

North Burnett Regional Council Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) 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.
- (2) 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, proper enclosures, koala 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 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011*.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in Schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

domestic animal means a cat, dog or household pet.

domestic purposes means the keeping of an animal in or within the curtilage of a dwelling for the private enjoyment of a person residing therein.

guard dog means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

primary producer means a person whose main business is agriculture or animal husbandry.

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person;

regulated dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 60.

residential unit means a residential development comprising multiple units on a single lot.

Example for paragraph (c) — A residential unit within a retirement village.

rural area means an area that is not an urban area.

urban area includes all existing and future areas designated for urban purposes. Urban purposes encompasses all precincts and/or zones predominantly catering for all residential, business/commercial, industrial, community and special purpose land uses as prescribed in a local government's planning scheme but excludes lots greater than 6000m² in an area that is designated as rural residential .

working dog means a dog, other than a regulated dog, that is kept—

- (a) on rural land; and
- (b) by a primary producer or a person engaged or employed by a primary producer; and
- (c) primarily for the purpose of droving, protecting, tending, or working stock.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

This section has been left intentionally blank.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 3.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 4 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 4.

Part 3 Control of animals**9 Public places where animals are prohibited or restricted—Authorising local law, s 10(1)**

- (1) For section 10(1) of the authorising local law, the species or breeds of animals prescribed in column 2 of schedule 5 are prohibited in the public places mentioned in column 1 of schedule 5.
- (2) However, subsection (1) does not apply to—
 - (a) an animal that is specifically authorised to be in a particular place pursuant to a condition of an approval issued by the local government under *Local Law No.1 (Administration) 2011*; or
 - (b) an animal in a cemetery that has been authorised in writing to be in the cemetery by an authorised person.

10 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) goats;
- (f) donkeys;
- (g) camels;
- (h) sheep; and
- (i) any other animal faeces that an authorised person directs to have removed.

11 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 6 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 6.

12 Koala conservation—Authorising local law, s 15

(1) For section 15(1) of the authorising local law, schedule 7 sets out the requirements for keeping a dog on land that is within a koala area.

(2) For section 15(4) of the authorising local law, each area described in schedule 8 is designated as a koala area.

13 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

Part 4 Seizure, impounding or destruction of animals

14 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, all animals may be sold by private agreement, destroyed or disposed of in some other way.

15 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public offices.

Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous

16 Conditions regarding supply of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who supply an animal of a species or breed mentioned in column 1 of schedule

10 must comply with the conditions set out in column 2 of schedule 10.

17 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “**animal**” in the schedule to the authorising local law, the following species of animal are excluded from the application of the authorising local law—

This section has been intentionally left blank.

18 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of “**declared dangerous animal**” in the schedule to the authorising local law, an animal of the following species is a declared dangerous animal—

This section has been intentionally left blank.

19 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “**prescribed period**” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) for horses, cattle and cats and dogs that are registered or implanted with a permanent identification device under the *Animal Management (Cats and Dogs) Act 2008*—5 working days; or
- (b) for all other animals—3 working days.

		1,000m ² or more, but less than 4,000m ² .
9	Cockatoo, galah or other bird of a similar size	A bird to which this item 9 applies on an allotment with an area less than 6,000m ² .
10	Budgerigar, canary or other bird of a similar size	More than 20 birds to which this item 10 applies on an allotment with an area less than 6,000m ² .
11	Racing pigeons	More than 20 birds to which this item 11 applies on an allotment with an area less than 6,000m ² .
12	Guinea pigs and domestic mice and rats	TBC

