

ITEM 7**SHIRE OF QUAIRADING****MINUTES OF THE ORDINARY MEETING OF COUNCIL****HELD ON WEDNESDAY 30TH MARCH 2016****COMMENCING AT 2.00PM****ITEM 1 ATTENDANCE AND APOLOGIES**

Cr B K Caporn	Shire President
Cr W M F Davies	Deputy Shire President
Cr L R Brown	
Cr J N Haythornthwaite	
Cr B McGuinness	
Cr G J McRae	
Cr W E Shenton	
Cr G B Taylor	
Mr G A Fardon	Chief Executive Officer
Mr A J Merillo	Deputy Chief Executive Officer
Mr T J Newick	Manager of Works and Services (2.00pm to 3.03pm)
Mr R M Bleakley	Economic Development Project Officer (3.56pm to 5.31pm)
Mr J Haythornthwaite	Observer (2.00pm to 5.31pm)

Apologies

Mrs J L Clemens	Chief Executive Officer's Secretary
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ITEM 2 ANNOUNCEMENTS BY THE SHIRE PRESIDENT

Shire President Cr Caporn welcomed Councillors, Staff and Members of the Public to the March 2016 Ordinary Meeting of Council.

“Before we start our meeting, I would like to acknowledge that we are meeting on Noongar land and we pay respect to the original custodians...past, present and future and welcome you all here today for this meeting”.

Cr Caporn reported on his recent visit to the Youth Centre and congratulated the Youth Centre Coordinator Ms Michelle Ninnette on the excellent work being undertaken at the Centre.

Cr Caporn advised of some of the Items the Youth Centre were seeking and further commented that the Youth were also fundraising for items.

Cr Caporn advised that the Retired Councillors Dinner would be catered for by Ms Cheryl White in the Lesser Hall at 6.30pm this evening.

Cr Caporn commented on the passing of Mr Gary Hinkley and a One Minute's Silence was observed.

ITEM 3 PUBLIC QUESTION TIME

Mr John Haythornthwaite queried when the Council Agenda is made available to the Public?

The Chief Executive Officer responded that the Agenda is available on the Monday prior to the Ordinary Council Meeting which is normally held on the last Thursday of each Month.

Mr Haythornthwaite queried if the Public is allowed to take a copy of the Agenda away for viewing.

The Chief Executive Officer commented that this is not the current Practice and nor are the Council Agendas published on the Website prior to the Meeting.

Mr Haythornthwaite queried if a copy could be made available for him to take home?

The Chief Executive Officer responded that Council would need to consider this request and review its Policy on Agenda availability.

Mr Haythornthwaite commented that last month he found it difficult to follow the Agenda due to confusing references to Page Numbers (Electronic copy versus Hard Copy).

Cr Caporn thanked Mr Haythornthwaite for his comments and further added that Council will endeavour to continue to improve the clarity of the Agenda and Minutes.

Mr Haythornthwaite requested whether Cr McRae could speak up as he had difficulty hearing her in the Public Gallery.

Cr McRae noted this comment.

Public Question Time concluded at 2.10pm

ITEM 4 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

ITEM 5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 6 DECLARATIONS OF INTEREST

Nil

ITEM 7 BUSINESS ARISING AND CONFIRMATION OF MINUTES FROM THE ORDINARY MEETING OF COUNCIL HELD ON 24TH FEBRUARY 2016**Business Arising**Syrian Refugees

Cr McGuinness noted this Item had not been included on the "Action Sheet"

The Chief Executive Officer commented there was no new information from WALGA.

Council determined to have the Item on the Action Sheet for a few Months and review again at that time.

Pro Forma Template for Shire Facilities Users

Cr Haythornthwaite enquired if the Pro Forma for Budget Requests had been sent out to the Clubs.

The Chief Executive Officer replied that the Pro Forma had not been finalised and the Sport and Recreation Meeting supported an extension of time for Clubs/ Organisations to submit Budget Requests to the 30th April 2016.

Caravan Park – Management Plan

Council requested a timeline of June 2016 for the Presentation of a Draft Management Plan for the Caravan Park.

Town Planning Scheme Amendment No 8

Cr Davies enquired on the Sandalwood Application.

The Chief Executive Officer advised that the Public Submission Period on the Proposal closed on the 24th March 2016 and the Town Planner was preparing the Officer's Report on the Application for the April Ordinary Council Meeting.

Waste and Recycling Forum

Cr Haythornthwaite queried the timing of the WRF Forum.

The Chief Executive Officer commented Council was awaiting an Inspection Visit and Report from an Independent Consultant prior to arranging the Forum.

Items of Plant

Council noted this Item needs to be added to the Action Sheet.

The Manager of Works and Services commented on the need to seek 3 written quotes and spoke of the disposal process for the existing trailers.

There was a general discussion and agreement that Action Sheets for all Committees to be included in the Council Agenda in Non-Committee Meeting Months, to avoid doubling up on Status/ Officer Reports or alternatively Combining Status Reports.

The Meeting noted that there would be fine tuning of the Reporting Process in the coming months.

138-15/16 MOVED Cr McRae seconded Cr Haythornthwaite that the Minutes of the Ordinary Meeting of Council held on 24th February 2016 be confirmed as a true and correct record of that Meeting.

CARRIED 8/0

ITEM 8 MATTERS PENDING / ACTION SHEET / STATUS SHEETPink Lake Layby

The Meeting requested a Timeline of June 2016 for Submission of a Design/ Plan to the Works Committee and if accepted, consideration thereafter for the 2016/2017 Draft Budget.

Council Agricultural Show Display 2016

Cr Taylor queried if a response had been received from the Agricultural Society.

Cr Davies commented that the Agricultural Society were investigating having a larger Marquee for Trade Displays and the Chief Executive Officer confirmed that this information was supplied by the President of the Agricultural Society to the Sport and Recreation Meeting.

Aged Housing – Acquisition of Land Surplus to Hospital’s Requirements

Council requested that the Local MP be called upon to assist progressing Council’s Request.

Grain Freight and York-Merredin Road Upgrade

139-15/16 MOVED Cr Davies seconded Cr Brown that Council write to Main Roads commending them on the Standard of the Works completed on the Quairading-York Road and to encourage the continuation of the Works for the full distance to York.

CARRIED 8/0

Works Depot Upgrade

Cr McGuinness commented on the Health, Safety and Environmental factors to be incorporated into the Forum Agenda.

Hall Kitchen Drain

Cr Haythornthwaite requested that further instructions be displayed in the Hall Kitchen to assist Hall Hirers on the correct use of the Equipment.

ITEM 9 WORKS**Item 9.1 No Works Committee Meeting held in March 2016**

Nil

Item 9.2 Other Works Matters

The Manager of Works and Services spoke to his written Project Report.

Council noted a letter received from Ms Dallas Yarran thanking Council for their work on Hurley Street.

