of approval for issuing permits for mobile food vehicles, stall holders and traders in accordance with Part 6 of the '*Activities in Thoroughfares and Public Places and Trading Local Law 2016*'. It also identifies areas within the Shire of Capel where trading is permitted in accordance with Permit conditions.

### OBJECTIVE

1. This policy is to provide the Council with a consistent framework comprising a set of conditions for the approval and issue of permits for trading and operating a stall.
2. To provide transparency to applicants and the community about what conditions are imposed on trading and stall holder permits.
3. To encourage opportunities and guidance for traders and stallholders within the Shire of Capel.

### POLICY STATEMENT

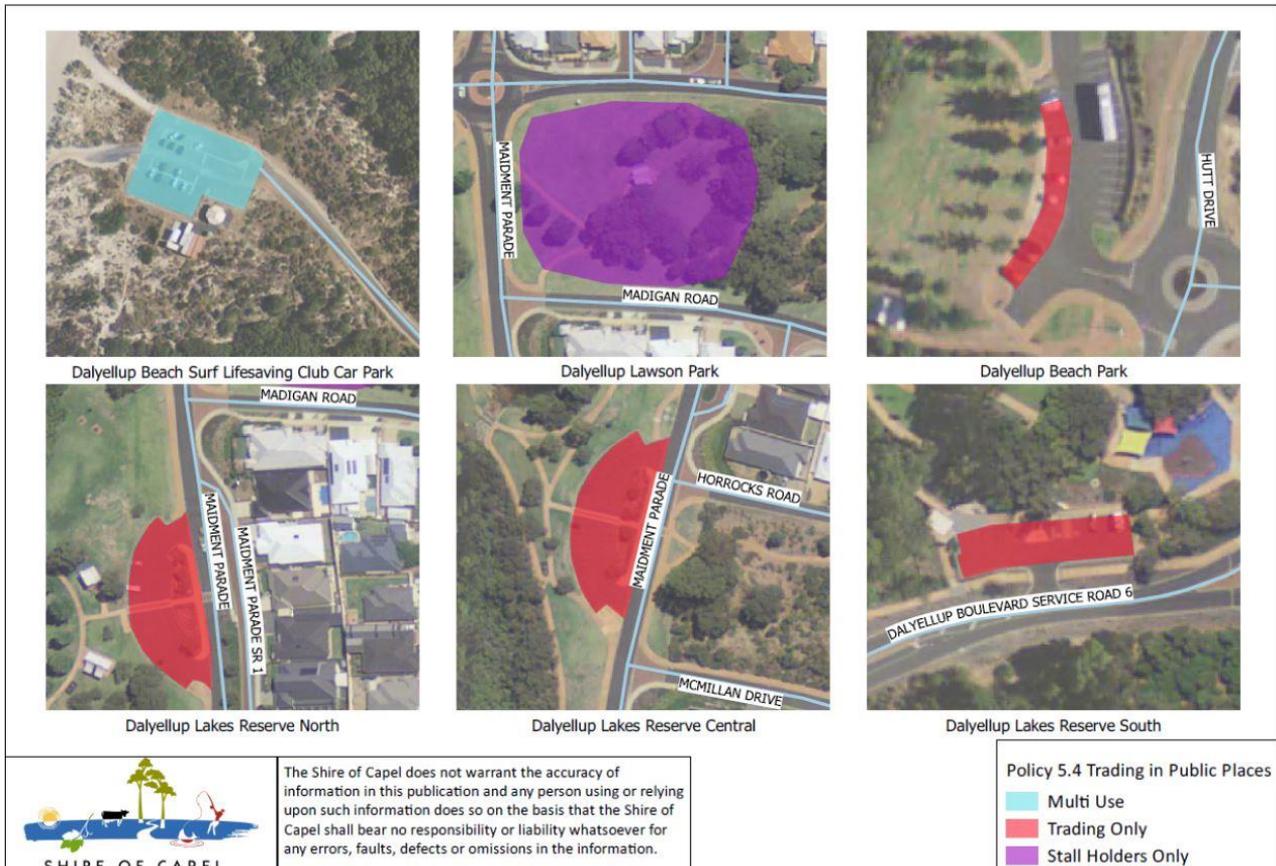
The Shire of Capel may specify the following conditions of approval in relation to applications for a Permit under Part 6 of the *Activities in Thoroughfares and Public Places and Trading Local Law 2016*.

