

14 March 2024

Codi Brindley-Mullen  
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Dear Ms Brindley-Mullen,

I note the recent ad in the *Phoenix* that the Shire of Merredin is reviewing a number of local laws, so I thought I would have a bit of a look at some of them and send in some thoughts.

### ***Dogs Local Law 2002***

It would be good for council to review the penalties described in the local law to assess whether they are sufficiently current and reasonable, as specifying exact numbers tends to run the risk of those numbers losing value over time. One way of addressing this would be to use the penalty unit system where an offence has a specified number of penalty units which then links back to a single law that sets the value of a penalty unit. This would enable many laws to be kept updated at once.

The local law does not provide a process or procedure for dealing with dogs that bark constantly. This is a gap that needs to be addressed, as barking dogs cause lots of sleep-deprivation and annoyance.

### ***Standing Orders Local Law 2017***

The rules are very prescriptive, and although it is important that there are clear rules to ensure the proper conduct of meetings, the prescriptiveness does mean that there is little opportunity for free and open communication. This runs the risk of reduced understanding between different parties of the matters under discussion.

### ***Bee Keeping Local Law***

In my view the policy should seek to avoid promoting the introduced European Honey Bee (*Apis mellifera*), and instead seek to promote native Australian stingless bees.

There should also be mechanisms for strongly addressing the threat to health and safety that is posed by the aggressive and dangerous European Honey Bee (*Apis mellifera*).

The keeping of European Honey Bees (EHB) should be an 'X' use in the Local Planning Scheme's Zoning Table for all zones, except for the General Farming (Rural) zone, for which it should be an 'A' use.

Given that most of the Merredin Shire is zoned as General Farming (Rural), the zone description should make it clear that keeping EHB is an 'X' use on any General Farming (Rural) land that is located within 5 kilometres of another zoning.

Where Crown Land contains native vegetation, EHB should not be permitted to be kept on Crown Land for any length of time, as the EHB compete with and exclude native wildlife and insects from using the native vegetation. An example of this is the colonisation of tree hollows by EHB that would otherwise be used by birds such as Red Tailed Black Cockatoos and others.

Any commercial beekeeper should be reminded of their responsibilities under the *Work Health and Safety Act 2020 (WA)*, and that they can be held responsible for any injuries or deaths that occur as a result of their EHB attacking another person.

The *Bee Keeping Local Law* should be amended to make it clearer that the term “thoroughfare” (s3(2)(b)) includes gazetted roads, tracks, and any pedestrian or cycling paths, including informal paths. Section 3(2)(b)(ii) should state that the barrier should be a minimum of 3 metres high and impermeable to EHB.

### ***Health Local Laws 1999***

A design improvement that would be good to include in the laws would be a requirement for the taps in hand wash basins be designed so that it is possible to easily fit one’s hands under the tap to wash them *without coming into contact* with surrounding parts of the sink or tap.

Taps should also be designed in a manner that minimises the area of physical touch required to operate them.

Similarly, doors to communal or public toilet facilities should be designed in a manner that minimises or eliminates the requirement to touch any doors to the facility.

Section 2.1.8 discusses the ventilation of toilets, both via mechanical means and via natural ventilation.

In my view, the mechanically ventilated option should require a minimum of 20 air changes per hour rather than just 10.

The passive air vents referred to in s2.1.8(3)(a) are very small, and are unlikely to result in more than 1 or 2 air changes per hour. There should be requirements to ensure that these have the capacity to have the same number of air changes per hour as mechanical systems.

During the winter when people are allowed to burn dry garden materials, it is quite common for smoke from burning plastic and other noxious materials to hang over town.

Noting that burning offensive materials is already not permitted (s4.2.10(2)(a)(i)), there needs to be more done to address this problem.

Section 5.2.4 refers to cats. Cats are a big problem in Merredin, especially given that most cat owners clearly allow their cats to roam free and uncontrolled at any time of the day and night.

There needs to be improved education and enforcement of cat management in Merredin. In particular, cats should not be allowed to roam freely at any time.

Cat numbers should also be curtailed, as it is obvious that many people do not comply with the limit of two cats. There should be a blanket requirement for all cats to be sterilised, thereby naturally reducing cat numbers over time.

Section 7 deals with infectious diseases. As the *Health Local Laws* pre-date the COVID-19 pandemic, it may be worth examining the various state and federal reviews and inquiries to see if there are any applicable aspects that can be learnt from them and possibly incorporated into this section if relevant.

There are several grammatical errors in the *Health Local Laws*, for example s4.3.3 “*Transport of Butchers’ Waste*”. The apostrophe should be between the r and the s of the *Butcher’s*. No doubt you will take the opportunity to clean these issues up.

I hope this helps.

Yours sincerely,

Grant Stainer