

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 19 November 2019

**File Ref:** LE3.1

**Purpose:**

The purpose of this report is to seek Council approval to propose to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019*.

**Officer's Recommendation:**

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That Council resolve to propose to make Animal Management (Amendment) Subordinate Local Law (No. 1) 2019 appended as Attachment 1 to the officer's report.

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**Background:**

Council's governance team has initiated the 3 yearly periodic review of Council's suite of local laws in line with the current process for the review of local laws.

The Animal Management Local Law and Subordinate Local Law have been scheduled as the first to be periodically reviewed on the basis that Council has recently added new dog agility park areas in the region (in Calliope and Bororen) which are not included in the subordinate local law as designated off-leash areas. It would be appropriate to have this updated in a timely manner.

As part of the process to determine what level of review the Animal Management Local Law and Subordinate requires, Governance consulted internally with teams that regulate activities under the local law and subordinate local law and other key stakeholders including the executive team. Elected members were provided with a summary of that preliminary feedback on 8 October 2019. As a result of this process, there does not appear to be a need to amend the Local Law at this time, but given the preliminary feedback from internal consultation there does appear to be benefit in reviewing the subordinate local law along the lines detailed in Attachment 3 to this report. A short summary of the purpose and general effect of the tabled *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019* is to —

- (a) prescribe animals that may be disposed of without auction or tender (the addition of stock); and
- (b) prohibit the keeping of prescribed animals (amendments to clarify that miniatures of breeds are also excluded in certain areas, changes to poultry, and the number of animals permitted to be kept on land between 10,001 and 20,000m<sup>2</sup> better defined); and
- (c) require an approval in respect of the keeping of prescribed animals (2 dogs permitted by permit in multi-residential premises); and

- (d) prescribe minimum standards for the keeping of animals (amendments to require top cover on enclosures for animals that can fly); and
- (e) prohibit animals in public places in specified circumstances (makes provision for animals used for commercial purposes such as camel or pony rides, etc in some public areas via a permit system); and
- (f) identify dog off-leash areas (includes the new off-leash areas for dog agility areas in Calliope and Bororen and the Boyne River foreshore excluding turtle nesting season).

The following is noted in regards to the local law making process:

- there are no anti-competitive provisions in the proposed subordinate local law;
- the amending subordinate local law has been drafted in accordance with Council's legislative obligations; and
- there is no requirement for Council to consult with the State Government about the content of the subordinate local law.

### **Consideration:**

#### Option 1 – Adopt the recommendation

This option will result in Council 'proposing' the amendments to the Subordinate Local Law No. 2 (Animal Management). The next stage will be to undertake public consultation on the proposed changes.

#### Option 2 – Adopt the recommendation with amendments

Should Council elect to proceed with amending the subordinate local law but would like to include new provisions or remove proposed changes identified in the draft subordinate it may wish to pass the following resolution:

1. *That, subject to legal advice, the following matters be included/amended/deleted in the Animal Management (Amendment) Subordinate Local Law (No. 1) 2019 prior to proceeding to public consultation:*
  - (a) *insert matter;*
  - (b) *insert matter.*
2. *That subject to the changes above, Council resolve to propose to make Animal Management (Amendment) Subordinate Local Law (No. 1) 2019.*

#### Option 3 – Do not proceed with amending the subordinate local law

Should Council not wish to proceed with changes to the subordinate local law at this time, it may wish to adopt the following resolution.

*"That Council hold over the review of the Animal Management Local Law and Subordinate Local Law until the new term of Council."*

### **Communication and Consultation (Internal/External):**

Executive Team

Manager Governance  
Local Laws Team Leader  
Local Laws Team  
Manager Biosecurity and Environmental Health  
Biosecurity Team  
King and Company Solicitors

### **Legal Environmental and Policy Implications:**

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

It is noted that Council has opened two new dog leash area's (Calliope and Bororen) which are not formally declared under the Subordinate Local Law. This aspect requires to be updated to reflect the ability for dogs to be off leash in these areas.

### **Financial and Resource Implications:**

The subordinate local law amendment process will require some external legal costs which is estimated at approximately \$3,700. This will be funded from Council's legal expenses budget.

In relation to resourcing, Council Officer resources will be required from both the governance and community relations areas to facilitate and gather feedback from the public consultation process, to present that feedback to Council and once Council has adopted its preferred position, to finalise the amendment process (if it proceeds) through to enactment.

### **Commentary:**

Not applicable

### **Summary:**

This report is the first formalised step for commencing changes to the subordinate local law. Following public consultation, further reports will be brought to Council to determine if it wishes to proceed to adoption of the changes.

### **Anticipated Resolution Completion Date:**

The Subordinate Local Law Amendment process is proposed to be completed by 31 January 2020.

### **Attachments:**

1. Animal Management (Amendment) Subordinate Local Law (No.1) 2019
2. Table of proposed changes from internal consultation process
3. List of likely Anti-Competitive Provisions assessed by King and Company.

### **Tabled Items:**

Nil.

**Report Prepared by:** Governance Advisor  
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