1. Trading or operating a stall is permitted only in selected areas of the Shire as depicted in Attachment 1 of this Policy and in any other public or privately owned, public place location, where approval is in writing by the land owner.
2. In relation to the above locations the following conditions apply:
  - 2.1 Stall holders must be located in an area more than 300m from a permanently established retailer selling similar goods.
  - 2.2 Individual traders and stall holders may operate only for the maximum number of hours approved.
  - 2.3 Trading or operating a stall is only permitted between the hours approved.
  - 2.4 A maximum number of permit holders may be allowed at any location at any time.

- 2.5 The trading vehicle or stall must not extend outside the area approved or otherwise designated by signage at the permitted location. No tables or chairs are to be placed alongside the trading vehicle or stall unless otherwise approved.
- 2.6 All waste generated by the trader or stall holder including customer’s discarded food and packaging must be removed from the site by the trader.
- 2.7 Trading or operating a stall at the sites specified in this Policy is suspended during Shire approved events that are held at the designated locations, except where the trader or stall holder is nominated by the applicant in the event application.
3. Traders or stallholders operating on land managed by the Shire of Capel must provide a copy of a Certificate of Currency for public liability and indemnity insurance to the satisfaction of the Shire regardless of whether a permit is required by this policy.
4. Any advertising signs and portable direction signs must be in accord with the *Shire of Capel Activities in Thoroughfares and Public Places and Trading Local Law 2016*, Shire of Capel Policy 6.28 Signs and Town Planning Scheme No. 7.
5. The requirement to apply for and pay fees for obtaining a permit by a charitable organisation or any other business operating under the coordination and control of a charitable organisation, at an approved community market location only, shall be waived.

<b>Procedure:</b>	
<b>Originating Section:</b> Health	<b>Relevant Legislation:</b> Activities in Thoroughfares and Public Places and Trading Local Law 2016
<b>Reviewer:</b> Principal EHO	<b>Delegated Authority:</b> 127
<b>Adopted:</b> Minute OC0206, 19.02.14	<b>Other References:</b>
<b>Amended:</b> Minute OC0206, 19.02.14 Minute OC0316, 28.03.18	
<b>Review Date</b> December 2019	
<b>Amendment 28.03.18</b> Include ‘stalls’ in the activities that require a permit, allow additional locations for sale of goods, require permit holders to provide certificates of insurance currency and obtain approval for signage, allow permit fees to be waived.	

**Approved trading and stall holder locations**





Peppermint Grove Beach Community Centre  
Under Shade Sails & Car Park



Peppermint Grove Beach Car Park

Policy 5.4 Trading in Public Places	
<span style="color: cyan;">■</span>	Multi Use
<span style="color: red;">■</span>	Trading Only
<span style="color: purple;">■</span>	Stall Holders Only



The Shire of Capel does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the Shire of Capel shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

## INTRODUCTION

Mosquitoes are known to present serious health risks to humans by acting as transmitters or vectors of pathogenic arboviruses. Factors important for mosquito survival are an aquatic environment to breed during their larval stage, vegetation to live in, a food source, temperature, wind and humidity.

Many residential areas in south west Western Australia are located in close proximity to major natural mosquito breeding habitat and many more are being developed due to both aesthetic values of living near water and a shortage of suitable land close to major centres. It is therefore intuitive that those living closer to potential breeding habitats are at greater risk of mosquito-borne diseases.

Effective mosquito management requires a holistic approach and the cooperation and coordination of all stakeholders. Integrated mosquito management, which includes mosquito reduction, personal protection, community education, land use planning, coordinated programs and ongoing monitoring, is necessary for effective mosquito management in the long term.

## OBJECTIVE

The principal purpose of the Policy is to reduce the risk of community members obtaining a mosquito borne disease and the objectives of the Policy are as follows.

