

# Cook Shire Council

## Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024

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## Part 1 Preliminary

### 1 Short Title

This local law may be cited as *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*.

### 2 Object

The object of this *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* is to amend:

- (a) *Subordinate Local Law No. 1 (Administration) 2016* to:
  - (i) modify the criteria and specify an additional condition that may be imposed on approvals for the commercial use of local government controlled areas and roads;
  - (ii) expand on the statutory framework to apply, assess and approve parking contrary to official traffic signs by including additional categories of parking permits; and
  - (iii) provide a definition for a commercial vehicle for the purposes of assessing and approving a commercial vehicle identification label;
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* to:
  - (i) modify the definition of both designated camping areas and recreational vehicle (RV) rest areas for consistency and to remove the requirement for Council to keep a register; and
  - (ii) clarify the definition of a recreational vehicle (RV) to ensure ablution and cooking facilities are permanently affixed within the vehicle;
- (c) *Subordinate Local Law No. 5 (Parking) 2016* to:
  - (i) remove the Cooktown Racecourse RV parking area from being a declared off-street regulated parking area;
  - (ii) declare the Webber Esplanade (Lease C) Carpark as a regulated off-street parking area;
  - (iii) declare the Webber Esplanade Carpark as a regulated off-street parking area;

- (iv) introduced new categories of parking permits and prescribe criteria for persons eligible to apply for those parking permits.

### **3 Subordinate Local Law amended**

This local law is made pursuant to—

- (a) for part 2, *Local Law No. 1 (Administration) 2016*;
- (b) for part 3, *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016*; and
- (c) for part 4, *Local Law No. 5 (Parking) 2016*.

### **4 Commencement**

This subordinate local law commences upon publication of the notice of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* in the Gazette.

## **Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2016**

### **5 Local law amended**

This part amends *Subordinate Local Law No. 1 (Administration) 2016*.

### **6 Amendment of Schedule 8 (Commercial use of local government controlled areas and roads)**

- (1) Section 4(a), ‘and’—

*omit, insert—*

or

- (2) Section 4(b), after ‘land’—

*insert—*

; or

(c) detrimentally impact surrounding businesses in established locations, in the opinion of the local government.

(3) Section 6(c), after ‘directing amplified noise’ to ‘sensitive place; and’—

*insert—*

(d) the activity must be conducted in appropriate locations for the activity as determined by the local government and having regard to the nature of the activity, surrounding business and other premises;

*Example—*

*A condition of approval for roadside vending may prevent the permit holder from conducting the activity within 100 meters of a fixed business premises when that business is open and providing the same, or similar products, to that which the permit holder is approved to sell.*

(4) Section 6, after new clause (d)—

*renumber* as section 6(e) to (f).

## **7 Amendment of Schedule 28 (Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee)**

(1) Section 1, after ‘fee’—

*omit, insert—*

*(Local Law No. 5 (Parking) 2016, section 7(1)).*

(2) Section 3(b), after ‘business parking permit’—

*insert—*

(Category A and Category B)—

(3) Section 3(b)(ii), after ‘trading name,’—

*insert—*

business

- (4) Section 3(b)(ii), after ‘application;’—

*omit—*

and

- (5) Section 3(b)(iv), after ‘type of permit required’—

*insert—*

;

(v) the reason for which the applicant requires the permit;

(vi) for a Category B business parking permit, whether a current parking permit has already been approved by the local government; and

(vii) confirmation that the applicant is the lawful occupant of Lease C located on part of Lot 1 on CP889652.

- (c) for a food van parking permit—

(i) the name, address, telephone number and email address of the applicant;

(ii) the trading name, address, telephone number and email address of the business under which the permit will be issued;

(iii) the registration number, make, model and colour of the vehicle nominated in the application; and

(iv) the location details for where the permit will be required.

- (d) for a residential parking permit—

(i) the name, address, telephone number and email address of the applicant;

(ii) the registration number, make, model and colour of the vehicle nominated in the application;

(iii) the reason for which the applicant requires the permit; and

(iv) confirmation of any other current residential parking permit issued to another member of the residence for which the applicant is applying.

