

|

Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011

2015 AMENDMENT MOCKUP

Showing amendments to be made in late-2015

Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011

Contents

Part 1	Preliminary	4
1	Short title	4
2	Purpose and how it is to be achieved	4
3	Authorising local law.....	4
4	Definitions.....	4
Part 2	Keeping of animals	5
5	Circumstances in which keeping animals is prohibited—Authorising local law, s 7(1).....	5
6	Circumstances in which keeping animals requires approval—Authorising local law, s 8(1)	5
7	Minimum standards for keeping animals—Authorising local law, s 9(1)..	5
8	Identification for cats and dogs in certain circumstances—Authorising local law, s 10	5
Part 3	Management of animals	5
9	Public places where animals are excluded—Authorising local law, s 11(1)	5
10	Dog off-leash areas—Authorising local law, s 12(1)	6
11	Conservation requirements—Authorising local law, s 16(1) and 16(4)....	6
Part 4	Management of dangerous animals	6
12	Requirements for keeping declared dangerous animals—Authorising local law, s 22(2).....	6
Part 5	Establishment and administration of animal pounds	6
Part 6	Impounding or destruction of animals	7
13	Animals that may be disposed of without auction or tender—Authorising local law, s 37(1)(b)	7

Part 7	Appeals against destruction orders	7
Schedule 1	Prohibition on keeping animals in prescribed circumstances	8
Schedule 2	Requirement for approval to keep animal	9
Schedule 3	Minimum standards for keeping particular animals.....	10
Schedule 3A	Minimum standards for keeping animals generally	12
Schedule 4	Exclusion of animals generally	13
Schedule 5	Exclusion of animals from specific places	14
Schedule 6	Dog off-leash areas	26
Schedule 7	Conservation requirements	63
Schedule 8	Requirements for keeping declared dangerous animals	64

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 the management 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 for keeping animals, identification for animals, requirements for keeping declared dangerous animals and conservation requirements for keeping animals in relevant areas; and
 - (c) the management of animals in public places; and
 - (d) matters regarding the impounding of animals and the disposal of impounded animals.

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 schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

urban area means the area within the urban boundaries indicated on the map called 'Map 1 Local Law Urban Boundaries' prepared and held by the local government and available for viewing on the local government's website.

Part 2 Keeping of animals

5 Circumstances in which keeping animals is prohibited—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the keeping of an animal or animals specified in column 1 of schedule 1 are prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 8(1)

For section 8(1) of the authorising local law, the keeping of an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires an approval from the local government in the circumstances described in column 2 of schedule 2.

7 Minimum standards for keeping animals—Authorising local law, s 9(1)

- (1) For section 9(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.
- (2) For section 9(1) of the authorising local law, schedule 3A sets out the minimum standards for keeping any animal.

8 Identification for cats and dogs in certain circumstances—Authorising local law, s 10

For section 10 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—

- (a) for a cat or dog that is required under the *Animal Management (Cats and Dogs) Act 2008* to be implanted with a permanent identification device—the permanent identification device; or
- (b) for another cat or dog—the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008* or section 4A of the authorising local law.

Part 3 Management of animals

9 Public places where animals are excluded—Authorising local law, s 11(1)

- (1) For section 11(1) of the authorising local law, an animal of the species or breed mentioned in column 3 of schedule 4 is prohibited in the corresponding public place described in column 2 of schedule 4 unless—
 - (a) a sign at the place permits the animal to be in the place; or
 - (b) if the animal is a dog—the place is a dog off-leash area; or

- (c) the responsible person for the animal has an approval under *Local Law No.1 (Administration) 2011* that authorises the bringing of the animal into the public place.
- (2) For section 11(1) of the authorising local law, an animal of the species or breed mentioned in column 3 of schedule 5 is prohibited in the corresponding public place described in column 2 of schedule 5 and indicated by the map mentioned in column 4 of schedule 5 unless—
 - (a) a sign at the place permits the animal to be in the place; or
 - (b) if the animal is a dog—the place is a dog off-leash area; or
 - (c) the responsible person for the animal has an approval under *Local Law No.1 (Administration) 2011* that authorises the bringing of the animal into the public place.

10 Dog off-leash areas—Authorising local law, s 12(1)

For section 12(1) of the authorising local law, each area described in column 2 of schedule 6 and indicated by the corresponding map mentioned in column 3 of schedule 6 is a dog off-leash area during the times specified in column 4 of schedule 6.

11 Conservation requirements—Authorising local law, s 16(1) and 16(4)

- (1) For the purposes of the definition of *relevant area* in section 16(4) of the authorising local law, the areas described in column 1 of schedule 7 are prescribed as relevant areas.
- (2) For section 16(1) of the authorising local law, the requirements specified in column 2 of schedule 7 are prescribed for the corresponding relevant area mentioned in column 1 of schedule 7.

Part 4 Management of dangerous animals

12 Requirements for keeping declared dangerous animals—Authorising local law, s 22(2)

For section 22(2) of the authorising local law, the requirements that must be met by a responsible person in keeping a declared dangerous animal are prescribed in schedule 8.

Part 5 Establishment and administration of animal pounds

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

Part 6 Impounding or destruction of animals

13 Animals that may be disposed of without auction or tender—Authorising local law, s 37(1)(b)

For section 37(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 dogs, cats and other small domestic animals.

Part 7 Appeals against destruction orders

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

Schedule 1 Prohibition on keeping animals in prescribed circumstances

section 5

Column 1 Animal	Column 2 Circumstances in which keeping of <u>an</u> animal or animals is prohibited
bees	<ol style="list-style-type: none"> 1 a bee hive must not be kept on a lotproperty that is less than up to 400 square metres in size 2 more than 2 bee hives must not be kept on a lotproperty between 40010 square metres and 1000 square metres in size <u>3</u> more than 5 bee hives must not be kept on a lotproperty between 1001 square metres and 2000 square metres in size 3<u>4</u> <u>more than 10 bee hives must not be kept on a property between 2001 square metres and 4000 square metres in size</u>

Schedule 2 Requirement for approval to keep animals^s

section 6

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of <u>an</u> animal or animals requires approval ¹
dog	approval is required to keep 3 or more dogs over the age of 3 months on a lot property
cat	approval is required to keep 3 or more cats over the age of 3 months on a lot property
restricted dog	approval is required to keep 1 or more restricted dogs over the age of 3 months on a lot property
poultry	1 approval is required to keep more than 6 head of poultry in an urban area on a lot property that is smaller than 800 square metres in size 2 approval is required to keep more than 20 head of poultry in an urban area on a lot property that is 800 square metres in size or greater
<u>cockerel</u> , rooster, guinea fowl or peacock	approval is required to keep a <u>cockerel</u> , rooster, guinea fowl or peacock on a lot property that is less than 8001 square metres in size

¹ 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 particular animals

section 7

Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
poultry	<ol style="list-style-type: none"> 1 a fowl house or similar structure must be maintained for the animals 2 the fowl house or structure must be at least— <ol style="list-style-type: none"> (a) 6 metres from any residence on an adjoining lot/property; and (b) 1 metre from any side or rear boundary of the lot/property on which it is located; and (c) 10 metres from any front boundary of the lot/property on which it is located 3 feed should be maintained in a manner that prevents vermin access 4 the fowl house or structure must have a minimum floor area of 1 square metre per bird and constructed so that it can be hygienically cleaned 5 deep litter system must be used to absorb potential odours 6 deep litter should be replaced at least annually and disposed of as garden mulch or in a tied bag in a waste bin
aviary birds	<ol style="list-style-type: none"> 1 a cage, aviary or similar structure must be maintained for the animals 2 the cage, aviary or structure must be at least— <ol style="list-style-type: none"> (a) 6 metres from any residence on an adjoining lot/property; and (b) 1 metre from any side or rear boundary of the lot/property on which it is located; and (c) 10 metres from any front boundary of the lot/property on which it is located
pigeons	<ol style="list-style-type: none"> 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 containers and must not be left uncovered 5 the pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks 6 waste must be disposed of in a sanitary manner

	<p>7 the uncontrolled release of pigeons (free lofting) in an urban area is not permitted</p> <p>8 free non-flight time must be conducted under close supervision by the owner</p> <p>9 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>10 every reasonable attempt must be made to retrieve birds that do not return</p> <p>11 birds must not be permitted to roost on neighbours' premises</p> <p>12 birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation</p>
livestock	<p>1 animals must not have an adverse impact on—</p> <p>(a) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and</p> <p>(b) the health or safety of people or other animals</p> <p>2 food must be stored in vermin proof containers</p>
cat or dog	<p>1 the 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) must be constructed of strong materials and designed in such a way to prevent the animal from—</p> <p>(i) escaping over, under, through or around the fence; and</p> <p>(ii) protruding over, under, through or around the fence; and</p> <p>(iii) attacking or threatening to attack a person or animal over, under, through or around the fence; and</p> <p>(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</p> <p>(d) must contain adequate shelter.</p> <p>2 the enclosure's gates must be closed and latched except when in actual immediate use.</p>

Schedule 3A Minimum standards for keeping animals generally

section 7

- 1 The person keeping the animal must ensure that the animal does not—
 - (a) cause a nuisance; or
 - (b) expose the health and safety of other persons and animals to significant risk; or
 - (c) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons and animals; or
 - (d) cause a loss of amenity.
- 2 Animal noise is a **nuisance** if it—
 - (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) unreasonably disrupts or inhibits an activity ordinarily carried out on a residential premises.

Example for paragraph (c)—

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.

Schedule 4 Exclusion of animals generally

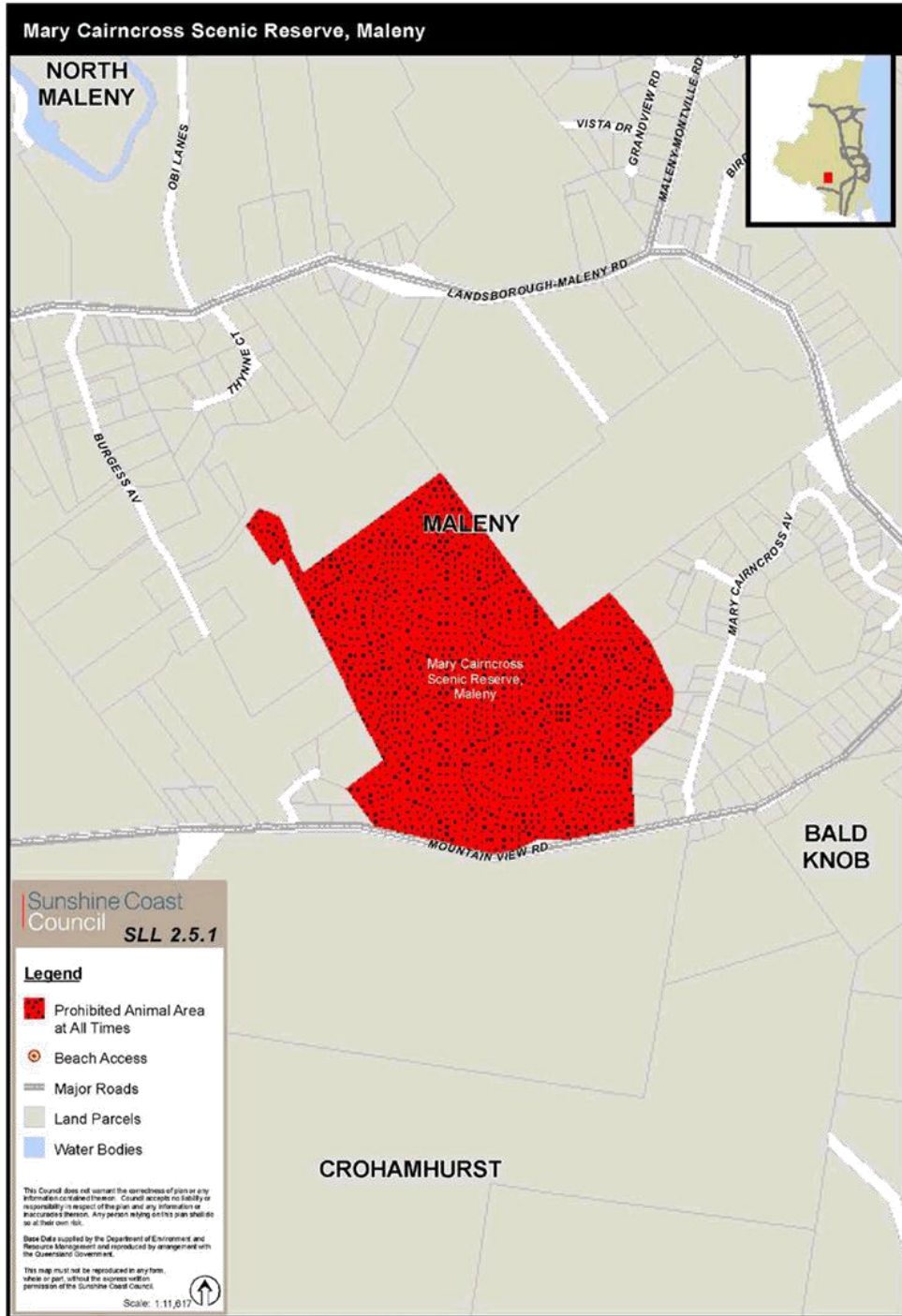
section 9

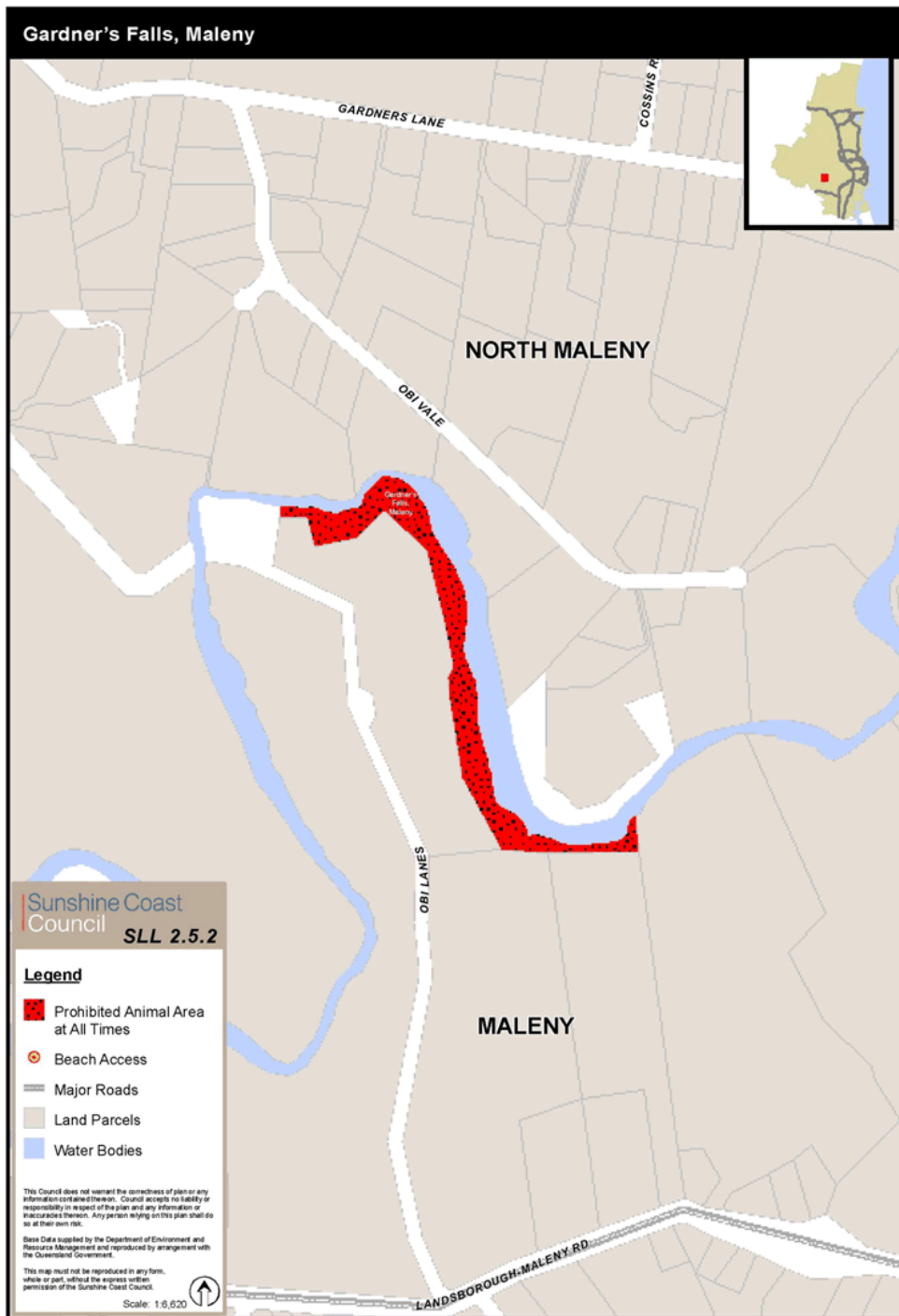
Column 1 Type of public place	Column 2 Description of public place	Column 3 Animal prohibited unless a sign permits the animal
park/reserve	any park or reserve	horses
beach and foreshore	any part of the foreshore or seashore that is under the local government's control, including bathing reserves	all animals
park/reserve	any park or reserve that adjoins a part of the foreshore or seashore that is under the local government's control	all animals
park/reserve	within 5 metres of a children's playground or BBQ facility in a park or reserve	all animals

