

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, mandatory desexing, 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 animal, 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* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 13 defines particular words used in this subordinate local law.

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

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

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 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

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

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

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

For section 13 of the authorising local law, no other species of animal is prescribed

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as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

13 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 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

- (1) For section 15(1) of the authorising local law, schedule 9 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 10 is designated as a koala area.

15 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 11.

Part 4 Seizure, impounding or destruction of animals

16 Place of care for impounded animals—Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

17 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, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) other small domestic animals.

18 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 office.

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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

19 Conditions regarding sale of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

20 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, animals of the fish species are excluded from the application of the authorising local law.

21 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, no species of animal is declared to be a declared dangerous animal.

22 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) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

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Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1.	Dog (but excluding an assistance dog, a guide dog, a hearing dog, a government entity dog and a working dog)	<ul style="list-style-type: none"> (a) 3 or more dogs over the age of 3 months on an allotment with an area less than 4,000m²; (b) 4 or more dogs over the age of 3 months on an allotment with an area between 4,000m² and 9,999m²; (c) 5 or more dogs over the age of 3 months on an allotment with an area between 10,000m² and 20,000m²; (d) 7 or more dogs over the age of 3 months on an allotment, regardless of the area of the allotment; (e) more than 1 dog over the age of 3 months on premises which are multi-residential premises; (f) for the keeping of dogs at a caravan park—more than 1 dog over the age of 3 months at a residence in the caravan park.
2.	Cat	<ul style="list-style-type: none"> (a) 3 or more cats over the age of 3 months on an allotment with an area less than 4,000m²; (b) 5 or more cats over the age of 3 months on an allotment with an area between 4,000m² and 19,999m²; (c) 7 or more cats over the age of 3 months on an allotment with an area of 20,000m² or more; (d) more than 1 cat over the age of 3 months on premises which are multi-residential premises; (e) for the keeping of cats at a caravan park—more than 1 cat over the age of 3 months at a residence in the caravan park.
3.	Horse	<ul style="list-style-type: none"> (a) 1 or more horses on an allotment with an area less than 5,000m²; (b) more than 1 horse on an allotment in the rural zone if— <ul style="list-style-type: none"> (i) the area of the allotment is between 5,000m² and 10,000m²; and (ii) the area, in excess of 5,000m², available to each horse, in addition to the first horse, kept on the allotment is less than 2,000m² per horse; (c) more than 1 horse on an allotment in a zone, other than the

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	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
		rural zone, if— (i) the area of the allotment is between 5,000m ² and 40,000m ² ; and (ii) the area, in excess of 5,000m ² , available to each horse, in addition to the first horse, kept on the allotment is less than 2,000m ² per horse.
4.	Donkey, cow, bison, camel or other animal of a similar size (but excluding a horse)	(a) 1 or more animals to which this item 4 applies, on an allotment with an area less than 4,000m ² ; (b) subject to paragraph (a), an animal to which this item 4 applies on an allotment in the rural zone if— (i) the area of the allotment is between 4,000m ² and 10,000m ² ; and (ii) the area available to each animal kept on the allotment is less than 4,000m ² per animal; (c) subject to paragraph (a), an animal to which this item 4 applies on an allotment in a zone, other than the rural zone, if— (i) the area of the allotment is between 4,000m ² and 40,000m ² ; and (ii) the area available to each animal kept on the allotment is less than 4,000m ² per animal.
5.	Sheep, goat, alpaca, llama or other animal of a similar size	(a) 1 or more animals to which this item 5 applies, on an allotment with an area less than 4,000m ² ; (b) subject to paragraph (a), an animal to which this item 5 applies on an allotment in the rural zone if— (i) the area of the allotment is between 4,000m ² and 10,000m ² ; and (ii) the area available to each animal kept on the allotment is less than 2,000m ² per animal; (c) subject to paragraph (a), an animal to which this item 5 applies on an allotment in a zone, other than the rural zone, if— (i) the area of the allotment is between 4,000m ² and 40,000m ² ; and (ii) the area available to each animal kept on the allotment is less than 2,000m ² per animal.
6.	Pig or deer	(a) 1 or more animals to which this item 6 applies, on an