1. To make provision to minimise risk by having the proponents of developments address the issue by way of a risk assessment process.
2. To inform, guide and assist applicants, developers, consultants, land owners, residents and the general public of Council's guidelines for development in relation to mosquitoes, particularly in relation to the preparation and submission of development applications.
3. Maintain and enhance the amenity and health of the Shire's residents and visitors and to plan for the health and safety of the community by the implementation of the Shire of Capel Integrated Mosquito Management Plan.

## POLICY STATEMENT

1. Mosquito control is most effectively managed based on the best available science.
2. Council will maintain an Integrated Mosquito Management Plan that enables all wetlands, natural and manmade, to be risk assessed for the potential impact on the community in order to mitigate the threat of disease or nuisance as part of the overall integrated mosquito management approach.
3. Council agrees to maintain membership and implement the objectives of Contiguous Local Authority Group (CLAG) comprising the City of Busselton and

the Department of Health known as the Geographe Mosquito Management Group.

**POLICY APPLICATION**

The policy applies to the whole of the municipality of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Health Services	<b>Relevant Legislation:</b> <i>Health (Miscellaneous Provisions) Act 1911 Part IX</i> <i>Shire of Capel Health Local Laws 2000 Part 6</i> EPA: Guidance Statement for Management of Mosquitoes by Land Developers No 40 Chironomid Midge & Mosquito Risk Assessment Guide for Constructed Waterways
<b>Reviewer:</b> Principal EHO	<b>Delegated Authority</b>
<b>Adopted:</b> Minute OC0114, 27.01.16	<b>Other References:</b> MOU – Department of Health WA, CLAG
<b>Amended:</b> Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2019	
<b>Amendment 20.12.17</b> Superfluous text removed, no change no meaning or intent	

## INTRODUCTION

Local government has two main areas of responsibility with regards to pest control:

- Managing weeds, insects and diseases on Council or public land in buildings, structures and amenity areas under their control such as road reserves, drainage easements, rights of way public parks and gardens; and
- Managing pests that are a threat to public or environmental health such as mosquito's, wasps, flies, vermin and feral animals.

In Capel by far the largest part of the pest control program is the use of larvicide for the disease vector management program for the management of mosquitoes known to carry Ross River Virus and Barmah Forest virus. Council also uses herbicides for the control of weeds however; weeds can be controlled by the use of non-chemical means such as slashing, burning, ploughing and hand removal.

## OBJECTIVE

The principle purpose of this policy is to reduce the risk to the environment and community members of the effects of pesticides used in council pest control programs. Council will adhere to the following principles:

- Minimise pesticide use, consistent with achieving acceptable pesticide outcomes;
- Use pesticides on the basis of risk management, good contract management and auditing of results;
- Consult the community and provide timely notification of pesticide application events;
- Consult other government agencies and local stakeholders when pest control activities have the potential to impact on environmentally sensitive land, water, catchment areas, farming property, or other sensitive area or activity; and
- Comply with all applicable legislation, codes of conduct and policies with respect to pesticide application by Council or its contractors.

## POLICY STATEMENT

Integrated Pest Management (IPMP) is a decision making process which selects, integrates and implements pest control strategies to prevent or control pest populations. IPMP applies a "whole systems approach" and if control is needed the least toxic, hazardous and the most cost effective treatment is chosen, in the following preference:

- Prevention;
- Cultural control (e.g. mulching, pruning, trapping);
- Mechanical (mowing, hand pulling);
- Biological (using natural enemies); and as a last resort
- Chemical control – using the least toxic substance to attain the control.

The decisions made as a result of IPMP require that the community is supplied with accurate and timely information about pesticide application and addresses the following:

- The public spaces where Council uses pesticides or allows other people such as licensed contractors to use pesticides;
- The sections of the community most likely to access public space and potential for exposure;
- The procedures used to notify the community about proposed pesticide use and thereby limit their exposure; and
- How the community can become engaged in the notification processes.

#### POLICY APPLICATION

The policy applies to the whole of the municipality of the Shire of Capel including land in the Residential, Town Centre, Rural and Special Rural zones.