Cr McRae and Cr McGuinness gave their Congratulations to the Manager of Works and Services and the Works Team on the Work completed on the Caravan Park and Town Streets.

The Meeting supported the Works Staff being involved with the Official Opening of the Caravan Park.

3.03pm

The Manager of Works and Services left the Council Meeting.

ITEM 10 INFORMATION SESSION / PERFORMANCE REVIEW

Item 10.1 Shire of Quairading / City of Melville Partnership

Actions to date noted.

Item 10.2 Regional Cooperation

Cr Davies queried if the Local Laws have been prepared as a Regional Effort.

The Chief Executive Officer confirmed that the Local Laws had been initiated as a SEAVROC Project and the wording has been drafted to provide as much uniformity between Councils' Local Laws.

Cr McRae and Cr Davies commented that Council should consider the re-formation of the SEAVROC Group with a view to attract Regional Funding Opportunities.

140-15/16 MOVED Cr McRae seconded Cr Davies that the Issue of Re-formation of a Larger Voluntary Regional Grouping of Councils be listed for Council's next Meeting.

CARRIED 8/0

Item 10.3 Chief Executive Officer's Performance Review

Cr McGuinness sought clarification on the Purpose of this Agenda Item and commented that any Performance Review should be against established KPI's.

The Shire President and the Chief Executive Officer provided commentary on the history of this Agenda Item and also the improved process of the Officer's Annual Performance Review in 2015.

141-15/16 MOVED Cr McGuinness seconded Cr McRae that:-

- 1) Item 10.3 be removed from future Council Agendas.**
- 2) Any immediate Issues are to be raised by the Councillor with the Shire President and the Chief Executive Officer.**
- 3) The Chief Executive Officer's Annual Performance Review be conducted by Full Council.**

CARRIED 8/0

Item 10.4 Delegates' Reports

Cr Haythornthwaite

Attended the Tidy Towns Committee Meeting:-

- 1) AGM – President position not filled
- 2) Mr Frank Burnett has completed his Term as President

- 3) Clean up Australia Day to be held on the 12/6/16, inviting Councillors to participate
- 4) Committee are querying the timing of the next Verge Pickup

Cr Taylor

Reported on the Year 3 School Excursion to Council attended by the Chief Executive Officer and Cr Taylor.

Cr McRae commented on the good feedback she had received about the School Excursion.

3.35pm

142-15/16 MOVED Cr Haythornthwaite seconded Cr McRae that Council suspend Standing Orders for Afternoon Tea.

CARRIED 8/0

3.56pm

143-15/16 MOVED Cr Brown seconded Cr Shenton that Standing Orders resume.

CARRIED 8/0

The Economic Development Officer was in attendance at the re-commencement of the Meeting.

ITEM 11 BUILDING

No Building and Town Planning Development Committee Meeting held in March 2016

ITEM 12 FINANCE

144-15/16 MOVED Cr McRae seconded Cr Haythornthwaite that Council adopt Finance and Audit Committee Recommendations F39, 41, 42, 43-15/16: -

Accounts for Payment – February 2016 (F39-15/16)

- 1. That Schedule of Accounts covering Municipal Vouchers 22813 to 228839 & EFT2876 to EFT2957 & DD11828.1.1 to DD11829.12 totalling \$376,057.97 be received; The balance of all other outstanding Sundry Creditors to the 29/02/2016 total \$12,316.32; and**
- 2. That Police Licensing payments for the month of February 2016 totalling \$40,076.50 be received (Attachment 4.1.2) ; and**
- 3. That fund transfers to Corporate Credit Card for February 2016 totalling \$42.01 be received (Attachment 4.1.3); and.**
- 4. That Payroll payments for the month February 2016 totalling \$150,689.34 be received; and**
- 5. That fund transfers from Trust account to Municipal account for January 2016 totalling \$1,372.00 be received; and.**
- 6. That the WestNet payment for the month of February 2016 totalling \$69.95 be received.**

Fund Balances Report – February 2016 (F41-15/16)

<i>Account</i>	<i>Statement Balance</i>	<i>Reconciliation Balance</i>	
Municipal A/c	\$ 54,335.03	\$ 2,648,035.97	
At Call - Invest.	\$ 400,000.00		
Childcare Centre	\$ 13,495.12		
Medical A/c	\$ 30,908.24		
T/Deposit 4 Mth	\$ 200,000.00		
T/Deposit 4 Mth	\$ 300,000.00		
T/Deposit 2 Mth	\$ 300,000.00		
T/Deposit 3 Mth	\$ 300,000.00		
T/Deposit 4 Mth	\$ 400,000.00		
T/Deposit 4 Mth	\$ 350,000.00		
T/Deposit 3 Mth	\$ 300,000.00		
<i>Total Municipal</i>	<i>\$ 2,648,738.39</i>		
At Call - Reserve	\$ 156,814.25		\$ 4,379,743.99
T/Deposit-Reserve	\$ 866,660.54		
T/Deposit-Reserve	\$ 1,250,114.72		
T/Deposit-Reserve	\$ 897,613.04		
T/Deposit-Reserve	\$ 1,208,541.44		
<i>Total Reserves</i>	<i>\$ 4,379,743.99</i>		
Trust A/c	\$ 89,043.82	\$ 92,267.67	
Police Licensing	\$ 3,223.85		
<i>Total Trust</i>	<i>\$ 92,267.67</i>		

Financial Information – Statements of Income and Expenditure for the Period Ending 29th February 2016 (F42-15/16)

The Financial Statement for the period ending 29th February 2016, as presented to Council be adopted.

Financial Statements – Variation to Budget by Percentage or Value – 29th February 2016 (F43-15/16)

The Variation to Budget by Percentage and Value noted on the Financial Statements and reported on for the period ending 29th February 2016 be adopted

CARRIED 8/0

145-15/16 MOVED Cr McRae seconded Cr Davies that Council adopt Finance and Audit Committee Recommendations F40-15/16 (with amendment):-

- 1. That in order to streamline procedures all future questions relating to Council's Accounts for Payments, are to be directed to the Chairperson of Finance to address.**
- 2. If the Chairperson is unable to respond fully, the Question will be referred to the Deputy Chief Executive Officer to respond to all Councillors.**
- 3. A Trial Period of 6 Months with review at the conclusion.**

CARRIED 8/0

Budget Review 2015/2016 (F44-15/16)

146-15/16 MOVED Cr McRae seconded Cr Haythornthwaite that Council adopt Finance and Audit Committee Recommendations F44-15/16: -

The Budget Review for 2015/2016 as presented to Council be adopted.

CARRIED 8/0

The Deputy Chief Executive Officer reported on the requirements to meet with Council's Auditor Mr Greg Godwin at least once a year. The Meeting noted the Meeting is arranged for the 21st June 2016 at 4.30pm.

Cr McRae queried if a Portal could be established for Councillors to access Agendas and Minutes from the Quairading Website.