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	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
		<p>allotment with an area less than 10,000m²;</p> <p>(b) subject to paragraph (a), an animal to which this item 6 applies on an allotment in a zone, other than the rural zone, if—</p> <p>(i) the area of the allotment is between 10,000m² and 40,000m²; and</p> <p>(ii) the area available to each animal kept on the allotment is less than 10,000m² per animal.</p>
7.	Chicken	<p>(a) more than 10 chickens on an allotment with an area less than 4,000m²;</p> <p>(b) more than 20 chickens on an allotment with an area between 4,000m² and 10,000m².</p>
8.	Turkey, goose or duck	<p>(a) more than 5 birds to which this item 8 applies on an allotment with an area less than 4,000m²;</p> <p>(b) more than 10 birds to which this item 8 applies on an allotment with an area between 4,000m² and 10,000m².</p>
9.	Rooster	<p>(a) 1 or more roosters on an allotment with an area less than 10,000m²;</p> <p>(b) 1 or more roosters on an allotment in a zone, other than the rural zone.</p>
10.	Bees (other than native stingless bees)	a hive for the keeping of bees on an allotment with an area less than 10,000m ² .
11.	Pigeon	<p>(a) more than 20 pigeons on an allotment with an area less than 600m²;</p> <p>(b) more than 120 pigeons on an allotment with an area between 600m² and 999m²;</p> <p>(c) more than 200 pigeons on an allotment with an area between 1,000m² and 4,000m².</p>
12.	Emu or ostrich	<p>(a) 1 or more birds to which this item 12 applies on an allotment in the rural zone if the area of the allotment is less than 20,000m²;</p> <p>(b) 1 or more birds to which this item 12 applies on an allotment in a zone, other than the rural zone.</p>

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	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
13.	Peacock, guinea fowl or other game bird species	1 or more birds to which this item 13 applies on an allotment with an area less than 10,000m ² .
14.	Cockatoo, galah, corella, raptor or other bird of a similar size	(a) 1 or more birds to which this item 14 applies on an allotment with an area less than 600m ² ; (b) more than 2 birds to which this item 14 applies on an allotment with an area between 600m ² and 999m ² ; (c) more than 10 birds to which this item 14 applies on an allotment with an area between 1,000m ² and 10,000m ² .
15.	Budgerigar, canary, cockatiel, finch or other bird of a similar size	(a) more than 5 birds to which this item 15 applies on premises which are multi-residential premises; (b) more than 20 birds to which this item 15 applies on an allotment with an area less than 1,000m ² ; (c) more than 200 birds to which this item 15 applies on an allotment with an area between 1,000m ² and 10,000m ² .

For the purposes of this schedule 1, when considering the overall total number of animals the subject of a prohibition, for an allotment, all animals in each of items 3, 4, 5 and 6 must be considered as a cumulative total, for example, a 10,000m² allotment could have a combination of 1 horse and 2 sheep.

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Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval
1.	Dog (but excluding an assistance dog, a guide dog, a hearing dog, a government entity dog and a working dog)	5 or 6 dogs over the age of 3 months on an allotment which has an area of 20,000m ² or more.
2.	Horse	<p>(a) more than 1 horse on an allotment in the rural zone if—</p> <p>(i) the area of the allotment is between 5,000m² and 10,000m²; and</p> <p>(ii) the area, in excess of 5,000m², available to each horse, in addition to the first horse, kept on the allotment is less than 4,000m² per horse;</p> <p>(b) more than 1 horse on an allotment in a zone, other than the rural zone, if—</p> <p>(i) the area of the allotment is between 5,000m² and 40,000m²; and</p> <p>(ii) the area, in excess of 5,000m², available to each horse, in addition to the first horse, kept on the allotment is less than 4,000m² per horse.</p>

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Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
	No species or breed of animal mentioned.		

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Schedule 4 **Minimum standards for keeping animals generally**

Section 8(1)

1. A person who keeps an animal on premises must —
 - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (g) if the animal is found dead on the premises — remove and dispose of the carcass of the animal and ensure that the premises are kept and maintained in a clean, tidy, sanitary and hygienic condition; and
 - (h) ensure that the keeping of the animal on the premises does not cause an animal noise nuisance; and
 - (i) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government — comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act; and
 - (j) if the animal is a dog that is not implanted with a PPID and section 14 of the Animal Management Act applies — ensure that the dog is implanted with a PPID as required by section 14 of the Animal Management Act.
2. For the purposes of section 1(h), the keeping of an animal on premises causes an animal noise nuisance if—
 - (a) the animal makes a noise which —
 - (i) occurs more than once; and

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- (ii) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises; or

Example for section 2(a)(ii) —

The barking of a dog which disrupts a person —

- (a) *holding a conversation; or*
- (b) *watching television; or*
- (c) *listening to a radio or recorded material; or*
- (d) *sleeping.*

In order for an animal noise nuisance to occur, it is not necessary that the degree of interference from the barking is such as to be continuous, or to make it practically impossible to —

- (a) *hold a conversation; or*
- (b) *watch television; or*
- (c) *listen to a radio or recorded material at ordinary volumes; or*
- (d) *fall or stay asleep.*

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the dog barking, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the barking totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the barking of the dog. It is not necessary that it be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.

- (b) the animal makes a noise that is excessive in all the circumstances, and an animal makes a noise that is excessive in all the circumstances if—
 - (i) the noise is made for more than a total of 6 minutes in any hour from 7.00am to 10.00pm on any day; or
 - (ii) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10.00pm or before 7.00am.

