MODEL LOCAL LAWS PROJECT: VEGETATION, EXTRACTION INDUSTRIES, CONSULTATION AND ICONIC VALUES

Sarah Cook 1/11/5 #3096374

RECOMMENDATION:

That Council resolves to:

1. Prepare a Temporary Local Planning Instrument for the regulation of Vegetation Clearing for the Cairns Plan Planning Scheme area and the Douglas Shire Planning Scheme area, subject to the terms of the proposed TLPI being reported back to Council for adoption prior to it being implemented;

2. Draft a Local Law repealing the Douglas Shire Council Local Law No. 49: Extractive Industries and the Cairns City Council Local Law No. 13 Extractive Industries;

3. Adopt the Extractive Industries Register (as provided in Attachment 4);

4. Refund all bank guarantees collected under Douglas Shire Council Local Law No. 49 and Cairns City Council Local Law No. 13;

5. Write to all operators on the Extractive Industries Register and:-
   a. Advise of the proposed rescission of Local Law No. 49 and Local Law No. 13;
   b. Remind them of their general environmental obligations; and
   c. Request that they prepare Environmental Management Plans.

6. Note the Model Local Laws and draft Subordinate Local Laws (as provided in Attachment 1) and proceed with public consultation on the Model Local Laws and Subordinate Local Laws;

7. That Council adopt the Public Interest Test (‘PIT’) Plan (as provided in Attachment 2) identifying possible anti-competitive provisions in proposed Subordinate Local Laws 1 to 6 and proceed with public consultation on the PIT Plan; and

8. Note the Iconic Values Impact Assessment Reports (as provided in Attachment 3) for the adoption of new local laws and subordinate local laws and provide a copy of each to the panel for the Iconic Queensland Place of Douglas and proceed with public consultation on the Iconic Impact Assessment Reports.
INTRODUCTION:

Councils 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.

Officers have been working on the Local Laws Review Project since February 2010 and are seeking Council’s endorsement for the continuation of the Project. In particular endorsement is sought for the Public Interest Test Plan, the Model Local Laws and draft Subordinate Local Laws and the Iconic Impact Assessment Reports prior to undertaking public consultation.

Additionally, during the review, it has been identified that four of Councils current Local Laws can not be transitioned into the new Local Laws as they constitute alternative development processes. This report details a framework for alternative means of regulation.

BACKGROUND:

In accordance with the Local Government Reform Implementation Regulation 2008 (‘LGRIR’) Cairns Regional Council has commenced preparation of a ‘new suite’ of Local Laws. The LGRIR requires that Council have a new suite of Local Laws in place prior to 31 December 2011. Existing Local Laws which have not been repealed by Council will be repealed under the provisions of the LGRIR on 31 December 2011.

Currently Council has 72 existing Local Laws which regulate matters such as advertising, council facilities, activities on roads, outdoor dining, pets, pests, ferries, foreshores, etc. The existing Local Laws were initially implemented within the former Cairns City Council (‘CCC’) and Douglas Shire Council (‘DSC’) areas.

At the Planning and Environment Committee meeting on 9 February 2011 Council resolved to continue with the Local Laws Project, utilising the Model Local Law and Subordinate Local Law framework. The new suite of Local Laws will consist of six Model Local Laws and six Subordinate Local Laws. The Model Local Laws and Subordinate Local Laws consist of the following categories:

- Administration;
- Animal Management;
- Community and Environmental Management;
- Local Government Controlled Areas, Facilities and Roads;
- Parking; and
- Bathing Reserves.

Additionally at the Planning and Environment Committee meeting Council resolved to adopt the Public Consultation Strategy. The purpose of this report is to obtain Councils endorsement for the Model Local Laws and draft Subordinate Local Laws and complimentary reports prior to commencing public consultation on the project.
A review of the Council’s current Local Laws and the Local Government Act 2009 (‘LGA’) and the LGRIR has revealed that Council can not regulate certain matters, which are currently regulated by Local Law, under the Local Law framework. This report identifies these matters and presents alternative means of regulation for them.

**COMMENT:**

**What can’t a Local Law be made about?**

Division 3, Part 1 of the Local Government Act 2009 nominates what a Local Government can not make a Local Law about. Specifically, s37 details that Local Laws can not be made which establish an alternative development process. An alternative development process is defined as a duplication of a process already provided for within the Planning Act (Sustainable Planning Act 2009 ‘SPA’). For the purposes of Council’s existing suite of Local Laws, four Local Laws have been identified as facilitating an alternative development process:

- DSC Local Law No. 49 Extractive Industries;
- CCC Local Law No. 13 Extractive Industries;
- DSC Local Law No. 56 Vegetation Management; and
- CCC Local Law No. 24 Vegetation Protection.

Both vegetation clearing and extractive industries are specifically defined under s10 of the SPA as ‘development processes’. Subject to the provisions of the LGRIR and the LGA Council can not prepare a new Local Law regulating these matters, they must be regulated under a planning framework.

**Vegetation Clearing**

Section 10 of SPA specifically identifies vegetation clearing as Operational Works, which requires assessment within a planning framework. Two Local Laws within Councils current suite of Local Laws pertain to vegetation clearing, DSC Local Law No. 56 and CCC Local Law No. 24.

Currently, vegetation clearing is regulated under a combination of Local Laws, Planning Scheme Controls and the Vegetation Management Act (‘VMA’). The regulation of vegetation clearing differs between the two former Local Government Areas of Cairns City and Douglas Shire.

The VMA applies to clearing of remnant or regrowth vegetation within non urban areas and or for non urban purposes. The clearing of vegetation which is regulated under the VMA is controlled by the Department of Environment and Resource Management, this regulation is in addition to any regulation identified under the Local Laws or within the Planning Schemes.
Regulatory framework within the former Cairns City Council

Within the former Cairns City Council vegetation clearing is technically regulated through a combination of both planning controls under the CairnsPlan Planning Scheme (‘CairnsPlan’) and Local Law No. 24. CairnsPlan identifies certain vegetation clearing as operational work. Under CairnsPlan no definition of vegetation clearing exists, nor does a code to assess vegetation clearing against. Practically, vegetation clearing can only be assessed under a planning framework where proposed within land subject to the Hillslopes Overlay or Vegetation Conservation Overlay of CairnsPlan.

In addition to the controls under the Planning Scheme CCC Local Law 24 provides for vegetation protection and regulates clearing within certain areas of the former Council area. Council Officers more readily utilise Local Law 24 as a regulatory tool for the assessment of vegetation clearing within the region.

Regulatory framework within the former Douglas Shire Council

Within the former Douglas Shire Council vegetation clearing and management is regulated under DSC Local Law No. 56. The Douglas Shire Planning Scheme does not incorporate procedures for the regulation of vegetation clearing.

What are the options? What is a Temporary Local Planning Instrument? And why must a resolution to prepare a TLPI be made now?

As detailed, Council can not prepare new Local Laws to regulated vegetation clearing within the region and regulation must be transitioned into a planning framework prior to 31 December 2011. Two options are available in transitioning regulation into a Planning framework; the introduction of Temporary Local Planning Instruments (‘TLPI’) or Planning Scheme Amendments. Practically, the only option which could be introduced within the timeframe available is a Temporary Local Planning Instrument.

A TLPI is a temporary, statutory planning tool which is available to Local Governments under the provisions of the SPA. The tool allows for the prompt implementation of planning regulation to protect a Planning Scheme area from adverse impacts. In order to implement a TLPI, it must be satisfied that the there is significant risk of serious environmental harm... in the planning scheme area if no regulation is introduced.

It is considered that the absence of a regulatory framework for vegetation clearing would present the potential for serious environmental harm to occur. Consequently endorsement for the resolution to prepare a Temporary Local Planning Instrument is sought. At this point in time the ‘shape and form’ of the TLPI is unknown and will be subject to subsequent workshops with Council.
From a procedural perspective the resolution to prepare a TLPI must be made prior to undertaking public consultation on the proposed new Local Laws. This allows the consultation material to incorporate an Iconic Impact Assessment which details the proposed ‘action’ for Local Law No. 56, because under the Iconic Queensland Places Act 2008 (‘IQPA’), Local Law No. 56 is declared as a Local Law which protects the values of the declared Iconic Queensland Place of Douglas. Under the IQPA an Impact Assessment must be prepared and available for public review during the consultation period for the Local Laws Review Project.

It is important to note that whilst Officers are requesting Council resolve to prepare a TLPI, the form and extent of the TLPI will be the subject of a separate, more detailed report and additional briefing sessions with Councillors in coming months.

Extractive Industries

Section 10 of SPA specifically identifies extractive industries as a Material Change of Use, which requires assessment within a planning framework. Two Local Laws within Councils current suite of Local Laws pertain to extractive industries, DSC Local Law No. 49 and CCC Local Law No. 13. Additionally the Environmental Protection Act (‘EPA’) and Environmental Protection Regulation requires that extractive industries be regulated as an Environmentally Relevant Activity (‘ERA’).

Currently both the Douglas Shire Planning Scheme and CairnsPlan identify Extractive Industry as a landuse which is assessable under the Planning Scheme. Consequentially the initiation of new extractive industries is subject to assessment as a Material Change of Use and an Environmentally Relevant Activity.

As a planning framework already exists under the respective Planning Schemes and Council can not continue to regulate under the current Local Laws or prepare new Local Laws pertaining to extractive industries it is recommended that Council resolve to prepare a Local Law to repeal CCC Local Law No. 13 and DSC Local Law No. 49.

What will be lost from the Local Laws which is not within the planning framework?

In addition to the regulation of extractive industries, the Local Laws provided a framework for the collection of a road maintenance charge. The charge was levied against operators of extractive industries respective to the volume hauled. Within a planning framework, Council may be able to charge an upfront infrastructure charge upon all new extractive industries. However, the charge will not be retrospectively applied to existing operations.

