



# **CONSULTATION OUTCOMES REPORT**

**Cairns Regional Council  
Local Laws Project 2011**

**Prepared for: Cairns Regional Council**

**Date: July 2011**

**CRC Reference: 1/11/5 Local Laws Project**

## Executive Summary

In accordance with the *Local Government Reform Implementation Regulation 2008*, Cairns Regional Council has commenced preparation of a 'new' suite of Local Laws to replace 72 existing Local Laws initially implemented in the former Cairns City and Douglas Shire areas.

The Cairns Regional Council local government area extends north to the Wujul Wujul community, west to the Great Dividing Ranges, and south to Waughs Pocket. Within this area, issues related to animal management in sensitive environments, appropriate and inappropriate behavior in Council controlled facilities, bathing reserves, vehicle parking and environmental hazards must be regulated.

Council is required to undertake consultation in regard to the proposed rescission of existing Local Laws, and creation of new Local Laws, in accordance with the *Local Government Act 2009*, *Iconic Queensland Places Act 2008* (as repealed 3 June 2011), and Council's Consultation General Policy. The purpose of consultation was to:

- § Inform and educate the community about Council's Local Laws;
- § Understand interest within the community in regard to Local Laws and identify areas of concern or requests for amendment in regard to the draft Subordinate Local Laws;
- § Seek formal and informal feedback in regard to the draft Subordinate Local Laws, and other issues that may be associated with Local Laws.

Community participants in the consultation program undertaken represented a range of groups and organisations, including landowners, residents and business owners. Engagement was undertaken via:

1. Twelve (12) community drop-in sessions;
2. Newspaper advertisements within the Port Douglas and Mossman Gazette, the Cairns Post and the Innisfail Advocate;
3. Updates and information places on Council's web site.

Fourteen residents attended community drop in sessions, and provided informal comment, whilst fifteen (15) formal written submissions were also received. A range of internal submissions were received during the consultation period, providing a range of comments and suggestions for amendment to the draft Subordinate Local Laws to ensure continued operational effectiveness.

Following consideration of the submissions, formal and informal, external and internal received during the consultation period, a number of amendments have been recommended to the draft Local Laws package, including:



1. Removal of bee keeping from the Subordinate Local Law No 2. This allows the DEEDI code of practice for bee keeping to provide an appropriate regulatory framework for this activity;
2. Revision to the Schedules to Subordinate Local Law 1, to ensure a streamlined and consistent framework within which to enable consideration of applications for a range of activities.



## Contents

Executive Summary.....	2
1.0 Introduction.....	5
2.0 Project Overview.....	6
2.1 Context.....	6
2.2 Legislative Considerations.....	6
3.0 Methodology .....	8
3.1 Study Area .....	8
3.2 Rationale for Consultation .....	8
3.3 Process .....	8
3.3 Data Collection .....	9
4.0 Results.....	10
4.1 Participant numbers .....	10
4.2 Overall Results .....	10
4.2.1 Operational Amendments to Draft Subordinate Local Laws.....	11
4.2.2 Noise Standards in the Esplanade Area .....	11
4.2.3 Community Safety Hazards (Cleaning of Fish in Marine Areas) .....	12
4.2.4 Bee Keeping in Urban Areas .....	12
4.2.5 Dog Registration Issue (Timeframe).....	12
4.2.6 Community Safety Hazard (Littering).....	13
7.0 Conclusion.....	14
ANNEXURE 1 - Story Boards.....	15
ANNEXURE 2 - Pro Forma Submission Form .....	22
ANNEXURE 3 - Web Site Information .....	25



## 1.0 Introduction

In accordance with the *Local Government Reform Implementation Regulation 2008*, Cairns Regional Council has commenced preparation of a 'new' suite of Local Laws to replace 72 existing Local Laws initially implemented in the former Cairns City and Douglas Shire areas ('the Project').

The Cairns Regional Council local government area extends north to the Wujul Wujul community, west to the Great Dividing Ranges, and south to Waughs Pocket. Within this area, issues related to animal management in sensitive environments, appropriate and inappropriate behavior in Council controlled facilities, bathing reserves, vehicle parking and environmental hazards must be regulated.

