

**LOCAL LAW NO. 1 (ADMINISTRATION) 2018**  
**SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 1 (Administration) 2018

**Subordinate Local Law:** Subordinate Local Law No. 1 (Administration) 2018.

- Purposes:**
- (1) The purposes of the local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government’s local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
  - (2) The purposes are to be achieved by providing for—
    - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
    - (b) authorised persons for enforcing local laws; and
    - (c) review of certain decisions made under local laws; and
    - (d) enforcement of local laws; and
    - (e) matters relating to legal proceedings; and
    - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 6	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity.
Local Law, section 9(1) and (2)	10 - permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Local Law, section 10	10 - permit requirement	The power to impose conditions and examples of subject matter for conditions form part of the process for the grant of an approval.
Local Law, section 11	10 – permit requirement	Imposes a requirement to ensure that the holder of an approval complies with each condition of the approval which may have an impact on the conduct of a business

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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		activity which is a prescribed activity.
Local Law, section 14	10 – permit requirement	Regulates the process for the renewal of an approval by constraining the Council’s discretion.
Local Law, section 15	10 – permit requirement	Regulates the process for the transfer of an approval by constraining the Council’s discretion.
Local Law, section 16	10 – permit requirement	An approval holder may apply to the local government to amend the conditions of an approval and this section constrains the Council’s discretion when considering the application of the approval holder.
Local Law, section 18	10 – permit requirement	The local government may, in specified circumstances, amend, suspend or cancel an approval and this provision regulates the process by constraining the Council’s discretion.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity – Commercial Use of local Government Controlled Areas and Roads</b>		
Subordinate Local Law, section 11(2) and schedule 8	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 8	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Subordinate Local Law, section 11(5) and (6) and schedule 8	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a

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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		business activity.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity – Installation of Advertising Devices</b>		
Subordinate Local Law, section 11(2) and schedule 10	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 10	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Subordinate Local Law, section 11(5) and (6) and schedule 10	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity – Keeping of Animals</b>		
Subordinate Local Law, section 11(2) and schedule 11	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 11	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.

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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local Law, section 11(5) and (6) and schedule 11	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity - Operation of Caravan Parks</b>		
Subordinate Local Law, section 11(2) and schedule 14	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 14	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Subordinate Local Law, section 11(5) and (6) and schedule 14	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity -Operation of Temporary Entertainment Events</b>		
Subordinate Local Law, section 11(2) and schedule 18	10 – permit requirement 5 – prescribed standard	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be

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	7 – business restriction	complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 18	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Subordinate Local Law, section 11(5) and (6) and schedule 18	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

The local government has undertaken a review of Subordinate Local Law No. 1 (Administration) 2018 in the context of the prescribed activities identified below, but not identified any possible anti-competitive provisions in the subordinate local law about the prescribed activities—

Alteration or improvement to local government controlled areas and roads

Establishment or occupation of a temporary home

Operation of camping grounds

Operation of cane railways

Operation of cemeteries

Operation of public swimming pools

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Operation of shared facility accommodation

Undertaking Regulated Activities regarding Human Remains

Undertaking Regulated Activities on Local Government Controlled Areas and Roads

Bringing or driving motor vehicles onto local government controlled areas

Bringing or driving prohibited vehicles onto motor vehicle access areas

Carrying Out Works on a Road or Interfering with a Road or its Operation

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**LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2018**  
**SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2018**  
**SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 (PRESCRIBED ACTIVITY – KEEPING OF ANIMALS)**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 2 (Animal Management) 2018

**Subordinate Local Laws:** Subordinate Local Law No. 2 (Animal Management) 2018  
Subordinate Local Law No. 1 (Administration) 2018 – prescribed activity – keeping of animals

- Purpose:**
- (1) The purpose of the local law is to regulate and manage the keeping and control of animals in the local government’s area in a way that—
    - (a) balances community expectations with the rights of individuals; and
    - (b) protects the community against risks to health and safety; and
    - (c) prevents pollution and other environmental damage; and
    - (d) protects the amenity of the local community and environment. .
  - (2) The purpose is to be achieved by providing for—
    - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
    - (b) the prescription of minimum standards for keeping animals; and
    - (c) the proper control of animals in public places and koala conservation areas; and
    - (d) the management of dangerous or aggressive animals other than dogs; and
    - (e) the seizure and destruction of animals in certain circumstances; and
    - (f) the establishment and administration of animal pounds.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 5(1)	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances. A prohibition under a subordinate local law may have an impact on the conduct of a business activity.