Additionally the Local Laws provided a framework for collecting bonds to ensure site rehabilitation after the cessation of the extractive industry. As the Local Laws will be rescinded and the legislative framework for collecting and keeping bonds no longer exists, Council must also resolve to refund all bonds collected under the respective Local Laws. Bonds held under development approvals will not be refunded. The estimated value of the bonds collected to be returned is $350 000.00, although this figure is still being confirmed.
Extractive Industries register

During the review, a consolidated ‘register’ of known existing extractive industries operations within the region was prepared. The register identifies the operator, site, approval and other relevant specifics. A copy of the register is contained within Attachment 4.

It is recommended that in order to ensure consistency in approach in regard to current Extractive Industries, some of which operate under ‘existing lawful non-confirming use rights’ rather than a formal development approval with conditions, Council resolve to adopt this register. Updates may be made to the register from time to time as may be required with new approvals, or amendments to approvals to increase the scale of operations. The register will be a useful tool for officers, and will also provide additional certainty for operators in terms of a confirmation of the scale of operations on site.

Informing current operators

Following the repeal of DSC Local Law No. 49 and CCC Local Law No. 13, it will be necessary to inform all existing operators of the changes. Endorsement is sought to correspond with all operators on the register and inform them of the following:

- The proposed repeal of the current Local Laws;
- Remind them of their general environmental obligations; and
- Encourage them to prepare management plans, with the assistance of Council, if necessary.

Where is Council ‘at’ in the LL review process?

The Local Laws Review Project involves the following steps:

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Decide to adopt Model Local Law’s</td>
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<td>2</td>
<td>Develop supporting Subordinate Local Laws</td>
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<td>4</td>
<td>Resolve to undertake public consultation</td>
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<td>5</td>
<td>Undertake public consultation</td>
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<td>6</td>
<td>Consider results of consultation</td>
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<tr>
<td>7</td>
<td>Resolve to adopt Model Local Laws and make Subordinate Local Laws</td>
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<tr>
<td>8</td>
<td>Public Notices regarding adoption of Local Laws</td>
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<tr>
<td>9</td>
<td>Provide relevant information to Minister, make copies of the Local Laws available for inspection and purchase, and update Local Law Register</td>
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</tbody>
</table>
To date Council has completed Steps 1, 2 and 3 as outlined above. Draft Subordinate Local Laws have been prepared and final legal reviews have been undertaken. The Community Engagement Strategy was endorsed by Council at its Planning and Environment Committee meeting on 9 February 2011. Endorsement of the Draft Subordinate Local Laws (Attachment 1), the Public Interest Test Plan (Attachment 2) to review the Local Laws for anti-competitive provisions and the Iconic Impact Assessments (Attachment 3) is now sought from Council.

Public Consultation is intended to be undertaken between 18 April 2011 and 25 May 2011. Consultation will include:

- Drop in sessions at key locations through the region, from Cow Bay to Bramston Beach;
- Targeted stakeholder consultation, in conjunction with drop in sessions and/or at specific meetings or locations as may be requested by community groups and organisations.

Requirements for public consultation

There are multiple competing requirements for public consultation of the draft Local Laws and supporting reports. The Local Government Act 2009, Iconic Queensland Places Act 2008 and Council’s policy have different requirements for public consultation. In order to ensure that all legislative requirements for consultation have been met, the longest required period of consultation has been selected. The IQPA requires that 21 business days of public consultation be undertaken.

In addition to the Model Local Laws and Subordinate Local Laws, Council must also provide copies of the Public Interest Test Plan and the Iconic Impact Assessment Reports and make them available at Council Offices and on-line.

Public Interest Test Plan

As part of the National Competition Policy reforms, Cairns Regional Council (the Council) must conduct a public interest test on possible anti-competitive provisions identified in the Subordinate local laws proposed for adoption. A public interest test plan has been prepared in accordance with guidelines issued by the Queensland Department of Local Government and Planning, to provide an additional basis for community consultation. The plan details activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

A copy of the Plan is provided at Attachment 2 to this Report, and is recommended for endorsement by Council prior to community consultation being undertaken.

Iconic Impact Assessment Reports

Under the Iconic Queensland Places Act 2008 the former Douglas Shire is a declared Iconic Queensland Place – the declared Iconic Queensland Place of Douglas. Additionally, certain DSC Local Laws have been declared under the IQPA to be declared Local Laws that protect the Iconic Values of the Iconic Queensland Place of Douglas. The DSC declared Local Laws are:
• Local Law No. 8: Commercial Recreation Activities;
• Local Law No. 9: Foreshores;
• Local Law No. 18: Parks and Reserves;
• Local Law No. 30: Ferries;
• Local Law No. 32: Jetties, Barge Loading Ramps and Boat Ramps;
• Local Law No. 34: Tramways;
• Local Law No. 35: Bridges;
• Local Law No. 44: Port Douglas Boat Harbour;
• Local Law No. 56 Vegetation Management; and
• Local Law No. 59 Commercial Use of Roads.

In addition to the requirements as stipulated within the LGA and LGRIR, additional requirements are imposed upon the Local Laws Review Project from the IQPA. This includes the requirements as detailed under section 60 and 61 to prepare an Iconic Impact Assessment evaluating the effect of taking proposed action on the declared Local Laws.

With the exception of DSC Local Law No. 56 the above identified Local Laws are being transitioned into the new Model Local Law framework, Model and Subordinate Local Law 4: Local Government Controlled Areas, Facilities and Roads.

Two Iconic Impact Assessments have been prepared, one for DSC Local Law No. 56 Vegetation Management and one for the remaining declared DSC Local Laws. These reports evaluate the impact the transition to Model Local Laws or to a planning framework will have on the declared Iconic Values. It is a requirement of the IQPA that the Iconic Impact Assessment reports are also on public consultation any public consultation period undertaken for the Local Laws. Endorsement of the Impact Assessment Reports is sought prior to undertaking public consultation.

Corporate and Operational Plans:

The Local Laws Project is aligned with the following Goal within Council’s Corporate Plan:

Goal 6: Striving for Organisational Excellence

Objectives: To ensure that Council is open, accountable, ethical and financially responsible. Recognise that Council plays a leadership role for our immediate communities and for the wider region and will strive to represent our community’s needs and expectations.

6.7 Consistently perform better, deliver on our objectives and operate sustainably.
Statutory:

Local Laws are made and administered by local authorities in Queensland in accordance with the *Local Government Act 2009*. For Council’s affected by amalgamation or boundary realignment, the *Local Government Reform Implementation Regulation* also requires review of existing local laws and implementation of ‘new’ Local Laws (or re-application of certain existing laws) on or before 31 December 2011.

Community Consultation is required prior to implementation of the new Local Laws, in accordance with the *Local Government Act 2009*, the *Iconic Queensland Places Act 2008*, and associated regulations.

Policy:

The Community Engagement Strategy for the project has been prepared in accordance with the *Local Government Act 2009*, and Council’s General Policy No 1:05:01 and associated Engagement Strategy.

Financial and Risk:

The Project is currently being undertaken by Officers ‘in house’, with one consultant providing part time support. Costs associated with the Project are being borne as an operational expense within existing budgetary constraints.

If Council does not review its existing Local Laws, and work to implement new Local Laws by 31 December 2011, there is a risk that regulation of a range of activities with potential impacts on amenity, health and wellbeing of residents within the region is lost.

In regard to the loss of Council’s Extractive Industries Local Laws, it is noted that there is an as yet unknown risk to Council in regard to the ongoing management of Extractive Industries not operated under development approvals. That is, most development approvals require the preparation, endorsement and implementation of an ongoing operational or management plan for these uses. This plan details the manner in which operators will ameliorate potential impacts of the use on both surrounding residents and the environment. Some older Extractive Industry sites, particularly in the former Douglas Shire area, operate under ‘pre-existing lawful non-confirming use’ rights, rather than formal development approvals. These operators may not have operational or management plans. However, Officers will seek to minimise any risk to the organisation or the community through loss of the local law in this respect by working with these operators in the development of appropriate management plans. In addition, it is noted that larger Extractive Industries are required to hold approval for an Environmentally Relevant Activity (‘ERA’) in accordance with the Environmental Protection Act and Regulations. These ERA’s often incorporate requirements for operational or management plans, and also contain conditions requiring compliance with reasonable and relevant environmental and operational standards.
The loss of Council's Vegetation Management Local Laws in late 2011, if not replaced with an alternative regulatory mechanism, poses a risk to the organisation and the broader community in regard to the potential for un-regulated clearing in primarily urbanised areas. As outlined above, clearing in rural environments is, by and large, regulated by the Vegetation Management Act 1999 and its associated regulations and codes. Vegetation management, including clearing, in urban environments has traditionally been dealt with through Local Law and, more recently, planning provisions. It is recommended that a Temporary Local Planning Instrument be prepared for the former Douglas and Cairns City areas, to ensure that vegetation continues to be managed in a sustainable, transparent and practical manner. The potential for unregulated clearing to detrimentally impact areas including Flagstaff Hill, Whitfield, Edge Hill and the northern beaches is considered sufficient to warrant the proposed course of action.

Sustainability:

It is noted that Scorecard results (below), are moderately affected as a result of the nature of this Project, which requires Officer time, additional training and potential need to re-produce existing materials. However, it is anticipated that in the longer term, the project will ultimately have a positive impact in a sustainability sense, via reduced duplication of requirements amongst various Local Laws, potentially reduced regulation (in terms of different applications required under different local laws for a single use), and increases in statutory controls in regard to vegetation throughout the region.

![Scorecard](image)

CONSULTATION:

Consultation in regard to this Report, and this Project, has been undertaken with officers from within each branch of Council. Additional training and consultation will be undertaken with staff prior to and immediately following implementation of the new Local Laws.

