

Bouliā Shire Council

Subordinate Local Law No. 2 (Animal Management) 2014

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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) 2014*.

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) 2014*, 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 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) 2014* (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) In this subordinate local law—

designated town area means the following zones indicated on the maps contained in schedule 10—

 - (a) Small Town; and
 - (b) Urban; and
 - (c) Industrial; and
 - (d) Open Space and Recreation; and
 - (e) Rural Residential.

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

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.

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 schedule 3 must be desexed once it reaches the age specified, except in the circumstances described.

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 dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the 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, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way— *This list has been intentionally left blank.*

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 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

15 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 the place nominated by a resolution of the local government.

16 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, any impounded animal may be sold by private agreement, destroyed or disposed of in some other way without being destroyed.

17 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.

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.

Dictionary

18 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 is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—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	<p>1 More than 4 dogs over the age of 3 months must not be kept on a property in a designated town area, except where the property owner holds a development approval authorising the keeping of more than 4 dogs.</p> <p>2 A dog of any of the following breeds must not be kept in the local government's area—</p> <ul style="list-style-type: none"> (a) American pit bull terrier or pit bull terrier; (b) dogo Argentino; (c) fila Brasileiro; (d) Japanese tosa; (e) Perro de Presa Canario or Presa Canario.
4	Horses, donkeys, cattle, sheep, goats, deer	<p>1 More than 3 horses, donkeys, cattle, sheep, goats and/or deer (in the aggregate) must not be kept on a property in a designated town area.</p> <p>2 More than 2 horses, donkeys, cattle, sheep, goats and/or deer (in the aggregate) must not be kept on a property smaller than 4000m² in a designated town area.</p>
5	Rooster	A rooster must not be kept on a property smaller than 2000m ² in a designated town area.
7	Pig	A pig must not be kept on a property in a designated town area, except where the property is larger than 2000m ² and within a Rural Residential zone.

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 2}
1	Dog	An approval is required to keep more than 2 dogs over the age of 3 months on a property in a designated town area.
2	Cat	An approval is required to keep more than 2 cats on a property in a designated town area.
3	Poultry	An approval is required to keep more than 15 poultry on a property in a designated town area.
4	Rooster	An approval is required to keep a rooster on a property in a designated town area.
5	Guinea pigs	An approval is required to keep more than 10 guinea pigs on a property in a designated town area.
6	Horses, donkeys, cattle, sheep, goats, deer	An approval is required to keep a horse, donkey, cattle, sheep, goat or deer on a property smaller than 1000m ² in a designated town area.
7	Pig	An approval is required to keep a pig on a property in the Rural Residential zone in a designated town area.

¹ The requirement for a local law approval does not apply where a property owner has a development approval for the keeping of the animal/s (see section 6(3), *Local Law No.1 (Animal Management) 2014*).

² See *Local Law No.1 (Administration) 2014* and *Subordinate Local Law No.1 (Administration) 2014* 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 Requirement to desex animal

Section 7

This schedule has been intentionally left blank.

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Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

Cleanliness

- (a) Waste waters from animal enclosures must be drained in a nuisance free and pollution free manner.
- (b) In an enclosure built for the purpose of housing an animal, any excreta, offensive material or food scraps must be collected at least once each day and placed into a waterproof and fly proof receptacle.
- (c) The contents of receptacles for excreta, offensive material and food scraps must be removed twice weekly.
- (d) Animal food must be stored in impervious fly proof and vermin proof receptacles or impervious fly proof and vermin proof storeroom facilities which are to be maintained in a reasonable condition.

Enclosures

- (a) An enclosure built for the purpose of housing an animal must be kept in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and offensive odours.
- (b) An enclosure must provide adequate space for any animal to be kept therein.
- (c) An enclosure or area where animals are kept must be thoroughly cleaned once a week and effectively treated with an insecticide at least twice a year.

Welfare

- (a) Animals must be provided with and have access to adequate shelter, clean drinking water and appropriate food.
- (b) Prompt veterinary or other appropriate treatment must be provided to an animal in cases of disease or injury.

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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	Horse or donkey	<p>Where a horse or donkey is kept on a property that is not vacant land in a designated town area, the keeper of the animal must ensure that—</p> <ul style="list-style-type: none"> (a) the animal does not cause nuisance, inconvenience or annoyance to others; and (b) appropriate action is taken to prevent harm to the local environment; and (c) all manure and other offensive matter is removed at least once a day; and (d) all manure and other offensive matter is stored in a covered weather proof, fly proof, vermin proof receptacle.
2	Poultry	<p>Where poultry is kept on a property in a designated town area, the keeper of the poultry must ensure that fowl houses, fowl pens and runs are not situated—</p> <ul style="list-style-type: none"> (a) within 2m of a dwelling or place where food is kept, processed or stored; or (b) within 12m of a road; or (c) on a property boundary.

