

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 18 February 2020

File Ref: LE3.1

Purpose:

This report recommends that Council consider additional changes and conduct further public consultation on proposed amendments to *Subordinate Local Law No. 2 (Animal Management) 2011*.

Officer's Recommendation:

{recommendation-start}

That Council resolve to proceed with the making of, and undertake further public consultation in relation to, *Animal Management (Amendment) Subordinate Local Law (No.1) 2020* (formerly *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*) in the form attached to this report.

{recommendation-end}

{remove-from-minutes-start}

Background:

Council at its General Meeting on the 19 November 2019 resolved to propose to make *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*. The summary of changes proposed in the amending local law were as follows:

- a. add stock (cattle, horses, alpacas, asses, buffaloes, camels, deer, donkeys, goats, horses, llamas, mules, sheep, vicunas and pigs) as a category of animals that can be sold/re-homed without the need for public auction; and
- b. clarify that miniatures of breeds are also excluded in certain areas; changes to keeping of poultry; and the number of animals permitted to be kept on land between 10,001 and 20,000m² are better defined; and
- c. allow two dogs in multi-residential premises by permit; and
- d. require a top cover on enclosures for animals that can fly; and
- e. provide for animals used for commercial purposes such as camel or pony rides, etc in some public areas via a permit system; and
- f. identify additional dog off-leash areas – proposal is to include the new dog exercise areas in Calliope and Bororen to be recognised as off-leash areas and the Boyne River foreshore as dog off-leash (excluding turtle nesting season).
- g. remove Barney Point Park, Prince Regent Esplanade and Friend Park Barney Point from prohibited areas for dogs to on-leash areas for dogs.

The proposal to make the amending local law was publicly advertised for community feedback for the period 23 November 2019 closing on the 20 December 2019. Seventeen people provided feedback (four submissions; thirteen survey responses).

At the close of public consultation, Council Officers carried out further internal consultation on the feedback received. Attachment 3 to this report summarises the issues considered in the post consultation meeting.

Officers are recommending that Council proceed with all changes proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019* subject to a minor amendment to the Boyne Island Foreshore proposal (*see point 3 below*) and include the following additional changes for public consultation.

1. Agnes Water Main Beach – Off Leash: That Council endorse conducting a community survey to determine a preferred option on changes to Dog Off-Leash areas for Agnes Water Main Beach limited to two options as shown in Attachment 3 to this report.
2. Legislative References: Update the legislative references in the subordinate local law from the *Apiaries Act 1982* to the *Biosecurity Act 2014* and from the *Sustainable Planning Act 2009* to *Planning Act 2016*.
3. Boyne Island Foreshore: That this area be designated off-leash for dogs all year round.
4. Springs Beach and the foreshore south through to the northern boundary of the Deepwater National Park Agnes Water: Be designated a 'Prohibited Area' for dogs.
5. Chinamans Beach Agnes Water: Be designated as an 'Off-Leash Area' for dogs.
6. Caravan Parks: That Council allow commercial caravan park operators to determine how many cats and dogs they will allow within the confines of their park in the knowledge that Council will still be able to manage enclosure and nuisance complaints if required, and set limits on the total number of animals to be kept onsite via its caravan park licensing provisions should it be needed.
7. Millennium Esplanade: correct an error in items 1 and 8 of schedule 6 to allow dogs to be walked through the Millennium Esplanade Park on-leash on the formed footpaths only.

Options, Risk and Opportunity Analysis:

Option 1 – Adopt the Recommendation

Should Council support the further changes as recommended, legal advice recommends that Council undertake further community consultation to ensure that individuals are given the opportunity to input into the changes that were not contemplated in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*.

The risks of not conducting further public consultation and proceeding with making an amending local law incorporating the changes not originally proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019* is that it may affect the validity of the amending subordinate local law.

Option 2 – Adopt the Recommendation subject to changes to the Officer suggested additions

If Councillors have concerns with the further changes to the amending subordinate local law proposed in this report, it may wish to change and/or delete the additional changes. The

risks associated with this option are similar to those outlined in Option 1. The resolution to give this option effect is:

“That Council resolve to proceed with the making of, and undertake further public consultation in relation to, Animal Management (Amendment) Subordinate Local Law (No.1) 2020 (formerly Animal Management (Amendment) Subordinate Local Law (No.1) 2019) in the form attached to this report, subject to the following changes:

1. *Insert change*
2. *Insert change.”*

Option 3 – Adopt Animal Management (Amendment) Subordinate Local Law (No.1) 2019

Should Council be satisfied with the amendments originally proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*, it could elect to adopt it without any further changes. The risk of this option is that Council will proceed with making amendments that do not include the full scope of considerations from the public submission process. It will however conclude the amendment process in advance of caretaker period.

“That Council:

1. *Proceed with the making of, and make, Animal Management (Amendment) Subordinate Local Law (No.1) 2019 as advertised; and*
2. *Adopt, pursuant to Section 32 of the Local Government Act 2009, a consolidated version of Subordinate Local Law No. 2 (Animal Management) 2011 (copy to be attached to the minutes).”*

Option 4 – Place the amending subordinate local law process on hold

Should Council elect not to proceed further with amending the subordinate local law at this time it may wish to suspend the review until after the 2020 local government elections. This option will see the process delayed which places the business at risk of having to recommence the process which will involve additional costs and resources. The resolution to give this option effect is:

“That Council hold over further considerations relating to the amendment of Subordinate Local Law No. 2 (Animal Management) 2011 until after the 2020 local government elections.”