OPTIONS:

Council may:

A. Resolve not to prepare a TLPI, rescind Extractive Industries Local Laws, note the draft Local Laws, adopt the Public Interest Test Plan and the Iconic Impact Assessment Reports, or
B. Resolve to prepare a TLPI, rescind the Extractive Industries Local Laws, note the draft Local Laws, adopt the Public Interest Test Plan and the Iconic Impact Assessment Reports.

CONCLUSION:

It is recommended that Council:

1. Prepare a Temporary Local Planning Instrument for the regulation of Vegetation Clearing for the CairnsPlan Planning Scheme area and the Douglas Shire Planning Scheme area subject to the terms of the proposed TLPI being reported back to Council for adoption prior to it being implemented;

2. Draft a Local Law to repeal the Douglas Shire Council Local Law No. 49: Extractive Industries and the Cairns City Council Local Law No. 13 Extractive Industries;

3. Adopt the Extractive Industries Register (as provided in Attachment 4);

4. Refund all bank guarantees collected under Douglas Shire Council Local Law No. 49 and Cairns City Council Local Law No. 13;

5. Write to all operators on the Extractive Industries Register and:
   a. Advise of the rescission of Local Law No. 49 and Local Law No. 13;
   b. Remind them of their general environmental obligations; and
   c. Request that they prepare Environmental Management Plans.

6. Note the Model Local Laws and draft Subordinate Local Laws (as provided in Attachment 1) and proceed with public consultation on the Subordinate Local Laws;

7. That Council adopt the Public Interest Test (‘PIT’) Plan (as provided in Attachment 2) identifying possible anti-competitive provisions in proposed Subordinate Local Laws 1 to 6 and proceed with public consultation on the PIT Plan;

8. Note the Iconic Values Impact Assessment Reports (as provided in Attachment 3) for the adoption of new local laws and subordinate local laws and provide a copy of each to the panel for the Iconic Queensland Place of Douglas and proceed with public consultation on the Iconic Impact Assessment Reports;
ATTACHMENTS:

Attachment 1: Model Local Laws and draft Subordinate Local Laws. <<Available on website and Councillors Area>>
Attachment 2: Public Interest Test Plan
Attachment 3: Iconic Impact Assessment Reports
Attachment 4: Extractive Industries Register

Sarah Cook
Planning Officer

Peter Tabulo
General Manager Planning & Environment
Attachment 1: Model Local Laws and draft Subordinate Local Laws

<<Available on website and Councillors Area>>
Attachment 2: Public Interest Test Plan
PUBLIC INTEREST TEST PLAN
CAIRNS REGIONAL COUNCIL
SUBORDINATE LOCAL LAWS 2011

GENERAL

As part of the National Competition Policy reforms, Cairns Regional Council (the Council) is conducting a public interest test on possible anti-competitive provisions identified in the following subordinate local laws (collectively, the subordinate local laws)—

1. Subordinate Local Law No. 1 (Administration) 2011;
2. Subordinate Local Law No. 2 (Animal Management) 2011;
3. Subordinate Local Law No. 3 (Community and Environment Management) 2011;
4. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
5. Subordinate Local Law No. 5 (Parking) 2011;
6. Subordinate Local Law No. 6 (Bathing Reserves) 2011.

The public interest test will be conducted against the principles and objectives set by the Competition Principles Agreement (CPA).

Under clause 5(1) of the CPA, all governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that—

a. the benefits of the restriction to the community as a whole outweigh the costs; and
b. the objectives of the legislation can only be achieved by restricting competition.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should—

a. clarify the objectives of the legislation;
b. identify the nature of the restriction on competition;
c. analyse the likely effect of the restriction on competition and on the economy generally;
d. assess and balance the costs and benefits of the restriction; and

e. consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review, Clause 1(2) of the CPA sets out matters which should be taken into account, as follows—
a. government legislation and policies relating to ecologically sustainable development;

b. social welfare and equity considerations, including community service obligations;

c. government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;

d. economic and regional development, including employment and investment growth;

e. the interests of consumers generally or of a class of consumers;

f. the competitiveness of Australian businesses; and

g. the efficient allocation of resources.

This public interest test plan has been prepared in accordance with guidelines issued by the Queensland Department of Local Government and Planning to provide a basis for community consultation. The plan details activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

PURPOSES OF THE PROPOSED SUBORDINATE LOCAL LAWS

The purposes, and how they are to be achieved, of each proposed subordinate local law are—

1. Subordinate Local Law No. 1 (Administration) 2011

   - The purpose of this subordinate local law is to supplement Local Law No. 1 (Administration) 2011, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

   - The purpose is to be achieved by providing for—

     (a) various matters regarding the granting of approvals for prescribed activities; and

     (b) further specification of the definitions relevant to various prescribed activities.

2. Subordinate Local Law No. 2 (Animal Management) 2011

   - The purpose of this subordinate local law is to supplement Local Law No. 2 (Animal Management) 2011, which provides for regulation of the keeping and control of animals within the local government's area.

   - The purpose is to be achieved by providing for—

     (a) the circumstances in which the keeping of animals is prohibited or requires approval; and

     (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, keola conservation and
identification; and
(c) the control of animals in public places; and
(d) matters regarding the impounding of animals and the sale or
disposal of impounded animals; and
(e) the conditions to be complied with by persons who offer animals,
or a particular species of animals, for sale; and
(f) the declaration of a species of animal as a declared dangerous
animal and the criteria for declaration of a specific animal as a
declared dangerous animal.

3. *Subordinate Local Law No. 3 (Community and Environment Management) 2011*

- The purpose of this subordinate local law is to supplement *Local Law No. 3
  (Community and Environment Management) 2010*, which provides for protecting
  the environment and public health, safety and amenity within the local
government's area.
- The purpose is to be achieved by providing for—
  (a) declaration of local pests; and
  (b) prohibition of lighting or maintaining certain fires; and
  (c) declaration of fire hazards; and
  (d) declaration of community safety hazards; and
  (e) prescribed requirements for owners of land containing community
  safety hazards; and
  (f) declaration of noise standards.

4. *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and
Roads) 2011*

- The purpose of this subordinate local law is to supplement *Local Law No. 4 (Local
  Government Controlled Areas, Facilities and Roads) 2011* in order to protect
  the health and safety of persons using local government controlled land, facilities,
  infrastructure and roads and preserve features of the natural and built
  environment and other aspects of the amenity of local government controlled
  land, facilities, infrastructure and roads.
- The purpose is to be achieved by providing for—
  (a) the regulation of access to local government controlled areas; and
  (b) the prohibition or restriction of particular activities in local
government controlled areas or roads.
5. **Subordinate Local Law No. 5 (Parking) 2011**

- The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011* which provides for the exercise of local government powers authorised under the TORUM Act.
- The purpose is to be achieved by providing for—
  - (a) the establishment of traffic areas and off-street regulated parking areas; and
  - (b) the persons who may be issued with parking permits and the terms and conditions of such permits; and
  - (c) the vehicles that can be issued with commercial vehicle identification labels; and
  - (d) the infringement notice penalty amounts for minor traffic offenses.

6. **Subordinate Local Law No. 6 (Bathing Reserves) 2011**

- The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2011*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government’s control.
- The purpose is to be achieved by providing for—
  - (a) the regulation of the use of aquatic equipment within bathing reserves; and
  - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

**Current environment**

Council is required to replace its current local laws across the whole of the local government area by the end of 2011 to ensure, among other things, that consistent local laws are in force across the amalgamated council area (the former Cairns City and Douglas Shire local government areas). Council has decided to adopt the Model Local Laws prepared by the State in 2010. By adopting the Model Local Laws, Council is ensuring that the laws reflect contemporary standards and practices. Council was required to draft its own subordinate local laws based on the Model Local Laws and this public interest test invites submissions on any possible anti-competitive provisions in the proposed subordinate local laws.

The proposed subordinate local laws are generally consistent with the approach and regulatory regime adopted by Council previously and which have been found to be both an effective and efficient use of Council resources.
Details of possible anti-competitive provisions

The possible anti-competitive provisions identified during the review of the subordinate local laws are set out in the following table.

<table>
<thead>
<tr>
<th>Name/Section of Subordinate Local Law</th>
<th>Criteria under which anti-competitive applies (See Appendix A)</th>
<th>Reasons why criteria applies</th>
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<tbody>
<tr>
<td><strong>Subordinate Local Law No. 1 (Administration) 2011</strong></td>
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<tr>
<td>s7: Approvals that are non-transferable</td>
<td>3</td>
<td>Identified provisions may have the effect of requiring approvals, requiring quality or technical standards to be observed or to place restrictions on the conduct of business.</td>
</tr>
<tr>
<td>s9: Prescribed public place activities</td>
<td>3, 5, 7</td>
<td></td>
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<tr>
<td>s11: Matters regarding prescribed activities</td>
<td>3, 5, 7</td>
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<tr>
<td><strong>Subordinate Local Law No. 2 (Animal Management) 2011</strong></td>
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<tr>
<td>s16: Conditions regarding sale of animals</td>
<td>3, 5, 7</td>
<td>The identified provision may have the effect of requiring or placing restrictions or prohibitions on the conduct of business.</td>
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<tr>
<td><strong>Subordinate Local Law No. 3 (Community and Environment Management) 2011</strong></td>
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<tr>
<td>s11: Prescribed noise standards</td>
<td>7</td>
<td>The identified provision may have the effect of restricting the conduct of a business to certain hours of operation.</td>
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<tr>
<td><strong>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</strong></td>
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<tr>
<td>s5: Prohibited and restricted activities</td>
<td>1, 3, 5, 7</td>
<td>Identified provisions may have the effect of requiring approvals, requiring quality or</td>
</tr>
<tr>
<td>s8: Opening hours for local government areas</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Name/Section of Subordinate Local Law</td>
<td>Criteria under which anti-competitive (See Appendix A)</td>
<td>Reasons why criteria applies</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>-----------------------------</td>
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<tr>
<td></td>
<td></td>
<td>technical standards to be observed, or placing restrictions or prohibitions on the conduct of business.</td>
</tr>
<tr>
<td>Subordinate Local Law No. 5 (Parking) 2011</td>
<td></td>
<td>Identified provisions may have the effect of requiring approvals or placing restrictions or prohibitions on the conduct of business.</td>
</tr>
<tr>
<td>s7: Parking permits</td>
<td>3, 7</td>
<td>The provision may have the effect of prohibiting the conduct of business in the reserves (e.g. the hire of equipment that may now be prohibited).</td>
</tr>
<tr>
<td>Subordinate Local Law No. 6 (Bathing Reserves 2011)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s5: Prohibition or restriction of aquatic equipment</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

For further detailed information, including full wording of each section and associated schedules, refer to the copies of the proposed subordinate local laws which are freely available on the Council’s website or for inspection and purchase from Council’s public offices.

