

Proposed Changes Local Laws

Recommendations provided by the Focus Groups for review by the Principle Stakeholder Group

Issue No	Local Law	Issues	Evaluation	Priority	Referred	Current Status	Proposed Change	Why	Decision
51	Local Law No. 2 (Animal Management)	s6 Effective Management- 2.1 (a) (i) Leash length not working	Interpretation	Low	Focus/Principal Stakeholder Group	s6(1)(a) for the purpose of this local law, a dog is under effective management in a public place if it is:- (a) restrained by a leash no greater than 3 metres in length	Amend local law to read:- s6(1)(a) for the purpose of this local law, a dog is under effective management in a public place if it is:- (a) restrained by a leash	The local law emphasis should be on the management of the animal not the length of the lead. It is impractical to regulate the use of a 3m lead	Approved for change
63		S15 Animal enclosure- 4. Animal Enclosures (more prescriptive)	Not catered for in the Local Law	Medium	Focus/Principal Stakeholder Group	A person who keeps an animal must maintain a proper enclosure to prevent the animal from escaping the persons property	Insert "A person must keep and contain animal behind a proper enclosure to prevent it from escaping the persons property"	The local law does not currently require a person to keep the animal behind the fence.	Approved for change
71		Need to address "nuisance" laws where animals are continually causing nuisance	Not catered for in the Local Law	High	Focus/Principal Stakeholder Group	Not currently catered for in the local laws	<p>A person must not keep an animal if, in the opinion of an authorised person, that animal—</p> <p>(a) causes a nuisance; or</p> <p>(b) exposes the health and safety of other persons and animals to significant risk; or</p> <p>(c) creates a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons and animals; or</p> <p>(d) causes a loss of amenity</p> <p>Maximum penalty—20 penalty units.</p> <p>Animal noise is a nuisance if—</p> <p>(a) it is made by a domestic animal; and,</p> <p>(b) in the opinion of an authorised person—</p> <p>(i) it unreasonably disrupts or inhibits an activity ordinarily carried out on a residential premises; or</p> <p>(ii) occurs more than once</p> <p>Example for paragraph (b): barking of a dog which disrupts the holding of a conversation, disrupts the watching of television or listening to radio or recorded material or disrupts the sleep of any person.</p>	Animal Nuisance is currently regulated using the Environmental Protection Act. This mechanism has proven ineffectual in the management of nuisance caused by animals	Approved for change

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81	Local Law No. 2 (Animal Management)	Schedule 3 Minimum Standards- 1. Column 1 Poultry and Roosters, size of property and numbers allowed to be kept	Not catered for in the Local Law	Medium	Focus/Principal Stakeholder Group	Provides minimum standards for keeping poultry, pheasants, peacocks, poultry, aviary birds, pigeons and livestock	<p>Insert new species or breed of animal in column 1 - Domestic Cat or Dog</p> <p>1. suitable enclosure –</p> <p>(a) must be of a size appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) 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</p> <p>(c) constructed of strong materials and designed in such a way to prevent the animal from–</p> <p>(i) escaping; or</p> <p>(ii) protruding over, under, through or around the fence; or</p> <p>(ii) attacking or threatening to attack a person, animal or thing over, under, through or around the fence.</p> <p>2 Enclosure’s gates must be closed and latched except when in actual immediate use.</p> <p>Remove from Column 2 Rooster, pheasant or peacock:</p> <p>1. the lot on which the animal is kept must be greater than 5 hectares; and</p> <p>2. the structure in which the animal is kept must be at least 100 metres from a residence on an adjoining lot</p> <p>Insert in Column 2 Rooster, pheasant or peacock</p> <p>1. The lot on which the animal is kept must be greater than 5 hectares unless the person residing on the same lot is a member of an association recognised by Feather Clubs Association Queensland Inc.</p> <p>2. The structure in which the animal is kept must be at least 100 metres from a residence on an adjoining lot/s unless the person residing on the same lot is a member of an association recognised by Feather Clubs Association Queensland Inc.</p> <p>3. Where the person is a member of an association recognized by Feather Clubs Association Queensland Inc, and the property on which the animals are ordinarily kept is less than 5 hectares</p>	There has been a growing trend since the inception of the local laws for domestic animals to be at large. Inadequate fencing criteria are considered to be the most likely reason for the spike in complaints. In respect to the keeping of roosters, there has been some objection towards the minimum standards for keeping these animals (i.e. too onerous and likely to result in a decline in the showing of poultry at agricultural shows)	<p>1. Approved for change</p> <p>2. Approved for change</p> <p>For keeping a Rooster, Lot sizes between 2,000m2 and 8000m2 require an approval. Lot sizes over 8001m2 may keep a rooster without an approval. Lot sizes under 2000m2 must have an approval and the applicant on which the birds are kept must be a current financial member of the Feather Clubs Association Queensland Inc. and must submit an anti-social behavioural plan detailing how the animals will not cause a nuisance</p>

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							and/or the structure where the animals are normally kept is less than 100 metres from another residence the person must submit to Council an anti-social behaviour plan detailing how the animals will not cause a nuisance		
	Local Law No. 3 (Community Health and Environmental Management) 2011	S17 Community safety hazard- 17(2) definition of works includes construction, earthworks, landscaping, planting of vegetation and change of land use.	Interpretation	Low	Focus/Principal Stakeholder Group	S17 Community safety hazard- 17(2) definition of works includes construction, earthworks, landscaping, planting of vegetation and change of land use.	Amend S17 Community safety hazard- 17(2) definition of works includes construction, earthworks, landscaping, planting of vegetation, insert "fail to maintain in its normal state" and change of land use.	There are a number of issues surfacing within Infrastructure Services that include a failure by residents to keep drainage easements clear of vegetation and or other natural barriers likely to affect the flow of water	Approved for change "failure to maintain an area which leads to or threatens to lead to a community health and safety concern, nuisance or environmental harm or nuisance"
106	Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure & Roads)	S7 Management of local government controlled areas etc- 1. Review naming of Council controlled areas, facilities, infrastructure and roads remove "local government may by resolution" insert the "local government may"	Not catered for in the Local Law	High	Focus/Principal Stakeholder Group	S7 Management of local government controlled areas provides that the local government may by resolution give the relevant place a name, establish criteria and terms of membership, establish policies and guidelines and require the keeping of records by any person using a relevant place or local government controlled area	S7 Management of local government controlled areas provides that the local government may by resolution omit "by resolution"	The process is arduous and not customer focussed	Approved for change Insert Section Subject to the <i>Land Act 1994</i> , in respect of a local government controlled area (the relevant place), the local government may give the relevant place a name
	Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure & Roads)	Schedule 1 provides that it is an offence to interfere with a tree, flora or an indigenous organism which is in conflict with Part 2 of Schedule 2 of <i>Local Law No.1 (Administration) 2011</i> alteration or improvement to local government controlled areas and roads which provides an approval may be granted to plant, clear or damage vegetation.	Interpretation	High	Principal Stakeholder Group	Conflict between Schedule 2, part 2 of <i>Local Law No. 1 (Administration)</i> and Schedule 1 of <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure & Roads)</i>	Amend Schedule 1 of <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure & Roads) 2011</i> by omitting from column 2 Prohibited activity "1 interfere with a tree, flora or an indigenous organism" from Schedule 1 and insert "interfere with a tree, flora or an indigenous organism" into column 2 of Schedule 2 of <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure & Roads) 2011</i> Restricted Activities for local government controlled areas, facilities, infrastructure or roads.	The process will allow a person to make application to council to plant or remove vegetation from a nature strip under an approval	Approved for change