Communication and Consultation:

The proposal to make the amending local law was publicly advertised for community feedback for the period 23 November 2019 closing on the 20 December 2019. Council received four submissions (attachment 1) and 13 responses to its online survey (attachment 2).

On the close of public consultation internal stakeholders from the following areas of the business met to consider the feedback and develop recommendations to put forward for Council consideration:

- Governance
- Environment and Conservation
- Local Laws

- Biosecurity and Environmental Health
- Customer Experience

As a result of the submissions, the further internal considerations, and based on legal advice, officers are recommending that if Council supports the additional changes proposed, that further general and targeted public consultation be carried out.

Legal Strategy and Policy Implications:

Chapter 3 Part 1 of the *Local Government Act 2009* and Chapter 3 Part 1 of the *Local Government Regulation 2012* governs the process for making, amending and repealing local laws and subordinate local laws. Council also has a policy P-2018-10 Local Law Making Process which supports that legislative process.

Council has commenced the process of proposing to make an amending subordinate local law in accordance with legislative requirements. As a result of public consultation there has been a number of additional matters raised outside of the scope of the original amendments therefore, Council's legal advisers suggest that it would be appropriate to conduct a further round of public consultation to ensure that those affected by the additional proposals have the opportunity to make a submission.

Part 5 of Chapter 3 of the *Local Government Act 2009* prohibits Council from making a major policy decision during the local government election caretaker period. The definition of a *major policy decision* includes "(f) to make, amend or repeal a local law", this includes subordinate local laws. Therefore, if Council adopts the recommendation to conduct further public consultation, it will be unable to finalise the amendment process prior to the commencement of caretaker period.

Financial and Resource Implications:

The subordinate local law amendment will attract external legal costs for advice on the amendment process and associated drafting and advertising of the amending local law. The original estimate was \$3,750, however, should Council adopt the recommendation and conduct a further round of consultation, it is estimated that this may increase legal advice costs by approximately \$1,500 - \$2,000. This will be funded from Council's legal expenses budget.

In relation to resourcing, Council officer resources will be required from both the governance and community engagement areas to conduct further targeted public consultation and to present that feedback to Council. Depending on the outcome of the further public consultation and ultimately the position Council adopts, there may also be a need to fund new regulatory signage in those public areas where control designations change.

Summary:

Not applicable

Anticipated Resolution Completion Date:

30 June 2020

Attachments:

1. Public Submissions Received

2. Results of online surveys – Conversations with Council
3. Internal Stakeholder considerations and recommendations on Public Submissions
4. *Animal Management (Amendment) Subordinate Local Law (No.1) 2020*

Tabled Items:

Nil.

Report Prepared by: Governance Advisor
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Attachment 1

Summary of Public Submissions received 23 November 2019 to 20 December 2019 Animal Management (Amendment) Subordinate Local Law (No.1) 2019

SUBMISSION 1 – PRIVATE INDIVIDUAL

I believe it should remain as public auction as there is too much risk of stock which is not currently impounded suddenly becoming of interest to Council and Council having mates' freezers filled with stock via private sale. Open accountability must remain. Given the very low rates of current impoundment and Councils lack of interest or action in wandering stock and the cost to the community of such I feel any loss incurred by ratepayers of auctioning such stock is of little concern and is warranted in the benefit of accountability.

SUBMISSION 2 – PRIVATE INDIVIDUAL

I am writing to you regarding the by-laws involving the walking of dogs on Agnes Water Beach and the restriction effecting the many dog walkers along the beach.

We have been ratepayers since 1998 when our property at (address deleted for privacy reasons) was under Miriam Vale Shire. For the last 20 years we have walked our dogs on the beach at Agnes Water along with many others. We accessed the beach via Ocean Beach Drive. For most of the time the beach was an off lead area to the north. In recent years, the by-laws have been changed to restrict the off lead area. The nearest off lead area being north of the new Lifesaving Club, some 2 kilometres from our residence. Access requires the use of a vehicle. From talking with locals, there appears to be a resident with a vendetta against dogs. This person takes photos of dogs off lead and forwards them to the Shire complaining. The Shire is obligated to act. Our sympathy lies with the Ranger charged with the difficult task of managing an inappropriate and highly unpopular by-law.

With the change in demographics over the years, you will know that there are a lot more people using the beach to walk their dogs. Many being residents of Agnes Water Caravan Park for the winter months. From observations most walk their dogs early morning and are fastidious in removing dog droppings, utilising facilities provided by the Shire. If there is a complaint regarding dogs it is about people that let their dogs off lead south of the Ocean Beach Drive during the busy swimming hours of the day. I would suggest that the Shire canvas the multiple dog beach walkers to make dog regulations more flexible. In other Shires in Queensland and interstate there are regulations that appease most, give or take the fanatic odd ball. One beach we stayed at recently was Coolum Beach, a very busy tourist area and higher population than Agnes Water. That beach is a very good example of a beach managed to accommodate both holiday makers' and locals' requirements in regard to dog walking rules. It did not need a car drive to access the off lead area.

Should you require further input and coordination it is suggested that you arrange a meeting of all parties, including the irate resident, dog owners and Shire Officers.

