

Summary of Proposed amendments

Subordinate Local Law No. 1 (Administration) 2016

At present “an invitation only ceremony, party or celebration attended by more than 30 people” held in a Council controlled public place is classified as a “prescribed activity”. As a consequence, any individual or organisation that wishes to hold such an activity will be required to pay a fee and obtain a permit should the event be expected to attract more than 30 people.

Council officers seek to amend schedule 6 of *Subordinate Local Law No. 1 (Administration) 2016* by increasing the number of people permitted to attend an event before an approval is required from 30 to 50. Should the proposed amendment be adopted it would:

- a. allow greater flexibility to the community in holding events;
- b. decrease the financial burden on community members wishing to utilise Council controlled public spaces;
- c. decrease the administrative workload associated with permit applications.

Subordinate Local Law No. 2 (Animal Management) 2018

Two amendments to *Subordinate Local Law No. 2 (Animal Management) 2018* are proposed. The first amendment is intended to include veterinary surgeries and other local government authorities as places where impounded animals can be kept. The second amendment seeks to define an area to be used as an off-leash area for dogs.

Places of care for impounded animals

Local Law No. 2 (Animal Management) 2018 designates areas, referred to as “a place of care”, where impounded animals may be kept. At present the only areas where impounded animals can be kept are those operated by Cook Shire Council. In the majority of cases impounded animals will be kept within Council controlled facilities however the following circumstances have been identified where additional places of care would be required:

- a. where a sick or injured impounded animal requires veterinary care and must be housed within a surgery for a period of time; or
- b. where animals have been impounded and are kept in the facilities of neighbouring local government agencies at Cook Shire Council’s request.

Provision is made under section 24 of *Local Law No. 2 (Animal Management) 2018* for additional places of care to be prescribed in section 16 of *Subordinate Local Law No. 2 (Animal Management) 2018*. In anticipation of the abovementioned circumstances Council officers seek to amend section 16 of *Subordinate Local Law No. 2 (Animal Management) 2018* so that the place of care for animals impounded by Cook Shire Council include the facilities of another local government authority and any veterinary surgery.

Off-leash area

Council has allocated funding for the development of a fully enclosed off-leash area for dogs to be located on Adelaide Street, Cooktown. The purpose of this park is to provide residents and visitors with an area where dogs are able to be exercised without being required to wear a lead.

Section 11 of *Local Law No. 2 (Animal Management) 2018* allows Council to designate an off-leash area in schedule 7 of *Subordinate Local Law No. 2 (Animal Management) 2018*. The purpose of designating an off-leash area is to exempt animals in a contained environment from being under effective control (i.e. on a lead) as required by section 12 of *Local Law No. 2 (Animal Management) 2018*. Council officers seek to amend schedule 7 of *Subordinate Local Law No. 2 (Animal Management) 2018* by designating an area, depicted on a map, on lot 2 plan C179109 located on the west side of Adelaide Street between Hogg Street and Walker Street.

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

Three amendments to *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* are proposed. These amendments were drafted to:

- a. restrict the number of nights an Recreational Vehicle (RV), as defined by local law, can utilise an RV Rest Area to three consecutive nights; and
- b. require the master of a vessel berthing at a Council controlled jetty to obtain approval prior to berthing; and
- c. to require animal owners wanting to bring animals into a cemetery to obtain an approval.

RV Rest Area

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016 provides Cook Shire Council with the statutory capacity to designate certain activities as restricted or prohibited if they are undertaken in local government controlled areas. Schedule 2 of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016*, while making overnight stays in local government areas a restricted activity, currently provides an exemption for RVs to remain in a designated RV Rest Area for seven (7) consecutive nights and not more than fourteen (14) nights within a thirty (30) day period.

The initial intention of the RV Rest Area was to provide an area of temporary respite for fully self-contained vehicles prior to continuing travelling or relocating to a private caravan park or camping ground. However, the current exemption allows RV owners to use the RV Rest Area for extended stays beyond what was originally anticipated. It is therefore proposed to amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* to reduce the number of nights an RV can utilise the area from seven (7) to three (3).

Approval to berth at a Council controlled pontoon or wharf

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016 does not define berthing at a Council controlled pontoon or wharf as a restricted or prohibited activity. Consequently, there is currently no requirement for vessels to advise Council of their intention to berth prior to arrival. This presents some logistical challenges to operational staff when trying to manage the use of the wharf by multiple vessels and inhibits Council's ability to capture an accurate record of the use of this facility for the purposes of invoicing.

To address issues relating to booking management and invoicing the draft amendment proposes to make berthing at a Council controlled pontoon or wharf a restricted activity that requires the prior approval of an authorised officer (i.e. a Council officer delegated with powers under Council's Local Laws). This amendment would result in Council officers receiving prior notice before any vessel berths. It should be noted that the amendment will not result in the imposition of any additional fees.

Approval to bring an animal in to a cemetery

At present there are no restrictions on domestic animals being allowed entry to Council controlled cemeteries. Although this is seemingly of little consequence there have been reported instances of domestic dogs being allowed to roam unrestrained, within the Cooktown cemetery, by animal owners. This can potentially result in animals defecating, urinating and otherwise damaging memorials of significant importance to families in addition to impacting both the hygiene and general amenity of cemetery reserves.

To alleviate these issues the draft amendment proposes to make the entry of domestic animals a restricted activity under *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* permissible only after approval has been provided by an authorised officer. As with the amendment to require approval prior to berthing there will be no fee associated with the approval process.