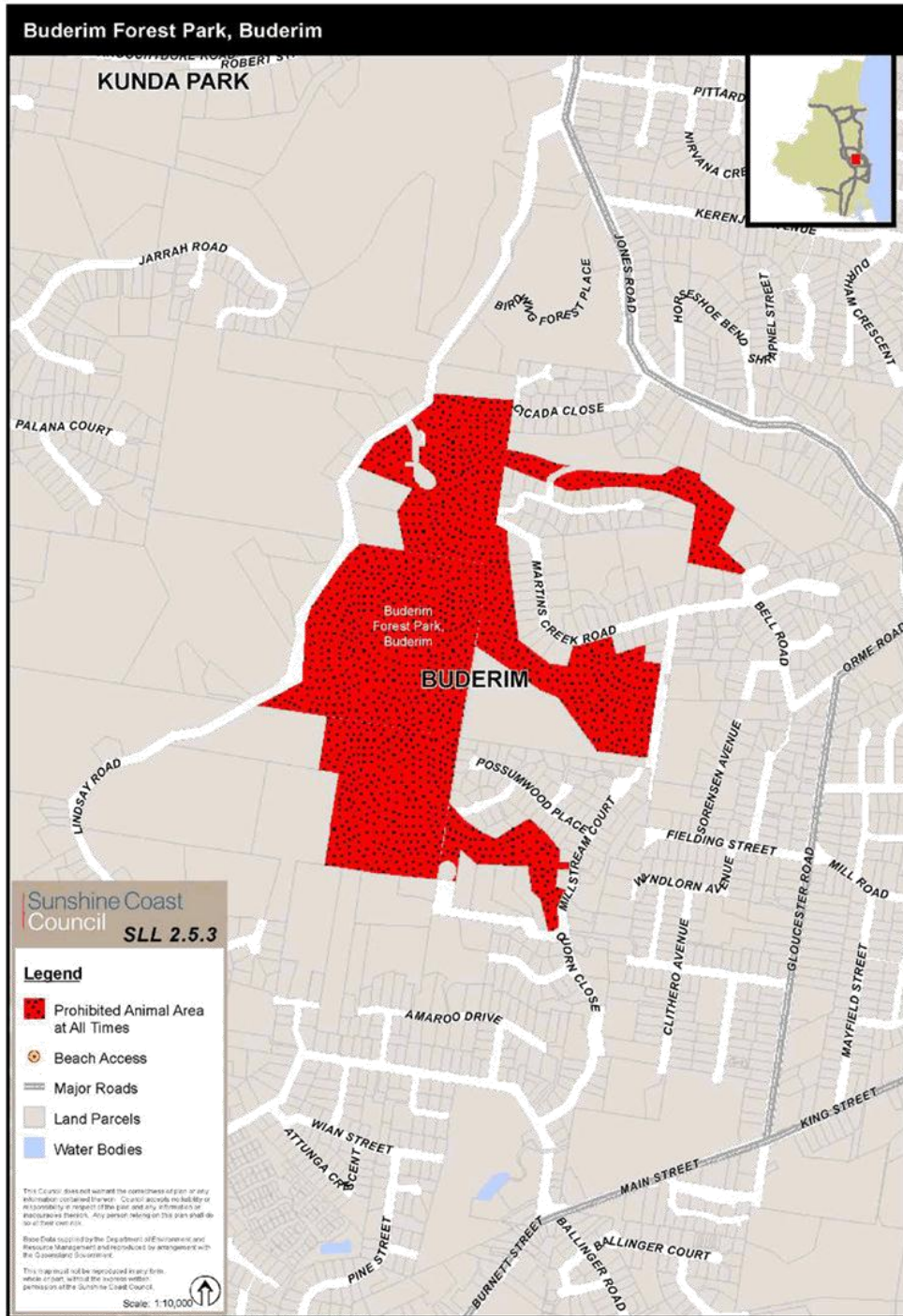
Schedule 5 Exclusion of animals from specific places

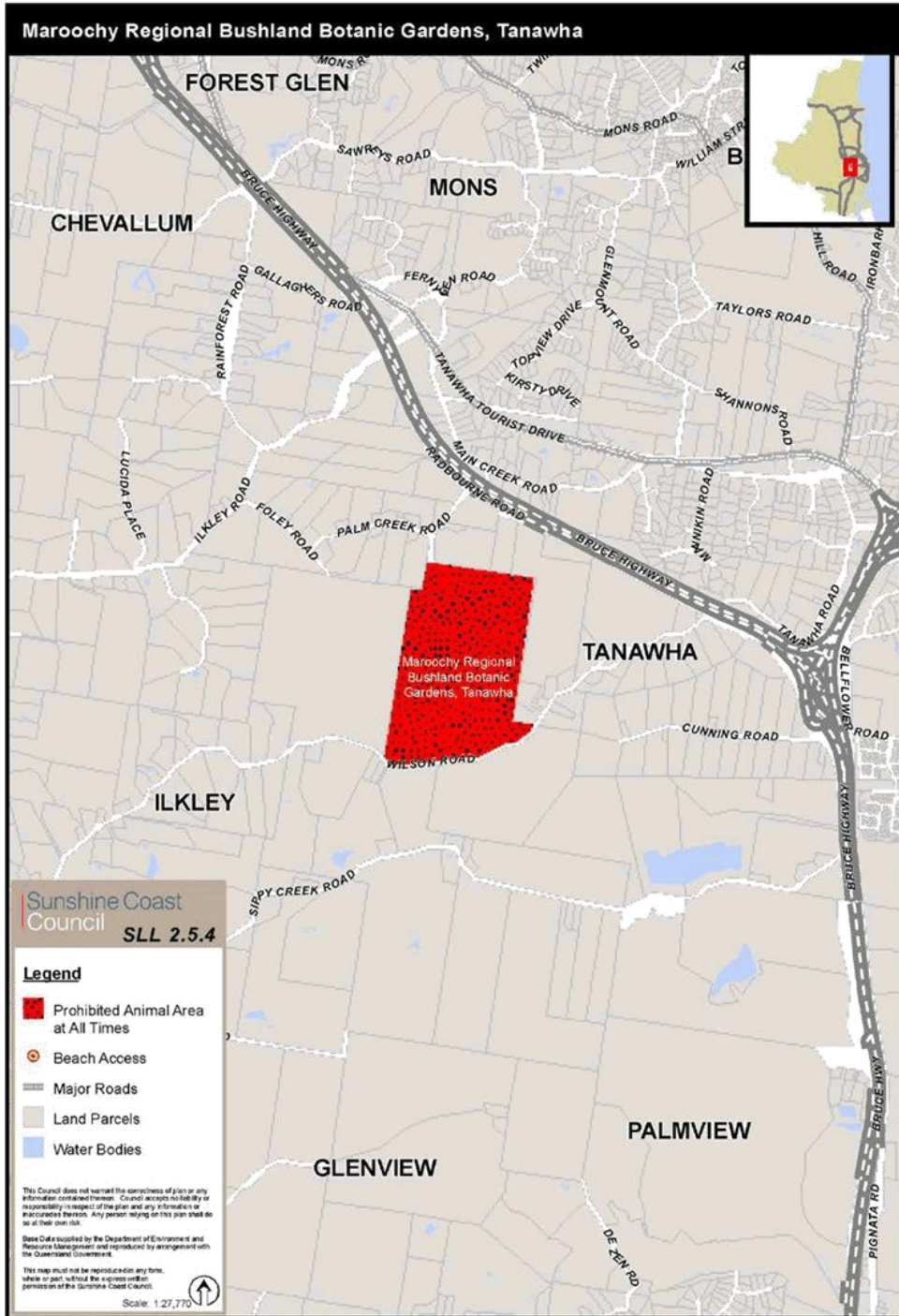
section 9

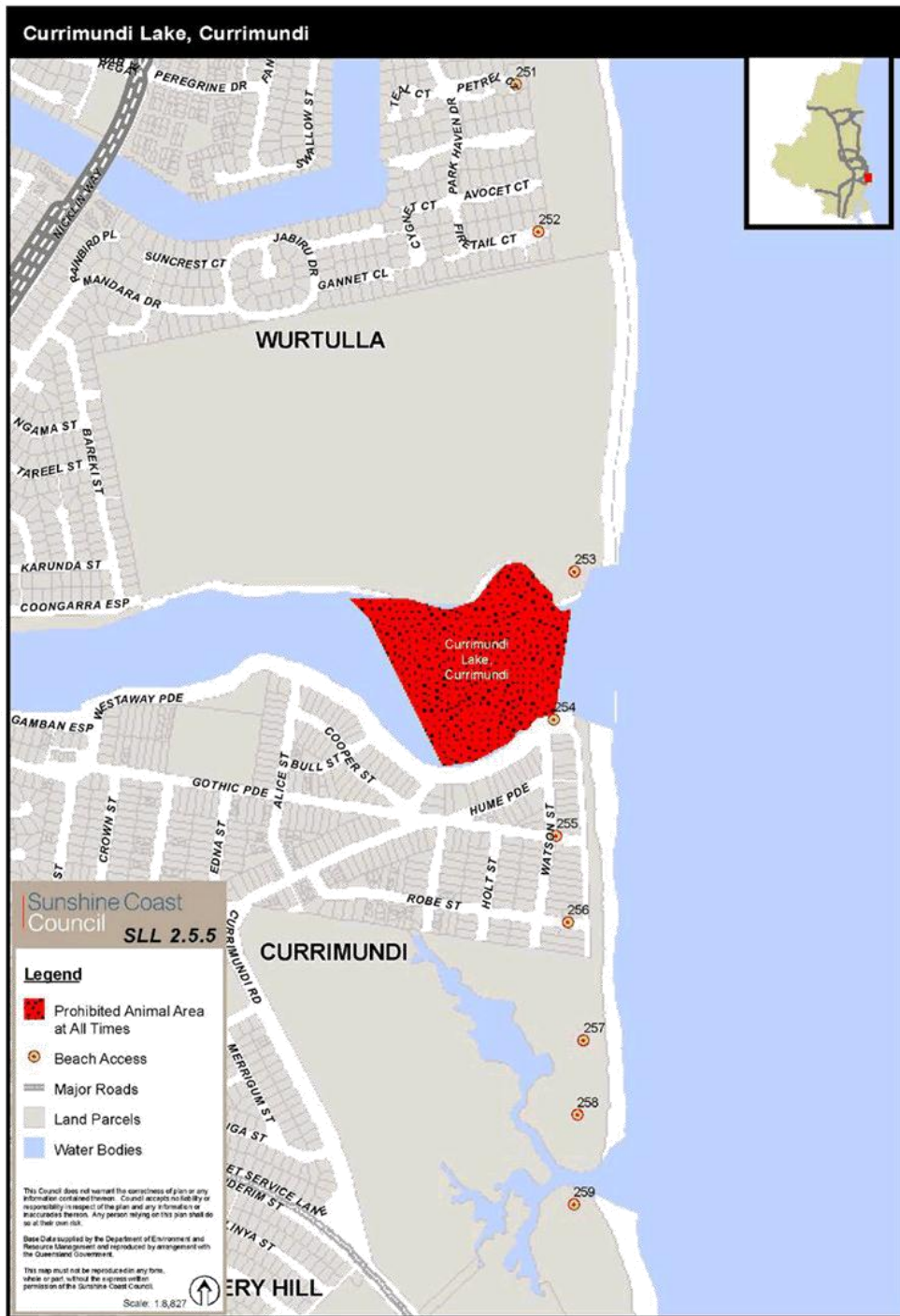
Column 1 Type of public place	Column 2 Description of public place	Column 3 Animal prohibited	Column 4 Map Number
park/reserve	Mary Cairncross Scenic Reserve, Maleny	all animals	SLL 2.5.1
park/reserve	Gardner's Falls, Maleny	all animals	SLL 2.5.2
park/reserve	Buderim Forest Park, Buderim	all animals	SLL 2.5.3
park/reserve	Maroochy Regional Bushland Botanic Gardens, Tanawha	all animals	SLL 2.5.4
beach and foreshore	Currimundi Lake, Currimundi	all animals	SLL 2.5.5
park/reserve	Sharon Bonney Bushland Reserve, Aroona	all animals	SLL 2.5.6
park/reserve	Jill Chamberlain Bushland Reserve, Little Mountain	all animals	SLL 2.5.7
park/reserve	Hardie Buzacott Wildflower Reserve, Moffat Beach	all animals	SLL 2.5.8
park/reserve	Kings Beach Park, Bill Morton Memorial Park and Kings Beach Pool, Kings Beach	all animals	SLL 2.5.9
park/reserve	Caloundra Central Park Sports Precinct, Caloundra	all animals	SLL 2.5.10
park/reserve	Caloundra Cricket Ovals 2-14 and Caloundra Croquet Club Greens	all animals	SLL 2.5.11
park/reserve	Mooloolaba Beach, Mooloolaba (beach access 171 to 195)	all animals	SLL 2.5.12