Realistic regulatory and non-regulatory alternatives to the subordinate local laws

The regulatory and non-regulatory alternatives available to Council that may achieve the purposes of the subordinate local laws are listed in the Department of Local Government and Planning’s Guidelines for Conducting Public Interest Tests, and include the following—

- regulation;
- co-regulation;
- market/industry self-regulation;
- no regulation;
- public information and education programs;
- economic incentives;
• industry accreditation;
• master licensing;
• negative licensing; and
• empowering consumers.

After giving careful consideration to the alternatives, the alternatives were considered not to be viable based on the past knowledge and experience of Council in regulating the relevant matters set out in the proposed laws.

Reasons for considering the alternatives to be unavailable include—

1. Self-regulation by persons carrying out activities would result in an inconsistent approach in the local government area;

2. Only Council realistically has the resources and expertise to regulate the matters sought to be regulated;

3. It is doubtful if voluntary compliance would be successful;

4. The setting of appropriate standards is likely to be more successful than merely providing information;

5. Not imposing a regulatory regime may result in the community incurring costs rather than the person carrying out the activity;

6. Council has found its previous regulatory practices to be the most effective way of achieving the purposes of the proposed laws.

Key stakeholders affected by the current situation and by a move to alternative arrangements

No alternative arrangements have been identified as being viable, but the following groups and individuals are considered to be stakeholders who may make submissions as part of the public interest test process—

• Council;
• Consumers;
• Residents;
• Ratepayers;
• Existing or potential operators of activities for which an approval is required;
• Government departments; and
• Community organisations.
Type of assessment and level of resources required

The assessment will be conducted by Council as a minor assessment. That is, the emphasis will be on qualitative analysis of any alternatives with key impacts expressed in monetary terms only where data is available. The following characteristics relate to the analysis—

- The restriction impacts on the local market, but the impact on the participants is low.
- The number of stakeholders involved in the review is low and impacts on stakeholders are low.
- The complexity of the issues is low and the level of uncertainty as to the impacts changes will have on stakeholders is also low.
- The level of concern over the activities regulated by the subordinate local laws is considered low and the review is considered non-controversial.

The review will be conducted by Council in consultation with external advisors where appropriate.

Extent of consultation to be conducted

Consultation will be conducted by giving public notice of the review in a newspaper circulating generally in the local government area inviting submissions. Consultation with key stakeholders, if considered appropriate, may also occur by direct notification of the review and calling for submissions. Consultation will also occur at public information sessions conducted by Council.

The public interest test plan will be available for inspection at Council’s public offices and copies made available for purchase upon request at a fee to cover the actual costs of reproducing a copy of the plan.

Time-frame for conducting the public interest test

<table>
<thead>
<tr>
<th>Time-frame</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commence public interest test</td>
<td>18 April 2011</td>
</tr>
<tr>
<td>Estimate of time for completing public interest test</td>
<td>5 weeks including consultation period</td>
</tr>
<tr>
<td>Consultation period</td>
<td>Minimum of 21 business days</td>
</tr>
<tr>
<td>Target date for presenting report to local government</td>
<td>Council Ordinary meeting on 19 July 2011</td>
</tr>
</tbody>
</table>

Content of the public interest test report

The public interest test report will provide—

a. A summary of the consultation process, including a list of stakeholders consulted and the outcomes of the consultation;
b. A statement of alternatives which are assessed to be not viable;

c. A summary of the positive and negative impacts associated with the alternatives (if any);

d. A summary of the net impacts associated with the alternatives (if any); and

e. Recommendations.

Present public interest test plan to local government

The public interest test plan was prepared and presented to Council for adoption prior to the commencement of public consultation.

Prepared by: Lyn Russell PSM
Chief Executive Officer

Date: 06 04 2011
APPENDIX A

TABLE OF CRITERIA

1. An outright prohibition in regard to any particular business activity;

2. A statutory monopoly;

3. Licensing or registration requirements for persons or bodies wishing to engage in a particular business activity and which operate on the basis of either limiting the number of participants or limiting participation to those persons or bodies that meet defined standards, qualifications or training or to those who hold membership of a particular occupational or professional organisation;

4. Allocation of quantitative entitlements, quotas or franchises among participants engaging in a particular business activity;

5. Requirements for prescribed quality or technical standards to be observed, or for specified equipment to be used, in regard to a particular business activity, other than those requirements that apply generally in regard to public/workplace health and safety;

6. Price control provisions, whether by way of setting, or prescribing a process for determining, the maximum/minimum prices or charges for a specified good or service or the maximum/minimum rates of commission, agency or fees for any good or service;

7. Restrictions on the conduct of a business relating to matters such as hours of operation, size of premises, provision of specified facilities, geographical area of operation, advertising or promotion, sector-specific operation (e.g. retail -y-wholesale), type of good or service allowed to be offered for sale, etc;

8. The nomination of a particular person or body as the sole or preferred customer or supplier in regard to a particular business activity;

9. Measures that have the effect of conferring a benefit on a particular person or body engaged in a particular business activity relative to other parties engaged in the same activity, including prescribing technical specifications or standards that can only be met by a particular operator, prescribing different requirements for public sector vis a vis private sector operators or making financial assistance available (including the waiver of various State or local government charges or fees as well as direct assistance measures such as a grant or subsidy) if a business is carried on at a particular place or in a particular manner;

10. The allocation of licences or other authorities which either allow the holder access to natural resources (including water, minerals, forests and fisheries) or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner);

11. Preferential purchasing arrangements.
Attachment 3: Iconic Impact Assessment Reports
Local Laws Review

Iconic Queensland Place of Douglas
- Iconic Values Impact Report
Iconic Queensland Place of Douglas
- Iconic Values Impact Report

1. Background

Cairns Regional Council is required by the Local Government Reform Implementation Regulation 2008 and the Local Government Act 2009 to prepare new local laws for the merged local government area.

Council has chosen to utilise the suite of Model Local Laws. In accordance with section 26 (7) of the Local Government Act the Model Local Laws are approved and gazetted by the minister as a Local Law suitable for adoption by all local governments. The new local laws will supersede the current Local Laws.

Some of Council’s current Local Laws have been declared under the Iconic Queensland Places Act 2008 as Local Laws that protect the Iconic Values for the declared Iconic Queensland Place of Douglas.

The following declared Local Laws will be repealed during the Local Laws review:

<table>
<thead>
<tr>
<th>Local Law No.</th>
<th>Local Law Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Commercial Recreation Activities;</td>
</tr>
<tr>
<td>9</td>
<td>Foreshores;</td>
</tr>
<tr>
<td>13</td>
<td>Parks and Reserves;</td>
</tr>
<tr>
<td>30</td>
<td>Ferries;</td>
</tr>
<tr>
<td>32</td>
<td>Jetties, Barge Loading Rams and Boat Ramps;</td>
</tr>
<tr>
<td>34</td>
<td>Tramways;</td>
</tr>
<tr>
<td>35</td>
<td>Bridges;</td>
</tr>
<tr>
<td>44</td>
<td>Port Douglas Boat Harbour;</td>
</tr>
<tr>
<td>56</td>
<td>Vegetation Management; and</td>
</tr>
<tr>
<td>59</td>
<td>Commercial Use of Roads.</td>
</tr>
</tbody>
</table>

Pursuant to section 61 of the Iconic Queensland Places Act 2008, this report is required. The purpose of the report is to evaluate the effect repealing the above mentioned local laws and replacing them with the Model Local Laws will have on the Iconic Values of the Iconic Queensland Place of Douglas.

With the exception of Local Law No. 56, the requirements of the above Local Laws are generally transferred across to the Model LL’s / subordinate LL’s. The provisions of the Local Government Act prevent a new Local law being made about a development process. As vegetation management is a development process (operational work) its regulation cannot be dealt under a Local Law. Vegetation management is intended to be regulated through a Temporary Local Planning Instrument, as an interim measure prior to the adoption of a new planning scheme. The rescission of Local Law 56 is addressed under a separate Iconic Impact Assessment and will not be further addressed within this assessment.
2. Declaration and Supporting Information

In 2008, the State Government introduced a number of reforms in local government, including amalgamations significantly reducing the number of Councils state-wide. Prior to the formalisation of amalgamations, Councils including the former Douglas Shire and Noosa Shires sought assurances from the Government that protections enshrined in planning schemes and policies developed with community input would not be undermined via the amalgamation process.

In response to these submissions, the State Government in February 2008 presented the Iconic Queensland Places Bill 2008. The Bill, debated in Parliament on 12, 27 and 28 February 2011, was:

"an important measure in protecting the characteristics and qualities which contribute to Queensland’s iconic status. Queensland is renowned for its character and beauty, and it is a priority of this government to ensure that Queensland’s distinctive characteristics will remain for future generations."