Schedule 2 Requirement for approval to keep animal¹

section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval²
1	Any animal	An approval to keep an animal is required where the owner or responsible person for the animal has committed more than two offences against the authorising local law in any 12 month period in relation to the same type of animal <i>Example—</i> The owner of a dog commits 2 roaming dog offences in a 12 month period
2	Dog	<ol style="list-style-type: none"> 1. In the case of a dog that is not a guard dog, working dog or greyhound registered with the Greyhound Racing Authority of Queensland, an approval is required— <ol style="list-style-type: none"> (a) More than 1 dog over the age of 12 weeks on premises or an allotment with an area less than 450m². (b) More than 2 dogs over the age of 12 weeks on premises or an allotment with an area between 451m² and 4,000m². 2. An approval is required to keep a guard dog on a property 3. An approval is required to keep more than 6 greyhounds registered with the Greyhound Racing Authority of Queensland over the age of 3 months on a property less than 20,000m².
3	Cat	An approval is required to keep 3 or more cats over the age of 3 months on a property and more than 1 cat per dwelling on a on a multiple dwelling property.
4	Pigeons or doves	An approval is required to keep pigeons or doves in an urban area or on a property less than 6,000m ² .
5	Rooster	An approval is required to keep a rooster in an urban area or on a property less than 6,000m ² .

¹ Under section 6(3) of the authorising local law, an approval is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the *Sustainable Planning Act 2009*.

² See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Minimum standards for keeping animals generally³

section 8(1)

1. Animal Standards

- (a) The owner or responsible person must ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person.
- (b) The owner or responsible person must ensure that excreta, food scraps and other material that is, or is likely to become, offensive or is likely to, or does, attract vermin, is collected at least daily and, if not immediately removed from the premises, is kept in a fly proof container.
- (c) The owner or responsible person must ensure that any enclosure in which the animal is kept is in a clean and sanitary condition.
- (d) The owner or responsible person must ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition.
- (e) Parts of a building or structure which does not have openings through which an animal can escape may form part of the enclosure in lieu of fencing.
- (f) Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.
- (g) Must contain adequate shelter, food and water.

2. Nuisance

- (a) An animal must be kept so that so that it does not, in the opinion of an authorised person, cause a nuisance or is injurious or prejudicial to health, including a nuisance from a dog or any animal that creates a noise which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social wellbeing of a reasonable person.

³ Note that the *Environmental Protection Act 1994* imposes duties on individuals and creates offences in relation to activities that may cause environmental nuisance, which might include noise, odours or dust caused by the keeping of animals.

Schedule 4 Minimum standards for keeping particular animals

section 8(2)

Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1. Horse, donkey, camel, alpaca, llama, deer, sheep or goat	Where the animal is kept in an urban area or on land less than 10,000m ² and more than 6,000m ² , the owner or responsible person for the animal must provide the local government with the following information— (a) the person's name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept.
2. Cattle	The owner or responsible person for the animal must provide the local government with the following information— (a) the person's name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept; and (d) a description of the animal, including any brand or identification mark on the animal.
3. Budgerigars, Canaries and other birds of a similar size	1) All seed and other food for the birds must be contained within a properly sealed and vermin proof container. 2) Cages and aviaries are to be thoroughly cleaned once per week.
4. Geese, ducks, chickens, roosters, turkeys and other poultry	1) All seed and other food for the birds must be contained within a properly sealed and vermin proof container. 2) Enclosures are to be thoroughly cleaned once per week.
5. Pigeons	1) Enclosed housing must use deep litter or other appropriate substrate. 2) Pigeon lofts must be regularly cleaned and maintained in a healthy condition so that no food scraps, pigeon faeces or feathers may create a food source to attract vermin. 3) Rodents and other vermin must be vigorously controlled. 4) All food must be stored in sealed vermin proof