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Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Greyhound	<p>Each owner of, and responsible person for, a greyhound must ensure that the dog is kept—</p> <ul style="list-style-type: none"> (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.
2	Horse, donkey, cow, bull, ox, deer, bison, camel and other domesticated animals of a similar size and sheep, goat, pig, alpaca, llama and other animals of a similar size	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary, corella, finch and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah, raptor and other birds of a similar size	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.

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4	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the pigeons are kept without nuisance; and (b) the pigeons contained within an enclosed cage or aviary; and (c) the pigeon's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the pigeons are kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bees are kept without nuisance; and (b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and (d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.
6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, chicken, guineafowl and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof

		<p>container; and</p> <p>(d) the enclosure in which the bird is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.</p>
7	Dogs, if the dogs are kept on premises at a kennel and cats, if the cats are kept on premises at a cattery	<p>Each owner of, and responsible person for, an animal kept on premises in the circumstances specified in column 1, item 7 must ensure that—</p> <p>(a) the keeping of the animals on the premises—</p> <p>(i) does not detrimentally affect the amenity of neighbouring premises; and</p> <p>(ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and</p> <p>(iii) does not attract fly breeding or vermin infestation; and</p> <p>(b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and</p> <p>(c) only rain water from uncontaminated areas may drain directly into the storm water system; and</p> <p>(d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</p> <p>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p>

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		<p>(f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and</p> <p>(h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times—</p> <p style="padding-left: 20px;">(i) in good working order and condition; and</p> <p style="padding-left: 20px;">(ii) in a clean and sanitary condition; and</p> <p>(k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to—</p> <p style="padding-left: 20px;">(i) be clean and in a sanitary condition; and</p> <p style="padding-left: 20px;">(ii) prevent the escape of any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(iii) protect the safety of staff and the public; and</p> <p style="padding-left: 20px;">(iv) be in a state of good order and repair; and</p> <p style="padding-left: 20px;">(v) avoid injury to any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</p> <p style="padding-left: 20px;">(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p style="padding-left: 20px;">(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government— the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
	No public place described.	No species or breed of animal mentioned.

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Schedule 7 Dog off-leash areas

Section 11

1. Seib Street, Kilcoy described as Lot 10 SP162934, but limited to the fenced area as designated by sign on the eastern side of the park.
2. Esk Hampton Road, Esk described as Lot 178 CSH1471, but limited to the fenced area as designated by sign on the western side of the park.
3. Honeywood Drive, Fernvale described as Lot 900 SP240665 but limited to the fenced area as designated by sign on the western side of the park.

AS

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</p> <p>(d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and</p> <p>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p>
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <p>(a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and</p> <p>(b) where the animal is a stallion—the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.</p>

AS

**Schedule 9 Requirements for keeping a dog in a koala
area**

Section 14(1)

No requirements prescribed.

AS

Schedule 10 Koala areas¹

Section 14(2)

No area designated.

¹“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*.

AG

Schedule 11 Criteria for declared dangerous animals

Section 15

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.



Schedule 12 Conditions for sale of animals

Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
	No species or breed of animal mentioned.	No conditions set out.

AS

Schedule 13 Dictionary

Section 4

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

building has the meaning given in the *Building Act 1975*.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011*.

caravan park means a place operated, on a commercial basis, for parking and residing in caravans, and includes a place that also provides for complementary accommodation.

cat—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

cattery —

- (a) has the meaning given in the planning scheme of the local government; but
- (b) includes animal keeping as defined in the standard planning scheme provisions

destroy, an animal, includes causing it to be destroyed.

dog—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

government entity dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

AJ

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and
 - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

kennel —

- (a) has the meaning given in the planning scheme of the local government; but
- (b) includes animal keeping as defined in the standard planning scheme provisions.

land has the meaning given in the *Sustainable Planning Act 2009*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

multi-residential premises means —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

non-residential premises means premises other than residential premises.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

pig includes a miniature pig.

PPID has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

premises means any land, building or structure and includes any part thereof.

registered has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

residence —

- (a) means a building, or part of a building, that is—
 - (i) fixed to land; and
 - (ii) a self-contained unit used by, or intended for the exclusive residential use of, 1 household; and
- (b) in a caravan park, includes a caravan that is a self-contained unit used by, or intended for the exclusive residential use of, 1 household.

AS

residential premises means premises used, or intended to be used, predominantly as a place of residence.

rural zone means the area identified as rural zone in the planning scheme of the local government.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stallion means an uncastrated adult male horse.

standard planning scheme provisions has the meaning given in the *Sustainable Planning Act 2009*.

structure has the meaning given in the *Local Government Act 2009*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vermin means—


- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
 - (ii) a local government public health risk.

waste has the meaning given in the *Environmental Protection Act 1994*.

working dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

zone means the area identified as a zone, other than the rural zone, in the planning scheme of the local government.

This and the preceding 27 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Somerset Regional Council by resolution dated 29th November 2023.



 Andrew Johnson
 Chief Executive Officer

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