SUBMISSION 3 – DISCOVERY COAST ENVIRONMENTAL GROUP

Please find the following suggestions for the Animal Management (Amendment) Subordinate Local Law (No.1) 2019. Item 'e' Identify dog off leash areas for Agnes Water beaches. The Discovery Coast Environmental Group suggests the following amendments to the current local law to include the following:

Springs Beach: *be classed as a NO DOG beach, due to the number of Marine Turtles that nest along this beach and can be and are, disturbed in their nesting by dogs being present on this*

beach. It is recommended that a sign stating such be placed on the road entrance at this point for people to observe before entering the carpark.

Chinamens Beach: (also known as Desal Beach) be classed as a designated Dog OFF LEASH beach, due to the number of Marine Turtles unsuccessfully laying along this beach due to the terrain and condition of this beach.

Agnes Water Main Beach: Dogs be allowed on the beach ON LEASH ONLY as this beach has a significant number of Marine Turtle nests but acknowledging that it is the most frequented beach by humans and pets alike, therefore correctly restraining dogs needs to be maintained. We acknowledge that the Local Law needs to be inclusive for all members of the public and feel the abovementioned recommendations accommodates the needs of all the community fairly.

SUBMISSION 4 – INTERNAL STAKEHOLDERS

Current proposed changes:

Proposed change	Comment
Lilley's Beach	<ul style="list-style-type: none"> Support changes to designate as dog off-leash outside of turtle nesting season. Ensure that timeframes align with that of Chinamen's Beach. The inlet is known as South Trees Inlet, not Lilleys Inlet. Be aware that parts of Lilleys Beach is owned by Boyne Smelter – the supporting map should only indicate areas of Council-managed land. Lilley's Beach is also trafficked by 4WDs – has consideration been given to potential conflict between vehicles and off-leash dogs on the beach? Increased risk of a dog being hit?

Suggested additional changes:

Section	Comment
Schedule 1 - Bees	<ul style="list-style-type: none"> The <i>Apiaries Act 1982</i> has been repealed and bees are now regulated under the <i>Biosecurity Act 2014</i>. Perhaps there should be a Council application process for people to keep bees?

Section	Comment
Schedule 6 – Prohibition of animals in public places	<ul style="list-style-type: none"> Map of Agnes Water dog prohibited area includes an area of private property (owned by Agnes Water Caravan Park) – does Council have authority to do this? Why have two separate maps for Tannum Sands dog prohibited area and Millennium Park dog prohibited areas – can they be combined to a single area?

Section	Comment
Schedule 6 – Prohibition of animals in public places – Addition of Springs Beach	<ul style="list-style-type: none"> Current on-site signage at Springs Beach indicates that dogs are prohibited and references an old local law that is no longer current. Springs Beach is a known turtle nesting beach. Suggest including it as a dog prohibited area either year-round or within turtle breeding season (consistent with Chinamen's Beach).

Section	Comment
Schedule 7 – Dog off-leash areas – Agnes Water Beach dog off-leash area	<ul style="list-style-type: none"> • There is feedback about the current off-leash area at Agnes Water Beach, including: <ul style="list-style-type: none"> ○ The Discovery Coast Environment Group (DCEG) coordinate a turtle monitoring program and have indicated that the beaches north of the Surf Club are the most remote and support the highest value turtle nesting habitat, as well as other environmental values like migratory shorebirds. ○ Feedback from residents indicates that the Surf Club beach access as not being an all-abilities access. The steepness and dynamic nature of the dunes in that area makes it not feasible to instate a flatter or surfaced access (as at Sandcastles access). ○ The Surf Club is now being leased by the Steiner School and that carparking at the access may now be limited. Students from the Steiner School also regularly access the beach as part of their activities, resulting in increased interaction between children and off-leash dogs. ○ There is no water available at the Surf Club beach for dog owners. • Have these factors been considered as part of the review?

Section	Comment
Schedule 13 - Dictionary	<ul style="list-style-type: none"> • Check that the references to documents and legislation are still current. eg. Planning schemes has been updated, <i>Sustainable Planning Act 2009</i> replaced by <i>Planning Act 2016</i>.

Conversations with Council

Report Type: Form Results Summary
Date Range: 24-11-2019 - 02-01-2020
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4 Contributors | 5 Contributions

Contribution Summary

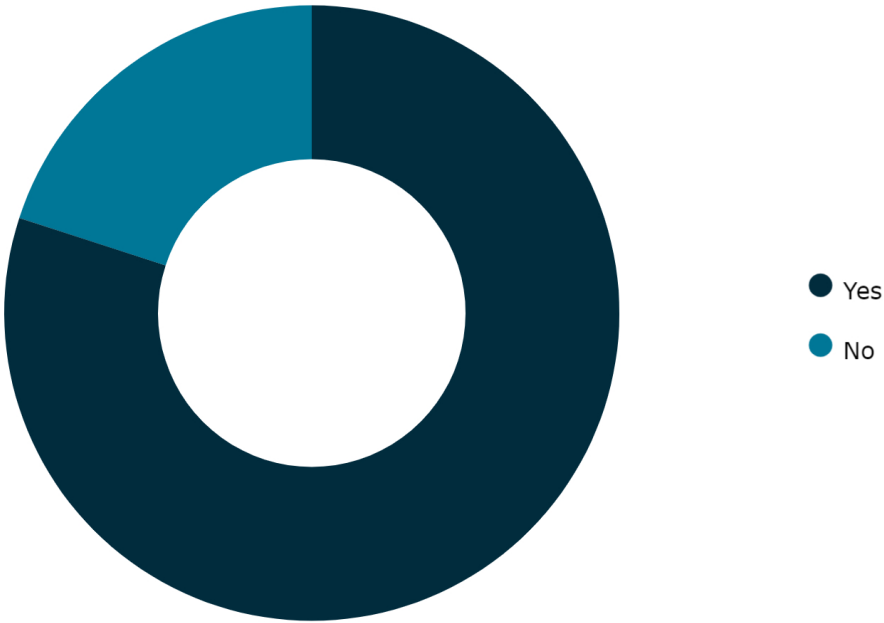
1. Do you live in the Gladstone Region?
Radio Buttons | Skipped: 0 | Answered: 5 (100%)