Council is required to undertake consultation in regard to the proposed rescission of existing Local Laws, and creation of new Local Laws, in accordance with the *Local Government Act 2009*, *Iconic Queensland Places Act 2008* (as repealed 3 June 2011), and Council's Consultation General Policy. The purpose of consultation was to:

- § Inform and educate the community about Council's Local Laws;
- § Understand interest within the community in regard to Local Laws and identify areas of concern or requests for amendment in regard to the draft Subordinate Local Laws;
- § Seek formal and informal feedback in regard to the draft Subordinate Local Laws, and other issues that may be associated with Local Laws.

This Consultation Outcomes Report ('the Report') seeks to provide an outline of the Project, consultation methodology and outcomes and provide recommendations leading to amendment to a range of provisions within the draft Local Laws package.

## 2.0 Project Overview

### 2.1 Context

The Cairns region covers 4135km<sup>2</sup> from Bloomfield, located within the magnificent World Heritage listed Wet Tropics rainforest of the Daintree National Park in the north, to the quaint sugar village of Miriwinni in the south.

The region extends some 190km from its northern to southern extremities, and the eastern boundary is formed by the Coral Sea coastline abutting the World Heritage listed Great Barrier Reef Marine Park. It includes Queensland's two highest mountains - Mt Bartle Frere (1622m) and its neighbour Mt Bellenden Ker (1593m). Mountains, beaches, tidal wetlands, freshwater lakes, mudflats, mangrove swamps, bays, rivers, estuaries, and rich coastal plains are the dominant features of this tropical environment.

The Cairns region has historically been one of the fastest growing in Australia, with more than 3 per cent annual growth for the last five years. As at 30 June 2009, Cairns had an estimated resident population of 164,356.

The region is a diverse, multicultural community where people truly make the difference. Approximately 7.8% of the region's residents are of Aboriginal or Torres Strait Islander origin.

The main community centres include Miriwinni, Babinda, Bramston Beach, Gordonvale, Edmonton, the Cairns CBD with its fabulous Esplanade precinct and swimming Lagoon, the Northern Beaches suburbs, Mossman, Port Douglas, and the beachside communities of Wonga, Newell and Cooya.

### 2.2 Legislative Considerations

Council's affected by amalgamation and / or boundary changes after the local government elections held in March 2008 are required to consolidate their current suite of local and subordinate local laws.

For the Cairns Regional Council area, this involves review of existing provisions within 72 Local and Subordinate Local Laws for the former Cairns City and Douglas Shire areas. These 'existing' local and subordinate local laws have continued in full force and effect in accordance with the repealed *Local Government Act 1993*, the *Local Government Act 2009* and the *Local Government Reform Implementation Regulation 2008*.

In reviewing these existing local laws, and implementing 'new' local laws, Council had three options:

1. Resolve to continue to apply Cairns City or Douglas Shire Local Laws for various issues across the Regional Council area; or
2. Prepare new Local Laws, with associated Subordinate Local Laws; or
3. Adopt Model Local Laws and create Subordinate Local Laws.



Following a review of these options, Council resolved to progress with the Model Local Law process. This process involves the completion of the following steps:

Step	Description
1	Decide to adopt a model local law
2	Develop supporting subordinate local law
3	Decide on Community Engagement Strategy for proposed Model Local Law and Subordinate Local Law and review for anti-competitive provisions (including the public interest test process if required)
4	Consider results of consultation
5	Resolve to adopt Model Local Law and Subordinate Local Law
6	Public Notices regarding adoption of Local Laws
7	Provide relevant information to Minister, make copies of the Local Laws available for inspection and purchase, and update Local Law Register

To date, Council has progressed with Steps 1 to 3 above.

The Project must be completed by 31 December 2011.



## 3.0 Methodology

### 3.1 Study Area

The study area for consultation on the Model and draft Subordinate Local Laws is the Cairns Regional Council local government area.