147-15/16 MOVED Cr McRae seconded Cr McGuinness that:-

- 1. Council develop and use Council's Website Portal for Elected Members and Senior Staff to access Council Agendas and Minutes**
- 2. A Trial Period of 6 Months be conducted with a Review thereafter.**

CARRIED 8/0

ITEM 13 OTHER MEETINGS

Item 13.1 Local Emergency Management Committee Meeting held on 3rd March 2016

148-15/16 MOVED Cr McRae seconded Cr Davies that Council adopted the Local Emergency Management Committee Recommendation LEMC4-15/16:-

That the Shire of Quairading LEMC remain as a stand-alone Committee and that a merger not be considered with another Shire or Shires.

CARRIED 8/0

Item 13.2 Medical Executive Committee Meeting held on 16th March 2016

No Recommendations – Minutes noted

Item 13.3 Fire Control Officers' Meeting held on 17th March 2016

No Recommendations – Minutes noted

Item 13.4 Quairading and Districts Sport and Recreation Council Meeting held on 21st March 2016

149-15/16 MOVED Cr Brown seconded Cr McRae that Council adopt the Quairading and Districts Sport and Recreation Council Meeting Recommendation DRS2-15/16:-

- (1) That Council establish a Working Group to undertake Research and prepare a Concept Design for the future replacement of the Community Building and Change Rooms.**
- (2) Working Group to be given a 2 Year Time Frame and to report Progress at each Sport & Recreation Council Meeting.**
- (3) Working Group to comprise of the Chair of the Sport and & Recreation Council and a Nominated Representative from the 10 (ten) identified Clubs and Organisations.**
- (4) Scope of the Working Group to include:**
 - a. Utilise adopted Recreation Facility Reports**
 - b. Previous Plans and Reports**
 - c. Site Inspections of Facilities in other Districts**
 - d. Funding Options**
 - e. Develop Concept Designs**
 - f. Management Plan for a future Facility**

CARRIED 8/0

ITEM 14 OFFICERS' REPORTS WITH RECOMMENDATION

14.1 Chief Executive Officer's Report

14.1.1 Local Government Honours
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REPORTING OFFICER

Graeme A Fardon – Chief Executive Officer Date 16th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Acting Chief Executive Officer, Western Australian Local Government Association

MATTER FOR CONSIDERATION – Submission of Nominations for Local Government Nominations

APPLICANT'S SUBMISSION – Copy of Correspondence and Honours Criteria are attached to this Report

BACKGROUND – The Western Australian Local Government Association has written to Council inviting Nominations for the Local Government Honours System.

The Deadline for Nominations is the Friday 6th May 2016.

Council is respectfully requested to consider any Councillor (or Past Councillors) for the Relevant Category.

STATUTORY ENVIRONMENT – Nil

POLICY IMPLICATIONS – N/A

FINANCIAL IMPLICATIONS – Nil, No Cost to Council

STRATEGIC IMPLICATIONS – N/A

COMMUNITY CONSULTATION – N/A

COMMENT – Council, in the past, has only Nominated Persons who have completed their Term as an Elected Member.

Council is informed that Ex Councillor Graham Anderson received a Merit Award in 2014 following completion of 6 years (2007 – 2013) as an Elected Member, of which Mr Anderson also served as Deputy Shire President for 2 years.

The Chief Executive Officer provided commentary on the three (3) Retired Councillors who fit the Eligibility Criteria for Local Government Honours.

150-15/16 MOVED Cr McRae seconded Cr Davies that Council nominate Mr Darryl Richards, Mrs Julie Bavin and Mr Clive Hawksley for Local Government Honours.

CARRIED 8/0

14.1.2 Proposed Repeal Local Law 2016
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REPORTING OFFICER

Graeme Fardon – Chief Executive Officer Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the Meeting of the intent to make a new Shire of Quairading Repeal Local Law 2016;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Repeal Local Law 2016;
- (3) for the Council to adopt the proposed Shire of Quairading Repeal Local Law 2016 for advertising purposes; and
- (4) to allow for advertising of the proposed Shire of Quairading Repeal Local Law 2016 for public comment.

BACKGROUND - The Shire of Quairading has a small number of old by-laws, which are now superfluous or obsolete as a result of the introduction of the Local Government Act 1995 and/or other legislation. It is proposed that these old by-laws be repealed in accordance with section 3.12 of the Local Government Act 1995, as they no longer serve any functional purpose.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Shire of Quairading Repeal Local Law 2016, (gazettal copy), must be sent to the relevant Minister for comment.

COMMENT – The majority of By-laws proposed to be repealed are those that were in existence prior to the introduction of the Local Government Act 1995 or other recent legislation, which are now defunct or obsolete.

The Local Laws to be repealed include:

By-Law	Gazettal Date	Reason for Repeal
Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials	3 October 1967	Obsolete – Section 3.25 of the Local Government Act 1995 and Schedule 3.1 of the Act provide the powers to regulate these matters.
Removal and Disposal of Obstructing Animals or Vehicles Draft Model No. 7	26 February 1968	Obsolete – Now regulated under impounding provisions of the Local Government Act 1995.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act. The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed Local Law.

The purpose of the proposed Shire of Quairading Repeal Local Law 2016 is to provide for the repeal of defunct and obsolete Local Laws.

The effect of the proposed Shire of Quairading Repeal Local Law 2016 is more efficient and effective local government by removing defunct and outdated Local Laws from the public record.

151-15/16 MOVED Cr Davies seconded Cr McGuinness that Council:

1. Adopt the proposed *Shire of Quairading Repeal Local Law 2016*, as contained in Attachment 1 for advertising purposes;
2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Repeal Local Law 2016*, as contained in the Attachment:
 - (a) the purpose of which is to provide for the repeal of defunct and obsolete Local Laws; and
 - (b) the effect being more efficient and effective local government by removing defunct and outdated Local Laws from the public record.
3. Send a copy of the proposed *Shire of Quairading Repeal Local Law 2016* to the Minister for Local Government and Communities for comment.

CARRIED 8/0

14.1.2 Proposed Animals, Environment and Nuisance Local Law 2016

REPORTING OFFICER

Graeme Fardon – Chief Executive Officer

Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the Meeting of the intent to make a new *Animals, Environment and Nuisance Law 2016*;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed *Animals, Environment and Nuisance Local Law 2016*;
- (3) for the Council to adopt the proposed *Animals, Environment and Nuisance Local Law 2016* for advertising purposes; and
- (4) to allow for advertising of the proposed *Animals, Environment and Nuisance Local Law 2016* for public comment.

BACKGROUND - Local Laws dealing with Health related matters are required to be made in accordance with Section 342 of the Health Act 1911.

The current principal Health Local Law was first adopted by Council on 22nd December 2000, and gazetted on 2nd March 2001.

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Shire of Quairading commenced a review of its Local Laws on 27 October 2009.