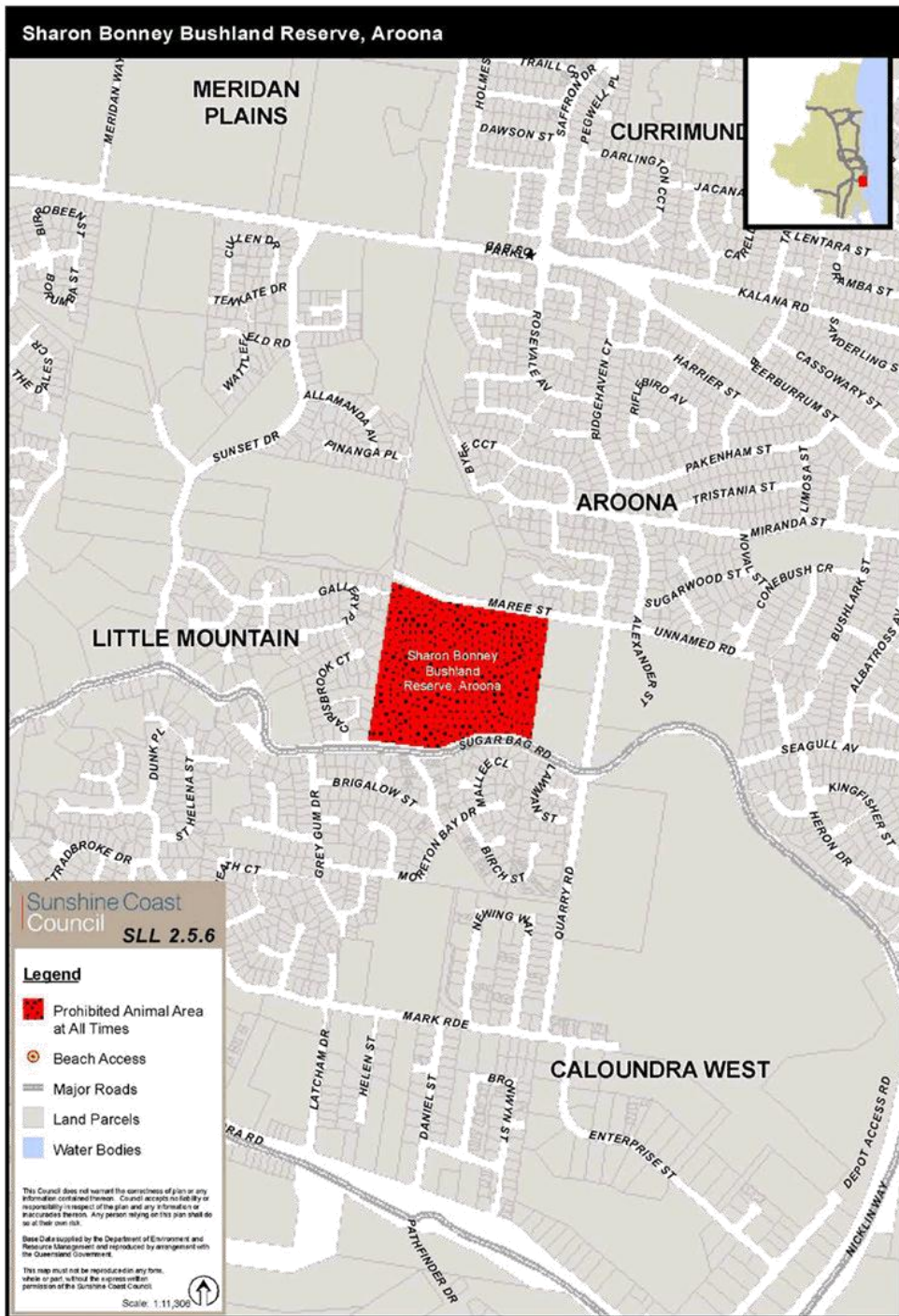


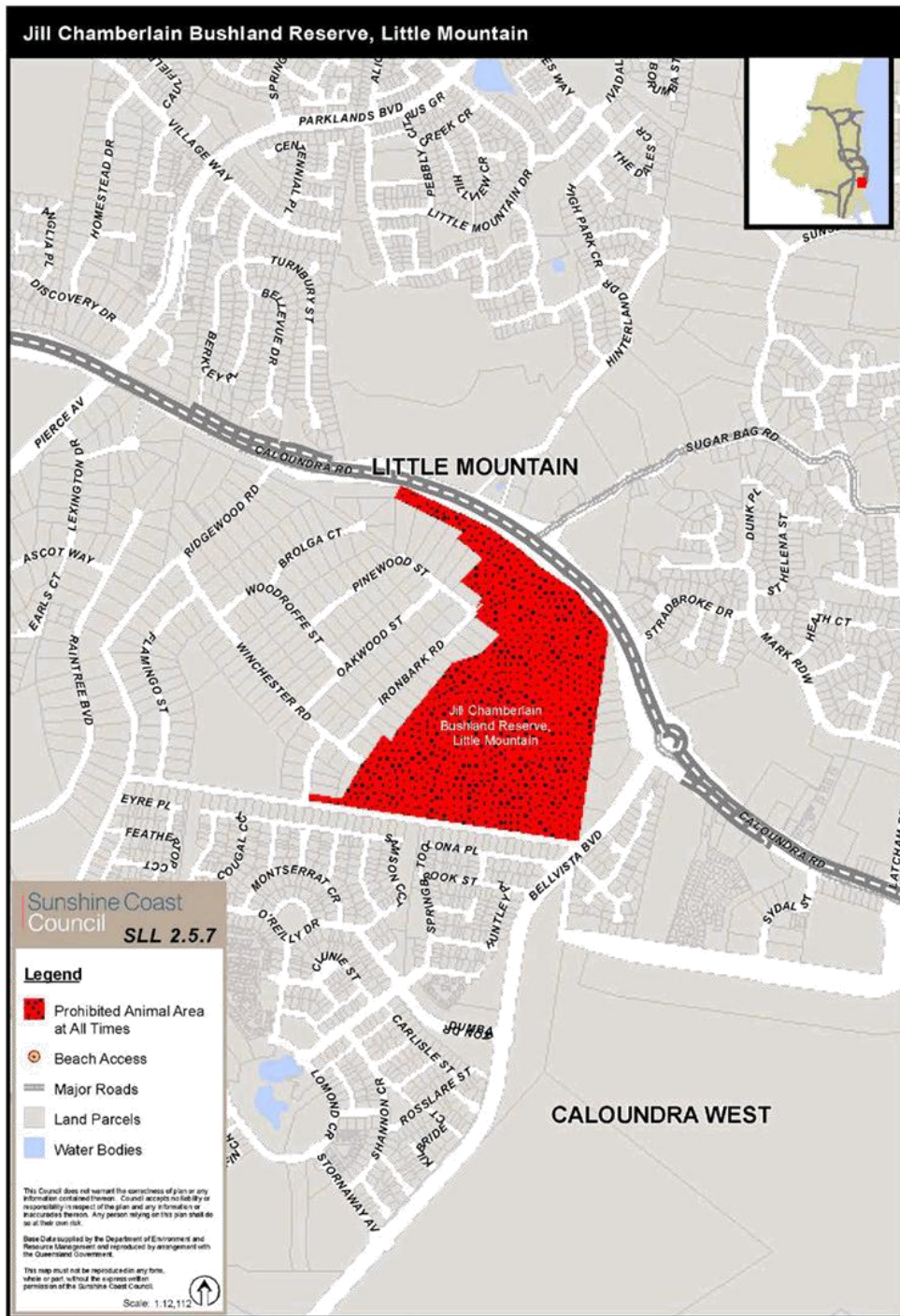


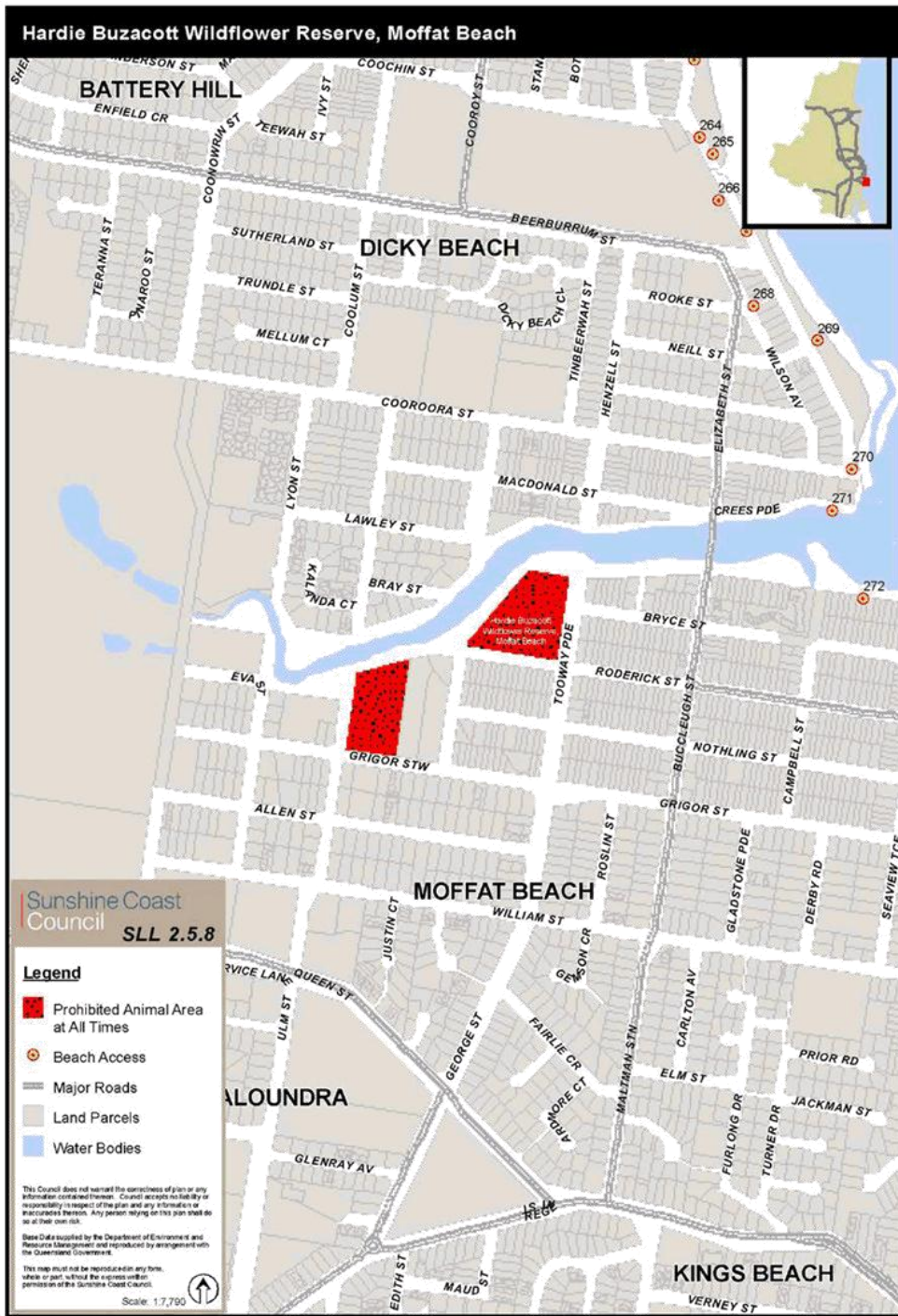


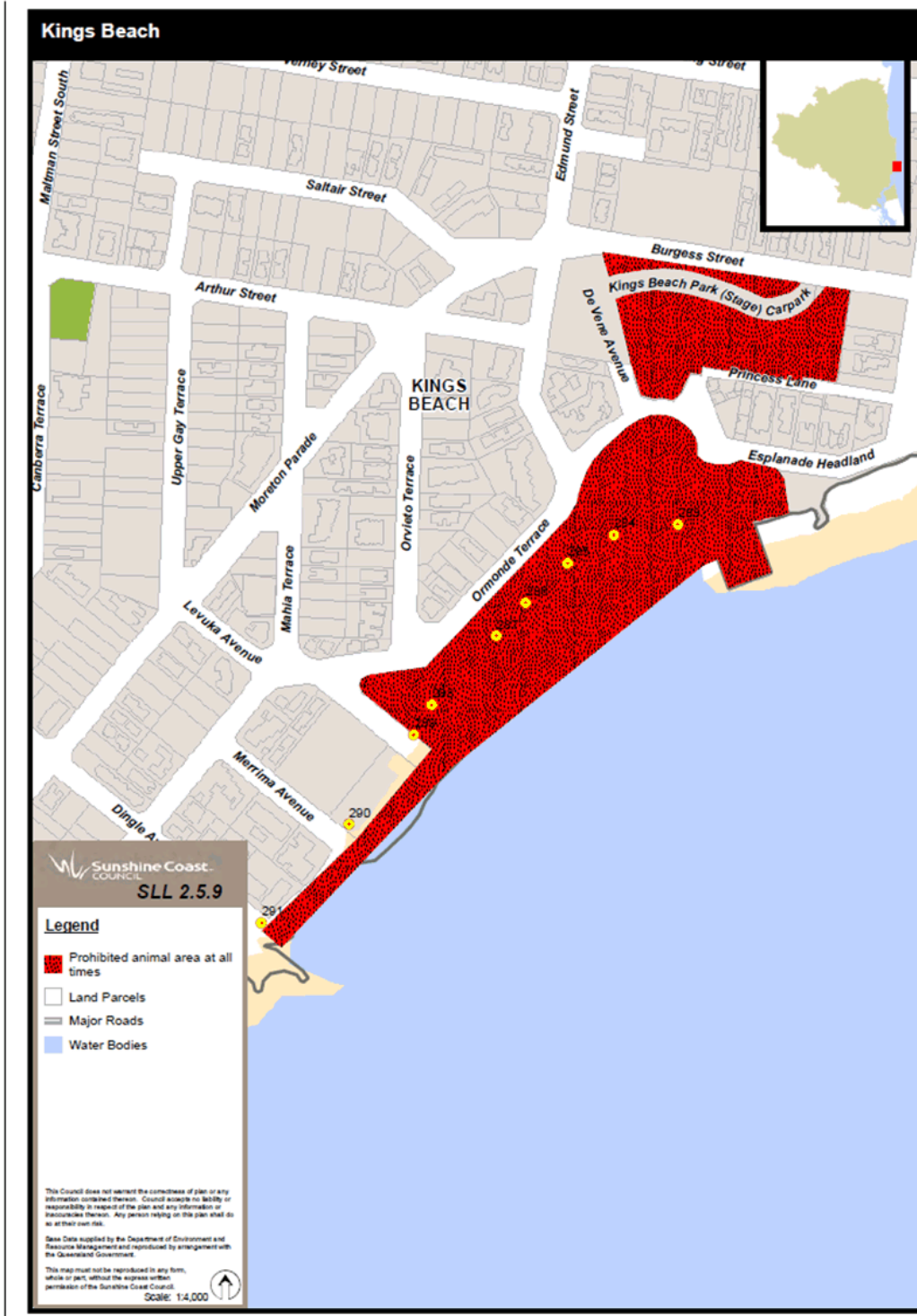




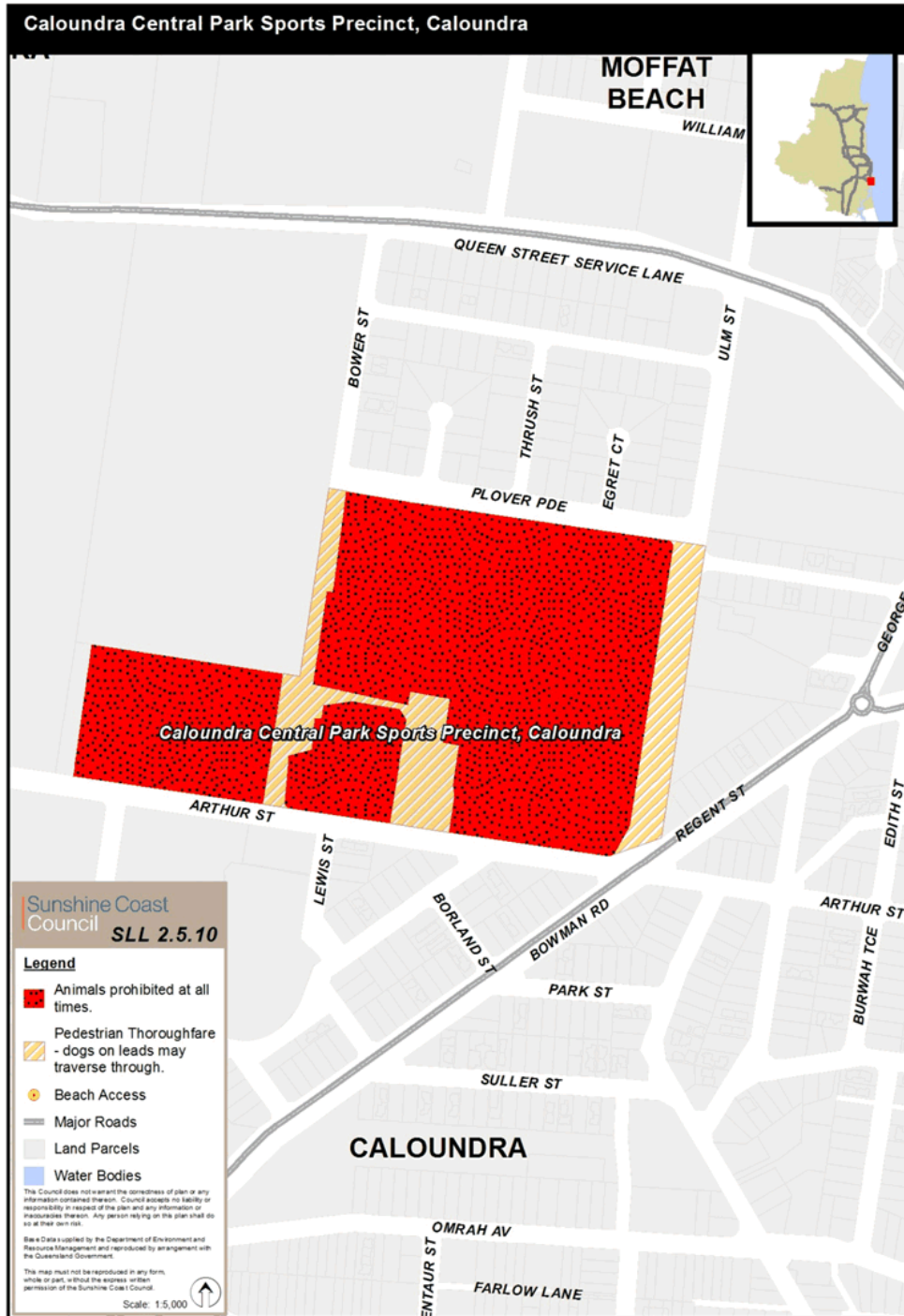


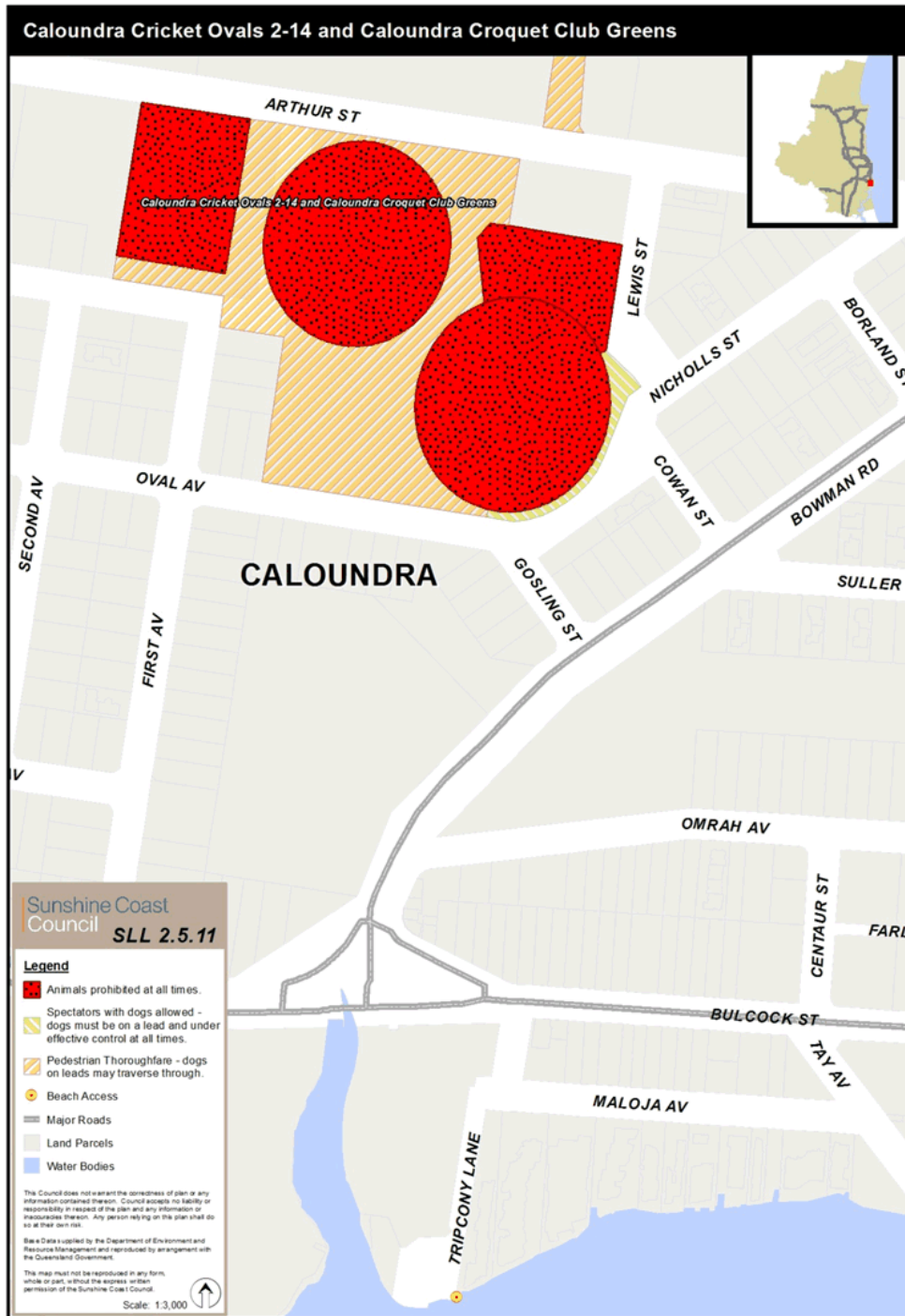












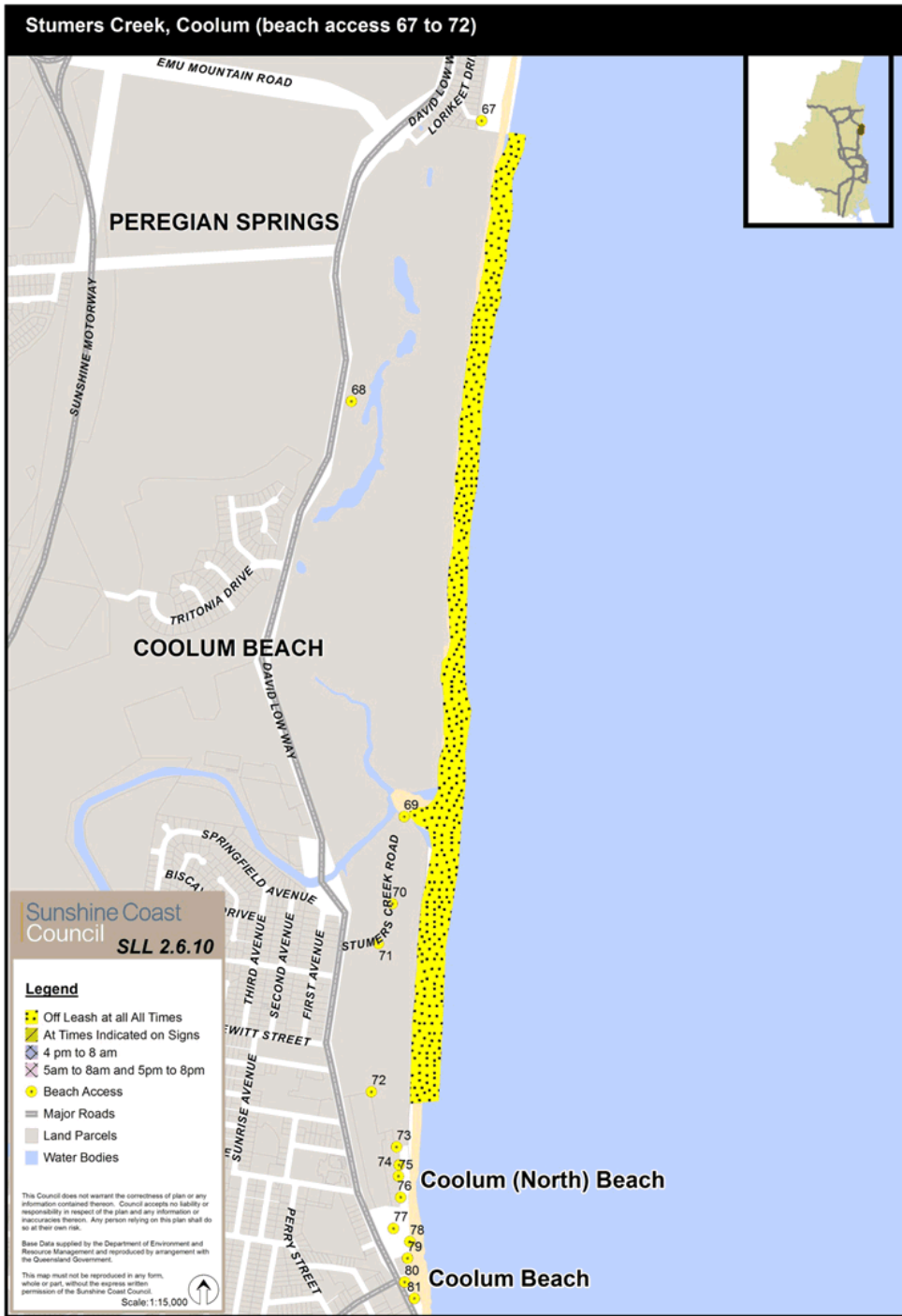


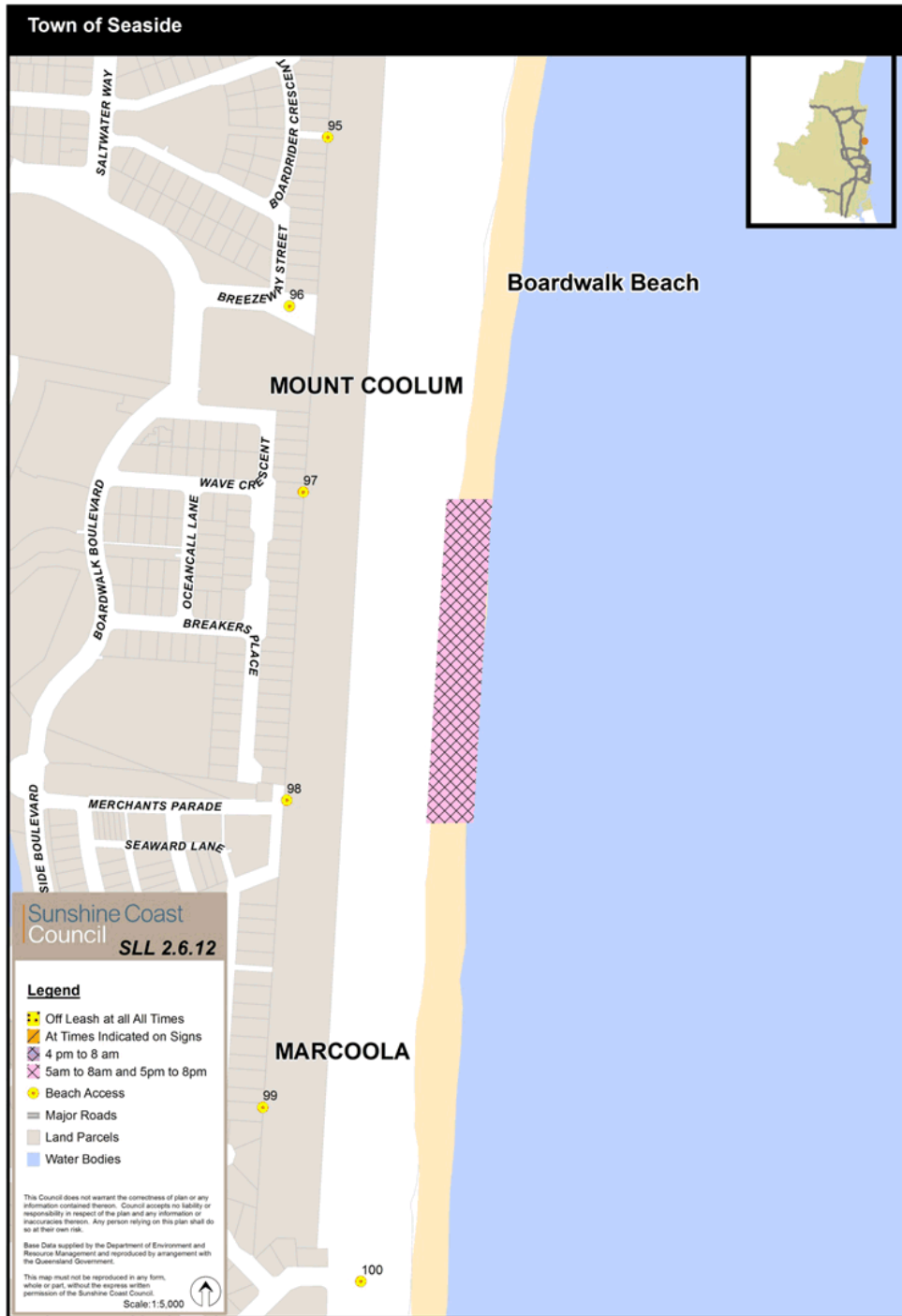
Schedule 6 Dog off-leash areas

section 10

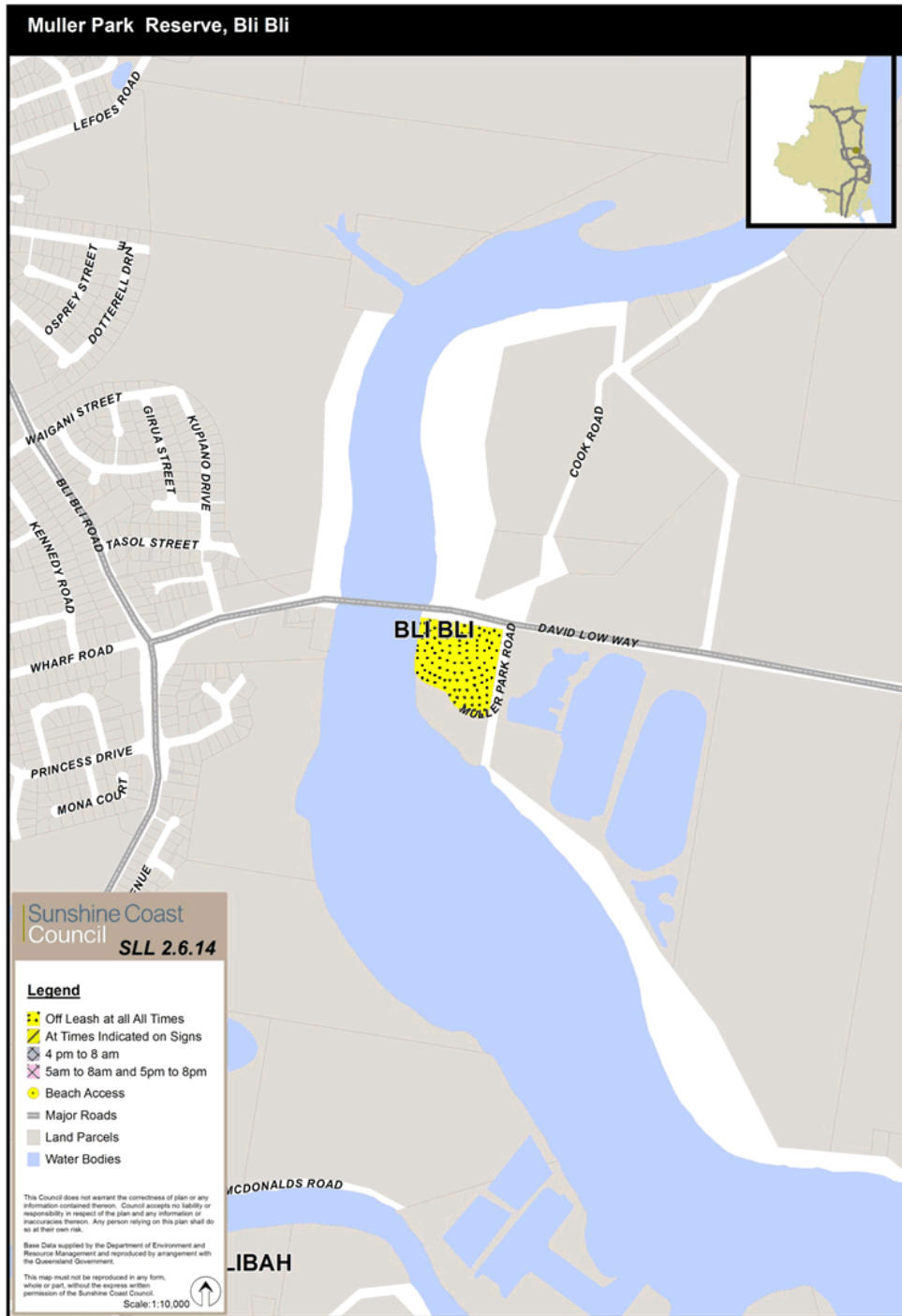
Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
foreshore	Stumers Creek, Coolum, beach access 67 to 72	SLL 2.6.10	all times
foreshore	Town of Seaside, from beach access 97 to 98	SLL 2.6.12	5am to 8am and 5pm to 8pm
park	Parkland Reserve, Keith Royal Drive, Marcoola	SLL 2.6.13	all times
park	Muller Park Reserve, Bli Bli	SLL 2.6.14	all times
park	Petrie Park, Nambour	SLL 2.6.15	at times indicated on signs
foreshore	North Shore Beach , Mudjimba Twin Waters	SLL 2.6.16	all times
park	Parkland Reserve, Bradman Avenue, Maroochydore	SLL 2.6.17	all times
park	Elizabeth Daniels Park, Buderim	SLL 2.6.18	all times
park/foreshore	Point Cartwright Reserve	SLL 2.6.19	from 4pm to 8am
foreshore	Point Cartwright to Gulai Street, Buddina (beach access 198 to 201)	SLL 2.6.20	all times
park	Western end of Jessica Park, Buddina	SLL 2.6.21	all times
park	Quota Hideaway Park, Mountain Creek	SLL 2.6.22	all times
foreshore/park	Mawarra Street to Talinga Street, Buddina (beach access 210 to 217)	SLL 2.6.23	all times
foreshore/park	Maloga Street, Kawana to Wurley Drive, Wurtulla (beach access 226 to 247)	SLL 2.6.24	all times
park	Chancellor Village Park, Sippy Downs	SLL 2.6.25	at times indicated on