### 3.2 Rationale for Consultation

Consultation was undertaken in a manner that would:

1. Inform the public of changes proposed; and
2. Seek feedback from the public in regard to proposed changes.

All areas of the community were afforded the opportunity to be involved in consultation, and provided with an opportunity to make verbal and / or written comments regarding the Project.

### 3.3 Process

The process for consultation as outlined within the Strategy incorporated:

- a. Advertising and communications;
- b. Stakeholder group engagement;
- c. Public drop in sessions;
- d. Yoursay and email feedback; and
- e. Review and collation of findings.

Unfortunately the 'yoursay' feedback portal was not established during the project due to cost considerations. Email feedback however was well used.

Information contained on story boards utilised during public drop in sessions during the consultation period is included for reference in **Annexure 1** to this Report.

A pro-forma Submission Form was generated to assist the community make comment regarding the Project, and is included for reference in **Annexure 2**.

Information was provided on Council's website during the consultation period. An extract from the website containing this detail is contained in **Annexure 3**.

The nature of the consultation activities undertaken for this project, unfortunately, may have resulted in selection bias as all demographic groups within the community could not be involved. It is anticipated that the following community groups may not have been able to actively participate in or engage with the Project during consultation:

1. Children / teenagers;





2. Remote regional residents;
3. Residents with minimal or no computer access.

Engaging with children and teenagers on the Project is difficult, given the relatively 'dry' nature of the subject matter, and the sometimes complex interaction between Model and Subordinate local laws and various topics. It is not anticipated that the interests of this group are likely to be substantially affected by the project at this stage, and it is noted that further reviews of the Local Laws are required to be undertaken in coming years, affording this group an opportunity to be involved at a later date.

Engaging with remote regional residents and residents with minimal or no computer access, whilst difficult, has been somewhat overcome in this Project via placement of regular public notices in local newspapers advertising the location and times for drop-in sessions (an alternative method of obtaining information and providing feedback), and drop-in sessions were undertaken in a variety of locations from Cow Bay to Bramston Beach.

Overall, notwithstanding any potential or perceived sampling bias for the project, no major concern is raised with the potential impact of this bias on the outcomes of the consultation ultimately completed.

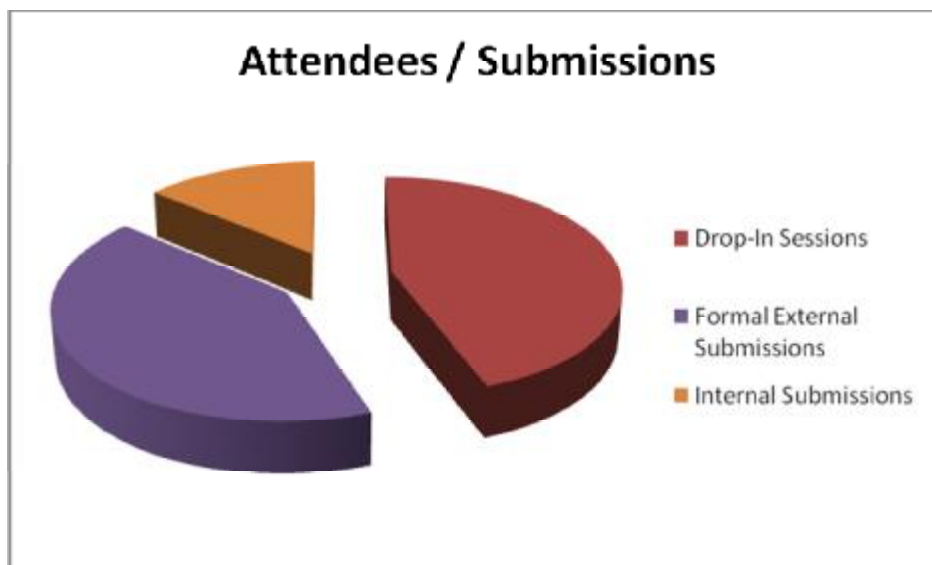
### **3.3 Data Collection**

Data collection during consultation is generally of a qualitative nature, given the nature of the project and requirement to seek feedback through extended verbal and / or written advice. No specific direction nor queries were provided to prompt more tailored feedback.