<b>Procedure:</b>	
<b>Originating Section:</b> Health Services	<b>Relevant Legislation:</b> <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Health (Pesticides) Regulations 2011</i> Agvet Code of Western Australia <i>Poisons Act 1964</i>
<b>Reviewer:</b> Principal EHO	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0114, 27.01.16	<b>Other References:</b> A guide to the management of pesticides in local government pest control programs in Western Australia. Guidelines for the safe use of pesticides in non – agricultural workplaces. Guidelines for the separation of agricultural and residential land use. Signage requirements for verge spraying in public places.
<b>Amended:</b> Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2019	
<b>Amendment 20.12.17</b> Superfluous text removed, some wording clarified, not change to intent or meaning.	

### INTRODUCTION

Well managed events are an important part of the development of vibrant sustainable local communities, contributing to the community social fabric and local economy. Council has the responsibility to ensure that premises and organisers of events and organised gatherings satisfy the basic statutory requirements and to ensure that all identified risks are minimised.

### OBJECTIVE

1. Initiate, facilitate, support and approve events that contribute to Council achieving its long term social, environmental, economic and civic leadership strategic objectives;
2. Promote civic pride and involvement through activities such as Australia Day, Anzac Day and citizenship ceremonies;
3. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the Shire of Capel;
4. Protect the health and safety of persons attending events in the Shire of Capel;
5. Ensure compliance with the Regulatory requirements and standards; and
6. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining nearby properties.

### POLICY STATEMENT

For the purposes of this policy the definition of an event is:

“Any planned activity where any structure (permanent or temporary) open area, roadway, fenced or unfenced area will contain a number of persons greater than would normally be found in that area or location at one time. In other words, a gathering of people brought together for a common purpose by some prearrangement.”

Council is committed to ensuring that all events held within the Shire, on Council owned or managed lands and private property, are safe, accessible, well planned and have considered and managed any potential impacts. Council will provide a clear application process, checklist and supporting guidelines for event organisers.

For some events Council may also require further plans:

- Risk management plan that complies with the requirements of AS/NZS 31000 – Risk Management – Principles and Guidelines;

- Emergency management plan that conforms with AS 3745 Emergency Control Organisations and Procedures for Buildings Structures and Workplaces; and
- Traffic management plans are required where movement of traffic may be impacted, in some cases approval will have to be given by Main Road and the Police before Council will issue approval.

Applications deemed to be high risk will be required to submit an application form to enable Council officers and other bodies, Main Roads, Police etc, sufficient time to consider and comment on the proposal. The minimum notification period required for Council to determine an application are as follows:

- six months if the event will require road closures, traffic management plans, risk management plans, noise management plans and planning approval; and
- three months for all other events.

In the circumstances where Council is notified of the intent to hold an event outside the required period of notification the decision to proceed with the event will be determined by the Manager Building and Health Services.

Where the Shire approves an event, a letter of agreement containing a schedule of conditions will be forwarded to the applicant.

The Shire may refuse an application based on any one or more of the objectives of this policy not being met.

#### POLICY APPLICATION

The policy applies to the whole of the municipality of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Health Services	<b>Relevant Legislation:</b> <i>Health (Miscellaneous Provisions) Act 1911, s173</i> <i>Health (Public Buildings) Regulations 1992</i> <i>Food Act 2008</i> <i>Food Regulations 2009</i> <i>Environmental Protection (Noise ) Regulations 1997</i> AS/NZS 31000 Risk Management - Principles & Guidelines SA SNZ HB 436 Guidelines to AS/NZS ISO 31000 - 2009 - Risk Management Guidelines AS 3745 - Emergency Control Organisation and Procedure for Buildings, Structures and Workplaces AS 2293.1 2005 Emergency escape lighting and exit signs for buildings - Part 1: System design, installation and operation AS 2293.2 2005 Emergency escape lighting and exit signs for buildings - Part 2: Inspection and Maintenance AS 2293.3 2005 Emergency escape lighting and exit signs for buildings part 3: Emergency escape luminaires and exit signs.
<b>Reviewer:</b> Principal EHO	<b>Delegated Authority:</b> Manager Health Services
<b>Adopted:</b> Minute OC0114, 27.01.16	<b>Other References:</b> Guidelines on the Application of the Health (Public Buildings) Regulations 1992. Guidelines for concerts, events and organised gatherings (Department of Health).
<b>Amended:</b> Minute OC1208, 20.12.17	
<b>Review Date:</b> December 2019	
<b>Amendment 20.12.17</b> Superfluous text removed, no change to intent or meaning.	