In regard to the declaration of Local Laws as ‘Iconic’ for the purposes of the proposed legislation, it was noted that:

"local laws that are considered to contribute to the iconic nature of the area are identified. To ensure that the iconic values that are protected by those local laws are considered in further local law development, the bill modifies the requirements for changing or extending those identified local laws. If changes are proposed to those local laws, the local government is required to prepare an impact report which evaluates these effects and must consider the effect the changes will have on the place’s iconic value."

In regard to the iconic values protected by declared local laws for the former Douglas Shire Council area, assistance is provided within the Iconic Values Report Douglas Shire prepared by Planning Far North (PFN) (March 2008). In providing clarification as to the basis for declaration of the Planning Scheme and various Local Laws as 'Iconic', PFN notes:

"The local laws deal primarily with process and operational matters. However, many of the local laws identified above, enable Council to control activities which have the potential to detrimentally impact on the Iconic Values of the Shire.

Most of the local laws have not been updated in recent times (local law 57, being the exception).

The updating of all the local laws, listed above, to include a specific reference to protecting the Iconic Values of the Shire, in the object, is recommended.

..."

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1 Per Hon Paul Lucas MP Second Reading Speech (Hansard 12 February 2008, p 85)
2 Ibid p 66
While the ten local laws, above, deal with process and operational matters, many of the operational matters have the potential, if not managed properly by Council, to impact on the Iconic Values of the Shire. The implementation of, and adherence to, these local laws by Council and recognition that they can assist in protecting the Iconic Values of the Shire is therefore, important."

Additional detail in regard to the importance of each Iconic Local Law in the protection of the Iconic Values of the former Douglas Shire is provided within Section 3.1 below.

3. Impacts of repealing the Local Laws that Protect the Iconic Values of the Iconic Queensland Place of Douglas and replacing them with Model Local Laws

The following section evaluates the effect of repealing the existing Local Laws that protect the Iconic Values in the Iconic Queensland Place of Douglas and replacing them with Model Local Laws and Subordinate Local Laws.

3.1 Local Laws that protect the Iconic Queensland Place of Douglas that are proposed to be repealed and replaced

The following Local Laws will be repealed and replaced within the suite of Model Local Laws and Subordinate Local Laws:

Local law No. 8 Commercial Recreation Activities;
Local law No. 9 Foreshores;
Local law No. 13 Parks and Reserves;
Local law No. 30 Ferries;
Local law No. 32 Jetties, Barge Loading Ramps and Boat Ramps;
Local law No. 34 Tramways;
Local law No. 35 Bridges;
Local law No. 44 Port Douglas Boat Harbour; and
Local law No. 59 Commercial Use of Roads.

The following outlines the objectives of the current Local Laws which will be repealed and the provisions within the proposed Model Local Laws and/or Subordinate Local Laws which will replace them.

Local law No. 8: Commercial Recreation Activities

The object of the local law is to provide for the regulation of commercial activities on public land within the former Douglas Shire. The local law requires a permit to be obtained prior to the operation of a commercial recreation activity upon Local Government controlled land and also provides for enforcement in the event of non-compliance.
As noted within PFN's Report (March 2008), "foreshores, beaches and waterways contribute to the Iconic Values of the Shire."

Local law No. 9: Foreshores

The purpose of this local law is to regulate behaviours and general conduct within gazetted foreshores. Additionally the local law details prohibited activities on foreshores. All foreshores within the former Douglas Shire Council have been gazetted as being under the control of the governor in Council.

PFN's Report (March 2008) confirms that "foreshore areas contribute to the Iconic Values of the Shire."

Local law No. 18: Parks and Reserves

The purpose of this local law is to regulate access to parks and reserves, protect the safety of users, preserve features of the natural and built environment and provide regulation for restriction on activities within parks and reserves.

It has been noted that "parks and reserves contribute to the Iconic Values of the Shire." 3

Local law No. 30: Ferries

The purpose of this local law is to provide a framework for establishing a licence and the continuation of a licence for the operation of a ferry or ferries. The local law also establishes the responsibilities of the ferryman, passengers and the operation of ferry premises and fares.

"The Daintree Ferry crossing is Iconic in the Shire and its retention and ongoing efficient operation must be protected." 4

Local law No. 32: Jetties, Barge Loading Ramps and Boat Ramps

The purpose of this local law is to regulate the use of jetties, barge landing ramps and the people, vessels and vehicles using them.

PFN (March 2008) notes that "jetties and boat ramps in the Shire are of significant recreational value to locals and to tourists. They are a public asset, which contributes to the recreational values of the Shire."

Local law No. 34: Tramways

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1 Per PFN (March 2008) p29
2 Ibid p30

Iconic Values Impact Report  Page 5 of 14
The purpose of this local law is to provide a framework for Council to grant a permit to a person or entity for the construction, management or operation of a tramway for the hauling of cane, other agricultural products, or natural resources over a road or bridge within the area. The local law also provides for terms, fees and conditions for permits issued under the local law.

This local law is iconic, as “[t]he tramways are an integral part of the sugar industry and, in association with the broad acres of sugar cane, contribute significantly to the scenic amenity and character of the cane growing area of the Shire.

The rural areas of the Shire and the intrinsic elements of the rural area, such as the tramways, contribute to the Iconic Values of the Shire.”

Local law No. 35: Bridges

The purpose of this local law is to provide for load limits and regulate the conduct of vehicles and persons on bridges.

PFN (March 2008) notes that “The wooden bridges in the Shire contribute to the rural character and their protection is sought by the community.

Limiting heavy vehicles on these bridges protects them from being upgraded and ensures their retention as iconic elements in the rural landscape.”

Local law No. 44: Port Douglas Boat Harbour

The purpose of this local law is to provide for the granting of moorings and the conduct and behaviour of persons and vessels within the Port Douglas Boat Harbour.

This local law is iconic as “The Port Douglas Boat Harbour is important historically, recreationally and economically and its efficient function is important to the Shire.

The Port Douglas Boat Harbour is an iconic element in the Shire.”

Local law No. 59: Commercial Use of Roads

The purpose of the local law is to regulate commercial uses and the soliciting of business on roads. The local law also establishes a framework for issuing permits and undertaking enforcement action.

It has been noted that this local law is iconic as “Controlling and limiting the commercial use of roads, is important in protecting the rural character of the Shire and protecting the amenity of urban areas, both of which contribute to the Iconic Values of the Shire.”

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files
files p31
files p33

Iconic Values Impact Report Page 5 of 14
Transition to Model Local Laws

It is noted that since the introduction of the *Iconic Queensland Places Act 2008*:

1. The *Local Government Reform Implementation Regulation 2008* has become effective, providing certain targets and requirements for amalgamated local authorities, including review and repeal of existing local laws, and/or creation of new local laws;

2. The *Iconic Queensland Places Act 2008* has been subject to a review, with a recommendation that the legislation be repealed, and Iconic Panels be re-instated or established within the Integrated Development Assessment System framework pursuant to the *Sustainable Planning Act 2009*;

3. The *Local Government Act 2009* was implemented, amending the framework within which local authorities in Queensland operate.

Importantly, as part of the Local Laws Project, it has been decided to utilise the Model Local Laws and Subordinate Local Laws framework for the Cairns Regional Council area. This decision has been made for a number of reasons, including:

a. Stringent consultation undertaken by the State to develop the Model Local Laws;

b. Opportunities for savings to the organisation, both in terms of ongoing review by the State in regard to the Models, and also in regard to opportunities for amendment to the Subordinates by resolution; and

c. Drafting style and layout that is consistent with current legislative drafting requirements.

Therefore, whilst it is noted that PFN recommended that update to the local laws should include “a specific reference to protecting the Iconic Values of the Shire, in the object…” protection of Iconic Values has been enshrined within the operational provisions within the Subordinate Local Laws, rather than the Object of the laws proper. Council does not have the capacity to amend the Model Local Laws to include such an Object.

Under the Model Local Law framework activities on or within Council controlled areas or roads are regulated under Model Local Law 1: Administration (MLL1) and Subordinate Local Law 1: Administration (SLL1) and Model Local Law 4: Local Government Controlled Areas, Facilities and Roads (MLL4) and Subordinate Local Law 4: Local Government Controlled Areas, Facilities and Roads (SLL4).

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*Footnote:* p33
A description of these proposed local laws, and relevant provisions within same, is provided below for reference.

**Model & Subordinate Local Law 1**

The Model and Subordinate Local Law 1 provide a legal and procedural framework for the administration, implementation and enforcement of the Local Laws and Subordinate Local Laws. SLL1 nominates activities which are prescribed activities which require a permit in order to initiate them. This includes activities to be undertaken on Council areas or roads.

Of particular relevance to the transition of the current local laws are the activities which are prescribed activities of SLL1 contained within the following schedules.

- Schedule 6: Public place activities that are prescribed activities;
- Schedule 7: Alteration or improvement to local government controlled areas and roads;
- Schedule 8: Commercial use of local government controlled areas and roads; and
- Schedule 13: Operation of cane railways.

These schedules also provide requirements for permits to be obtained and the standard conditions which are applicable to approvals.

**Model & Subordinate Local Law 4**

The proposed Model and Subordinate Local Law 4 provide for the protection of health and safety of persons using local government controlled land, facilities, infrastructure and roads. Additionally they preserve the features and amenity of local government controlled land, facilities, infrastructure and roads. This is achieved through the regulation of behaviours and activities by providing for the prohibition of certain inappropriate activities and behaviours and restriction on certain activities and behaviours within the SLL4.