## 4.0 Results

### 4.1 Participant numbers

Submissions received are detailed below. Community responses to the consultation program were minimal, through both formal submission process, email feedback and drop-in sessions. This result, although disappointing, is not surprising, given the nature of the Project, and the fact that community interaction with local laws is traditionally limited to approvals, licensing and / or enforcement issues. In addition, a greater level of State Government involvement in issues traditionally dealt with through Local Laws has had an impact on Council's capacity to meaningfully depart from State requirements on a range of matters. Community members appear to have a greater awareness of this limitation.

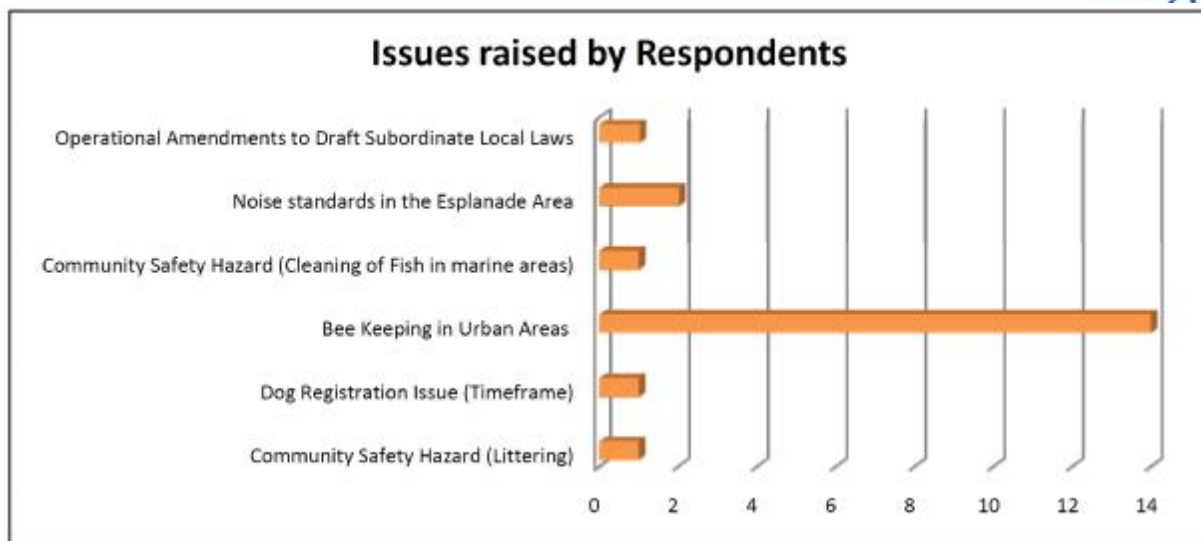


Sixteen (16) residents attended drop-in sessions, fifteen (15) formal submissions were received from the public, and five (5) internal submissions were received.

### 4.2 Overall Results

There were 36 respondents to the consultation undertaken for this Project. This represents approximately 0.021% of the Cairns Region's population.<sup>1</sup> Within the advice provided by respondents, a range of issues were raised, as illustrated on the Table below.

<sup>1</sup> Based upon June 2009 estimated population confirmed within the Cairns Regional Council Community Profile



#### 4.2.1 Operational Amendments to Draft Subordinate Local Laws

Internal submissions raised a number of issues in regard to operational issues regarding the draft Subordinate Local Laws, including:

1. Consistency in requirements within Schedules to Subordinate Local Law No 1;
2. Inclusion of forms and fees as 'required documentation' in Schedules to Subordinate Local Law No 1;
3. Inconsistencies between requirements contained within Subordinate Local Laws;
4. Amendments affecting operational activities of the organization; and
5. Clarity in terms utilized through the draft Subordinate Local Laws.

After consideration of the submissions received in this respect, and further review of the draft Subordinate Local Laws, a range of minor operational amendments are recommended.