At the conclusion of the review process, it was identified that a series of amendments were required to the principal Health Local Law. However given the extensive changes, it was believed that a new Health Local Law would better serve the Council. At this time it was also identified that it would be desirable to separate the animals and nuisances components from the Health related matters for two reasons-

1. Assist community members more easily locate provisions relating to the keeping of animals; and
2. To assist officers administer the provisions of the Local Law.

STATUTORY ENVIRONMENT – Section 342 of the Health Act 1911.

342. Local Laws

- (1) *Every local government —*
 - (a) *may, if the Executive Director, Public Health consents; and*
 - (b) *shall, if the CEO or the Executive Director, Public Health so directs,*
make Local Laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in this Act or generally for carrying into effect the provisions of this Act.
- (2) *A local government shall repeal, amend or suspend the operation of a Local Law if directed to do so by the CEO or the Executive Director, Public Health.*
- (3) *Sections 3.14 and 3.17 of the Local Government Act 1995 do not apply in relation to Local Laws made under this Act.*
- (4) *Sections 3.12(3) and (4) and 3.13 of the Local Government Act 1995 do not apply if a local government is acting on the direction of the CEO or the Executive Director, Public Health under subsection (1)(b) or (2).*

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed Local Law.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS –

Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed *Animals, Environment and Nuisance Local Law 2016*, (gazettal copy), must be sent to the Minister of Health and the Minister for Local Government and Communities for comment.

COMMENT – The proposed *Animals, Environment and Nuisance Local Law 2016* is set out in the attachment to this report.

It contains all relevant and updated provisions relating to animals that would have been previously contained in a Health Local Law, but also addresses a number of matters relating to the environment and nuisances.

The following table provides a summary of the differences between the previous Health Local Laws 2000 provisions and the proposed new Animals, Environment and Nuisances Local Law.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
Part 1	Part 1 deals with the introductory matters of the Local Law, including its application, commencement and definitions.	Only definitions applying to animals, environment and nuisances have been included in the proposed Local Law.

2.2 - Cleanliness	This clause deals with an owner or occupier of a premises that keeps a dog, cat or other animal must keep the premises free of excrement, filth, food waste and other matter.	Same wording was contained in clause 5.2.2 of Health Local Laws 1999, published on 24 th November 1998.
2.3 – Animal enclosures	This clause deals with the requirements for enclosures and structures including drainage, paving, and grade. The clause now allows an EHO to give direction, rather than requiring the Council to give the direction to an owner or occupier.	Similar wording was contained in clause 5.2.3 of the Health Local Laws 1998.
2.4 - Cats	This clause deals with how many cats may be kept on a premises, how an exemption may be applied for if a person wishes to keep more than 3 cats.	Sub-clauses (1) to (4) and (6) contain similar wording as clause 5.2.4 of the previous Health Local Laws 1999. Clauses (5) and (7) have changed considerably in light of the Cat Act 2011 and Cat Regulations 2012 requirements. The Cat Act requires a person to be registered as an approved cat breeder with the local government before they can breed cats. Sections 36 and 37 specify certain conditions that must be met for a person to be approved as a cat breeder.
2.5 – Keeping of poultry and pigeons in a residential zone	This clause states that no poultry or pigeons may be kept on a premises in a residential zone, unless local government approval is obtained. A maximum of 12 poultry and 12 pigeons may be kept, unless the person is an affiliated person and then 100 pigeons may be kept.	Clause 5.4.2 of previous Health Local Law stated that a maximum of 12 poultry and/or pigeons can be kept on a premise within a townsite on any lot of land, unless approval is obtained from Council.
2.6 – Application for approval	This clause specifies how an application to keep poultry or pigeons is to be made.	Previous Health Local Laws did not have a requirement for an application for approval to keep poultry or pigeons; it was an automatic right under clause 5.4.2
2.7 – Conditions for keeping poultry	This clause specifies the conditions for keeping poultry and the setback distances required from residential buildings, public streets, public buildings and commercial food premises; the requirement for structures and the continual confinement of poultry in them.	Clause 5.4.3 of the previous Health Local Laws contained similar wording, with the exception of sub-clause (a). In the previous Health Local Laws a setback of 15 metres was required from any residential building, and the proposed new animals, environment and nuisance Local Law proposes a setback of 9 metres.
2.8 – Roosters, geese, turkeys and peafowl	This clause specifies that these animals can only be kept on rural and rural residential zoned land, and only with prior written permission of the local government.	Clause 5.4.4 of the previous Health Local Laws contained similar wording.

2.9 – Conditions for keeping pigeons	This clause specifies the conditions for keeping of pigeons and the requirement for lofts, structures or enclosures.	Clause 5.4.5(a) of the previous Health Local Laws required a setback of 15 metres from a residential building. The proposed new Local Law proposes a setback of 9 metres. All other sub-clauses contained similar wording.
2.10 – Termination of approval to keep poultry or pigeons	This clause provides the power for Council to cancel its approval to keep poultry or pigeons, if an owner or occupier breaches a condition of approval, breaches clauses 2.7 or 2.9 of the Local Law, or fails to comply with a written notice.	The previously Health Local Laws did not address this matter. The Council could only give notice of a non-conforming structure.
2.11 – Restrictions on pigeon nesting and perching	This clause gives the Council power to order an owner or occupier to take adequate steps to prevent pigeons from nesting or perching, where they have a habit of doing so on a premises.	Clause 5.4.7 of the previous Health Local Laws contained similar wording.
2.12 – Conditions of keeping aviary birds	This clause specifies the conditions for keeping aviary birds in cages or an aviary.	Clause 5.2.2 of the previous Health Local Laws contained similar wording.
2.13 – Nuisance caused by birds	This clause requires an owner or occupier of land to ensure any bird does not create a nuisance, or emit unreasonable noise.	Clause 5.2.2(d) of the previous Health Local Laws contained similar wording.
2.14 – Licence required to keep bees	This clause requires a person to obtain a licence if wishing to keep bees on land within the district.	Clause 6.7.2(1) of the previous Health Local Laws contained similar wording.
2.15 – Application for a licence	This clause requires a person to make an application for a licence to keep bees.	The previous Health Local Laws did not have a clause that addressed this matter.
2.16 – Determination of application	This clause sets out how a local government may deal with an application.	The previous Health Local Laws did not have a clause that addressed this matter.
2.17 – Conditions of approval	This clause sets out the general conditions that may be imposed on a licence.	The previous Health Local Laws did not have a clause that addressed this matter.
2.18 – Variation or cancellation of licence and conditions	This clause provides for the local government to vary the conditions imposed on a licence, and to cancel a licence.	The previous Health Local Laws did not have a clause that addressed this matter.