All the above listed declared local laws relate to activities and behaviours within or on Council controlled facilities, areas or roads. Therefore MLL 4 and SLL 4 is the most relevant when detailing the correlation between the current and proposed local laws. Operationally, the controls on activities and behaviours within current Local Laws have been transitioned into new legislative framework, which is consistent with the reform requirements.

It is noted that some of the current Local Laws relate to Council facilities which are now operated under lease agreements. The lease agreements are created and managed outside the local laws framework. Where lease agreements make the provisions of the Local Laws redundant, the provision have not been transitioned.
3.2 Impact on Declared Iconic Values

The Declared Iconic Values for various features within and around the former Douglas Shire are confirmed within the Gazette Notification of these values, dated 20 June 2008. Assistance in explaining and describing these values further, particularly in respect to the interaction between specific values and the local laws, has been obtained through review and analysis of PFN's Report (March 2008). "Additional commentary" in regard to these values has been obtained from this Report.

3.2.1 Biodiversity Values

Declared Values

Woodlands, mangrove forests, vegetated sand dunes/swale systems, reefs, foreshore areas, intertidal seagrass beds, estuarine river/creek systems, lowland rainforests and mountain ranges.

Areas of important remnant/riparian habitat and areas of considerable biodiversity value occur along the coastal plain and are subject to considerable development pressure.

Additional Commentary

The diversity of landscape and natural environments within the Shire [many of which are of International Significance]. Ranging from woodlands to mangrove forests, to vegetated sand dunes/swale systems, reefs, foreshore areas, intertidal seagrass beds and estuarine river/creek systems to lowland rainforests and mountain ranges. Some of these areas/systems are located in the WHAs but many are located outside the WHAs and are exposed to development pressure.

Discussion

Whilst the declared local laws do not pertain primarily to the protection of the aforementioned biodiversity values, but rather, relate to the regulation of behaviour, conduct and activities within Council controlled areas, it is noted that these behaviours, activities and conduct may affect the Iconic Values of the region, particularly in Council controlled areas such as foreshores, parks, reserves and recreational facilities.

Model Local Law and Subordinate Local Law 1, together with Model Local Law and Subordinate Local Law 4 include a framework to manage behaviours, activities and conduct within Council controlled areas in a manner that is largely the same as the declared Iconic Local Laws.

It is therefore considered that the transition from existing local laws to new local laws will not detrimentally impact on the declared iconic values (biodiversity values) of the Iconic Queensland Place of Douglas.
3.2.2 Landscape & Scenic Values

Declared Values

Mountainous topography, luxuriant rainforest, wilderness areas, steep escarpments, the coastal plain, scenic coastline.

Diversity in landscape elements – sand dunes, mangrove forests, wetlands, creek and river estuaries, fringing coral reefs and coral islands, sandy beaches, to rugged mountain ranges and broad expanse of agricultural land with smaller areas of cattle grazing and horticulture.

Additional Commentary

Both natural and man-made landscapes, the visually dominant and expansive natural / rural areas which have a distinct and clear boundary / interface with urban / settlement areas. In combination, these landscape elements create a unique landscape mosaic that is Douglas Shire. This landscape mosaic has a low threshold for absorbing visual change or development impacts.

Scenic foreshores, for example: the foreshore area between Dayman [Rocky Point] Point and the mouth of the Daintree River. These beach foreshore areas constitute the largest area of public land in the Shire managed by the Council.

Discussion

Whilst the declared local laws do not pertain primarily to the protection of the aforementioned values, but rather, relate to the regulation of behaviour, conduct and activities within Council controlled areas, it is noted that these behaviours, activities and conduct may affect the Iconic Values of the region, particularly in Council controlled areas such as foreshores, parks, reserves and recreational facilities.

Model Local Law and Subordinate Local Law 1, together with Model Local Law and Subordinate Local Law 4 include a framework to manage behaviours, activities and conduct within Council controlled areas in a manner that is largely the same as the declared Iconic Local Laws.

It is therefore considered that the transition from existing local laws to new local laws will not detrimentally impact on the declared iconic values (biodiversity values) of the Iconic Queensland Place of Douglas.
3.2.3 Indigenous Cultural Heritage Significance

Declared Values

Known sacred / spiritual / burial / story / meeting / ceremonial places / sites, which encapsulate the Indigenous cultural / landscape values.

Discussion

The declared local laws which are the subject of review and transition to new local laws do not pertain directly to the declared iconic values for indigenous cultural heritage significance.

However, it is noted that Model Local Law and Subordinate Local Law 1, together with Model Local Law and Subordinate Local Law 4 include a framework to manage behaviours, activities and conduct within Council controlled areas in a manner that is largely the same as the declared Iconic Local Laws. It is therefore considered that the protection afforded to Indigenous Cultural Heritage Significance Values in a general sense will continue to be afforded under the Model Local Laws framework.

Additionally, these values are protected under the Aboriginal Cultural Heritage Act at a State level and the Environmental Protection and Biodiversity Conservation Act at a Federal level.

It is considered that the transition to new local laws will not detrimentally impact on the declared iconic values (indigenous cultural heritage significance) of the Iconic Queensland Place of Douglas.

3.2.4 Urban Areas

Declared Values

Highly defined urban footprint boundaries contain urban development to designated towns, villages and settlement areas.

Discussion

Whilst the declared local laws do not pertain directly to the defined urban footprint boundaries within the Shire, their regulation of behaviour, conduct and activities within Council controlled areas may affect the Iconic Values of the region, particularly in Council controlled areas such as foreshores, parks, reserves and recreational facilities.

Model Local Law and Subordinate Local Law 1, together with Model Local Law and Subordinate Local Law 4 include a framework to manage behaviours, activities and conduct within Council controlled areas in a manner that is largely the same as the declared Iconic Local Laws.
It is therefore considered that the transition from existing local laws to new local laws will not detrimentally impact on the declared iconic values (biodiversity values) of the Iconic Queensland Place of Douglas.

3.2.5 Built Environment

Declared Values

The built environment values are characterised by:
- low rise buildings (Port Douglas – very select areas limited to 3 storeys);
- low scale buildings and visually dominant native/tropical vegetation, surrounded by rural & mountain landscapes;
- no major through roads in, no traffic lights and no proliferation of advertising signage;
- development of a tropical architectural style, particularly in Port Douglas;
- containment of tourist development, primarily in Port Douglas, where it is low key and subservient to the environment;
- low rise coastal settings with limited views of urban development along the beachfront at Port Douglas;
- historical buildings and monuments in Port Douglas, consolidating the town centre near the harbour, maintaining open space between the Boat Harbour and Wharf Street, maintaining low speed, narrow local roads.

Additional Commentary

Achieving a viable balance between the environment, tourism and development to meet the aspirations of local residents.

... 

The stewardship by local residents of the local environment and in understanding and appreciating the natural / environmental values of the Shire and resident appreciation for local recreational assets, such as areas for boating, fishing and swimming in local creeks and rivers.

... 

The rainforest setting of, and the unique rainforest experience offered to tourists in, the settlement areas and townships north of the Alexandra Range - Forest Creek, Cape Kimberley, Cow Bay, Diwan, Cooper Creek and Cape Tribulation, with access to this area limited to the Daintree Ferry crossing, which provides a sense of arriving in a special place.

... 

Protecting vistas/views and topographical and coastal features which are important in balancing the competing interests of development and the built environment and maintaining the natural beauty of the Shire. Including limited views of urban development along the beachfront (when viewed from the
beaches) at Port Douglas and at beach townships and coastal settlement areas.

Discussion

Whilst the declared local laws do not pertain directly to built environment values, but rather, relate to the regulation of behaviour, conduct and activities within Council controlled areas, it is noted that these behaviours, activities and conduct may affect the Iconic Values of the region, particularly in Council controlled areas such as foreshores, parks, reserves and recreational facilities.

Model Local Law and Subordinate Local Law 1, together with Model Local Law and Subordinate Local Law 4 include a framework to manage behaviours, activities and conduct within Council controlled areas in a manner that is largely the same as the declared Iconic Local Laws.

Importantly, it is noted that the Ferry Local Law is not being transitioned across into the Model Local Law framework. Operation of and protection for the Ferry is maintained by Council, through leasing arrangements with the operator. The terms of the lease provide for appropriate minimum standards and requirements in the ongoing operation of this facility.

In addition, in regard to the potential de-commissioning of the Ferry and construction of a bridge, analysis indicates that approval requirements and current state government department policy would likely severely inhibit, if not prohibit, opportunities for Council to undertake such a project.

It is therefore considered that the transition from existing local laws to new local laws will not detrimentally impact on the declared iconic values (biodiversity values) of the Iconic Queensland Place of Douglas.

4. Conclusion

This report has been prepared for the purposes of addressing the impacts of the new local laws on the declared iconic values of the Iconic Queensland Place of Douglas.

It has been noted that "The Iconic Values of the Douglas Shire are best summed up by a statement made by Cheroweth and Associates in 1992  ...... "where the general perception is, that nature dominates human endeavour over most of the Shire."\(^2\)

It is considered that the local laws the subject of this report pertain to the regulation of behaviour, conduct and activities within Council controlled areas. It is considered that the transition to new local laws will, by and large, not affect the declared iconic values of the Iconic Queensland Place of Douglas.

\(^2\) Ibid p8
Regulatory requirements in existing local laws are predominantly transitioned into the new local laws. The practical affect of the proposed change is likely to be minimal, if any.
Local Laws Review
Local Law 56 – Vegetation Management

Iconic Queensland Place of Douglas
- Iconic Values Impact Report
Iconic Queensland Place of Douglas
- Iconic Values Impact Report

1. Background

Cairns Regional Council is required by the Local Government Reform Implementation Regulation 2008 and the Local Government Act 2009 to prepare new Local Laws for the merged local government area. This review and preparation of new Local Laws must be completed by 31 December 2011, in accordance with regulatory requirements.