## INTRODUCTION

The *Caravan Parks and Camping Grounds Act 1995* (the Act) provides for the licensing, regulation and improvement of caravan parks and camping grounds, and ensures that appropriate standards concerning design, health, safety and amenities are maintained.

No delegation is possible under the Act and this Policy expedites administrative management of three of the functions of the Act and Regulations.

### 1. Licensing

The *Caravan Parks and Camping Grounds Regulations 1997* (the Regulations) require (Part 5) that Caravan Parks be approved and licenced by the relevant local government. This licence must be renewed annually.

### 2. Park Homes

The Regulations permit the bringing of park homes onto Caravan Parks under some conditions.

A Caravan Park that is restricted to park homes only (with no caravans or camping sites) is referred to as a Park Home Park, and the Shire of Capel has both a traditional Caravan Park and a Park Home Park. Bringing a park home onto a Caravan or Park Home Park requires the approval of both the local government and the Park Licence Holder.

### 3. Annexes

A person may also attach an annexe to a caravan in a Caravan Park with the prior written approval of the owner (if he or she is not the owner). If the annexe is rigid, the written approval of the Park licence holder and the local government is also required.

## OBJECTIVE

The Regulations state (r6) that the functions conferred on a local government may be performed by a person authorised to do so in writing by that local government. Accordingly, this policy:

- clarifies the conditions under which an approval to operate a Caravan or Park Home Park may be issued or renewed;
- clarifies the circumstances under which an approval to bring a park home onto a Caravan or Park Home Park may be issued;
- clarifies the circumstances under which an approval may be issued to attach a rigid annexe to a caravan; and
- identifies the officers authorised to sign such approvals on behalf of the Shire of Capel.

## POLICY STATEMENT

1. The Director Infrastructure & Development, Manager Building & Health Services and Environmental Health Officers are authorised to approve applications for a new Caravan Park licence when all:
  - mandatory requirements of the Regulations have been met;
  - requirements of the *Building Act 2011* have been met;
  - requirements of the *Public Health Act 2016* have been met; and
  - any conditions listed in a relevant Planning Approval have been complied with.
  
2. The Director Infrastructure & Development, Manager Building & Health Services and Environmental Health Officers are authorised to approve applications to renew a Caravan Park licence where:
  - there is no alteration to the number of sites or facility layout previously approved by Council; and
  - the facility has been inspected by an authorised officer and found to comply with the Regulations.
  
3. The Director Infrastructure & Development, Manager Building & Health Services and Environmental Health Officers are authorised to issue an approval to a person to bring a park home onto a Caravan or Park Home Park when all:
  - mandatory requirements of the Regulations have been met;
  - all requirements of the *Building Act 2011* have been met;
  - requirements of the *Public Health Act 2016* have been met;
  - any conditions listed in a relevant Planning Approval have been complied with; and
  - the approval of the Park Licence Holder has been obtained.
  
4. The Director Infrastructure & Development, Manager Building & Health Services and Environmental Health Officers are authorised to approve applications to attach a rigid annexe onto a caravan when:
  - all mandatory requirements of the Regulations have been met;
  - the written approval of the caravan owner has been obtained (if not the applicant); and
  - the approval of the Park Licence Holder has been obtained.

## POLICY APPLICATION

This policy is applicable to any Caravan Park (including Park Home Parks) in the Shire of Capel.

<b>Procedure:</b> Procedure 5.1.1 Park Home – Approval to install in caravan park	
<b>Originating Section:</b> Health	<b>Relevant Legislation:</b> <i>Caravan Park &amp; Camping Grounds Regulations 1997</i> <i>Caravan and Camping Ground Act 1995</i>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0615, 27.06.18	<b>Other References:</b>
<b>Amended:</b>	
<b>Review Date:</b> December 2019	