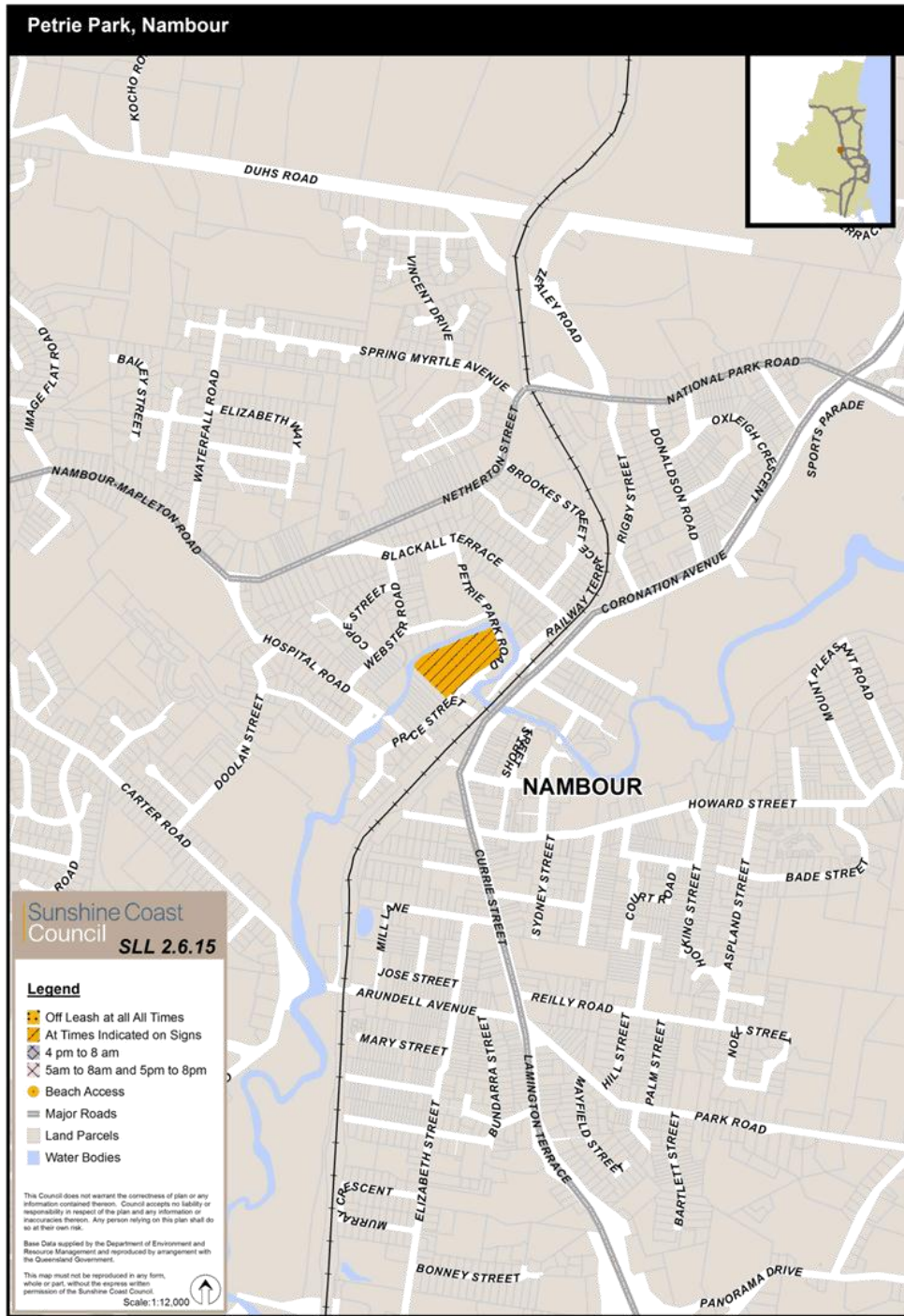
Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
			signs all times
park	Nicklin Way Dog Park, Warana	SLL 2.6.26	all times
foreshore/park	Moondara Drive, Wurtulla to Currimundi Creek, Currimundi (beach access 249 to 253)	SLL 2.6.27	all times
foreshore/park	Gothic Pde to Ann Street, Currimundi (beach access 255 to 262)	SLL 2.6.28	all times
park	Maleny Showgrounds, Maleny	SLL 2.6.29	all times
park	Graham Stewart Park (excluding the leased area), Currimundi	SLL 2.6.30	all times
park	Ridgehaven Park, Aroona (fenced area)	SLL 2.6.31	all times
park	Ridgehaven Park, Aroona	SLL 2.6.31	at times indicated on signs
park	Coochin Park, Dicky Beach	SLL 2.6.32	all times
park	Meridan Downs Park, Meridan Downs	SLL 2.6.33	all times
park	Little Mountain Common, Little Mountain	SLL 2.6.34	all times
foreshore/park	Cooorora Lower Neil Street, Dicky Beach to Russell Street, Shelly Beach (beach access 270-269 to 276)	SLL 2.6.35	at times indicated on signs
foreshore/park	Russell Street to Victoria Terrace, Shelly Beach (beach access 276 to 281)	SLL 2.6.36	May to October, 4pm to 8am
park	Woorim Park, Golden Beach	SLL 2.6.37	all times
park	Mill Street Park, Beerwah	SLL 2.6.38	all times
park	Heliconia Street, Mountain Creek	SLL 2.6.39	all times