The Local Laws review will result in the transition of existing Local Laws into new Local Laws for the merged local government area. Council has chosen to utilise the suite of Model Local Laws and Subordinate Local Laws provided for within the Local Government Act. During the review, it has been identified that the provisions of the Local Government Act 2009 (LGA) prevents Council from introducing Local Laws which establish an alternative development process.

An alternative development process is defined as a process that is similar to or duplicates all or part of a process in the Planning Act (Sustainable Planning Act 2009 SPA). The SPA defines vegetation clearing as a development process, more specifically operational work.

Council has an existing Local Law, Local Law No. 56 (Vegetation Management), which regulates the clearing of vegetation. Additionally, this local law has been declared under the Iconic Queensland Places Act 2008 as a Local Law that protects the Iconic Values for the declared Iconic Queensland Place of Douglas.

As vegetation management is clearly defined as a development process under the SPA, Council can not make a new local law about vegetation management. Vegetation is considered to be a significant resource within the region which should be afforded protection. In the absence of a Local Law providing a regulatory framework for Vegetation Management post-31 December 2011, investigations have been undertaken as to an appropriate way in which to fill this potential regulatory 'gap'.

Following discussions with representatives from the Department of Local Government and Planning, and legislation in regard to vegetation management and development processes, it is recommended that Council resolve to prepare a Temporary Local Planning Instrument regulated vegetation clearing, to be effective from 1 January 2012. It is recommended that Local Law 56 continue in full force and effect until that date.

Pursuant to section 51 of the Iconic Queensland Places Act 2008, this report is required. The purpose of the report is to evaluate the effect of repealing Local Law 56 and introducing an alternative means of regulation, a Temporary
Local Planning Instrument, for vegetation clearing will have on the Iconic Values of the Iconic Queensland Place of Douglas. It should be noted that this is not an Iconic Impact Assessment for the proposed Temporary Local Planning Instrument as required by section 21 of the Iconic Queensland Places Act 2008. Rather, this is an Iconic Impact Assessment in regard to the proposed repeal of Local Law 56.

2. Declaration and Supporting Information

In 2008, the State Government introduced a number of reforms in local government, including amalgamations significantly reducing the number of Councils state-wide. Prior to the formalisation of amalgamations, Councils including the former Douglas Shire and Noosa Shires sought assurances from the Government that protections enshrined in planning schemes and policies developed with community input would not be undermined via the amalgamation process.

In response to these submissions, the State Government in February 2008 presented the Iconic Queensland Places Bill 2008. The Bill, debated in Parliament on 12, 27 and 28 February 2011, was.

"an important measure in protecting the characteristics and qualities which contribute to Queensland's iconic status. Queensland is renowned for its character and beauty, and it is a priority of this government to ensure that Queensland's distinctive characteristics will remain for future generations."

In regard to the declaration of Local Laws as 'Iconic' for the purposes of the proposed legislation, it was noted that:

"local laws that are considered to contribute to the iconic nature of the area are identified. To ensure that the iconic values that are protected by those local laws are considered in further local law development, the bill modifies the requirements for changing or extending those identified local laws. If changes are proposed to those local laws, the local government is required to prepare an impact report which evaluates these effects and must consider the effect the changes will have on the place's iconic value."

In regard to the iconic values protected by declared local laws for the former Douglas Shire Council area, assistance is provided within the Iconic Values Report Douglas Shire prepared by Planning Far North (March 2008). In providing clarification as to the basis for declaration of the Planning Scheme and various Local Laws as 'Iconic', PPN notes:

"The local laws deal primarily with process and operational matters. However, many of the local laws identified above, enable Council to control activities which have the potential to detrimentally impact on the Iconic Values of the Shire.

---

1. Per Hon Paul Lucas MP Second Reading Speech (Hansard 12 February 2008, p 65)
2. Ibid p 66
Most of the local laws have not been updated in recent times (local law 57, being the exception).

While the ten local laws, above, deal with process and operational matters, many of the operational matters have the potential, if not managed properly by Council, to impact on the Iconic Values of the Shire. The implementation of, and adherence to, these local laws by Council and recognition that they can assist in protecting the Iconic Values of the Shire is therefore, important.”

Additional detail in regard to the importance of Local Law 56 in the protection of the Iconic Values of the former Douglas Shire is provided within Section 3.1 below.

3. Impacts of Proposed Repeal of Local Law 56

The following section evaluates the effect of repealing the Local Law No. 56: Vegetation Management and introducing a Temporary Local Planning Instrument as an alternative means of vegetation management on the Iconic Values of the Iconic Queensland Place of Douglas.

3.1 Local Law No. 56 Vegetation Management

The principal purpose of the Local Law is to provide appropriate protection for vegetation, in particular significant, valuable, rare or threatened vegetation or vegetation that provides a habitat for significant fauna. Additionally the Local Law provides protection for vegetation that is important for protecting soil from erosion and degradation, protecting water catchments and important for reducing atmospheric pollution or protecting against ozone depletion.

The Local Law also establishes a framework for Council’s to make vegetation protection orders and vegetation protection areas, these identify protected vegetation. The local law also establishes provisions for damage of protected vegetation, in certain circumstances without a permit and establishes a framework for applying for a permit in others.

Within its Report (March 2008), PFN provides the following comment in regard to the importance of Local Law 56.

"This local law was amended in association with the preparation of the 2006 Planning Scheme. It enables Council to protect unprotected vegetation on freehold land and identifies vegetation preservation areas. The Council may also establish a Vegetation Protection Register and issue Permits to damage vegetation.

The implementation of various measures under this local law, allows Council to protect vegetation in the Shire which is not already protected, but which has significant environmental / scenic value...."
All the vegetation in the Shire, whether protected under the Vegetation Management Act or not, contributes to the Iconic Values of the Shire."

As previously detailed, Local Law No. 56 (Vegetation Management) will be automatically rescinded under the provisions of the Local Government Act 2009 on 31 December 2011, if not rescinded and / or replaced by Council before that date. As an interim means of regulating vegetation clearing it is recommended that Council prepare a Temporary Local Planning Instrument. The Temporary Local Planning Instrument will regulate vegetation clearing within the Douglas Shire Planning Scheme Planning Area.

Whilst at this early stage the exact shape and form of the Temporary Local Planning Instrument has not been determined, the Temporary Local Planning Instrument is intended, at a minimum, to continue the existing level of regulation and restrictions upon vegetation clearing as seen within the current Local Law.

3.2 Impact on Declared Iconic Values

The Declared Iconic Values for various features within and around the former Douglas Shire are confirmed within the Gazette Notification of these values, dated 20 June 2008. Assistance in explaining and describing these values further, particularly in respect to the interaction between specific values and Local Law 56, has been obtained through review and analysis of PFN’s Report (March 2008). ‘Additional commentary’ in regard to these values has been obtained from this Report.

3.2.1 Biodiversity Values

Declared Values

Woodlands, mangrove forests, vegetated sand dunes/swale systems, reefs, foreshore areas, intertidal seagrass beds, estuarine river/creek systems, lowland rainforests and mountain ranges.

Areas of important remnant/intertidal habitat and areas of considerable biodiversity value occur along the coastal plain and are subject to considerable development pressure.

Additional Commentary

The diversity of landscape and natural environments within the Shire [many of which are of International Significance], ranging from woodlands to mangrove forests, to vegetated sand dunes / swale systems, reefs, foreshore areas, intertidal seagrass beds and estuarine river / creek systems to lowland rainforests and mountain ranges. Some of these areas / systems are located in the WHAs but many are located outside the WHAs and are exposed to development pressure.
Areas of important remnant / riparian habitat and areas of considerable biodiversity value which occur along the coastal plain and are subject to considerable development pressure.

Discussion

The declared Local Law contributes to the protection of the above mentioned declared values. The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework is considered to ensure that at a minimum a comparable level of protection is provided to the declared values.

3.2.2 Landscape & Scenic Values

Declared Values

Mountainous topography, luxuriant rainforest, wilderness areas, steep escarpments, the coastal plain, scenic coastline.

Diversity in landscape elements – sand dunes, mangrove forests, wetlands, creek and river estuaries, fringing coral reefs and coral islands, sandy beaches, to rugged mountain ranges and broad expanse of agricultural land with smaller areas of cattle grazing and horticulture.

Additional Commentary

Both natural and man-made landscapes, the visually dominant and expansive natural / rural areas which have a distinct and clear boundary / interface with urban / settlement areas. In combination, these landscape elements create a unique landscape mosaic that is Douglas Shire. This landscape mosaic has a low threshold for absorbing visual change or development impacts.

Scenic foreshores, for example: the foreshore area between Daintree River, Rocky Point and the mouth of the Daintree River. These beach foreshore areas constitute the largest area of public land in the Shire managed by the Council.

Scenic views which cannot be understated, including the panorama of luxuriant rainforest, steep escarpments and wilderness areas, in juxtaposition to the narrow coastal plain, the broad expanse of agricultural land and scattered but contained small urban / settlement areas.
The majestic Raintrees at Mossman and Mowbray, which are often cited as being important to the streetscape of Mossman just as much as the Mossman Mill, the cane rail line through town and the surrounding mountains and which are also important to the rural amenity of the Mowbray Valley.

The giant Calophyllum trees at Wonga Beach, estimated to be in excess of 200 years old.

The more recent addition of the oil palms that line the entrance to Port Douglas and the waterfront markets at Port Douglas, which are valued not only by tourists but also by local residents.

Discussion

The declared Local Law contributes to the protection of the above mentioned declared values. The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework is considered to ensure that at a minimum a comparable level of protection is provided to the declared values.

3.2.3 Indigenous Cultural Heritage Significance

Declared Values

Known sacred / spiritual / burial / story / meeting / ceremonial places / sites, which encapsulate the Indigenous cultural / landscape values.