Answer choices	Percent	Count
Yes	100.00%	5
No	0.00%	0
Total	100.00%	5

2. Do you own or keep a pet/s (cat/dog/bird etc)?

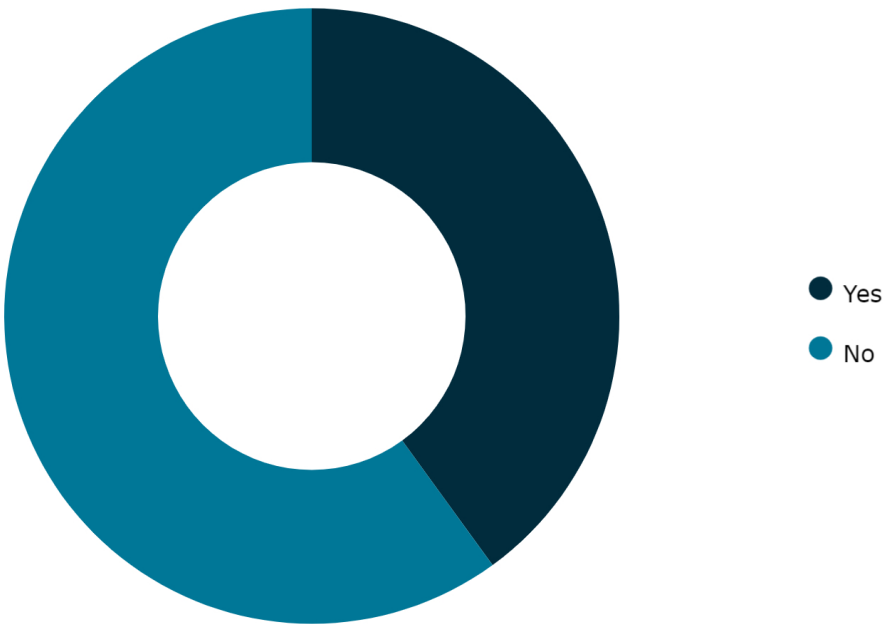
Radio Buttons | Skipped: 0 | Answered: 5 (100%)



Answer choices	Percent	Count
Yes	80.00%	4
No	20.00%	1
Total	100.00%	5

3. Do you own livestock, poultry or other larger animals (cattle/horses/goats/chicken/geese etc)?

Radio Buttons | Skipped: 0 | Answered: 5 (100%)



Answer choices	Percent	Count
Yes	40.00%	2
No	60.00%	3
Total	100.00%	5

4. What is your submission (ie. what would you like to see changed, included or removed from the Subordinate Local Law)?

Short Text | Skipped: 0 | Answered: 5 (100%)

Everyday dogs are taken onto Chinaman's Beach at Agnes water when the beach is prohibited to dogs during the turtle nesting season. Dog owners do not pay attention to Council signs, yet the GRC wants more beaches for dogs, such as Boyne River foreshore.

Contribution 5 of 5 | 22 December, 2019

Item 20 and Item 21

Contribution 4 of 5 | 20 December, 2019

I do NOT support camel rides, pony rides, Old Macdonald's Farm and similar services at community events and I would like to see unclaimed stock given the opportunity to be re-homed via an adoption process similar to dogs and cats.

Contribution 3 of 5 | 20 December, 2019

I do not support the proposal to allow camel rides, pony rides and Old Macdonald's Farm at community events and

Contribution 2 of 5 | 20 December, 2019

On acreage should be able to keep what animals they like. Ensuring they are well kept

Contribution 1 of 5 | 12 December, 2019

5. What are the grounds for your submission (ie. what are the reasons why you would like the change, inclusion, removal)?

Short Text | Skipped: 0 | Answered: 5 (100%)

Experience of being attacked by two dogs at once at Chinaman's Beach when the area was supposed to be prohibited to dogs. No dogs are ever on a leash in 3 out of 4 beaches in the Agnes Water area. Most dogs are unrestrained on walking tracks and footpaths.

Contribution 5 of 5 | 22 December, 2019

The 1st is item no. 20 Commercial Activities. This proposal is for permission to display animals in public for entertainment purposes; animals are not ours to be used as entertainment and the 2nd is item 21 - the disposal of stock. Currently

Contribution 4 of 5 | 20 December, 2019

1. Displaying animals at public events is a cruel, unnecessary practice which causes extreme stress to the animals / perpetuates the misguided culture of treating some animals as non-sentient beings. 2. Give stock a chance to be rehomed to private adoptees

Contribution 3 of 5 | 20 December, 2019

these events are extremely stressful and cruel for the animals involved and contribute to the outdated perception that animals are

Contribution 2 of 5 | 20 December, 2019

I would like to see termination of animals without submission removed

Contribution 1 of 5 | 12 December, 2019

Conversations with Council

Report Type: Form Results Summary
Date Range: 24-11-2019 - 02-01-2020
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7	8
Contributors	Contributions

Contribution Summary

1. Do you generally support Animal Management (Amendment) Subordinate Local Law (No.1) 2019:
Radio Buttons | Skipped: 0 | Answered: 8 (100%)



Answer choices	Percent	Count
Yes	25.00%	2
No	25.00%	2
Neutral	50.00%	4
Total	100.00%	8

2. Do you support allowing up to two (2) dogs in a multi-residential premises by permit?

Radio Buttons | Skipped: 0 | Answered: 8 (100%)



Answer choices	Percent	Count
Yes	50.00%	4
No	37.50%	3
Neutral	12.50%	1
Total	100.00%	8

3. Do you support allowing camel rides, pony rides, Old Macdonald's Farm and similar services in public park areas as part of larger community events?