2.19 – Licence holder to notify cessation of registration or keeping of bees	This clause requires a person keeping bees to notify the local government if they cease keeping bees or they cease their registration as a beekeeper.	The previous Health Local Laws did not have a clause that addressed this matter.
2.20 – Licence is not transferrable	This clause states that the licence is personal to the licence holder and only applies to the land described in the licence.	The previous Health Local Laws did not have a clause that addressed this matter.
2.21 - Nuisance	This clause requires a person keeping bees to ensure they do not create a nuisance.	The previous Health Local Laws did not have a clause that addressed this matter.
2.22 – Notice to remove bees	This clause gives Council power to issue written notice to an owner or occupier where they are in contravention of the Beekeepers Act 1963 or a provision of the Local Law.	The previous Health Local Laws did not have a clause that addressed this matter.
2.23 – Keeping of farm animals	This clause requires an owner or occupier of land to obtain a licence prior to keeping any farm animal, unless it is in a rural zone or it is on land approved by the local government for the stabling of horses.	Clause 5.3.2(1) of the previous Health Local Laws contained similar wording.
2.24 – Application for a licence to keep farm animals	This clause specifies the requirements for an application for a licence to keep farm animals, including property plans and plans for the management of flies, disease and odours.	The previous Health Local Laws did not have a clause that addressed the licensing requirements. Clause 5.3.4 of the previous Health Local Laws contained similar wording in relation to the management of manure, flies and disease.
2.25 – Determination of application	This clause specifies the approval or refusal requirements of a local government; the conditions that apply to a licence issued, and the validity date of the licence issued.	The previous Health Local Laws did not have a clause that addressed the licensing requirements.
2.26 – Conditions of approval to keep farm animals	This clause specifies the grounds a licence can only be issued on.	The previous Health Local Laws did not have a clause that addressed the licensing requirements.
2.27 – Variation or cancellation of licence	This clause specifies the grounds on which a licence may be varied or cancelled.	The previous Health Local Laws did not have a clause that addressed the licensing requirements.

2.28 – Conditions for keeping farm animals	This clause specifies the conditions that must be complied with when keeping a farm animal.	Clauses 5.3.2(2), 5.3.3 and 5.3.4 of the previous Health Local Laws contained similar wording.
2.29 – Keeping a miniature horse	This clause specifies the conditions that must be complied with when keeping a miniature horse.	The previous Health Local Laws did not have a clause that addressed the keeping of a miniature horse.
2.30 – Keeping a miniature pig	This clause specifies the conditions that must be complied with when keeping a miniature pig, including its mandatory registration with the local government.	The previous Health Local Laws did not have a clause that addressed the keeping of a miniature pig. The piggeries provisions in clauses 5.6.1 to 5.6.4 of the previous Health Local Law are different in nature to this matter.
2.31 – Requirements for farm animal shelters	This clause deals with the setback distances and structure requirements of any stable or enclosure, including drainage requirements.	Clause 5.3.3 of the previous Health Local Laws contained similar wording.
2.32 – Livestock not to stray	This clause requires the owner or a person in charge of livestock to not permit that livestock to stray or be at large on a street, public place.	The previous Health Local Laws did not have a clause that addressed this matter.
2.33 – Impounding of livestock	This clause gives an authorised person the power to impound livestock straying.	The previous Health Local Laws did not have a clause that addressed this matter. The provisions under the Local Government (Miscellaneous Provisions) Act 1960 would generally be used to address these types of matters.
2.34 – Property to be fenced	This clause specifies the requirements an owner or occupier must comply with if they are keeping livestock on their property.	The previous Health Local Laws did not have a clause that addressed this matter. The provisions under the Local Government (Miscellaneous Provisions) Act 1960 would generally be used to address these types of matters.
Part 3	Part 3 is new and deals with the requirement for the owner/occupier to- (1) have refuse receptacles on a building or development site; (2) control refuse on a building or development site; (3) obtain approval to store materials on another property (other than the building/development site), including a road reserve; (4) take measures to control dust and	The previous Health Local Laws did not have clauses to address any of these matters, as they are matters generally addressed under the provisions of section 3.25 and Schedule 3.1 of the <i>Local Government Act 1995</i> . A Local Law to govern these matters is considered appropriate, as it will allow officers to use the infringement notices under the Local Law to regulate matters, rather than having to prosecute an offender in a local court under the

	<p>liquid waste on the building or development site;</p> <p>(5) prepare a dust management plan where sand or dust is likely to be released;</p> <p>(6) not burn vegetation or other material cleared from a building or development site;</p> <p>(7) remove any refuse or disused material that is likely to give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district;</p> <p>(8) remove any unsightly overgrowth of vegetation that give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district;</p> <p>(9) store a limited number of vehicles on any lot; not store any vehicle or vessel in a state of disrepair for longer than 1 month; and not dismantle a vehicle or vessel unless done inside a building or within an enclosed fence that is 1.8 metres in height and will screen the vehicle or vessel;</p> <p>(10) remove every door, lid and lock from a disused refrigerator, ice box, truck or chest, and to remove refrigerants;</p> <p>(11) remove a hazardous tree upon notice from the local government</p>	<p>provisions of the <i>Local Government Act 1995</i>.</p>
<p>Part 4</p>	<p>Part 4 is new and deals with matters relating to nuisances and dangerous things, such as-</p> <p>(1) the use of exterior flood lights;</p> <p>(2) Emission or reflection of light;</p> <p>(3) The issue of a notice for an owner or occupier to prevent emission or reflection of light;</p> <p>(4) Burning rubbish, refuse or other materials;</p> <p>(5) the escape of smoke, fumes, odours and other emissions;</p> <p>(6) Livestock vehicles and maximum period of parking in a townsite;</p>	<p>The previous Health Local Laws did not have clauses to address the majority of these matters, other than-</p> <p>(a) Burning of rubbish or refuse (clause 4.2.10);</p> <p>(b) Escape of smoke, fumes (clause 5.1.3); and</p> <p>(c) Swimming pool backwash (clause 4.1.2 and 4.1.3).</p>

	<p>(7) No truck noise from residential land between 10:30pm and 6:30am;</p> <p>(8) Disposal of swimming pool backwash</p> <p>(9) Containment of stormwater within lot;</p> <p>(10) Unless authorised, a person shall not provide or conduct any amusement on land so as to create a nuisance to an owner or occupier of land in the district;</p> <p>(11) Authorised person can abate nuisance;</p> <p>(12) Regulation of placement of an advertisement, bill posting or junk mail.</p>	
Part 5	Part 5 is new and deals with a person's right to lodge an objection or review that involves a decision to grant, amend, vary, renew or cancel a licence, approval or authorisation under the Local Law.	This is a requirement under all new Local Laws where provisions are made under the <i>Local Government Act 1995</i> and are subject to Division 1 of Part 9 of the Act, and Functions and General Regulation 33.
Part 6	Part 6 is new and deals with enforcement of the Local Law, notice requirements and what constitutes an offence and the applicable penalty.	<p>Previous Health Local Law penalties were \$100 for first offence, \$200 for second offence and thirds and subsequent offences \$500.</p> <p>The minimum offence under the proposed new Local Law is \$100 (unspecified offence), with the maximum being \$500.</p>

Section 342 of the Health Act 1911, requires a local government to make Local Laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995. Section 3.12 of the Local Government Act 1995 specifies the requirements of the Local Law making process for local governments.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed *Shire of Quairading Animals, Environment and Nuisance Local Law 2016* is provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

The effect of the proposed *Shire of Quairading Animals, Environment and Nuisance Local Law 2016* is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

152-15/16 MOVED Cr Haythornthwaite seconded Cr Brown that Council:

- 1. Adopt the proposed *Shire of Quairading Animals, Environment and Nuisance Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Animals, Environment and Nuisance Local Law 2016*, as contained in the Attachment:

 - (a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District; and**
 - (b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.****
- 3. Send a copy of the proposed Local Law to the Minister for Health, and the Minister for Local Government and Communities for comment.**

CARRIED 8/0

The Meeting highlighted Clause 4.7 in relation to Hours of Operation of Trucks in Residential Zoned areas and noted that this could be raised during the Public Submission Period.