- (6) Section 4, ‘The additional criterion’—

*omit, insert—*

The additional criteria that must be considered in deciding whether to grant an approval:

- (a) for a works zone permit— that the applicant is undertaking building or construction work in the local government area;
  - (b) for a business parking permit (Category A)—
    - (i) whether the vehicle is used solely for business purposes;
  - (c) for a business parking permit (Category B)—
    - (i) whether the vehicle is used for purposes connected with a business; and
    - (ii) whether a current business parking permit (Category B) has already been issued by the local government;
    - (iii) whether the applicant is a lawful occupant of Lease C located on part of Lot 1 on CP889652;
  - (d) for a food van parking permit—
    - (i) whether the applicant has applied for and received all required approvals to operate the food van in the local government area;
  - (e) for a residential parking permit—
    - (i) the permanent residential address of the applicant is located within the local government area and the applicant resides at that address;
    - (ii) whether there are any on-site parking spaces available at the address where the applicant resides;
    - (iii) whether the vehicle nominated in the application is registered in the applicant’s name and at the residential address for which the permit is required; and
    - (iv) whether any other current residential parking permit has been issued to another member of the residence for which the applicant is applying.
- (7) Section 5, after the heading—

*omit, insert—*

The conditions that must be imposed on a parking permit are that—

- (a) the permit must only be used for the purpose for which it is approved;
- (b) the vehicle specified in the permit is the vehicle to which the permit is affixed;
- (c) for a business parking permit (Category B)—
  - (i) the permit only allows the nominated vehicle to park in the Webber Esplanade (Lease C) Carpark, which is directly adjacent to Lease C on part of Lot 1 on CP889652; and

- 
- (d) for a food van parking permit—
- (i) the food van is only permitted to park in the area and within the times specified by the local government for food vans to operate; and
  - (ii) the permit will immediately terminate if the permit holder no longer holds the required approvals to carry out the activity in the food van;
- (e) for a residential parking permit—
- (i) the vehicle specified in the permit is the vehicle to which the permit is affixed;
  - (ii) the permit is valid for use within the local government area only for the location specified in the permit;
  - (iii) the permit only authorises the vehicle to park in the location identified in the permit and does not authorise the owner or any other occupier of the vehicle to occupy or remain overnight in the vehicle; and
  - (iv) the permit does not guarantee the availability of a parking bay.
- (8) Section 6(d), ‘destroy the permit’—
- omit, insert—*
- surrender the permit to the local government
- (9) Section 6(e), after ‘change of vehicle’ and before ‘complete a new application’—
- omit, insert—*
- , if the permit is still required, the permit holder must
- (10) Section 6(f), after ‘roads and’—
- insert—*
- / or
- (11) Section 6(f), after ‘parking areas’—
- insert—*
- as specified in the permit

**8 Amendment of Schedule 29 (Parking in a loading zone by displaying a commercial vehicle identification label)**

(1) Section 4—

*omit, insert—*

The additional criteria that must be considered in deciding whether or not to grant an approval—

- (a) The vehicle, the subject of the application, meets the definition of a ‘commercial vehicle’ pursuant to the *Transport Operations (Road Use Management) Act 1995*.

**Part 3 Amendment of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016**

**9 Local law amended**

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

**10 Amendment of Schedule 2 (Restricted activities for local government controlled areas or roads)**

(1) Schedule 2, item 1(d), Column 3—

*omit, insert—*

The activity is permitted—

- (i) if authorised under the condition of approval for a prescribed activity;
- (ii) in designated camping areas<sup>3</sup>;
- (iii) if approved by an authorised person; or
- (iv) in a recreational vehicle (RV) rest area<sup>4</sup> subject to the person complying with the following conditions—
  - (A) The vehicle used to conduct the activity is a recreational vehicle (RV)<sup>5</sup>; and
  - (B) The recreational vehicle’s (RV) waste water containment system(s) is in good repair and working order; and



- (C) The recreational vehicle (RV) must not be used or remain in a designated recreational vehicle (RV) rest area for more than 3 consecutive nights;
  - (D) A person using a recreational vehicle (RV) rest area must comply with any direction given by an authorised person if the direction is reasonably necessary to protect against the health and safety of the person or the public, the amenity of the area or to protect against environmental harm and if the person fails to comply with the direction the authorised person must —
    - i. warn the person it is an offence not to comply with the direction unless the person has a reasonable excuse; and
    - ii. give the person a further reasonable opportunity to comply with the direction.
- (2) Schedule 2, after Item 1(a) to (d), footnote 4, after ‘recreational vehicle (RV)’—
- omit, insert—*
- rest areas.

