

## GOVERNANCE, ENVIRONMENT & FINANCE

### Adoption of amended Subordinate Local Laws 2022

4.3.

**Prepared by:** Vanessa Kerr, Manager Governance, Risk & Performance  
**Meeting Date:** Wednesday, January 24, 2024

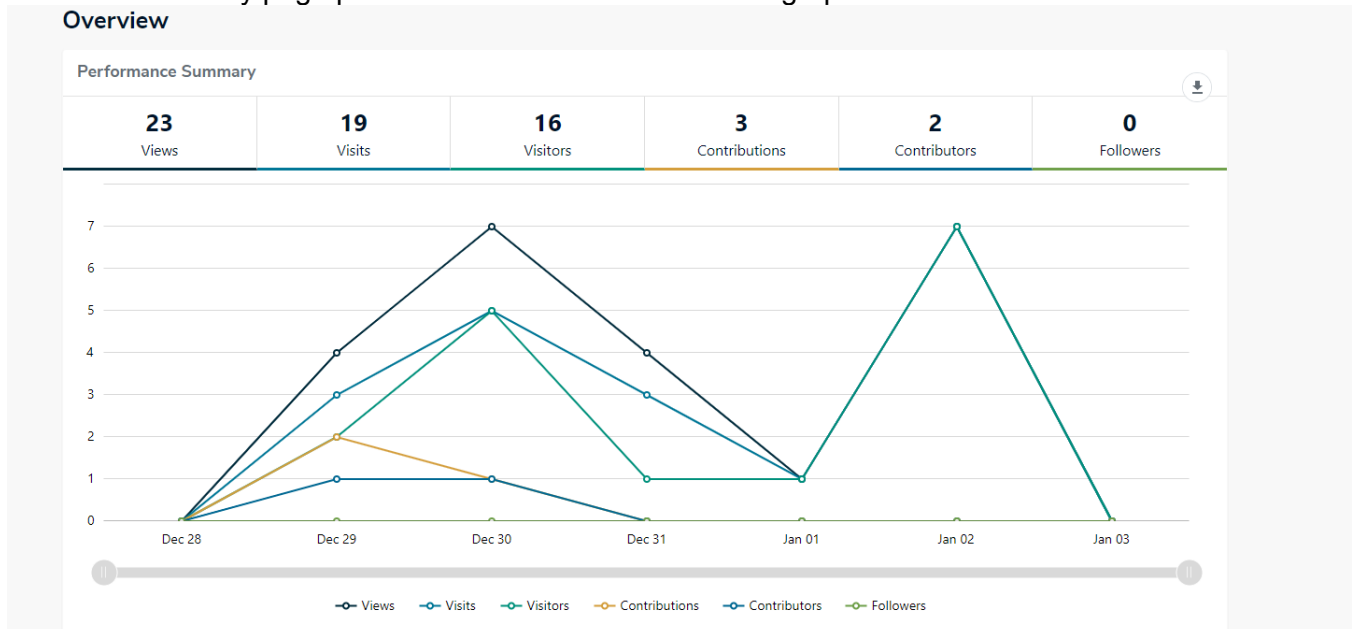
#### Executive Summary:

Council at its meeting held 23 November 2023 adopted the proposed amended Subordinate Local Laws 2022 and approved the public consultation process to commence with formal submissions closing 31 December 2023.

Public consultation was advertised via the following channels:

- Wet Tropics Community Connect on 30 November 2023
- CCRC Facebook Posts 29 November and 19 December 2023
- Council website YourSay Page
- Discussion and adoption at Council Meeting live stream
- Submission forms available via Council's customer service centres and libraries

Council's Your Say page performance was as shown in the graph below.



A total five (5) formal submissions were received. A summary of these submission is provided in the background to this report.

Council officers have further identified some minor corrections to Subordinate Local Laws No. 4 (Local Government Controlled Areas and Roads) 2022 being:-

- Schedule 4 Local Government Controlled Areas allowed for Stationary Vending: Clump Point Jetty corrected to Perry Harvey Jetty and Cardwell Foreshore corrected to Colleen McLaughlin Park.

This report seeks approval to formally adopt the amended Subordinate Local Law No. 2 (Animal Management) 2022 and Subordinate Local Law No. 4 (Local Government Controlled Areas and Roads) 2022 under policy Local Law Making Policy.

## Recommendation:

### "That Council:

1. **resolves to adopt each of the proposed subordinate local laws as listed below and as per Appendix A, pursuant to s29(2) of the *Local Government Act 2009* with commencement date being 24 January 2024:-**  
**Subordinate Local Law No. 2 (Animal Management) 2022**  
**Subordinate Local Law No. 4 (Local Government Controlled Areas and Roads) 2022; and**
  2. **notes the status report following the completion of the State Interest Check, Public Consultation, and Public Interest Test."**
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## Background:

Council's Local Laws and Subordinate Local Laws were adopted and effective 1 October 2022. A twelve month review has been undertaken by operational staff and recommended amendments to Subordinate Local Laws were approved for public consultation at Council's meeting held 23 November 2023.

In accordance with Council's Local Law Making Policy, public consultation commenced 24 November and ended on 31 December 2023. State Interest Checks were also undertaken during this time.