Additional Commentary

Known sacred / spiritual / burial / story / meeting / ceremonial places / sites, which include but are not restricted to Roaring Meg Falls, the CREB track - Upper Daintree to China Camp. Bouncing Stones, Blue Hole in Cooper Creek, Wonga Beach [signified by the planting of Burdekin Plums on the foreshore] Mossman Gorge, Mowbray Valley, Dickson inlet, Four Mile Beach, Rex Smaale Park - Item 1 [including the mango trees] Flagstaff Hill - Item 7 and the Island Point Light House - Item 2, Battleground Area near Barrier Reef Street / Mitre Street - Item 3, Inlet Street where sugar was loaded - Item 4, Magazine Island and the adjacent waterway - Items 5 and 6. Burial sites within the Sheraton Mirage - Item 9, the area around Sand/Tide/Port and Garrick Streets known as Post Contact Camp - Item 8, Noah Creek, Snapper Island, Low Isles and Cow Bay. In addition, informal paths and tracks connecting sites and places throughout the Shire which are also culturally important.

Discussion

The declared Local Law contributes to the protection of the above mentioned declared values. The transition of regulation of vegetation clearing from a
Local Laws framework to a Planning framework is considered to ensure that at a minimum a comparable level of protection is provided to the declared values.

In addition, it is noted that additional protection for these Values is afforded by the Aboriginal Cultural Heritage Act at a State level and the Environmental Protection and Biodiversity Conservation Act at a Federal level.

The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework is anticipated to have minimal, if any, impact on the abovementioned declared values.

3.2.4 Urban Areas

Declared Values

Highly defined urban footprint boundaries contain urban development to designated towns, villages and settlement areas.

Additional Commentary

Achieving a viable balance between the environment, tourism and development to meet the aspirations of local residents.

Discussion

The declared Local Law pertains to vegetation protection and management and does not pertain to the protection of the aforementioned Urban Areas declared values.

The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework will have nil impact on the abovementioned declared values.

3.2.5 Built Environment

Declared Values

The built environment values are characterised by:

- low rise buildings (Port Douglas – very select areas limited to 3 storeys);
- low scale buildings and visually dominant native/tropical vegetation, surrounded by rural & mountain landscapes;
- no major through roads in, no traffic lights and no proliferation of advertising signage;
- development of a tropical architectural style, particularly in Port Douglas;
- containment of tourist development, primarily in Port Douglas, where it is low key and subservient to the environment;
- low rise coastal settings with limited views of urban development along the beachfront at Port Douglas;
- historical buildings and monuments in Port Douglas, consolidating the town centre near the harbour, maintaining open space between the Boat Harbour and Wharf Street, maintaining low speed, narrow local roads

Additional Commentary

The stewardship by local residents of the local environment and in understanding and appreciating the natural / environmental values of the Shire and resident appreciation for local recreational assets, such as areas for boating, fishing and swimming in local creeks and rivers.

Historic buildings and monuments in Port Douglas, consolidating the town centre near the harbour, maintaining open space between the Boat Harbour and Wharf Street and maintaining low speed, narrow local roads. The dominance of vegetation in the townscape, tree cover on Flagstaff Hill and most importantly the containment of urban development on the Port Douglas peninsula and east of the Captain Cook Highway. The establishment of an inviolable line to development west of the highway at Port Douglas ensuring suburbia (or any form of development) does not flank both sides of the Captain Cook Highway and erode the integrity of the landscape experience.

The rainforest setting of, and the unique rainforest experience offered to tourists in, the settlement areas and townships north of the Alexandra Range - Forest Creek, Cape Kimberly, Cow Bay, Diwan, Cooper Creek and Cape Tribulation, with access to this area limited to the Daintree Ferry crossing, which provides a sense of arriving in a special place.

... low scale buildings and visually dominant native / tropical vegetation in an urban setting, surrounded by an expansive rural landscape and framed by majestic mountains...

Protecting vistas/views and topographical and coastal features which are important in balancing the competing interests of development and the built environment and maintaining the natural beauty of the Shire, including limited views of urban development along the beachfront (when viewed from the beaches) at Port Douglas and at beach townships and coastal settlement areas.
Discussion

The declared Local Law contributes to the protection of the above mentioned declared values. The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework is considered to ensure that at a minimum a comparable level of protection is provided to the declared values.

The transition of regulation of vegetation clearing from a Local Laws framework to a Planning framework is anticipated to have minimal, if any, impact on the abovementioned declared values.

3. Conclusion

This report has been prepared for the purposes of addressing the impacts of the transition of the regulation of vegetation clearing from a Local Laws framework to a Planning framework on the declared iconic values of the Iconic Queensland Place of Douglas.

It has been noted that “The Iconic Values of the Douglas Shire are best summed up by a statement made by Chenoweth and Associates in 1992 ....... "where the general perception is, that nature dominates human endeavour over most of the Shire.”

The declared Local Law No. 56 (Vegetation Management) pertains to the protection of vegetation and regulation of vegetation clearing. The Local Law is pertinent to some of the declared values of the Iconic Queensland Place of Douglas. However, the transition of regulation of vegetation clearing to a Planning framework will ensure that the declared values will not be detrimentally impacted upon. The transition will ensure, that at a minimum, the existing level of protection will be afforded.

Attachment 4: Extractive Industries Register
**Extractive Industry Register #3115610**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Adress</th>
<th>Real Property Description</th>
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<tr>
<td>Ridgeway Pty Ltd</td>
<td>Bramston Beach Rd Miriwnni</td>
<td>NR6488</td>
<td></td>
<td>C/- RPS PO Box 1949 CAIRNS QLD 4870</td>
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<tr>
<td>Northern Sands Pty Ltd</td>
<td>Captain Cook Highway BARRON QLD 4878</td>
<td>LOT: 5 PT: ZZ RP: 906407</td>
<td>91169</td>
<td>PO Box 2797 CAIRNS Q 4870</td>
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<tr>
<td>Lemura Sand Co Pty Ltd</td>
<td>Yorkeys Knob Road YORKEYS KNOB QLD 4878</td>
<td>LOT: 1 RP: 713417</td>
<td>86975</td>
<td>PO Box 190 SMITHFIELD QLD 4878</td>
</tr>
<tr>
<td>Pioneer North Queensland Pty Ltd</td>
<td>Hussey Road MOUNT PETER QLD 4869</td>
<td>LOT: 3 RP: 744407</td>
<td>71921</td>
<td>PO Box 12 BUNGALOW QLD 4878</td>
</tr>
<tr>
<td>Pioneer North Queensland Pty Ltd</td>
<td>1L Kamerunga Road BARRON QLD 4878</td>
<td>LOT: 1 SP: 173007</td>
<td>11512</td>
<td>PO Box 12 BUNGALOW QLD 4878</td>
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<tr>
<td>Evergreen Top Dressing &amp; Sand</td>
<td>205R Moller Road ALOOMBA QLD 4871</td>
<td>LOT: 1 RP: 716892</td>
<td>77863</td>
<td>PO Box 274 GORDONVALE QLD 4865</td>
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<tr>
<td>Valley Sands Pty Ltd</td>
<td>Trevor Access GOLDSBOROUGH QLD 4865</td>
<td>LOT: 3 RP: 707892</td>
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<td>C/- Property &amp; Resource Planning PO Box 21 ALOOMBA QLD 4871</td>
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<tr>
<td>N O Webster</td>
<td>Greer Road MIRRIWINNI QLD 4871</td>
<td>LOT: 2 RP: 862626</td>
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<td>R F Irwin &amp; D J Irwin</td>
<td>Kruckow Road EAST RUSSELL QLD 4861</td>
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<td>23 Howard Kennedy Dr BABINDA QLD 4861</td>
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<td>Readymix Holdings Pty Ltd</td>
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<td>75558</td>
<td>PO Box 175 CAIRNS NORTH QLD 4870</td>
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<tr>
<td>I Panebianco &amp; S P Panebianco &amp; Others</td>
<td>Stager Road MIRRIWINNI QLD 4871</td>
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<tr>
<td>S &amp; F Marino Pty Ltd</td>
<td>795L McFarlane Drive KANIMBLA QLD 4870</td>
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<tr>
<td>B K McKay &amp; D W McKay</td>
<td>Telecom Road BELLENDEN KER QLD 4871</td>
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<td>Cairns River Improvement Trust</td>
<td>Buttigieg Road EAST RUSSELL QLD 4861</td>
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<td>W J Bellero</td>
<td>Mossman-Daintree Road ROCKY POINQLD 4873</td>
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<td>W J Bellero</td>
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<td>W A O'Donoghue</td>
<td>83R O'Donoghue Road MIALLO QLD 4873</td>
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<tr>
<td>M V Ferrero</td>
<td>Ferrero Road CRAIGLIE QLD 4877</td>
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<td>G P Fasano</td>
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<td>G P Fasano</td>
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<tr>
<td>J E Norris</td>
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<td>Mossman Quarries Pty Ltd</td>
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Appendix 1: Drop In Sessions
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<td>Cow Bay Drop In Session</td>
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<td>Mossman Drop In Session</td>
<td>Mossman Council Offices</td>
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<td>Thursday, 21 April</td>
<td>Port Douglas Drop In Session</td>
<td>Port Douglas Community Hall</td>
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<td>Tuesday, 3 May</td>
<td>Smithfield Drop In Session</td>
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<td>Thursday, 5 May</td>
<td>Manunda Drop In Session</td>
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<td>Friday, 6 May</td>
<td>Cairns CRC Chambers Drop In Session</td>
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<td>Earlville Drop In Session</td>
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<td>Tuesday, 10 May</td>
<td>Edmonton Drop In Session</td>
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