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**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 6(1)	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity.
Local Law, section 8	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species of breed of animal. The prescribed standards may have an impact on the conduct of a business activity.
Local Law, section 42	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, specify conditions to be complied with by a person who offers animals, or a particular species of animal, for sale. A person must not offer or display animals for sale unless the person complies with the conditions. The conditions may have an impact on the conduct of a business activity.
<b>Subordinate Local Law No. 2 (Animal Management) 2018</b>		
Subordinate Local Law, section 5	5 – prescribed standard 7 – business restriction	The keeping of an animal or animals may be prohibited in specified circumstances. The prohibition may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity.
Subordinate Local Law, section 8	5 – prescribed standard 7 – business restriction	The local government may prescribe minimum standards for the keeping of animals which must be complied with. The requirement for compliance with the prescribed standards may have an impact on the conduct of a business activity.
Subordinate Local Law, section 19	5 – prescribed standard 7 – business restriction	Persons who offer particular species or breed of animal for sale must comply with specified conditions. The requirement for compliance with the conditions may have an impact on the conduct of a business activity.
<b>Subordinate Local Law No. 1 (Administration) 2018 – Prescribed Activity – Keeping of Animals</b>		
Subordinate Local Law, section	10 – permit requirement	The local government may declare that the authorising local law does not apply to



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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
11(2) and schedule 11	5 – prescribed standard 7 – business restriction	particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, the prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 11(4) and schedule 11	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council’s discretion.
Subordinate Local Law, section 11(5) and (6) and schedule 11	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7 and schedule 3	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

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**LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2018**  
**SUBORDINATE LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2018**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 3 (Community and Environmental Management) 2018

**Subordinate Local Law:** Subordinate Local Law No. 3 (Community and Environmental Management) 2018.

- Purpose:**
- (1) The purpose of the local law is to protect the environment and public health, and safety and amenity within the local government’s area
  - (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from:-
    - (a) inadequate protection against animal and plant pests; and
    - (b) vegetation overgrowth; and
    - (c) visual pollution resulting from accumulation of objects and materials; and
    - (d) fires and fire hazards not regulated by State law; and
    - (e) community safety hazard; and
    - (f) noise that exceeds noise standards.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 10(1)	5 – prescribed standard 7 – business restriction	A compliance notice may require the owner of land to take specified action to control declared local pests. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 11	5 – prescribed standard 7 – business restriction	A prohibition on the sale or supply of declared local pests. The prohibition may have an impact on the conduct of a business activity.
Local Law, section 12(1) and (2)	5 – prescribed standard 7 – business restriction	A prohibition on the introduction, propagation etc of a declared local pest. The prohibition may have an impact on the conduct of a business activity.

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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 13(1) and (2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to clear vegetation on an overgrown allotment. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 14(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to remove an accumulation of objects and materials. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 15(3) and (4)	5 – prescribed standard 7 – business restriction	Regulation of the lighting and maintaining of fires in the open by reference to prohibitions and restrictions. Compliance with the prohibitions and restrictions may have an impact on the conduct of a business activity.
Local Law, section 16(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to reduce or remove a fire hazard. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 19(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action in relation to a community safety hazard. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 20(2)	5 – prescribed standard 7 – business restriction	The local government may prescribe requirements that must be met by a responsible person relating to a specified community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.
Local Law, section 21(2)	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, prescribe a noise standard for the local government area. Compliance with the prescribed noise standard may have an impact on the conduct of a business activity.

**LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2018**  
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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Subordinate Local Law No. 3 (Community and Environmental Management) 2018</b>		
Subordinate Local Law, section 5	5 – prescribed standard 7 – business restriction	Animals and plants may be declared as a local pest and a compliance notice may require an owner of land to take specified action to control the declared local pest. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7(2)	5 – prescribed standard 7 – business restriction	A prohibition on the lighting or maintaining of fires in specified circumstances. Compliance with the prohibition may have an impact on the conduct of a business activity.
Subordinate Local Law, section 10	5 – prescribed standard 7 – business restriction	A responsible person for a community safety hazard must meet prescribed requirements for the community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.
Subordinate Local Law, section 11	5 – prescribed standard 7 – business restriction	Noise standards may be prescribed for Council’s local government area. Compliance with the prescribed standards may have an impact on the conduct of a business activity.

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**LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2018**  
**SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND**  
**ROADS) 2018**

**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

**Subordinate Local Law:** Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

- Purpose:**
- (1) The purpose of the local law is to:-
    - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
    - (b) preserve features of the natural and built environment and other aspects of the amenity of the local government controlled land, facilities, infrastructure and roads.
  - (2) 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 on local government controlled areas or roads; and
    - (c) miscellaneous matters affecting roads.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 5	5 – prescribed standard 7 – business restriction 10 – permit requirement	The local government may, under a subordinate local law, declare an activity to be a prohibited activity or a restricted activity. In respect of various restricted activities, a subordinate local law imposes a requirement to obtain an approval in respect of the undertaking of the activity, a prescribed activity, and may have an impact on the conduct of a business activity, and in particular, the prescribed activity. If an activity is identified as a prescribed activity, Local Law No. 1 (Administration) 2018 and the subordinate local law made under the local law provide a legal and procedural framework for the administration and regulation of the grant of approvals to undertake the prescribed activity.

**LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2018**  
**SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND**  
**ROADS) 2018**  
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Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</b>		
Subordinate Local Law, section 5(1)	5 – prescribed standard 7 – business restriction 10 – permit requirement	The local government may, under a subordinate local law, declare an activity to be a prohibited activity or a restricted activity. In respect of various restricted activities, a subordinate local law imposes a requirement to obtain an approval in respect of the undertaking of the activity, a prescribed activity, and may have an impact on the conduct of a business activity, and in particular, the prescribed activity. If an activity is identified as a prescribed activity, Local Law No. 1 (Administration) 2018 and the subordinate local law made under the local law provide a legal and procedural framework for the administration and regulation of the grant of approvals to undertake the prescribed activity.

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