Radio Buttons | Skipped: 0 | Answered: 8 (100%)



Answer choices	Percent	Count
Yes	37.50%	3
No	37.50%	3
Neutral	25.00%	2
Total	100.00%	8

4. Do you support Boyne River Foreshore (from Wyndham Park to the Lilley's Beach) being an off-leash dog area, except during turtle season when dogs would be required to be on-leash?

Radio Buttons | Skipped: 0 | Answered: 8 (100%)



Answer choices	Percent	Count
Yes	25.00%	2
No	50.00%	4
Neutral	25.00%	2
Total	100.00%	8

5. Given the high cost of public auctions, do you support Council being able to re-home unclaimed stock without the need for a public auction order?

Radio Buttons | Skipped: 0 | Answered: 8 (100%)



Answer choices	Percent	Count
Yes	50.00%	4
No	25.00%	2
Neutral	25.00%	2
Total	100.00%	8

Attachment 3 – Internal Stakeholder considerations and Recommendations on Public Submissions

No.	Submission Feedback Summary	Considerations	Recommendation
1	Stock Objection to allowing the disposal of impounded stock by means other than public auction	<ul style="list-style-type: none"> If the provision to remove stock from the requirement to be sold by public auction, the proposal is that an open and transparent process will be developed for the sale or rehoming of stock. The cost to conduct public auctions is high and generally exceeds the money recouped. 	That the proposed amendment contained in the <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i> be retained (exclude stock from public auction requirement) to reduce costs to ratepayers.
2 3	Dogs – Agnes Water Main Beach 2 Dog off-leash north of Ocean Beach Drive at Main Beach Agnes Water from Sunrise to 8am and from 5pm to sunset 3 Agnes Water Main Beach be designated on-leash for the entire length	<ul style="list-style-type: none"> The Agnes Water Main Beach is the most frequented by the public in this locality The existing provisions are the beach is prohibited to dogs from the point to Tom Jeffery Park taking in the patrolled swimming beach in front of the caravan park. Dogs are then required to be on leash for the next 1.7kms until the off-leash area north of the Surf Club. Officers understand that at times, the patrolled swimming beach does extend north outside of the prohibited area. The section of the existing on-leash area from the prohibited area north up to Ocean Beach Drive (Sandcastles) is generally well used with surf schools licensed to operate from this area, the public use it for walking/running and there is some swimming outside of the patrolled area at this location. The existing on-leash area from Sandcastles north to the surf club, is a turtle nesting area rated as 'fair' but this section of beach is disturbed by the light pollution from homes adjacent to the beach. Pedestrian access at the end of Ocean Beach Drive is the flattest available to the main beach. This is the area of the beach where most elderly residents are seeking to access the beach and walk their dogs north off-leash 	<p>That Council conduct a community survey to determine the community's preferred option for dog control for this beach.</p> <p>Officers intend to offer two options that aim to strike a balance between the two extremes received in public submissions, one being a difficult to regulate, time bound variable requiring a significant compliance effort, and the other being largely control free.</p> <p>The options we intend to offer aim to provide the most pragmatic approach to regulation and enforcement allowing the community equitable access to enjoy a healthy pet friendly lifestyle.</p>

No.	Submission Feedback Summary	Considerations	Recommendation
4	Concerns regarding current prohibited area including private property	<ul style="list-style-type: none"> • From the Surf Club north towards 1770 (existing off-leash area), is a high use turtle nesting area (on average 40 nests per annum) and it is also highly used by other wildlife such as shorebirds and it is adjacent to a conservation area. There is some use of the area immediately off the surf club access point by the newly established Steiner School and other activities associated with the Surf Club. Patrol Officers advise that very few walkers/dog owners use the section of beach north of the surf club which ensures minimal disturbance for turtle nesting / wildlife. • Having times associated with dog designations as suggested in the submission can cause confusion for the public and issues with enforcement. • Patrol Officers continue to receive informal feedback from residents who want the 'old' dog off-leash designation returned for the main beach (ie. Ocean Beach Drive north off-leash) • Consultation survey results indicate one submitter does not support dogs on beaches generally in the Agnes Water area • Internal stakeholders discussed the pros and cons of a number of options and it was generally agreed that the number of 'zones' and conditions should be minimal to avoid community and visitor confusion. • Under the animal management local law, section 10(1), a prohibition can apply to a "public place", as that expression is defined in the <i>Local Government Act 2009</i>, section 125(5). Criteria for a public place is whether the relevant area: <ul style="list-style-type: none"> ○ is open to the public; or ○ is used by the public; or ○ the public is entitled to use, whether or not on payment of money. The area of private land at the front of the caravan park at Agnes Water would meet 	