### Local Law Making Process

Council previously adopted a process for making different types of local laws on 8 April 2021.

### State Interest Check

The proposed new local laws have been sent to Queensland State Government Departments to consider the overall State interest in the proposed local laws. Comments have been received, State Interest has been considered.

### Public Interest Test Plan and Report Requirements

Council complied with procedures prescribed under regulation for the review of anti-competitive provisions in the proposed local laws.

A review has been undertaken of the local laws, in line with the requirements of Regulation and Guidelines.

### Public Consultation

A summary of public consultation formal submissions received are listed below. Council's Governance Team will liaise with each submitter and provide a comprehensive response to the submissions.

1. Submitter #1 requested no amendments be adopted by Council with no reasoning being provided.
2. Submitter # 2 SLL2 referred to Dog off Leash South Mission Beach Map No. 4 - Schedule 7 be changed and extended to Dunn Street intersection or a minimum of the Douglas Street intersection. Further, limited or no dog off leash area during high tide. **Comment: other areas have been considered, however the area identified is most suitable for DOLA, this area will remain a designated DOLA and will be reconsidered at next review. Local Law Officers will patrol and monitor during the next twelve months.**
3. Submitter # 3 SLL2 referred to Dog off Leash South Mission Beach Map No. 4 - Schedule 7 be changed and extended to Dunn Street intersection or a minimum of the Douglas Street intersection. Further, limited or no dog off leash area during high tide. **Comment: other areas have been considered, however the area identified is most suitable for DOLA, this area will remain a designated DOLA and will be reconsidered at next review. Local Law Officers will patrol and monitor during the next twelve months.**

4. Submitter # 4 SLL2 comment concerning Schedule 1 - Prohibition on keeping animals - submitter suggesting no dogs be allowed in a Conservation Planning area and keeping more than 3 cats be retained (currently proposed to change to 2 cats). SLL4 Schedule 4 - Areas allowed for stationary vending - submitter suggesting more stationary vending locales be allocated in each major township within the region. SLL4 Schedule 5 - Prohibited vehicles in certain controlled areas - submitter suggesting official signage will require consideration investment and simpler to define areas within Schedule of Subordinate Local Law. **Comment: At present, cats are not required to be registered, they pose environmental issues and are more difficult to regulate, therefore amending to only 2 cats being permitted is recommended. Perry Harvey Jetty allocated one stationary vendor via public tender due to limitations of the area, traffic and pedestrian safety. Vendor allocation process will be reviewed when current vendor agreement expires.**
5. Submitter # 5 SLL2 Schedule 1 - Prohibition on keeping animals - definition of large bird not stated. **Comment: large bird is defined as including emu, ostrich and cassowary.**

## **Link to Corporate Plan:**

## **OUR ORGANISATION - OUR LEADERSHIP AND OUR TEAM**

### **Our Aspirations**

Cassowary Coast Regional Council is a highly functional and financially viable Council that listens, makes informed choices, communicates and engages effectively, and creates a safe, inclusive and engaging workplace to attract and retain staff to deliver quality customer experiences.

### **Our Objectives**

- O2 - Responsibly manage Council's finances and assets on behalf of our community

The Local Laws Review is aligned with the following Goals within Council's Corporate and Operational Plan which are to:

- enhance and promote pride in and liveability of the region;
- promote safe, active, healthy, resilient and prepared communities;
- promote arts, culture and events as a key feature of the region's lifestyle, livability, vitality and character;
- help protect a safe, healthy, engaging and inclusive work environment;
- allow the business community and Council to work together to effectively achieve a common purpose;
- provide environmentally responsible waste collection, recycling and disposal facilities; and
- minimise the impacts of biosecurity risks in the region (pests, diseases & weeds).

### **Consultation:**

External legal advisors

Public Consultation 23 November to 31 December 2023

Queensland State Government agencies

### **Legal Implications (Statutory basis, legal risks):**

*Statutory Instruments Act 1992*

*Local Government Act 2009*

*Local Government Regulation 2012*

### **Human Rights Act 2019 - Considerations**

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

The contents of this report do not infringe upon the *Human Rights Act 2019*.

**Policy Implications:**

Local Law Making Policy.

**Risk Implications (Corporate, Operational, Project risks):**

The risk, if the project is not completed, is that Council will continue to have local laws which contain drafting errors, do not adequately address regional or specific concerns, nor align with Council policy positions and Council will be unable to effectively regulate a range of activities.

**Financial & Resource Implications:**

The local laws lead to financial and efficiency gains such as:

1. the local laws are self-directing and tell what Approved Forms are needed for what applications;
2. the Approved Forms give clear direction to the officers and members of the public about what is required;
3. less time taken to gather further information from applicants; and
4. the assessment criteria are similar to the Planning Act 2016 criteria which will allow a cross over between planning officers and Local Laws officers.

**Report authorised by:**

Andrew Graffen, Chief Executive Officer

**Supporting Documents:**

1. 02 CCRC SUBORDINATE Local Law Local Law No. 2 (Animal Management) 2022 - January 2024
2. 04 CCRC SUBORDINATE Local Law No 4 (Local Government Controlled Areas and Roads) 2022 - January 2024