#### 4.2.2 Noise Standards in the Esplanade Area

Officers have raised concern with any potential deviation from current accepted noise standards for events undertaken within the Esplanade and immediate vicinity. Noise standards currently in place within this locality have been accepted by residents, visitors, operators and businesses within this area, and maintenance of these standards, which permit events to be undertaken in this area, is recommended.

Following consideration of the submissions received in this respect, it is recommended that current standards be maintained. The draft Subordinate Local Laws have been amended to reflect this requirement.

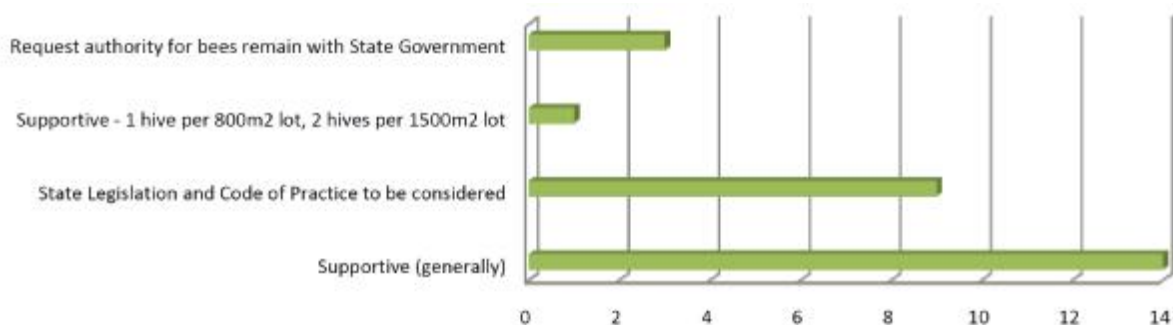
### 4.2.3 Community Safety Hazards (Cleaning of Fish in Marine Areas)

Officers within Natural Resource Management at Cairns Regional Council requested that the draft Subordinate Local Laws be modified to provide for the regulation of fish cleaning in marine areas, including boat ramps, creek banks and beaches. The cleaning of fish and / or disposal of fish remains in these areas poses a serious health and safety risk, particularly given the prevalence of crocodiles in the Region.

Following consideration of this submission, it is recommended that draft Subordinate Local Law No 1 and Subordinate Local Law No 3 be amended to provide that it is an offence to clean fish in marine environments, and / or dispose of fish remains in these areas. Appropriate modifications to the draft Subordinate Local Laws have been made to reflect this recommendation.

### 4.2.4 Bee Keeping in Urban Areas

The keeping of bees in urban areas, as initially prescribed in Draft Subordinate Local Law No 2, was the topic of most interest to respondents. The majority were supportive of the initiative, although it was noted that State Legislation and a Code of Practice provide confirmation of requirements and guidance as to standards, including minimum allotment size and numbers of hives permitted.



On consideration of this issue in light of submissions raised, it is recommended that the keeping of bees be removed from Draft Subordinate Local Law No 2, and that issues associated with the keeping of bees be dealt with in accordance with relevant State legislation and codes of practice.

### 4.2.5 Dog Registration Issue (Timeframe)

One submission was received raising a concern with the process for dog registrations. Specifically:

1. Dog registration expires on 30 June each year; however
2. Registration cannot be paid until after 1 July each year.



This situation results in dogs potentially being 'unregistered' for a period of time each year, regardless of any action taken by an owner.

This is an operational issue, and comment has been passed onto Officers for further consideration.

#### **4.2.6 Community Safety Hazard (Littering)**

One informal submission was raised during consultation in regard to the prevalence of littering in certain areas, in particular, cigarette butts. Additional cigarette butt receptacles were requested in the Four Mile Beach area.

This is an operational issue, and comment has been passed onto Officers for further consideration.



## **7.0 Conclusion**

This Report has provided an overview of the outcomes of Consultation and Engagement undertaken for the Local Laws Review project during April and May 2011. A range of issues raised during consultation are considered, and amendments to the draft Local Laws package recommended as appropriate.

## ANNEXURE 1 - Story Boards

















**ANNEXURE 2 - Pro Forma Submission Form**









## ANNEXURE 3 - Web Site Information