No.	Submission Feedback Summary	Considerations	Recommendation
		the definition of public place and therefore can be included within the prohibited area for dogs.	
5	<p>Dogs – Springs Beach and Foreshore south to northern boundary of Deepwater National Park</p> <p>Springs Beach and foreshore south to the northern boundary of the Deepwater National Park Agnes Water – Dogs Prohibited</p>	<ul style="list-style-type: none"> • Springs Beach is currently a dog on-leash area • This beach experiences the highest level of turtle nesting in this area (approximately 60 nests per annum) as the conditions on the beach are ideal • Used by Surf School – Council permit granted • Used for swimming but there is no surf lifesaving presence • Poor beach access at Springs Beach - long 4WD access track and pedestrian access is steep • In relation to the area of beach adjacent to the Sunrise at 1770 development, this eco-development does not allow any domestic pets onsite for environmental reasons therefore a dogs prohibited designation for the adjacent beach would be in-line with the controls in place in the adjoining development 	Support the area be designated dogs prohibited
6	<p>Chinamans Beach Agnes Water</p> <p>Dog off-leash all year round</p>	<ul style="list-style-type: none"> • Chinamans Beach is currently designated as dogs prohibited during turtle nesting season and at all other times, dogs are required to be on leash. • Chinamans Beach currently has a low success rate for turtle nesting due to beach conditions (highly dynamic environment – ever changing beach conditions and subject to erosion) • Low level swimming / bathing area with no surf lifesaving presence • Has a carpark, single entry prone to erosion, potential closures during desalination maintenance activities 	Support a dog off-leash area all year round

No.	Submission Feedback Summary	Considerations	Recommendation
7	<p>Boyne Island Foreshore through to Lilleys Beach</p> <p>Dog Off-Leash excluding turtle nesting season</p>	<ul style="list-style-type: none"> • Lilleys Beach is an on-leash area. The change proposed via the amending subordinate local law is to have the area as an off-leash area but restrict dogs to on leash during turtle nesting season. • In relation to the naming of the inlet, most locals know the area as Lilleys beach / Lilleys inlet. Provided that the supporting map in the SLL is labelled correctly, the name used is not of significant concern. • Turtle nesting data shows this beach has less than 5 nests per annum on average 	<p>Whilst there was support for restricting access to dog on-leash for turtle nesting season, given that turtle nesting data suggests that there is minimal nesting occurring at this location, the internal stakeholder recommendation is that the area be dog off-leash all year round.</p>
8	<p>Caravan Parks</p> <p>Amend current wording in the SLL to provide certainty around allowing caravan park operators to make commercial decisions on how many pets they will or will not allow within the confines of their business</p>	<ul style="list-style-type: none"> • The current wording of the subordinate local law can be interpreted in a way that limits caravan park operators to only allow no more than four cats or dogs in their parks. Legal advice suggests an alternative interpretation, however, to provide more certainty for the purposes of enforcement it was agreed that caravan parks be excluded from Schedule 1 and 2 of the SLL and that caravan park operators continue to make commercial decisions in relation to the number of domestic pets that they allow in their facility. • This will not affect Council's ability to continue to enforce enclosure requirements where required and address nuisance issues such as barking • Legal advice also suggests that if Council becomes concerned about commercial caravan park operators making poor decisions about domestic pets that impact on other property owners, Council has the ability to set maximum numbers of domestic pets via its caravan park licensing process should it be required and manage the issue through this process. • Supports local business in making commercial decisions concerning their business. 	<p>Make changes to Schedule 1 & 2 and the definitions section of the SLL, that supports caravan park operators making decisions on the number of domestic pets they will allow in their facility.</p>

No.	Submission Feedback Summary	Considerations	Recommendation
9	Update legislative references Apiaries Act 1982 and Sustainable Planning 2009	<ul style="list-style-type: none"> • <i>Apiaries Act 1982</i> provisions are now in the <i>Biosecurity Act 2014</i> • <i>Sustainable Planning Act 2009</i> is now the <i>Planning Act 2016</i> 	Legislative references be updated.
10	Bees That Council implement an application process for people to keep bees	<ul style="list-style-type: none"> • This is managed by State Government legislation (<i>Biosecurity Act 2014</i>) • Minimal public enquiries / complaints received 	Recommend that Council not become involved in managing the keeping of bees – remain within the controls of State legislation
11	Commercial Use of Animals in public places That animals not be permitted to be used for commercial purposes within public parks by permit	<ul style="list-style-type: none"> • Allowing animal-based activities does provide additional local business opportunities • A permit system allows Council to impose appropriate conditions for the activity/ies 	That Council proceed with allowing commercial use of animals in public areas by permit as proposed in <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i>
12	Animals on Acreage On acreage you should be able to keep what animals you like provided they are well kept	<ul style="list-style-type: none"> • Allowing unlimited numbers of animals has the potential to compromise adjoining owner amenity if the animals are not well kept and without some level of controls in place, Council would have no power to address the concerns 	Retain the current provisions without change with the exception of the changes included in <i>Animal Management (Amendment) Subordinate Local Law (No.1) 2019</i> relating to the number of animals kept on allotments between 10,001 – 20,000m ² .
13	Millennium Esplanade – Formed Footpaths Correct error in relation to dogs and footpath areas in Millennium Esplanade Tannum Sands	<ul style="list-style-type: none"> • It was noted when reviewing the prohibited designations that Council has attached the following words to item 1 “<i>but excluding any formed road through an area hatched in black on a map</i>”. There are no roads in the bathing reserve and foreshore for the areas described so the words are irrelevant. • The original intent was that these words were to be attached to item 8 Millennium Esplanade Park which would allow people to walk their dogs through Millennium Esplanade on-leash on the road. The definition of a road under the <i>Local Government Act 2009</i> also includes a footpath. 	<p>That the words “<i>but excluding any formed road through an area hatched in black on a map</i>” be removed from column 1 of item 1.</p> <p>To provide more clarity on the intent to be achieved for Millennium Park, that the following words be added to the end of item 8, column 1 “<i>but excluding any formed footpath through the area hatched in black on a map whilst the person is travelling through the area.</i>”</p>