	<p>containers and must not be left uncovered.</p> <p>5) The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.</p> <p>6) Waste must be disposed of in an approved manner.</p> <p>7) The slaughtering of pigeons in urban areas is prohibited.</p> <p>8) The uncontrolled release of pigeons (free lofting) in an urban area is not permitted.</p> <p>9) Free non-flight time must be conducted under close supervision by the owner.</p> <p>10) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.</p> <p>11) Every reasonable attempt must be made to retrieve birds that do not return.</p> <p>12) Birds must not be permitted to roost on neighbours' premises.</p> <p>13) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.</p>
6.	<p>Doves</p> <p>1) All seed and other food for the birds must be contained within a properly sealed and vermin proof container.</p> <p>2) Cages and aviaries are to be thoroughly cleaned once per week.</p> <p>3) Exercise periods are permissible from dawn until 9.00am and from 3.00pm until dark.</p> <p>4) Doves must not be out unsupervised during the day and should not be allowed to rest on house roofs or other neighbouring property.</p>
7.	<p>Greyhounds</p> <p>Where greyhounds are kept on premises they must be kept in accordance with the Greyhound Racing Authority of Queensland – Code of Practice</p>
8.	<p>Cats and dogs</p> <p>The owner of the cat or dog must ensure that at all times the animal is wearing the registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i>.</p>

Schedule 5 Prohibition of animals in public places⁴

section 9

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1.	In any playground, or within 5 metres of any playground, in a park or reserve where animals are otherwise permitted	All domestic animals
2.	All cemetery reserves	All domestic animals
3.	All parks and reserves	All domestic animals other than cats and dogs
4.	An animal exclusion zone designated in the conditions of an approval for an activity in a local government controlled area or road issued under <i>Local Law No.1 (Administration) 2011</i> .	All domestic animals

Schedule 6 Requirements for proper enclosures for animals

section 11

Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1 Cats, dogs and other animals not listed elsewhere in this schedule	1) The enclosure— <ul style="list-style-type: none"> (a) must be suitably fenced; and (b) must be of a size appropriate to the species and breed of the animal to be enclosed; and (c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and (d) must contain adequate shelter. 2) The enclosure's gates must be closed and latched except when in actual immediate use. 3) Suitably fenced means a fence constructed of strong materials and designed in such a way to the prevent the animal from— <ul style="list-style-type: none"> (a) escaping over, under, through or around the fence; and (b) protruding over, under, through or around the fence; and (c) threatening to attack a person or animal over, under, through or around the fence; and (d) attacking a person or animal over, under, through or around the fence. 4) Keeping an animal on a leash does not constitute a proper enclosure.
2 Geese, ducks, chickens, roosters, turkeys and other poultry	The enclosure must— <ul style="list-style-type: none"> (a) not be sited closer than 2 metres from the property boundaries; and (b) be located at the rear of the premises behind the residence (if any) situated on the premises; and (c) prevent the animals from being nearer than 10m to any local government road or State-controlled road.

3	Pigeons	<ol style="list-style-type: none"> 1) The cage or aviary must not be sited closer than 2 metres from the property boundaries. 2) The enclosure must be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises). 3) All pigeons must be housed in purpose built facilities. 4) Where wooden floors are used, a clear air space not less than 400mm between the ground level and the underside of the flooring timbers must be provided. 5) Where concrete floors are used, a concrete edge to the slab extending at least 600mm into the ground must be provided. 6) Pigeon lofts are to have a maximum height of 2.5 metres above natural ground level. 7) An appropriate size of enclosure must be selected to house a maximum number of birds within the proposed loft. 8) The maximum number of birds per cubic metre of air space must not exceed 5. 9) Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. 10) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
4	Doves	The enclosure must not be sited closer than 2 metres from the property boundaries.
5	Horses, cattle, sheep, goats and other animals of a similar size	<p>The enclosure must—</p> <ol style="list-style-type: none"> (a) be constructed to prevent any such animal from being within 10 metres of any dwelling (except any dwelling on the premises); and (b) except in rural areas, be sited a minimum distance of 2 metres from the property boundaries.
6	Caged birds	<p>The cages/enclosures must—</p> <ol style="list-style-type: none"> (a) not be sited closer than 2 metres from the property boundaries; and (b) be located at the rear of the premises behind the residence (if any) situated on the premises; and (c) prevent the animals from being nearer than 10m to any local government road or State-controlled road; and (d) meet the following dimensions to have the following size of birds contained:

Indoor or suspended cage				
Size of birds (mm)	Number of birds	Minimum floor area (sq m)	Minimum height (m)	Increased floor area for each additional bird (sq m)
100	2	0.1	0.34	0.1
200	2	0.16	0.34	0.1
300	2	0.5	0.9	0.25
400	2	1	0.9	0.6
500	2	2.25	1.5	0.85
900	2	4	1.5	1.4

Minimum size of aviary outdoor				
Size of birds (mm)	Number of birds	Minimum floor area (sq m)	Minimum height (m)	Increased floor area for each additional bird (sq m)
100	2	0.37	1.8	0.18
200	2	0.72	1.8	0.36
300	2	1	1.8	0.5
400	2	1.5	1.8	0.75
500	2	2.5	1.8	1.25
900	2	5	1.8	2.5

Aviaries/cages with floor area exceeding 2sq m must be of a minimum height of at least 1.8m and allow access for physical entry. The minimum length and width of any cage should be at least twice the length of the largest bird in the cage.

Combined buildings and structures on site are not to exceed 50% of site coverage.

¹ Note that in the case of any lawfully established enclosures that were existing at the introduction of this Local Law that do not comply with the requirements of 2(a), 3(a), 4(a) and 5(a) are deemed acceptable if:

- (i) a plan of the enclosure and site is provided to the North Burnett Regional Council prior to, or within 3 months of, the introduction of this Local Law; and
- (ii) the enclosure is maintained in accordance with all other requirements of Schedules 3, 4 and 6; and
- (iii) no more than 10 years have lapsed since the introduction of this Local Law.
- (iv) the exemption only applies to the existing property occupier and any exemption is extinguished once the property has sold or the existing occupier has left the property.

² Sizes of birds are derived from the following example of birds contained within each group:

100 mm	Zebra, Cuban, Double Bar, Orange Breasted Waxbill Finches, Canaries, African Peachface and Mask Birds
200 mm	Neophemas, Budgerigars, Yorkshire canaries, Red Crested Cardinal Finches, Lorikeets (except Rainbow and Red Collared)
300 mm	Rosellas, Cockatiels, Lorikeets, Bronze-Wing Pigeons

400 mm	King, Princess, Indian Ringneck and Superb Parrots, Galahs, Long Billed Corellas
500 mm	Sulphur Crested Cockatoos

**Schedule 7 Requirements for keeping a dog in a koala
area**

section 12(1)

This schedule has been left intentionally blank.

Schedule 8 Koala areas⁵

section 12(2)

This schedule has been left intentionally blank.

⁵ “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 9 Criteria for declared dangerous animals

section 13

The following criteria will be considered prior to the declaration of an animal, other than a dog, being declared dangerous—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (d) whether the animal has exhibited behaviour that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

Schedule 10 Conditions for supply of animals

section 18

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when supplying animals
1 Cats and dogs (under 18 months of age)	1) The supplier must provide the person who is obtaining the animal with documented evidence ⁶ that the animal— <ul style="list-style-type: none"> (a) has received all core vaccines in accordance with the recommendations in the Australian Veterinary Association’s policy on vaccination of dogs and cats; (b) has been wormed; and, (c) has been micro-chipped in accordance with the Animal Management (Cats and Dogs) Act 2008. 2) The supplier must lodge a North Burnett Regional Council Animal Change of Ownership Form within 14 days of supply.

⁶ Documented evidence for the purpose of section 1(a) is a vaccination certificate from a Veterinary Practice. For 1(b) a statutory declaration

Schedule 11 Dictionary

special birds includes emus and ostriches.

noisy bird means a bird that is noisy in the opinion of an authorised person and includes a cacophonous bird of the Galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

birds means all birds other than noisy birds, special birds, poultry and roosters.

poultry includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails.

Certification by Chief Executive Officer

This and the preceding twenty-three (23) pages bearing my initials is a certified copy of Local Law No. 2 (Animal Management) 2011 made, in accordance with the provisions of the *Local Government Act 2009* by the North Burnett Regional Council by resolution on 6 December 2011.

MJP PITT
Chief Executive Officer