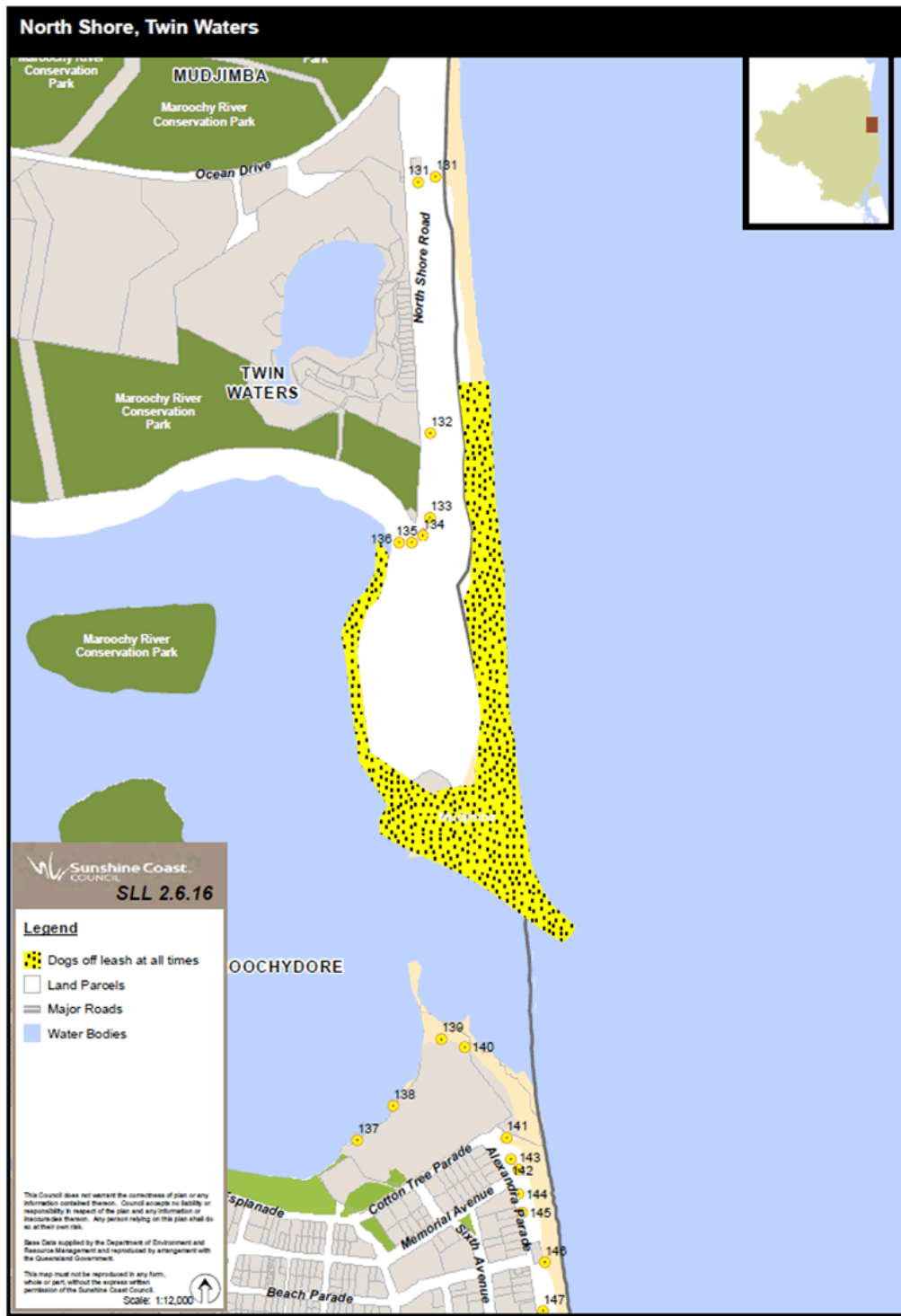




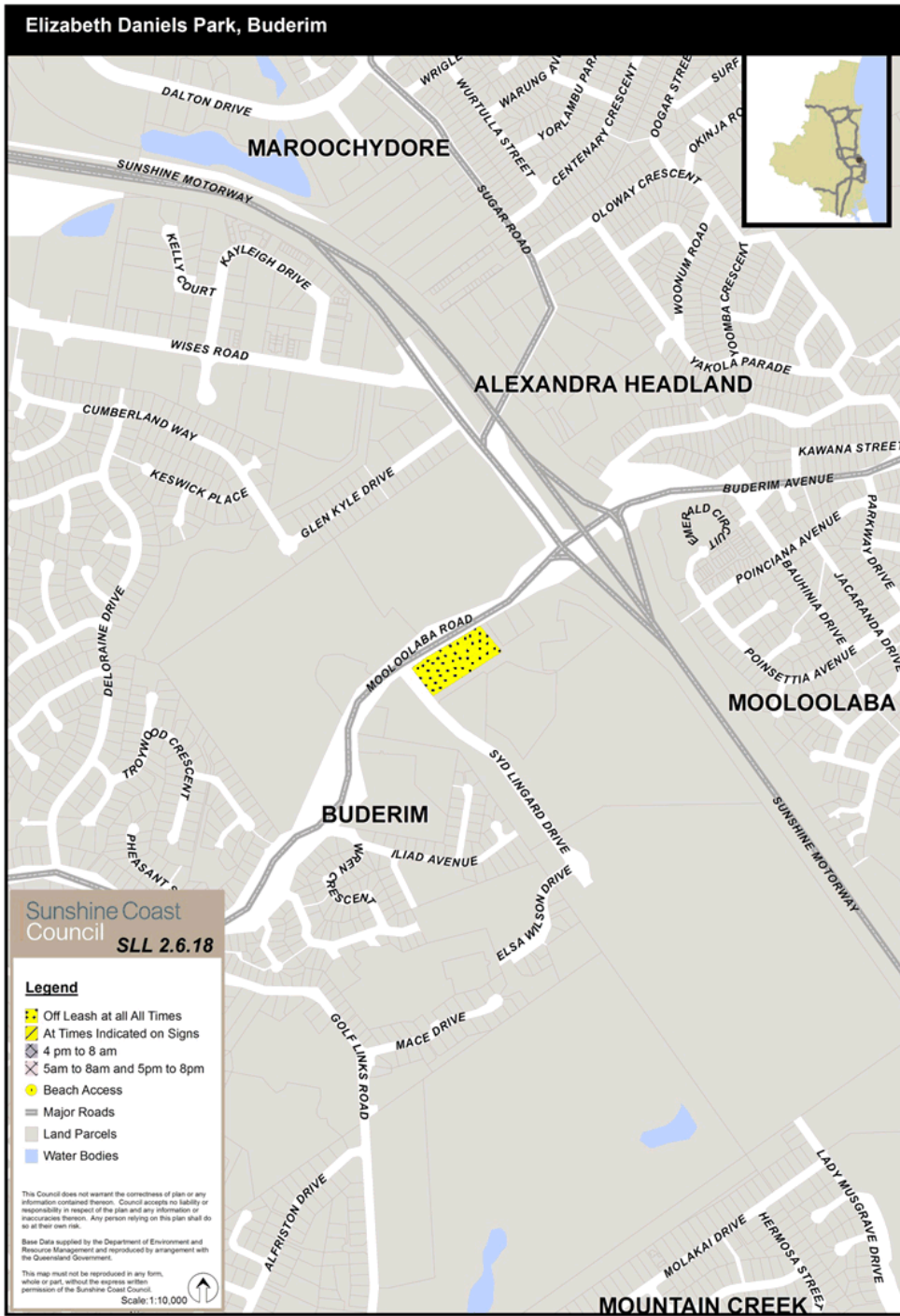


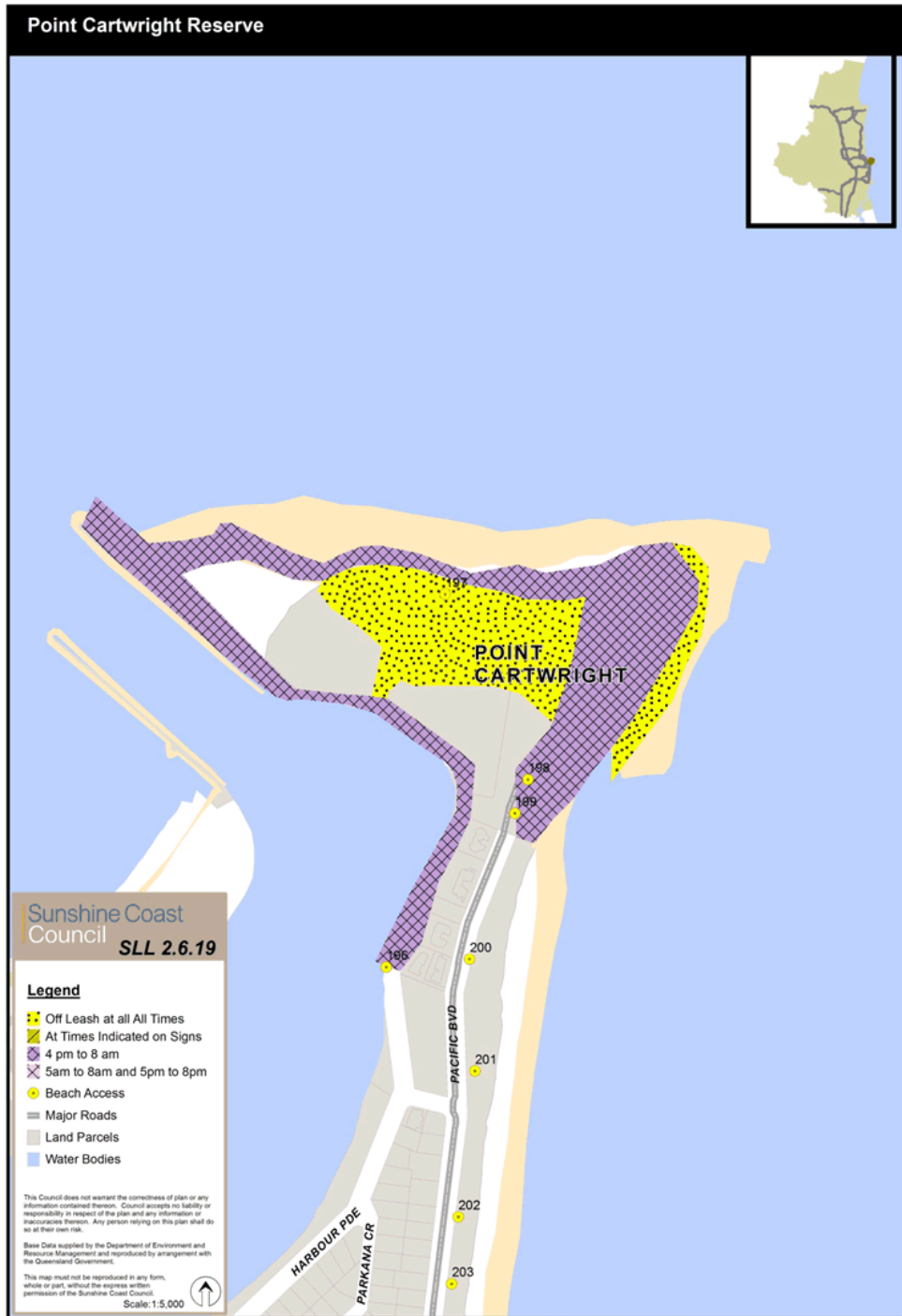


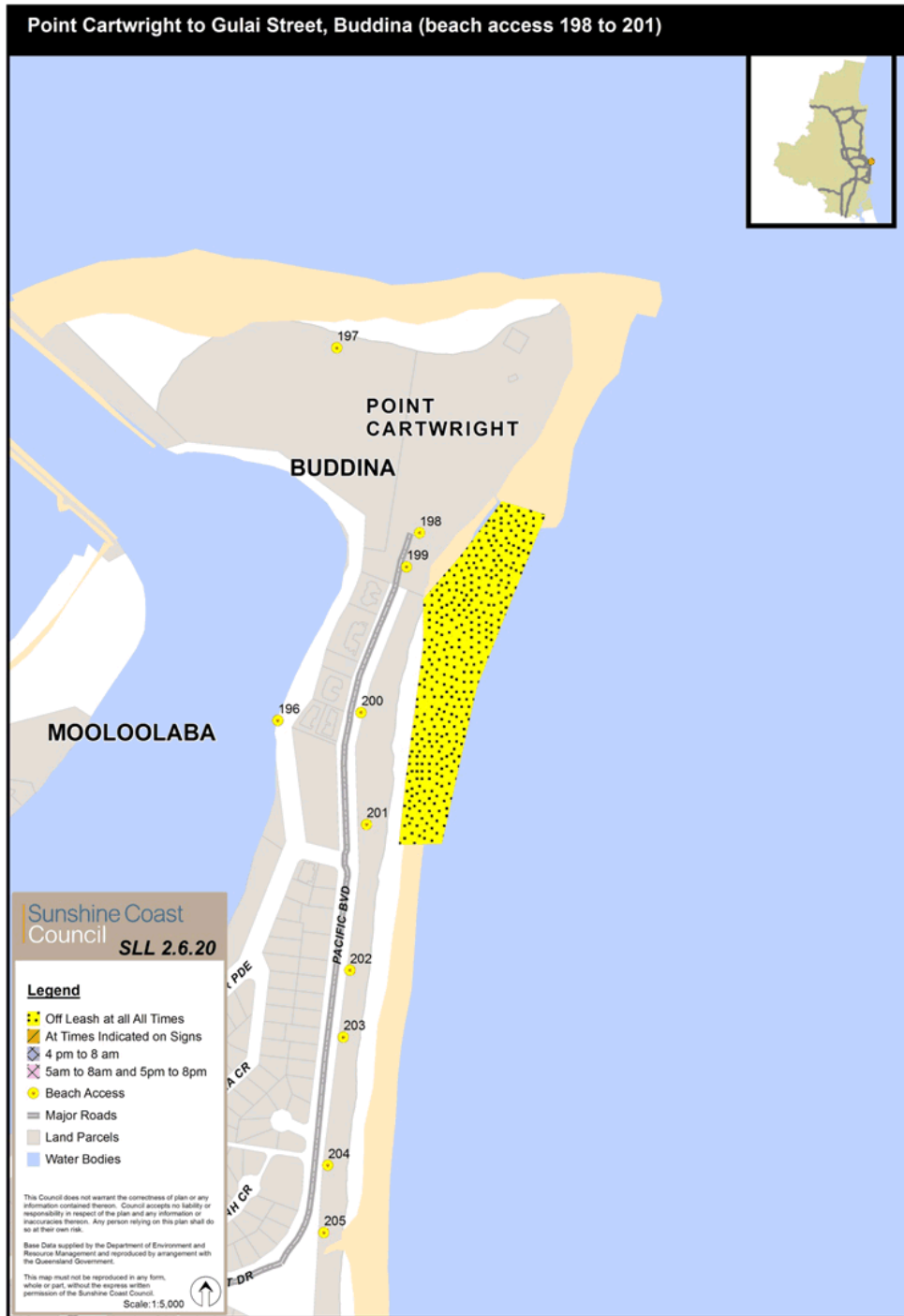




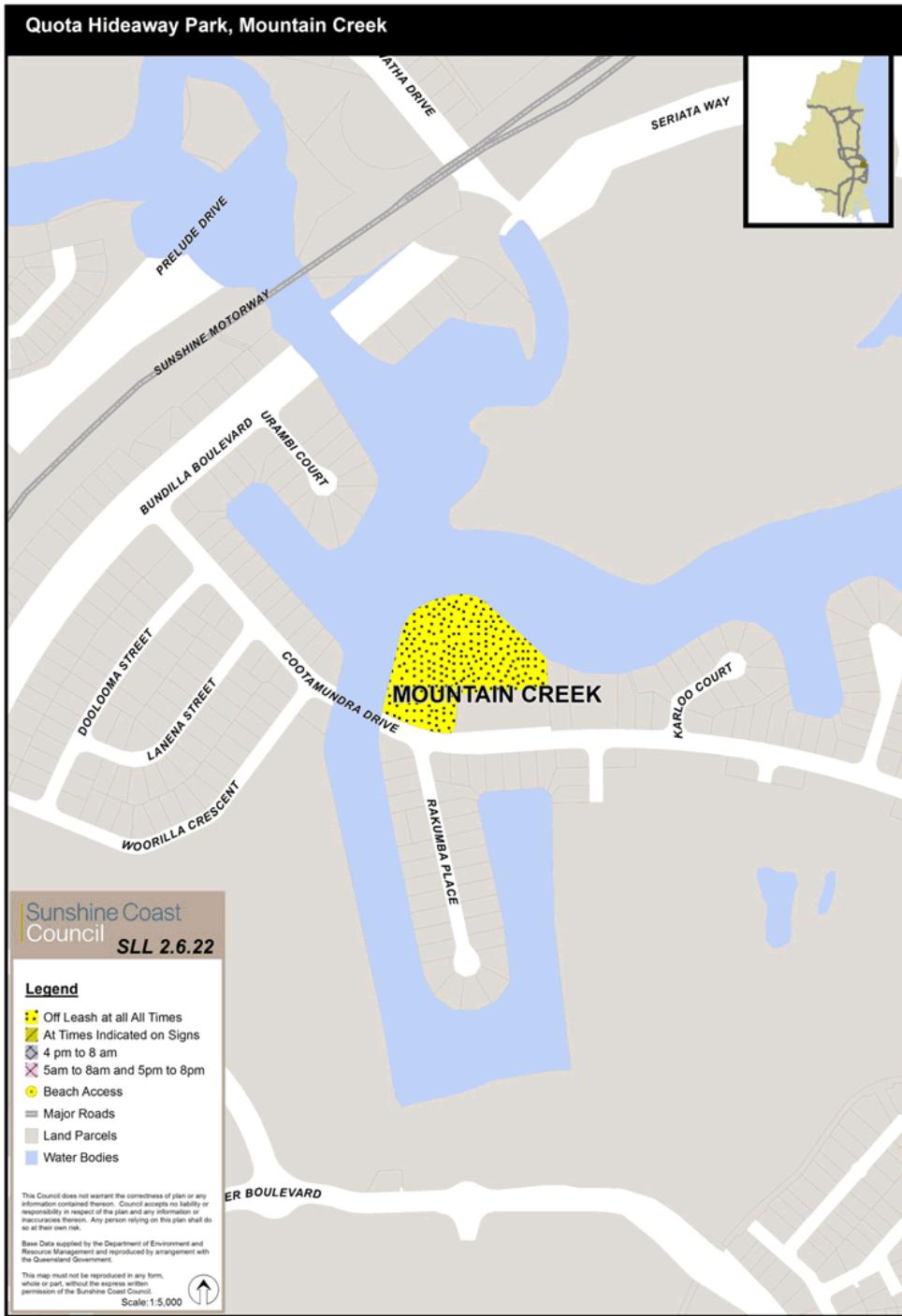






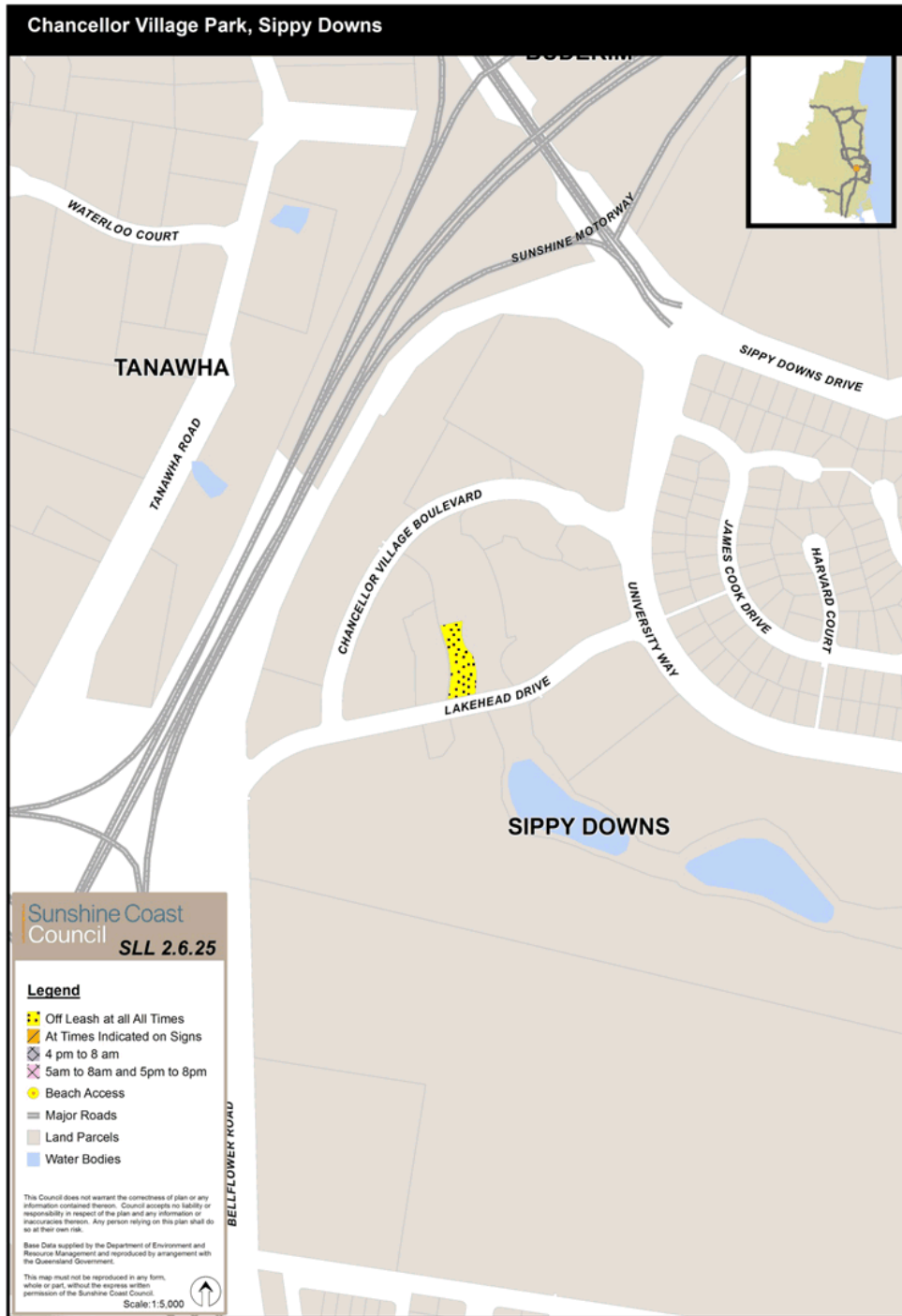


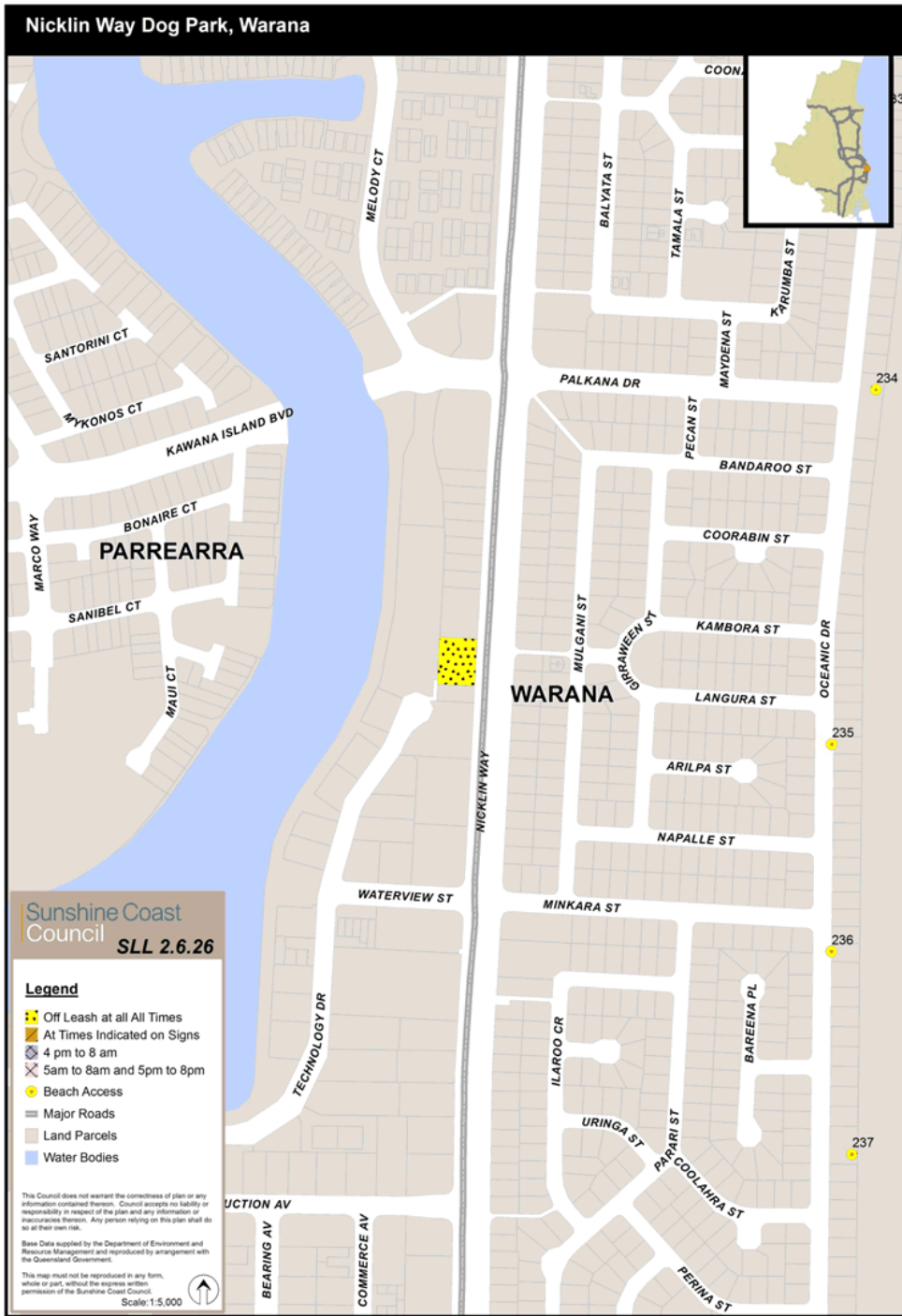




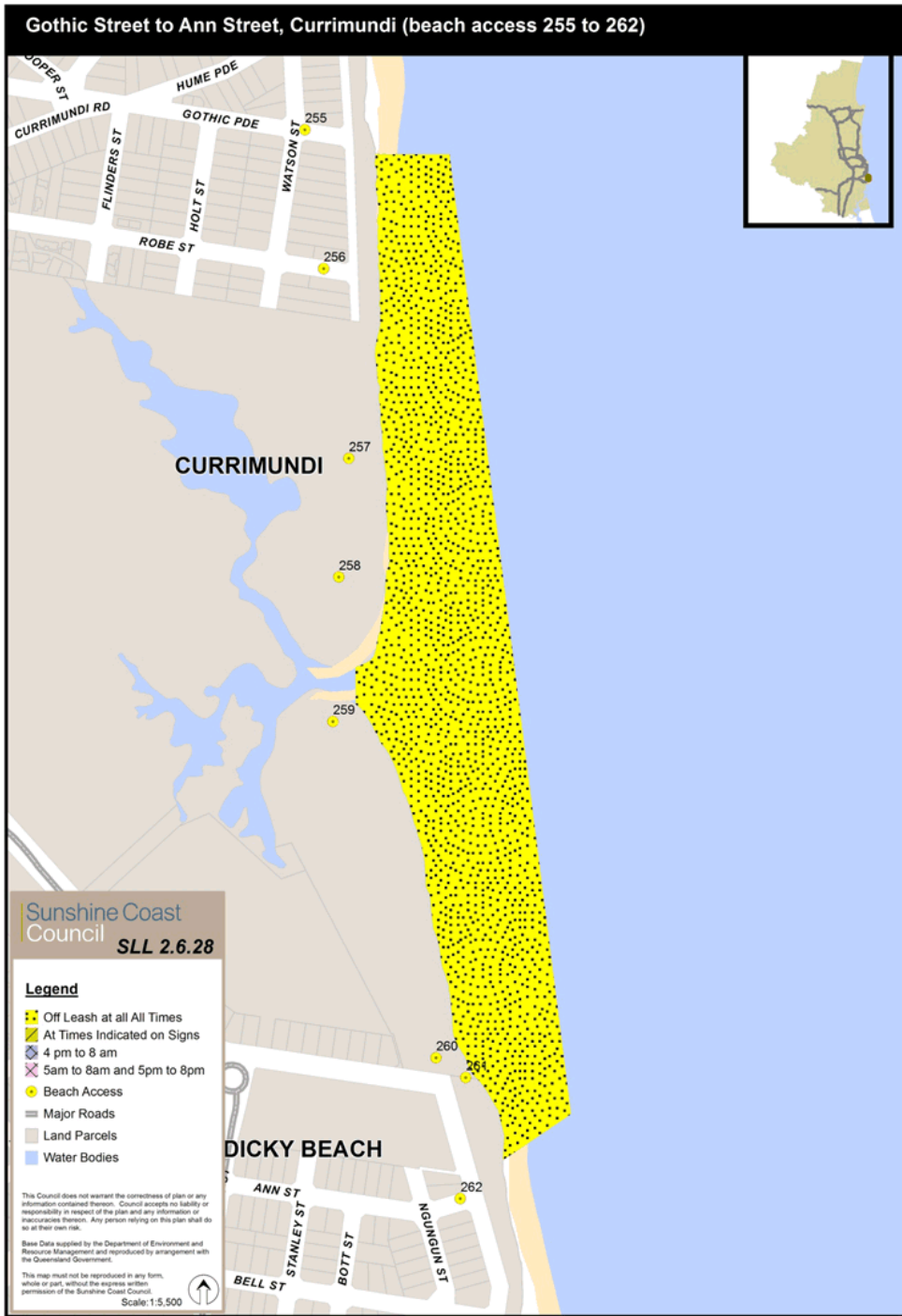


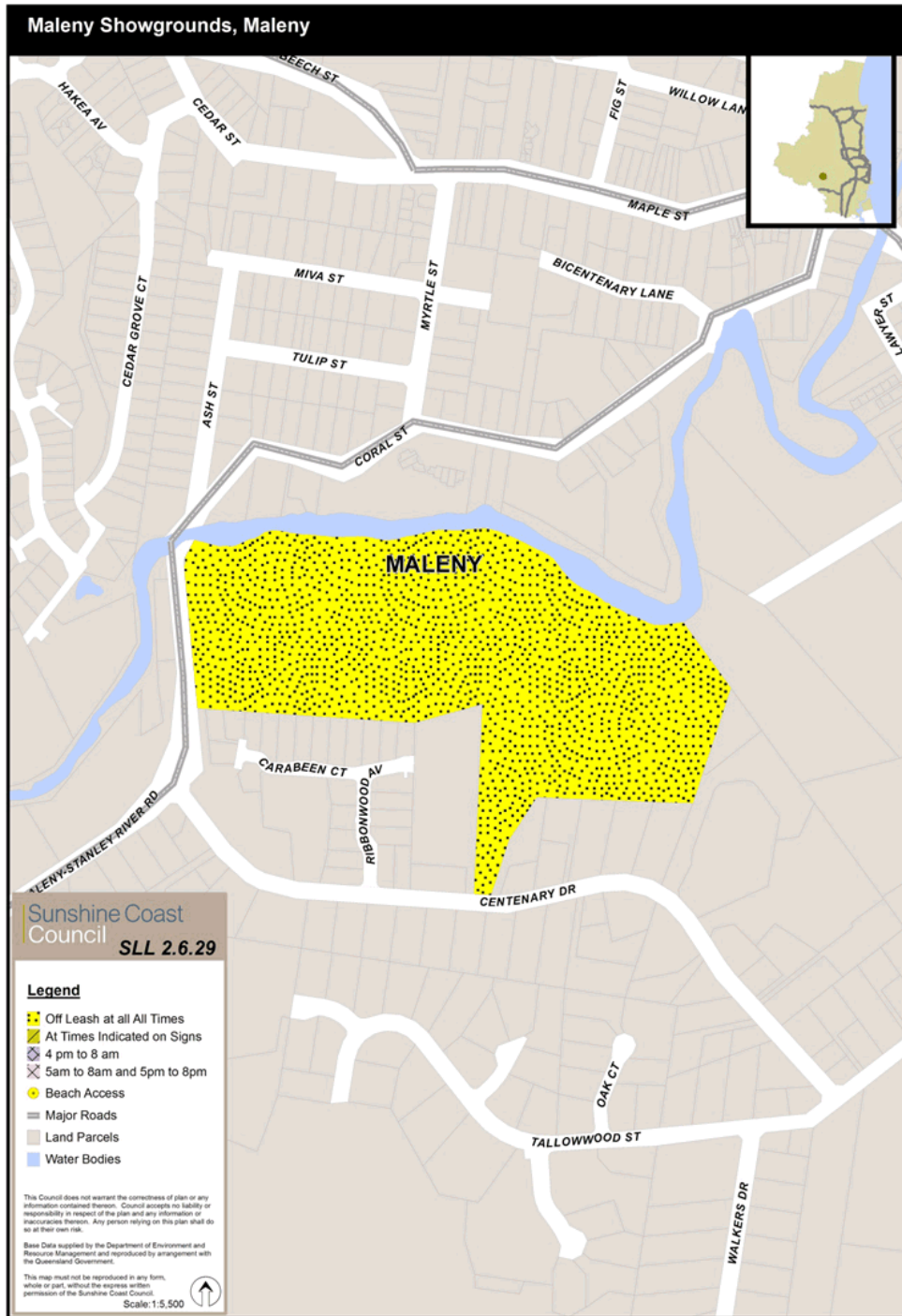


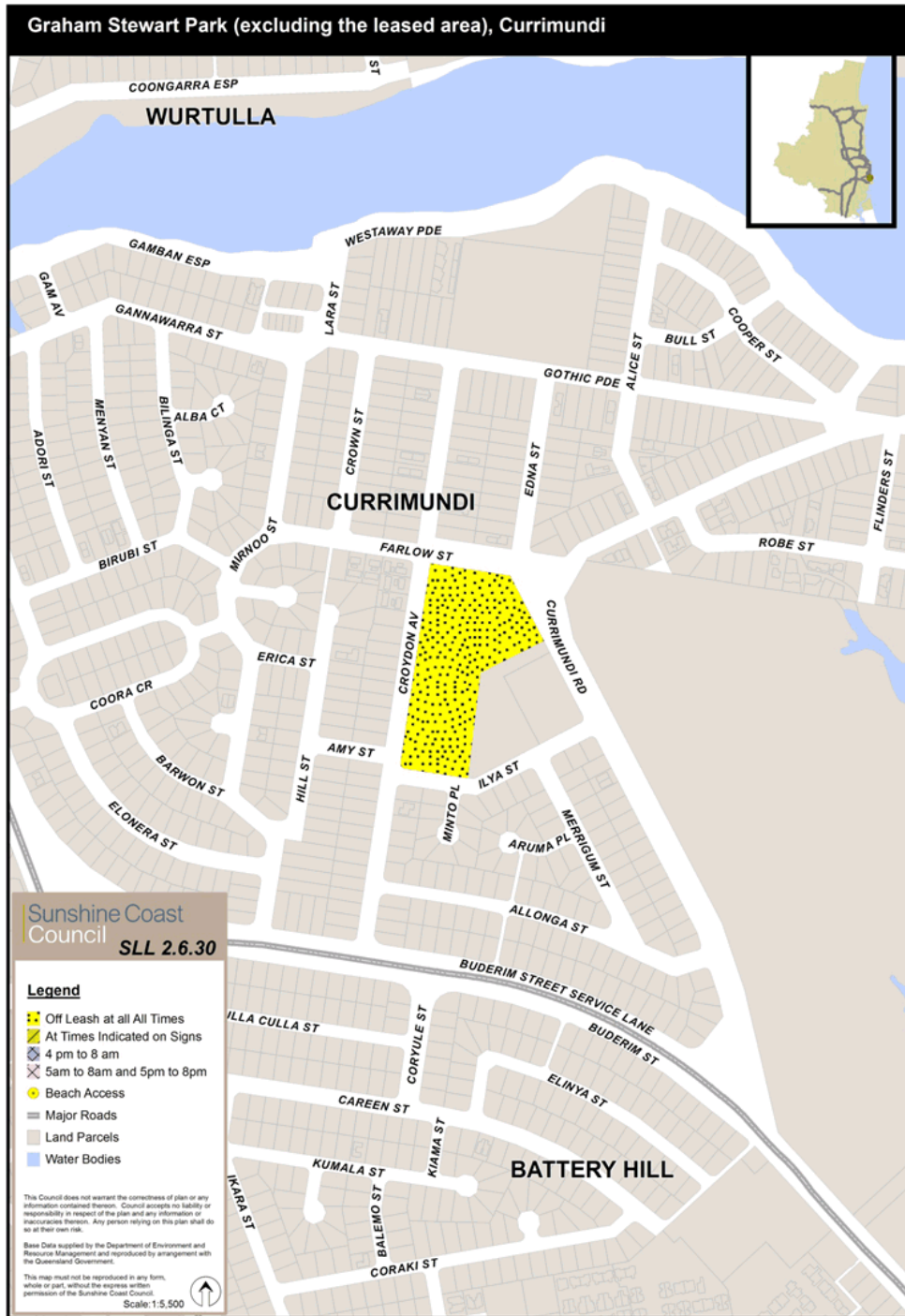


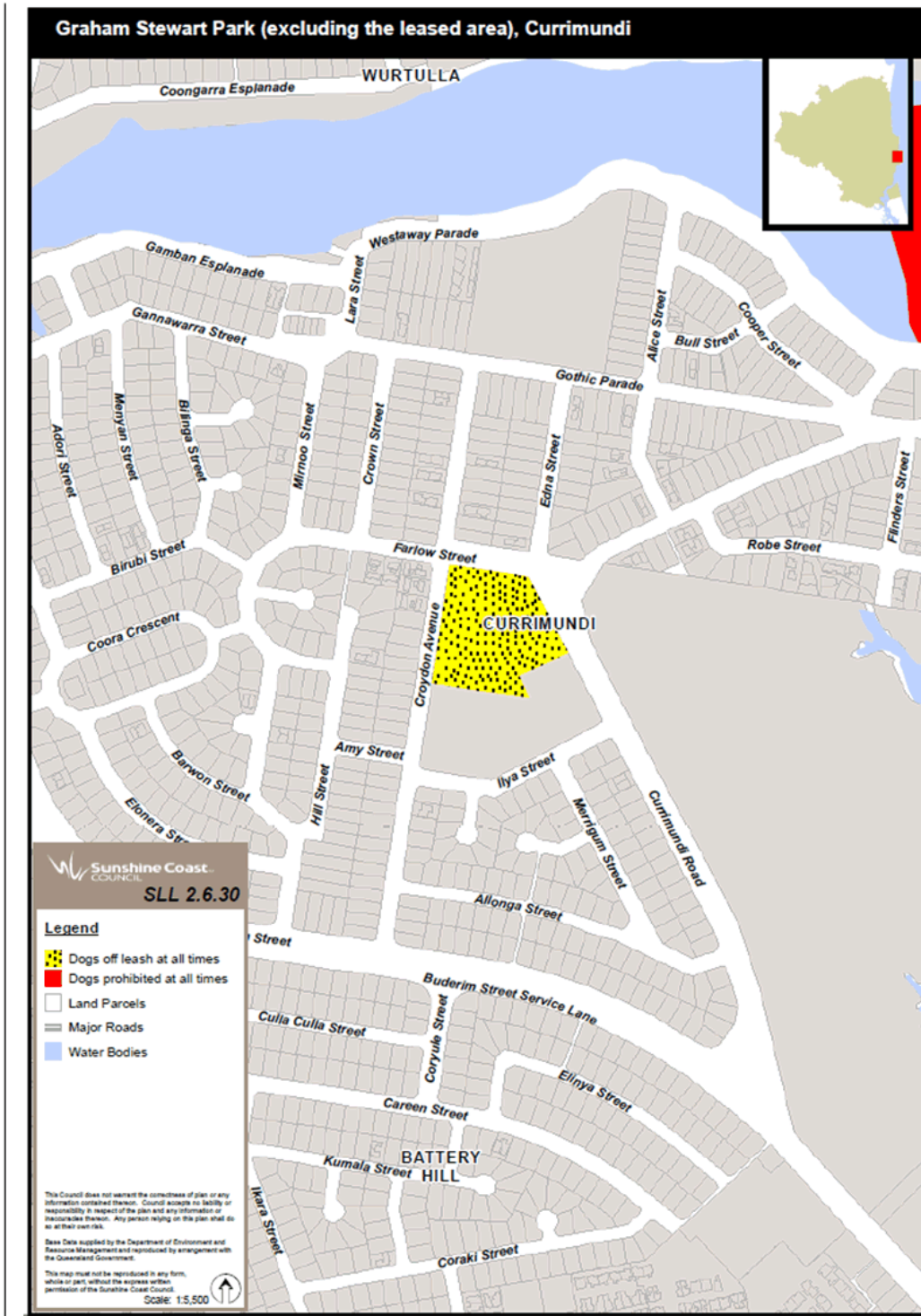


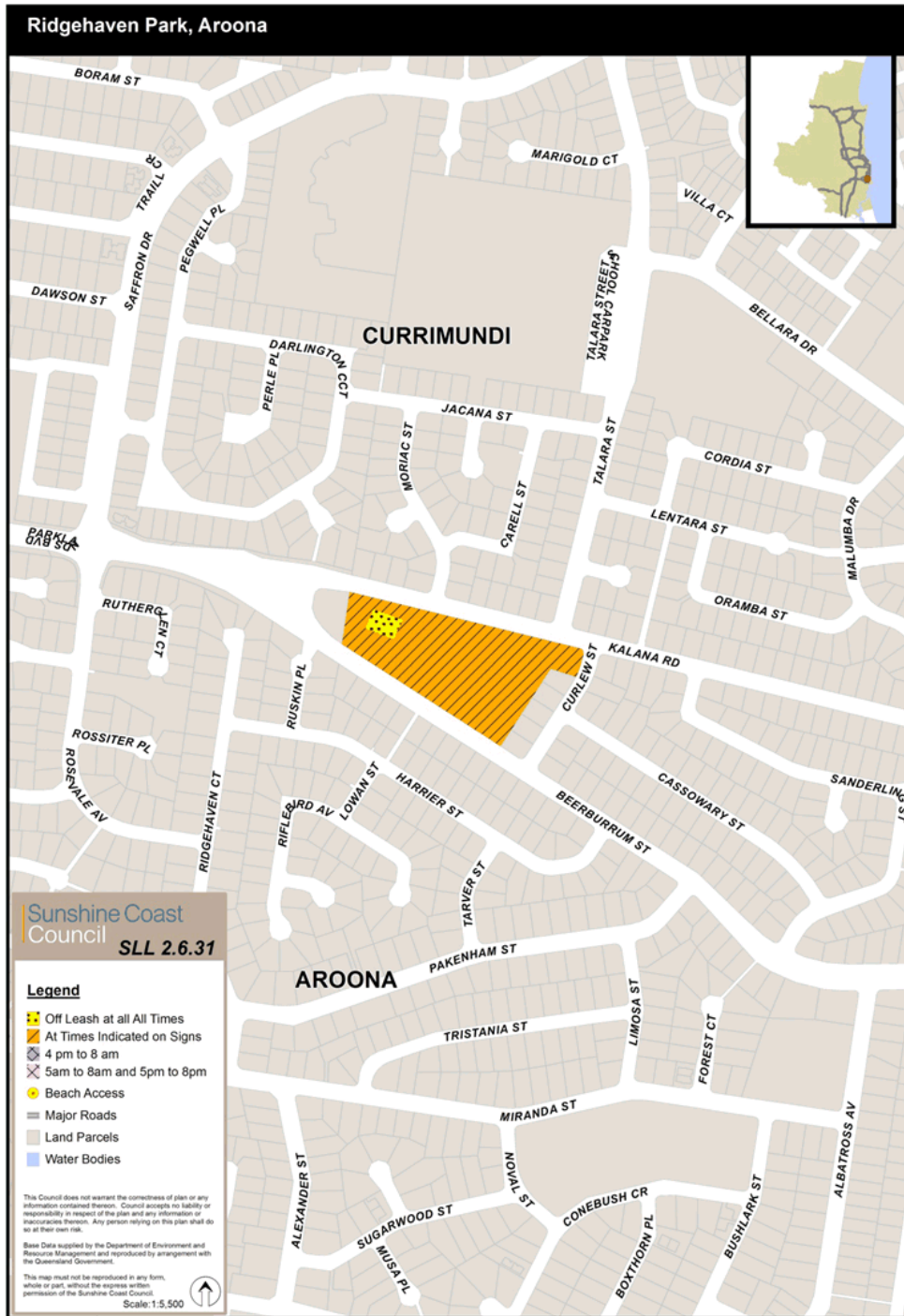


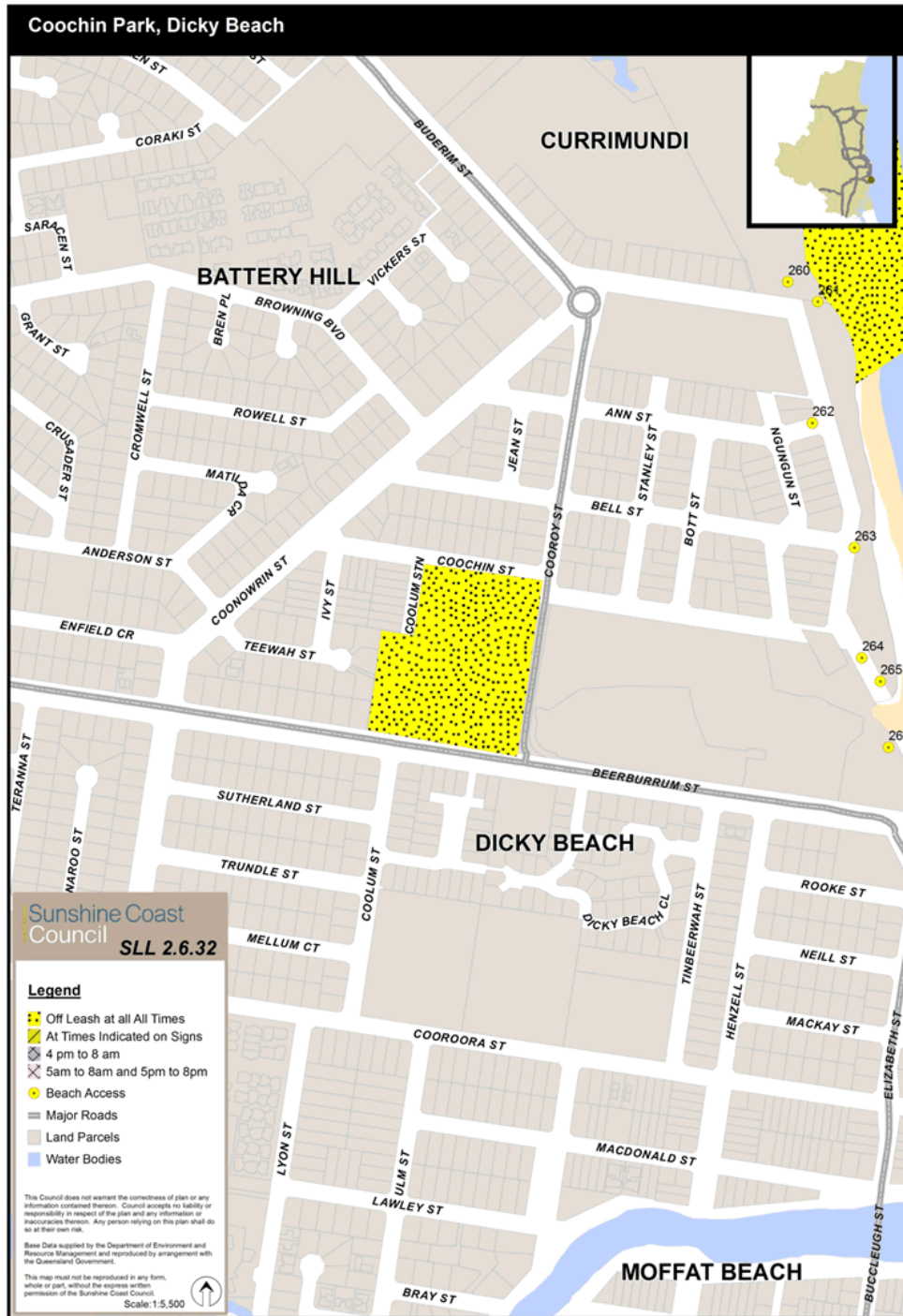