Gladstone Regional Council

Animal Management (Amendment) Subordinate Local Law

(No. 1) 2020

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2020*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendments to subordinate local law

3 Amendment of s9 (Identification for dogs in certain circumstances—Authorising local law, s9)

Section 9, ‘section 12(3)’—

omit, insert—

‘section 12(2)’.

4 Amendment of s17 (Animals that may be disposed of without auction or tender—Authorising local law, s32(1)(b))

(1) Section 17(c), ‘.’—

omit, insert—

‘; and’.

(2) After section 17(c)—

insert—

‘(d) stock.’.

5 Amendment of sch1 (Prohibition on keeping animals)

(1) Schedule 1, column 1, heading, ‘Animal’—

omit, insert—

‘Animal^{1A}’.

(2) Schedule 1, item 1, column 2, paragraph (a), after ‘area’—

insert—

‘unless there is a caravan park on the allotment’.

(3) Schedule 1, item 1, column 2, paragraph (b), ‘1 dog’—

omit, insert—

^{1A} See the definition of *animal* in schedule 13 which, in relation to schedule 1, includes a miniature version of various species of animal.

‘2 dogs’.

- (4) Schedule 1, item 2, column 2, after ‘area’—

insert—

‘unless there is a caravan park on the allotment’.

- (5) Schedule 1, column 2, item 3(d) —

omit, insert—

‘(d) subject to item 4A, more than 4 horses on an allotment with an area between 10001m² and 20000m².’.

- (6) Schedule 1, column 2, item 4(3)—

omit, insert—

‘(3) Subject to item 4A, more than 4 animals to which this item 4 applies on an allotment with an area between 10000m² and 20000m².’.

- (7) Schedule 1, after item 4—

insert—

‘

4A	Horse, donkey, cow, bull, camel, deer, sheep, goat, llama or pig	<p>(1) This item 4A applies to all of the following—</p> <ul style="list-style-type: none"> (a) a horse; (b) a donkey; (c) a cow; (d) a bull; (e) a camel; (f) a deer; (g) other domesticated animals of a similar size; (h) a sheep; (i) a goat; (j) a llama; (k) other domesticated animals of a similar size; (l) a pig. <p>(2) More than 6 animals to which this item 4A applies on an allotment with an area between 10000m² and 20000m².</p>
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’.

- (8) Schedule 1, item 7, column 1, ‘Duck,’—

omit.

- (9) Schedule 1, item 7, column 1, ‘goose’—

omit, insert—

‘Goose’.

- (10) Schedule 1, item 7, column 2, subsection (1)(a)—

omit.

- (11) Schedule 1, item 7, column 2, subsection (1)(b), (c) and (d)—
renumber as subsection (1)(a), (b) and (c).
- (12) Schedule 1, item 9, column 2, paragraph (a) ‘*Apiaries Act 1982*’—
omit, insert—
‘*Biosecurity Act 2014*’.
- (13) Schedule 1, item 9, column 2, paragraph (b), ‘*Apiaries Act 1982*’—
omit, insert—
‘*Biosecurity Act 2014*’.

6 Amendment of sch2 (Requirement for approval to keep animal)

- (1) Schedule 2, item 1, from ‘3 or 4’ to ‘more.’—
renumber as item 1(a).
- (2) Schedule 2, item 1(a) from ‘the area’ to ‘more’—
omit, insert—
‘—
(i) the area of the allotment is 10,000m² or more; or
(ii) there is a caravan park on the allotment.’.
- (3) Schedule 2, after item 1(a)—
insert—
‘(b) 2 dogs over the age of 3 months on premises which are multi-residential premises.’.
- (4) Schedule 2, item 2(a), after ‘area’—
insert—
‘unless there is a caravan park on the allotment’.

7 Amendment of sch5 (Minimum standards for keeping particular animals)

- (1) Schedule 5, column 1, heading, ‘**animal**’—
omit, insert—
‘**animal**^{1B}’.
- (2) Schedule 5, column 2, item 3(f), ‘.’—
omit, insert—
‘; and’.
- (3) Schedule 5, column 2, after item 3(f)—
insert—

^{1B} See the definition of **animal** in schedule 13 which, in relation to schedule 5, includes a miniature version of various species of animal.

- ‘(g) if the bird has the ability to escape from the enclosure by flying out of the enclosure — the enclosure in which the bird is kept is fitted with a roof, or cover, which prevents the bird from escaping from the enclosure by flying out of the enclosure.’.