14.1.4 Proposed Cemeteries Local Law 2016
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REPORTING OFFICER

Graeme Fardon – Chief Executive Officer Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Shire of Quairading Cemetery Local Law 2016;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Cemetery Local Law 2016,
- (3) for the Council to adopt the proposed Local Law for advertising purposes, and
- (4) to allow for advertising of the Local Law for public comment.

BACKGROUND - The current principal Cemeteries Local Law was first adopted by Council on 12th December 2001, and gazetted on 4th January 2002.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Quairading commenced a review of its Local Laws on 15th October 2009.

At the conclusion of the review process it was identified that a new Local Law was required.

The purpose of this report is to allow:

- (1) the Presiding Person to give notice to the Meeting of the intent to make a new Cemetery Local Law 2016;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Cemetery Local Law 2016,
- (3) for the Council to adopt the proposed Shire of Quairading Cemetery Local Law 2016 for advertising purposes, and

- (4) to allow for advertising of the proposed Local Law for public comment.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

Cemeteries Act 1986

POLICY IMPLICATIONS – The introduction of the proposed new Local Law may require Council to consider adopting new policies relating to the administration of the cemetery as follows -

- (1) Specifications relating to the construction of monuments; and
- (2) Specifications relating to the types of material that can be used for, and size of, memorial plaques.

The adoption of such policies should be undertaken after the final adoption of the proposed Local Law, and after considering any comments from the Department of Local Government in relation to the Local Law.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Local Law, as amended, (gazettal copy), must be sent to the relevant Minister for comment.

COMMENT – The proposed *Shire of Quairading Cemeteries Local Law 2016* is set out in the attachment to this report.

The new Local Law contains updated provisions to reflect current legislative requirements and meet contemporary drafting standards.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of this Local Law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

The effect of this Local Law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

153-15/16 MOVED Cr Davies seconded Cr McGuinness that Council:

- 1. Adopt the proposed *Shire of Quairading Cemetery Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Cemetery Local Law 2016*, as contained in Attachment 1:**
 - (a) the purpose of which is to provide for the orderly management of those Cemeteries within the district, in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and**
 - (b) the effect being that all persons in the administration of the Cemeteries, burying deceased persons in the cemeteries, or otherwise providing services to or making use of the Cemeteries, are to comply with the provisions of this Local Law.**

CARRIED 8/0

14.1.5 Proposed Dogs Local Law 2016
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REPORTING OFFICER

Graeme Fardon – Chief Executive Officer

Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Shire of Quairading Dogs Local Law 2016;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Dogs Local Law 2016,
- (3) for the Council to adopt the proposed Shire of Quairading Dogs Local Law 2016 for advertising purposes, and
- (4) to allow for advertising of the Dogs Local Law 2016 for public comment.

BACKGROUND - The current principal Dogs Local Law was first adopted by Council on 19th August 2004, and gazetted on 27th April 2005.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Quairading commenced a review of its Local Laws on 15th October 2009.

At the conclusion of the review process it was identified that a new Local Law was required.

The purpose of this report is to allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Shire of Quairading Dogs Local Law 2016;

- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Dogs Local Law 2016,
- (3) for the Council to adopt the proposed Shire of Quairading Dogs Local Law 2016 for advertising purposes, and
- (4) to allow for advertising of the Dogs Local Law 2016 for public comment.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

Dog Act 1976 and associated regulations.

Dogs (Restricted Breeds) Regulations 2002.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Local Law, as amended, (gazettal copy), must be sent to the relevant Minister for comment.

COMMENT – The proposed new Dogs Local Law is based on the WALGA model drafted in 2005 and incorporates all changes made to that Local Law by various local governments since its drafting.

Further, the proposed new Dogs Local Law also complies with the new requirements resulting from the Dog Amendment Act 2013, gazetted on 1st November 2013, which removed a local governments' ability to make Local Laws that contained clauses-

- (a.) establishing prohibited areas for dogs; and
- (b.) establishing dog exercise areas.

The Dog Amendment Regulations 2014, gazetted on 20th May 2014, contained a sunset clause on the operation of existing Local Laws that contained clauses relating to these two areas, with the sunset date of '31st July 2014'.

Should a local government wish to establish exercise areas or specify places where dogs are prohibited, that must now do so via a council resolution (by absolute majority) in accordance with amended section 31 of the Dog Act 1976.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed Dogs Local Law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs.

The effect of the proposed Dogs Local Law is to extend the control over dogs which exist under the Dog Act 1976.

154-15/16 MOVED Cr Davies seconded Cr Haythornthwaite that Council:

- 1. Adopt the proposed *Shire of Quairading Dogs Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Dogs Local Law 2016*, as contained in the Attachment:

 - (a) the purpose of which is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs; and**
 - (b) the effect is to extend the control over dogs which exist under the Dog Act 1976.****

CARRIED 8/0

14.1.6 Proposed Health Local Law 2016
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REPORTING OFFICER

Graeme Fardon – Chief Executive Officer

Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION –

To allow:

the Presiding Person to give notice to the meeting of the intent to make a new *Health Local Law 2016*;

- (1) the Presiding Person to give notice of the purpose and effect of the proposed *Health Local Law 2016*;
- (2) for the Council to adopt the proposed *Health Local Law 2016 for advertising purposes*; and
- (3) to allow for advertising of the proposed *Health Local Law 2016* for public comment.

BACKGROUND - The current principal Health Local Law was first adopted by Council on 22nd December 2000, and gazetted on 2nd March 2001.

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Shire of Quairading commenced a review of its Local Laws on 27th October 2009.

At the conclusion of the review process, it was identified that a series of amendments were required to the principal Health Local Law. However given the extensive changes, it was believed that a new Health Local Law would better serve the Council.

STATUTORY ENVIRONMENT – Section 342 of the Health Act 1911.