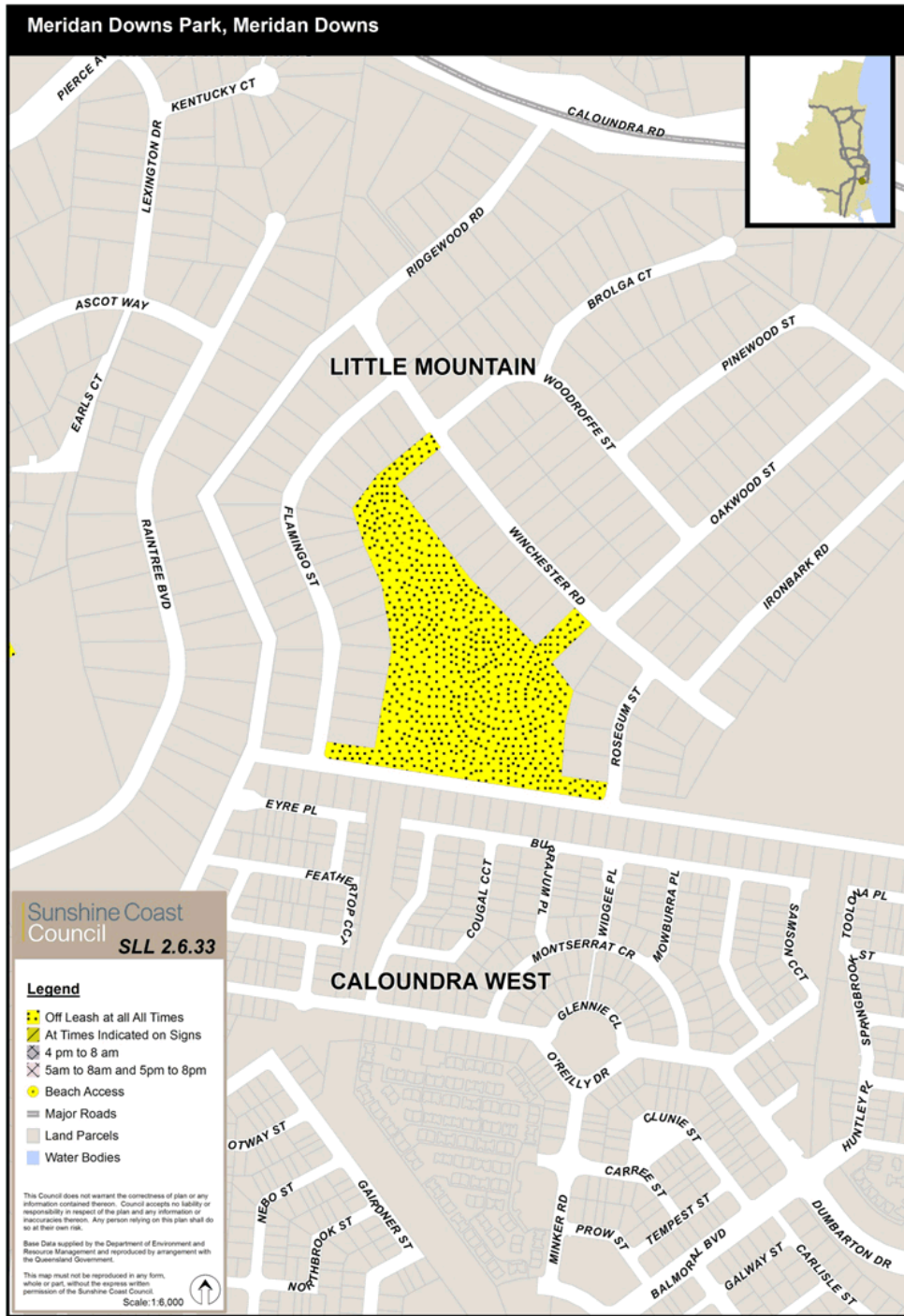


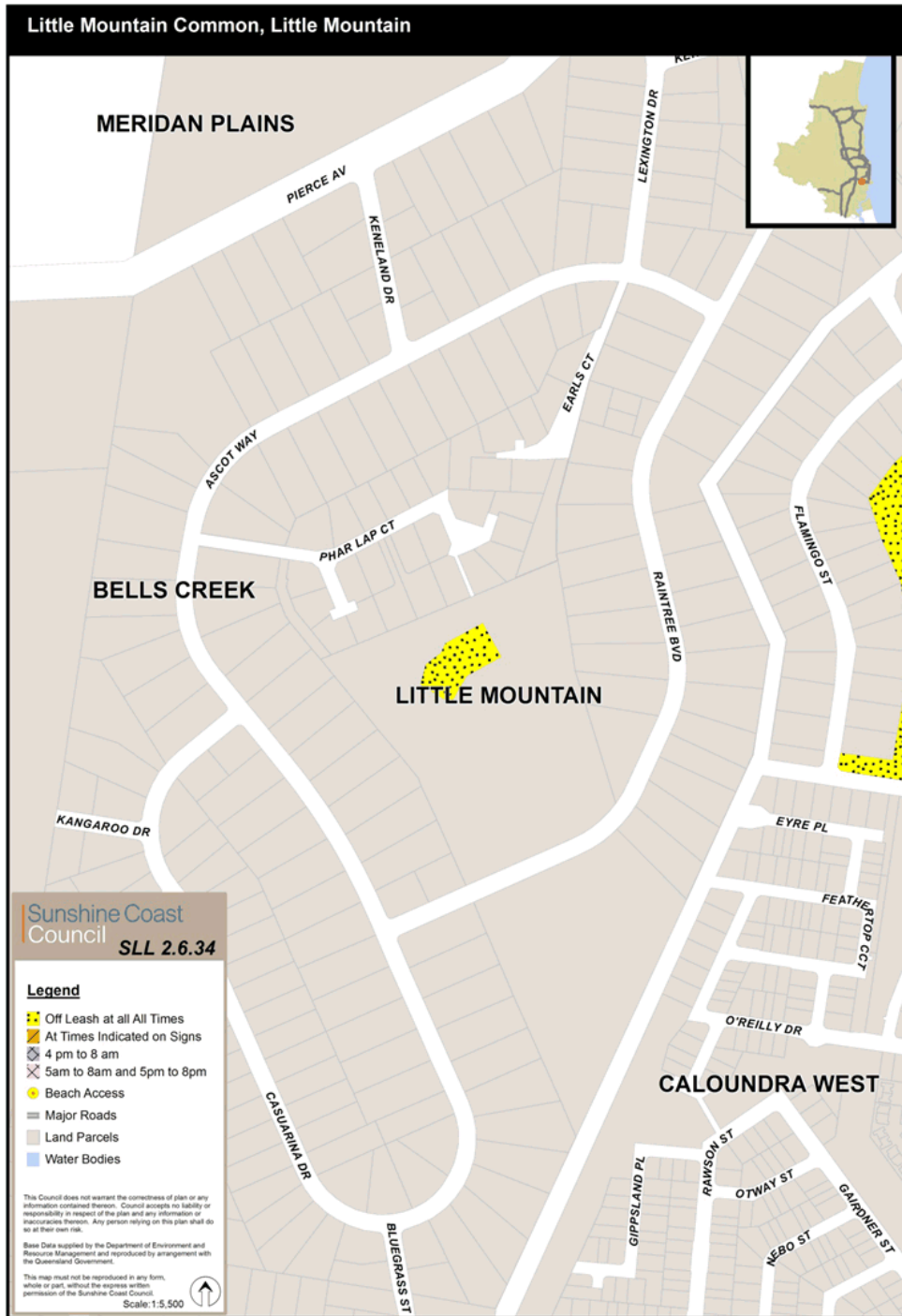








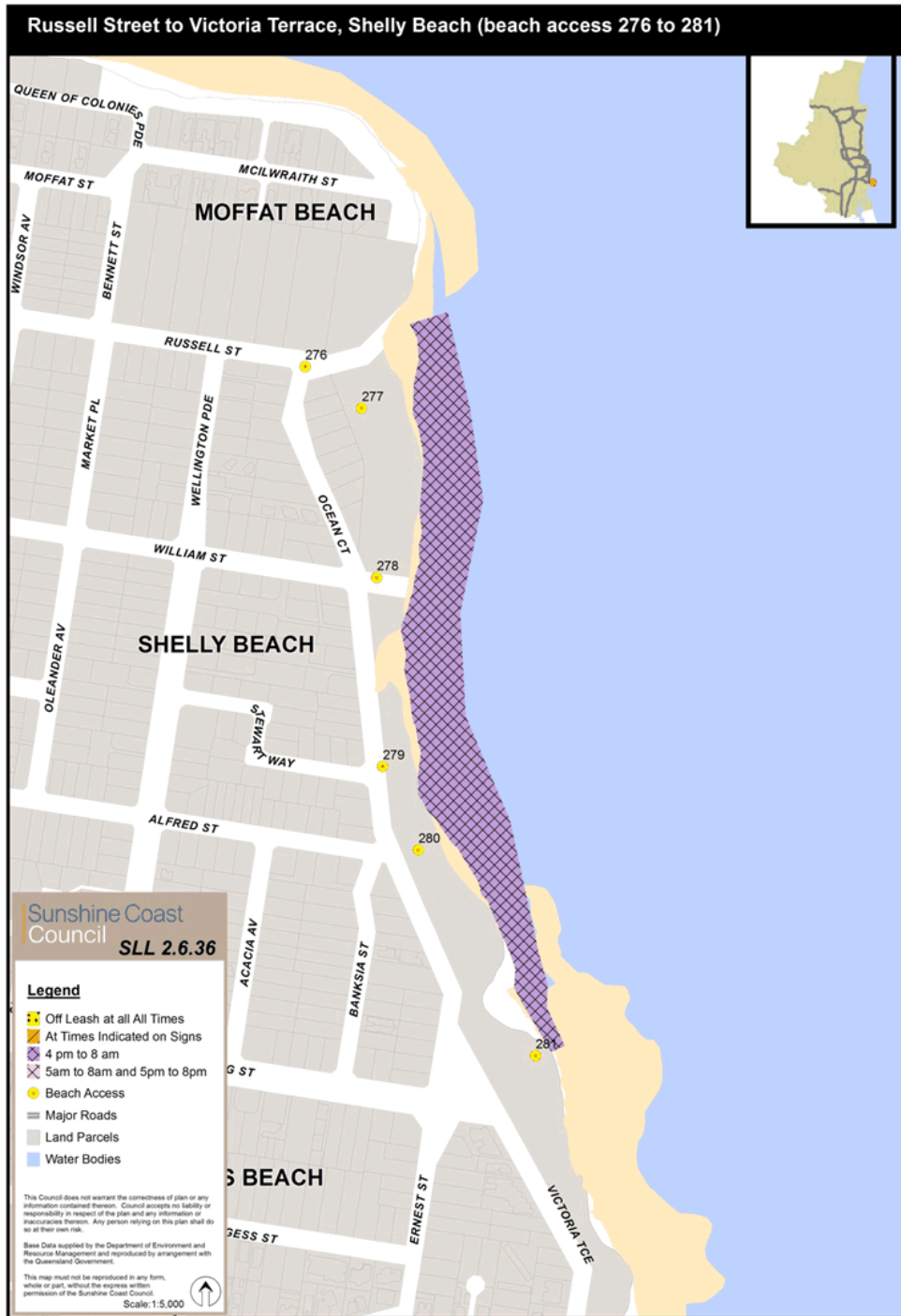






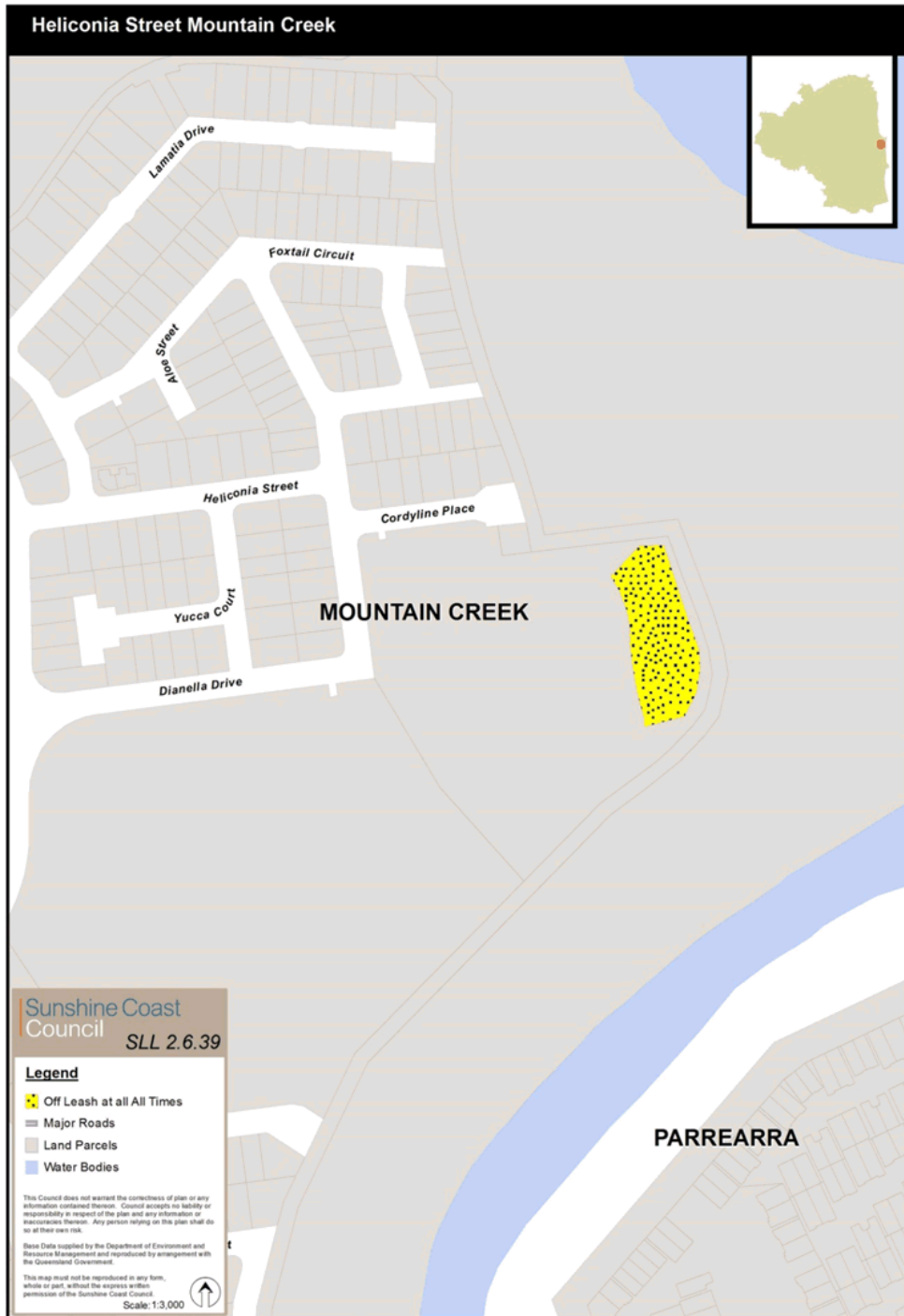












Schedule 7 Conservation requirements

section 11

Column 1 Relevant area	Column 2 Requirements for keeping of animals in the relevant area
	<i>This schedule has intentionally been left blank</i>

Schedule 8 Requirements for keeping declared dangerous animals

section 12

- 1 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person for a declared dangerous animal must display a sign—
 - (a) at every entrance to the premises where the animal is kept; and
 - (b) that is visible to all persons entering the premises; and
 - (c) that prominently and permanently displays, in black lettering not less than 50 millimetres in height on a yellow background, the words “BEWARE DECLARED DANGEROUS ANIMAL ON PREMISES”.

- 2 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person must provide an enclosure on the person’s premises that ensures that the animal is prevented from causing injury to any person or animal or damage to any property.