8 Amendment of sch6 (Prohibition of animals in public places)

- (1) Schedule 6, column 2, heading, ‘**animals**’—
omit, insert—
‘animals’^{1C}.
- (2) Schedule 6, column 1, item 1, ‘Area, but excluding any formed road through an area hatched in black on a map’—
omit, insert—
‘Area’.
- (3) Schedule 6, column 2, item 8, after ‘dogs’—
insert—
‘, unless the owner or responsible person for the dog is walking the dog on a formed footpath which passes through the area shown hatched in black and the dog is under effective control’.
- (4) Schedule 6, items 2, 3 and 11—
omit.
- (5) Schedule 6, items 4 to 10 inclusive—
renumber as items 2 to 8 inclusive.
- (6) Schedule 6, column 2, item 3, from ‘All’ to ‘prohibited’—
omit, insert—
‘All species and breeds of animal other than—
 - (a) dogs; and
 - (b) other animals which are permitted to be in the public place under an approval granted by the local government under *Local Law No. 1 (Administration) 2011* for the undertaking of a prescribed activity at the public place.’.
- (7) Schedule 6, column 2, item 4, from ‘All’ to ‘prohibited’—
omit, insert—
‘All species and breeds of animal other than—
 - (a) dogs; and
 - (b) other animals which are permitted to be in the public place under an approval granted by the local government under *Local Law No. 1 (Administration) 2011* for the undertaking of a prescribed activity at the public place.’.

^{1C} See the definition of **animal** in schedule 13 which, in relation to schedule 6, includes a miniature version of various species of animal.

(8) Schedule 6, after item 8—

insert—

‘

9	The areas of bathing reserve and foreshore (including the areas of bathing reserve and foreshore south to the boundary of the Deepwater National Park) shown hatched in black on a map which forms part of this schedule 6 and identified as Springs Beach and Workmans Beach Agnes Water – Dogs Prohibited Area	Dogs
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’.

(9) Schedule 6—

insert—

‘



- (10) Schedule 6, the map titled ‘Chinamans Beach – Dogs Prohibited Area’ —
omit.
- (11) Footnotes 1A, 1, 1B, 1C and 2—

renumber as footnotes 1, 2, 3, 4 and 5.

9 Amendment of sch7 (Dog off-leash areas)

- (1) Schedule 7, item 8—

omit, insert—

‘8 The area of bathing reserve and foreshore shown hatched in black on the map which forms part of this schedule 7 and is identified as ‘Agnes Water Beach – Dog Off Leash Area’.

- (2) Schedule 7, after item 8—

insert—

‘9. The fenced area shown hatched in black and bounded by a bold black line on the map titled “Bunting Park – Calliope Off Leash Area” which forms part of this schedule 7 being part of the land described as Lot 158 on Plan CTN1533.

10. The area shown hatched in black and bounded by a bold black line on the map titled “Dog Agility Area – Memorial Park Bororen” which forms part of this schedule 7 at Memorial Park Bororen and which is described as part of Lot 255 on Plan CP858947.

11. The area of bathing reserve, foreshore and esplanade shown hatched in black and bounded by a bold black line on the map titled “Boyne River Foreshore and adjacent Dunal Area which forms part of this schedule 7 from the mouth of the Boyne River north of Wyndham Park to Lilley’s Inlet.

12. The area of bathing reserve and foreshore shown hatched in black on the map titled “Chinamans Beach – Dog Off Leash Area” which forms part of this schedule 7.’.

- (3) Schedule 7, map titled “Agnes Water Beach – Dog Off Leash Area”—

omit, insert—


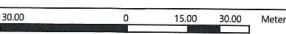

‘(Insert new map titled Agnes Water Beach – Dog Off Leash Area)’.

- (4) Schedule 7—

insert—





 <p>GLADSTONE REGIONAL COUNCIL</p>	<p>Dog Agility Area – Memorial Park Bororen</p> 		<p>Printed: 01-Nov-2019 Map Scale 1:1,200 Original Size: A4</p>	<p><small>© The State of Queensland Department of Natural Resources and Mines 2019 and Gladstone Regional Council 2019. In consideration of the State and Gladstone Regional Council permitting use of this data you acknowledge and agree that the State and Gladstone Regional Council gives no warranty in relation to the data including accuracy, reliability, completeness, currency or suitability and accept no liability including without limitation, liability in negligence for any loss, damage or costs including consequential damage relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws. The information shown on this plan is approximate only and should not be considered as any more than indicative only.</small></p>
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Boyne River Foreshore and adjacent Dunal Area

500.00 0 250.00 500.00 Meters



Printed: 04-Nov-2019
Map Scale 1:20,000
Original Size: A3

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10 Amendment of sch13 (Dictionary)

- (1) Schedule 13, definition **land**, ‘Sustainable Planning Act 2009’—
omit, insert—

‘*Planning Act 2016*’.

- (2) Schedule 13, definition ***planning scheme***, ‘*Sustainable Planning Act 2009*’—

omit, insert—

‘*Planning Act 2016*’.

- (3) Schedule 13—

insert—

‘***animal***, for each of schedules 1, 5 and 6, and in relation to an animal which is a horse, donkey, cow, bull, camel, deer, sheep, goat, llama or pig, includes a miniature version of the animal.

caravan park see *Local Law No. 1 (Administration) 2011*, schedule 2.

formed footpath means an area which is—

- (a) open to the public and designated for, or has as 1 of its main uses, use by pedestrians; and
- (b) formed, and surfaced with concrete.

poultry—

- (a) has the meaning given in the *Biosecurity Act 2014*, schedule 4; but
- (b) does not include guineafowl, geese, peacocks, peafowl, turkeys or racing pigeons.

stock—

- (a) has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, schedule 2; but
- (b) includes pigs.’.

This and the preceding 12 pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2020* made in accordance with the provisions of the *Local Government Act 2009* by Gladstone Regional Council by resolution dated the day of 2020.

.....
Chief Executive Officer