342. Local Laws

- (1) *Every local government —*
 - (a) *may, if the Executive Director, Public Health consents; and*
 - (b) *shall, if the CEO or the Executive Director, Public Health so directs, make Local Laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in this Act or generally for carrying into effect the provisions of this Act.*
- (2) *A local government shall repeal, amend or suspend the operation of a Local Law if directed to do so by the CEO or the Executive Director, Public Health.*
- (3) *Sections 3.14 and 3.17 of the Local Government Act 1995 do not apply in relation to Local Laws made under this Act.*
- (4) *Sections 3.12(3) and (4) and 3.13 of the Local Government Act 1995 do not apply if a local government is acting on the direction of the CEO or the Executive Director, Public Health under subsection (1)(b) or (2).*

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed *Health Local Law 2016*, (gazettal copy), must be sent to the Minister of Health and the Minister for Local Government and Communities for comment.

COMMENT – The proposed *Health Local Law 2016* is set out in the attachment to this report.

It contains all relevant and updated provisions relating to Health matters, but excludes matters relating to:

1. Animals and Nuisances, which are to be addressed under a proposed new Local Law titled Shire of Quairading Animals, Environment and Nuisance Local Law 2016;
2. Eating houses, as these matters are now governed under the Food Act 2008;
3. Collection and removal of rubbish, as these matters are now governed under the Waste Avoidance and Resource Recovery Act 2007.

Health Local Laws are required to be made in accordance with Section 342 of the Health Act 1911.

Section 342 of the Health Act 1911, requires a local government to make Local Laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995. Section 3.12 of the Local Government Act 1995 specifies the requirements of the Local Law making process for local governments.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed *Shire of Quairading Health Local Law 2016* is provide a statutory means of effectively controlling issues which have the potential to adversely impact on the Health and well-being of the community.

The effect of the proposed Shire of Quairading Health Local Law 2016 is to allow Health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public Health in the community and to remove obsolete and out-dated Local Laws relating to the district.

155-15/16 MOVED Cr McGuinness seconded Cr Brown that Council:

1. **Adopt the proposed *Shire of Quairading Health Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
2. **Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Health Local Law 2016*, as contained in the Attachment:**
 - (a) **the purpose of which is to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the Health and well-being of the community; and**
 - (b) **the effect is that Health related issues will be sufficiently controlled so as to provide an acceptable standard for the maintenance of public Health in the community and to remove obsolete and out-dated Local Laws relating to the district.**
3. **Send a copy of the proposed Local Law to the Minister for Health, and the Minister for Local Government and Communities for comment.**

CARRIED 8/0

14.1.7 Proposed Local Government Property Local Law 2016

REPORTING OFFICER

Graeme Fardon – Chief Executive Officer

Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (4) the Presiding Person to give notice to the Meeting of the intent to make a new Shire of Quairading Local Government Property Local Law 2016;
- (5) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Local Government Property Local Law 2016;
- (6) for the Council to adopt the proposed Shire of Quairading Local Government Property Local Law 2016; and
- (7) to allow for advertising of the Local Government Property Local Law 2016 for public comment.

BACKGROUND - The current principal Local Government Property Local Law was first adopted by Council on 28th September 2000, and gazetted on 23rd May 2001.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Quairading commenced a review of its Local Laws on 27th October 2009.

At the conclusion of the review process it was identified that a new Local Law was required.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Local Government Property Local Law 2016, (gazettal copy), must be sent to the relevant Minister for comment.

COMMENT – The proposed Shire of Quairading Local Government Property Local Law is set out in the attachment to this report.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed Local Government Property Local Law is to provide for the regulation, control and management of activities and facilities on local government property within the district.

The effect of the proposed Local Government Property Local Law is to establish the requirements with which any persons using or being on local government property within the district must comply.

156-15/16 MOVED Cr McGuinness seconded Cr Shenton that Council:

- 1. Adopt the proposed *Shire of Quairading Local Government Property Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Local Government Property Local Law 2016*, as contained in the Attachment:**
 - (a) the purpose of which is to provide for the regulation, control and management of activities and facilities on local government property within the district; and**
 - (b) the effect is to establish the requirements with which any persons using or being on local government property within the district must comply.**
- 3. Send a copy of the proposed Local Law to the Minister for Local Government and Communities for comment.**

CARRIED 8/0

14.1.8 Proposed Pest Plants Local Law 2016

REPORTING OFFICER

Graeme Fardon – Chief Executive Officer Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the Meeting of the intent to make a new Shire of Quairading Pest Plants Local Law 2016;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Shire of Quairading Pest Plants Local Law 2016;
- (3) for the Council to adopt the proposed Shire of Quairading Pest Plants Local Law 2016; and
- (4) to allow for advertising of the proposed Pest Plants Local Law 2016 for public comment.

BACKGROUND - The current principal Pest Plants Local Law was first adopted by Council on 8th March 1979, and gazetted on 18th January 1980.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Quairading commenced a review of its Local Laws on 27th October 2009.

At the conclusion of the review process it was identified that a new Pest Plants Local Law was required to reflect current legislation and drafting requirements.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

Agriculture and Related Resources Protection Act 1976.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Pest Plants Local Law 2016, (gazettal copy), must be sent to the relevant Ministers for comment (Minister for Agriculture and Minister for Local Government and Communities).

COMMENT – The proposed Pest Plants Local Law 2016 is set out in the attachment to this report.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed Pest Plants Local Law 2016 is to prescribe pest plants within the district.

The effect of the proposed Pest Plants Local Law 2016 is that owners and occupiers of land within the district are to comply with the provisions in this Local Law.

157-15/16 MOVED Cr McGuinness seconded Cr Haythornthwaite that Council:

- 1. Adopt the proposed *Shire of Quairading Pest Plants Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Pest Plants Local Law 2016*, as contained in the Attachment:**
 - (a) the purpose of which is to prescribed pest plants within the district; and**
 - (b) the effect is that owners and occupiers of land within the district are to comply with the provisions in this Local Law;**
- 3. Send copies of the proposed Local Law to the Minister for Local Government and Communities, and the Minister for Agriculture for comment.**

CARRIED 8/0

<p>14.1.9 Proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016</p>

REPORTING OFFICER

Graeme Fardon – Chief Executive Officer

Date 14th March 2016

DISCLOSURE OF INTEREST – Nil

OWNER/APPLICANT – Shire of Quairading

MATTER FOR CONSIDERATION – To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*;
- (3) for the Council to adopt the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016 for advertising purposes*; and
- (4) to allow for advertising of the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016* for public comment.

BACKGROUND - The current principal *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* was first adopted by Council on 28th September 2000, and gazetted on 23rd May 2001.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Quairading commenced a review of its Local Laws on 27th October 2009.

At the conclusion of the review process it was identified that a new Local Law was required.

STATUTORY ENVIRONMENT – Local Government Act 1995

Section 3.12(2) of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations (Regulation 3)* which states that for the purpose of Section 3.12(2) of the *Local Government Act* the person presiding at a Council Meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the Minutes of the Meeting of the Council include the purpose and effect of the proposed Local Law.