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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
1	All cemeteries	All animals
2	Public swimming pool	All animals
3	All public places	Dogs on heat

Schedule 7 Dog off-leash areas

Section 11

This schedule has been intentionally left blank.

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	<p>1 a proper enclosure is—</p> <p>(a) a suitably fenced area of the premises upon which the animal is kept; and</p> <p>(b) appropriately sized so as to be capable of effectively and comfortably housing the animal; and</p> <p>(c) adequate to effectively enclose the animal upon the premises at all times.</p> <p>2 In this schedule, <i>suitably fenced</i> means—</p> <p>(a) enclosed by a fence constructed of strong and firm materials and designed in such a way as to prevent the animal from escaping over or under the fence; and</p> <p>(b) any gates forming part of the enclosure are kept closed and latched except when in actual immediate use.</p>

Schedule 9 Criteria for declared dangerous animals

Section 15

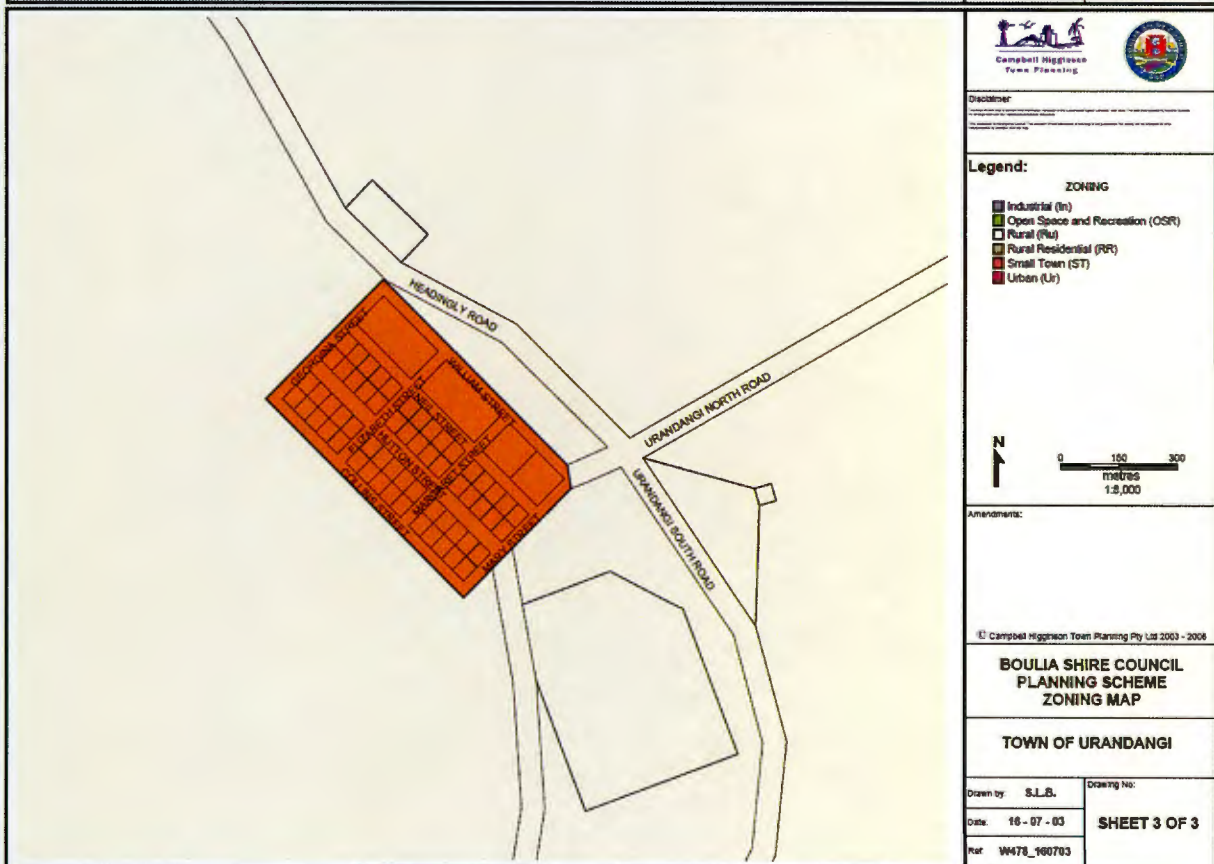
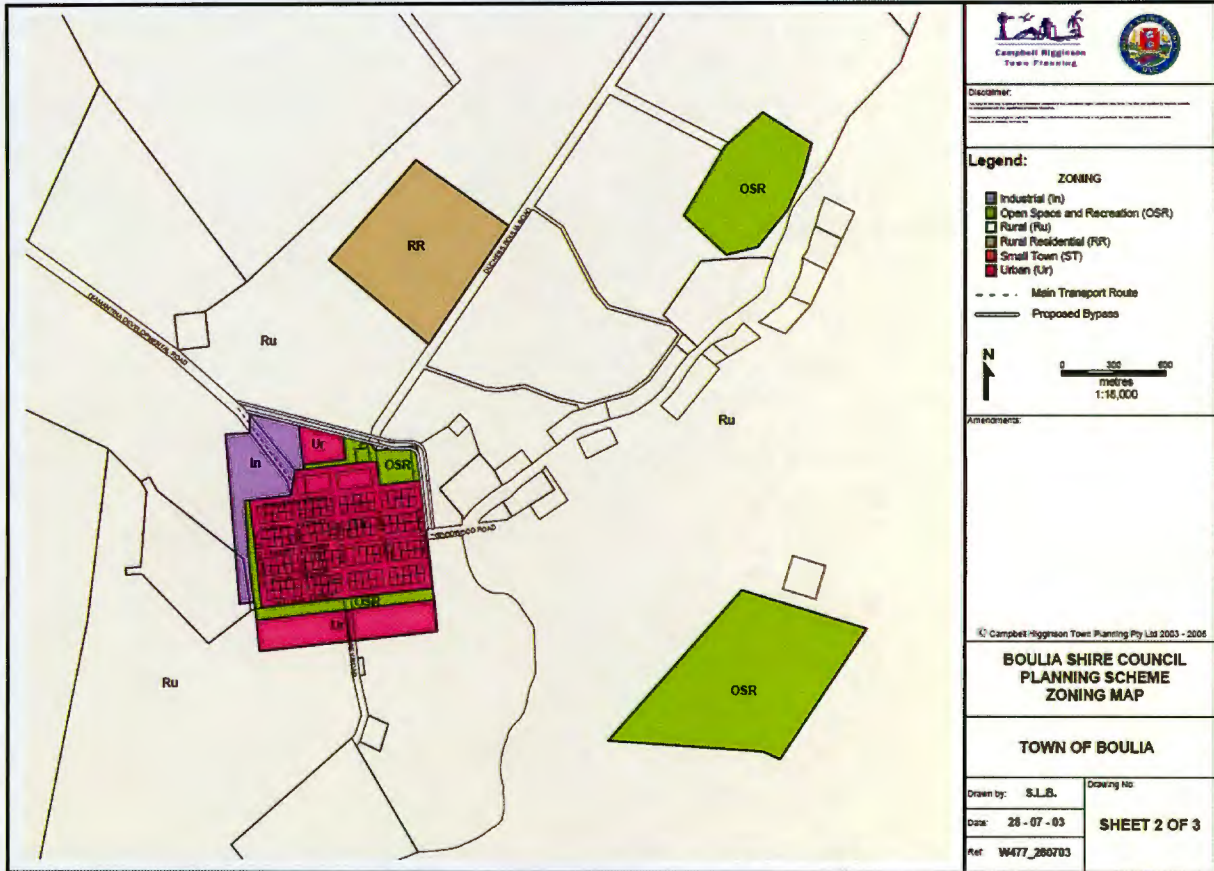
In the authorised person's opinion, there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (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; and
- (c) any concerns expressed by neighbours or other persons who have come into contact with the animal about the danger posed by the animal; and
- (d) the first-hand assessment, by the authorised person or an animal behaviour expert, of the animal's tendency towards aggression.

d

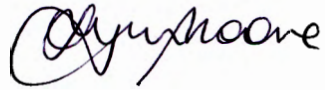
Schedule 10 Designated town area

Section 4



CERTIFICATION (LOCAL LAWS)

This and the preceding 16 pages bearing my initials is a certified copy of Subordinate Local Law 2 (Animal Management) 2014 made in accordance with the provisions of the Local Government Act 2009, by Boulia Shire Council by resolution dated 18th December, 2014.



Lynn Moore

Chief Executive Officer.