## 11 Amendment of Schedule 6 (Dictionary)

- (1) Definition of ‘designated camping areas’—

*omit, insert—*

**designated camping area** means—

- (a) any local government controlled area that has been declared by resolution of the local government to be for camping (“*the designated camping area*”); and
- (b) notified to the public by publishing the designated camping area on the local government’s website, or in any other reasonable way determined by the local government; and
- (c) for which a sign has been erected by the local government identifying that camping is permitted in the designated camping area, but does not include a commercial camping ground or caravan park.

- (2) Definition of ‘recreational vehicle (RV)’, subsection (a), after ‘cooking facilities’—

*insert*—

permanently affixed

- (3) Definition of ‘recreational vehicle (RV)’, subsection (c), ‘parking area’—

*omit, insert*—

rest area

- (4) Definition of ‘recreational vehicle (RV) parking area’—

*omit, insert*—

**recreational vehicle (RV) rest area** means—

- (a) any local government controlled area or road that has been designated by resolution of the local government for recreational vehicle (RV) parking (“*the designated recreational vehicle (RV) rest area*”); and
- (b) notified to the public by publishing the designated recreational vehicle (RV) rest area on the local government’s website, or in any other reasonable way determined by the local government; and
- (c) for which a sign has been erected by the local government identifying that recreational vehicle (RV) parking is permitted in the designated recreational vehicle (RV) rest area,

but does not include a commercial camping ground or caravan park.

## **Part 4      Amendment of Subordinate Local Law No. 5 (Parking) 2016**

### **12      Local law amended**

This part amends *Subordinate Local Law No. 5 (Parking) 2016*.

### **13      Amendment of Schedule 2 (Declaration of off-street regulated parking areas)**

- (1) Schedule 2, Part 1—

*omit*—

Cooktown Racecourse RV parking area as identified in Schedule 2, Part 2	C	Racecourse Road, Cooktown, Qld, 4895
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- (2) Schedule 2, Part 1—

*insert—*

Webber Esplanade (Lease C) Carpark as identified in Schedule 2, Part 2	C	Part of Lot 1 on CP889652 adjacent to part of Lot 2 on CP889652 on Charlotte Street, Cooktown Qld 4895
Webber Esplanade Carpark as identified in Schedule 2, Part 2	D	Lot 2 on CP889652, adjacent to Charlotte Street and Webber Esplanade

- (3) Schedule 2, Part 2, heading—

*omit, insert—*

**PART 2 – Maps of Declared Off-Street Regulated Parking Areas**

- (4) Schedule 2, part 2, Map A, heading—

*omit, insert—*

**Map A – Cooktown Aerodrome Carpark**

- (5) Schedule 2, part 2, Map B, heading—

*omit, insert—*

**Map B – Cooktown Aerodrome Carpark**

- (6) Schedule 2, part 2, Map C—

*omit, insert—*

**Map C – Webber Esplanade (Lease C) Carpark**



(7) Schedule 2, part 2, Map D—

*omit, insert—*

**Map D – Webber Esplanade Carpark**



## 14 Amendment of Schedule 3 (Persons who may be issued with a Parking Permit)

- (1) Schedule 3, Column 2 heading, after ‘issued with a permit’—

*insert footnote—*

<sup>1</sup> See Schedule 28 of *Subordinate Local Law No. 1 (Administration) 2016* for the documents and materials that must accompany an application for a parking permit, the criteria the local government will consider in deciding whether to grant a permit and the conditions that the local government must impose and may ordinarily impose on a parking permit.

- (2) Schedule 3, Column 1, after ‘business parking permit’—

*insert—*

(Category A)

- (3) Schedule 3, Column 1 and Column 2—

*insert—*

business parking permit (Category B)	A person who operates a commercial business pursuant to Lease C, located on part of Lot 1 on CP889652, requiring access to a designated parking space in a directly adjacent off-street regulated parking area.
food van parking permit	An operator who has: <ul style="list-style-type: none"> <li>(a) obtained a prescribed activity permit for commercial use of local government controlled areas and roads; and</li> <li>(b) intends to operate on a road or in an area set aside by the local government for food vans to operate.</li> </ul>
residential parking permit	A resident that lives within the local government area and who requires the ability to park contrary to an official traffic sign installed by the local government.