POLICY IMPLICATIONS – There are no policy implications for this item.

FINANCIAL IMPLICATIONS – Advertising costs of approximately \$600 associated with state-wide advertising.

STRATEGIC IMPLICATIONS – Up to date and relevant Local Laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

COMMUNITY CONSULTATION – As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*, (gazettal copy), must be sent to the relevant Minister for comment.

COMMENT – The proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016* is set out in the attachment to this report.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the minutes of the meeting of the Council include the purpose and effect of the proposed Local Law.

The purpose of the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016* is to restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places.

The effect of the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016* is that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place are to comply with the provisions of this Local Law.

158-15/16 MOVED Cr Davies seconded Cr McGuinness that Council:

- 1. Adopt the proposed *Shire of Quairading Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*, as contained in Attachment 1 for advertising purposes;**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Quairading Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*, as contained in the Attachment:**
 - (a) the purpose of which is to restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and**
 - (b) the effect is that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place are to comply with the provisions of this Local Law.**
- 3. Send a copy of the proposed Local Law to the Minister for Local Government and Communities for comment.**

CARRIED 8/0

The issue of Synthetic Grass on Street Verges was listed for further research.

14.1.10 Shire of Quairading Occupational Health and Safety Policy Review

REPORTING OFFICER

Graeme A Fardon – Chief Executive Officer Date 22/03/2016

DISCLOSURE OF INTEREST

Nil

OWNER/APPLICANT

N/A

MATTER FOR CONSIDERATION

Council is requested to review and endorse Council's Occupational Health and Safety Policy

BACKGROUND

The Policy is prepared to provide Council with a formal written record of the Occupational Health and Safety Policy

The Policy aims to ensure that every employee works in an environment where every effort is made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

STATUTORY ENVIRONMENT

Occupational Health and Safety Act 1984
Occupational Safety and Health Regulations 1996

POLICY IMPLICATIONS

Regular reviewing of the Occupational Health and Safety Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Australian Standards 4308, 3547 Duty of Care requirements under Occupational Safety and Health Legislation Duty of Care requirements at Common Law Local Government Act 1995 Local Government (Rules of Conduct) Regulations 2007 r.3 (1)(h) Occupational Safety and Health Act 1984 Occupational Safety and Health Regulations 1996

COMMENT

Council has had an Adopted Policy in the past however it has not been reviewed in recent years. Revised Policy has been prepared in closed consultation with Council's Elected OH&S representatives.

159-15/16 MOVED Cr McGuinness seconded Cr McRae that Council adopt the Occupational Health and Safety Policy as the following:-

<p>1.1 OCCUPATIONAL SAFETY & HEALTH POLICY</p>	
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The Shire of Quairading seeks to efficiently provide a wide range of vital services to residents and visitors to our region. We are an equal opportunity employer committed to providing and maintaining an environmentally conscious, safe and healthy workplace for all employees and those who may be affected by our work operations. This commitment is consistently demonstrated through the behaviours of our management and employees at the workplace.

Responsibilities for addressing safety, health and environmental concerns are shared by everyone at the Shire of Quairading. Our management representatives acknowledge specific responsibility for providing and maintaining a legislatively compliant working environment where persons at the workplace are not exposed to hazards and are provided with adequate resources, education and training to meet our safety, health and environmental obligations. Employees assist our management team to fulfil obligations through actively ensuring their own safety and that of others in the workplace.

All workers engaged with the Shire of Quairading are required to report in a timely manner any incident, hazard or issues that are identified as posing a risk to health, safety or to the environment. These are promptly managed in accordance with the hierarchy of risk controls and accepted risk management principles.

At the Shire of Quairading, we vigorously monitor our environmental impact and we are committed to continually improving our environmental performance through the prevention of pollution, efficient use of resources, waste minimisation, reuse and recycling practices. Our environmental intent is to ensure that our operations are conducted in a manner that contributes to the overall environmental sustainability of Australia.

We are proud of our excellent workplace safety and environmental record and are committed to continuously improving our workplace safety and health performance aimed at the elimination of workplace injury through the achievement of the specific targets and objectives which are documented in our Safety, Health and Environmental Management Plan.

Our Safety, Health and Environmental Management Plan is supported by a procedural framework intended to guide our employees and subcontractors to work safely and in an environmentally conscious manner including, but not limited to, compliance with all applicable legislative regulatory requirements, relevant Australian Standards and with all other requirements to which our organisation subscribes.

This Safety, Health and Environmental Policy and our supporting management systems documentation are regularly reviewed in line with continual improvement and occupational health and safety management system recommendations.

Graeme Fardon
Chief Executive Officer
 30/03/2016

Dave Griffiths & Bonny King
Occupational Safety & Health Representative
 30/03/2016

Brian Caporn
Shire President
 30/03/2016

CARRIED 8/0

ITEM 15 OTHER OFFICERS' REPORTS – FOR INFORMATION – NO RECOMMENDATIONS TO COUNCIL

Item 15.1 Manager of Health and Building Services

Noted

Item 15.2 Environments Officer's Report – Nil, Officer on Maternity Leave

Noted

Item 15.3 Community Emergency Services Manager's Report

Noted

Item 15.4 Community Development Officer's Report

Noted

Item 15.5 Economic Development Project Officer's Report

Noted and thanks conveyed to the Economic Development Officer on the Various Projects.

Railway Barracks and Caravan Cottage – Provision of Linen for Pool Contractors.

160-15/16 MOVED Cr McRae seconded Cr McGuinness that Council purchase sufficient bed linen to cater for the use of the Railway Barracks and the Caravan Park Cottage by the Swimming Pool Building Contractors during the term of the Swimming Pool Project.

CARRIED 8/0

ITEM 16 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISIONS OF MEETING

Cr McGuinness requested an update of the Meeting Calendar including:-

- Swimming Pool Opening
- Caravan Park Opening
- The Chief Executive Officer's Annual Performance Review Meeting

Cr Davies commented that the new Agenda Format has merit and he supports conducting Council Forums for specific larger Projects/ Issues and proposed having Council Forums one hour before Council Meetings.

The Shire President commented that he did not support Forums being held immediately prior to Council Meetings due to Public Perception and to ensure transparency of Council's decision making.

Cr Haythornthwaite expressed her support for Cr Caporn's comments

Cr McRae supported Forums for Larger Projects.

Cr McRae requested that Page Numbering be improved on the Agenda Paper and Index.

ITEM 17 NEXT ORDINARY MEETING

Thursday 28th April 2016 commencing at 2.00pm

ITEM 18 CLOSURE

There being no further business to discuss, the Chairman declared the Meeting closed at 5:31pm.

I certify the Minutes of the Ordinary Meeting of Council held on 30th March 2016 were confirmed on 28th April 2016 as recorded on resolution no _____

Confirmed..... 28/04/16