

Noosa Shire Council

Subordinate Local Law No 2

(Animal Management) 2015

Noosa Shire Council Subordinate Local Law No. 2 (Animal Management) 2015

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 prohibited— Authorising local law, s 5(1).....	5
	6 Circumstances in which keeping animals requires approval— Authorising local law, s 6(1).....	5
	7 Animals that must be desexed—Authorising local law, s 7	5
	8 Minimum standards for keeping animals—Authorising local law, s 8(1).....	5
	9 Identification for cats and dogs in certain circumstances— Authorising local law, s 9	5
Part 3	Control of animals.....	6
	10 Public places where animals are prohibited—Authorising local law, s 10(1).....	6
	11 Dog off-leash areas—Authorising local law, s 11(1)	6
	12 Animal faeces in public places—Authorising local law, s 13.....	6
	13 Requirements for proper enclosures for keeping animals— Authorising local law, s 14(2).....	6
	14 Koala conservation—Authorising local law, s 15.....	6
	15 Criteria for declared dangerous animals—Authorising local law, s 19(1).....	6
Part 4	Seizure, impounding or destruction of animals	7
	16 Place of care for impounded animals—Authorising local law, s 24.....	7
	17 Animals that may be disposed of without auction or tender— Authorising local law, s 32(1)(b)	7

	18 Register of impounded animals—Authorising local law, s 33(3)	7
Part 5	Appeals against destruction orders	7
Part 6	Miscellaneous	7
	19 Conditions regarding sale of animals—Authorising local law, s 42(1)	7
	20 Animals excluded from application of local law—Authorising local law schedule	8
	21 Species that are declared dangerous animals—Authorising local law, schedule	8
	22 Prescribed period for reclaiming animals—Authorising local law, schedule	8
Schedule 1	Prohibition on keeping animals	9
Schedule 2	Requirement for approval to keep animal	10
Schedule 3	Requirement to desex animal	11
Schedule 4	Minimum standards for keeping animals generally	12
Schedule 5	Minimum standards for keeping particular animals	13
Schedule 6	Prohibition of animals in public places	14
Schedule 7	Part 1 Dog off-leash areas	15
	Part 2 Dog on leash areas	28
Schedule 8	Requirements for proper enclosures for animals	29
Schedule 9	Requirements for keeping a dog in a koala area	30
Schedule 10	Koala areas	31
Schedule 11	Criteria for declared dangerous animals	33
Schedule 12	Conditions for sale of animals	34

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2015*.

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) 2015*, 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) 2015* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law except the following:

“urban area” means the area within the “urban footprint” as that expression is defined in the South East Queensland Regional Plan 2017 (“the SEQ Regional Plan”) and more precisely defined in the maps that accompany the SEQ Regional Plan, including the maps titled SEQ Regional Plan 2017 Regulatory Map SEQ RP1 and SEQ Regional Plan 2017 Regulatory Map SEQ RP 4.

“effective control” – an animal is regarded as being under effective control of a person only if –

- (a) the animal is secured and restrained by a leash held by a person who has sufficient strength to control the animal; or

- (b) the animal has been tethered to a fixed object by a person and that person is in close proximity and able to control the animal with verbal command; or
- (c) the animal is off leash in a designated off leash area and the person is able to demonstrate to the satisfaction of an authorised officer that the animal is immediately responsive to the person's commands.

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 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, Part 1 and the corresponding maps are designated as dog off-leash areas. The areas described in Schedule 7, Part 2 and the corresponding maps are designated as specific dog on 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 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 the local government animal pound operated under agreement by the RSPCA on behalf of 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; and
- d) birds; and
- e) stock.

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 animal impound facility, Hollett Road, Doonan.

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 an animal for sale 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 other than dogs, cats, birds, other domestic animals and stock 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 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 5 days for registered animals and 3 days for all other animals.

Schedule 1 Prohibition on keeping animals

Section 5

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
Restricted Dog	<p>The following breeds are prohibited anywhere in the local government 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; and (e) Perro de Presa Canario or Presa Canario).
Livestock (except a sheep or a goat)	Keeping livestock, in an urban area is prohibited.
Poultry	Keeping a rooster in an urban area is prohibited.
Pig	Keeping a pig in an urban area is prohibited.

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	Approval is required to keep 3 or more dogs over the age of 3 months in the local government area.
Cat	Approval is required to keep 3 or more cats over the age of 3 months in the local government area.
Horse or donkey	Approval is required to keep a horse or a donkey on land less than 8,000m ² in an urban area.
Sheep or goat	Approval is required to keep a sheep or a goat on land less than 4,000m ² in an urban area.
Poultry	a) Approval is required to keep more than 6 poultry in an urban area on allotments less than 1000 m ² b) Approval is required to keep more than 12 poultry in an urban area on an allotment greater than 1000 m ²

¹ See *Local Law No.1 (Administration) 2015* and *Subordinate Local Law No.1 (Administration) 2015* 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).
 Subordinate Local Law No 2 (Animal Management) 2015



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 has been identified that is required to be desexed.		

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

A person who keeps an animal on any premises must ensure that the animal does not –

- a) cause a nuisance by making excessive noise that disrupts or inhibits any normal activity that is ordinarily carried out in nearby properties; or
- b) cause a loss of amenity:
 - (i) by creating an odour that affects the liveability, health and safety of members of the community; or
 - (ii) by creating a reasonable apprehension in the minds of others of a significant risk to the health & safety of people and other animals by allowing the animal to stray from the property; or
 - (iii) act aggressively towards a person or another animal.

A person who keeps an animal on any premises must also –

- a) ensure the animal is adequately identified so the owner's name, address and telephone number can be readily ascertained; and
- b) ensure the enclosure in which the animal is kept is cleaned regularly and any waste is disposed of in such a manner so as not to create a nuisance; and
- c) Ensure the enclosure is kept in a clean and sanitary condition at all times.

A nuisance occurs if in the opinion of an authorised officer there is sufficient evidence to support the observation that other people are being affected by the activity of the offending animal or keeper.

Example of a nuisance –

Noise caused by an animal that disrupts a person;

- a) Holding a conversation, or
- b) Sleeping, or
- c) Watching television.

An odour caused as a result of keeping an animal;

- a) Where the enclosure has not been cleaned regularly, and/or
- b) Where the waste is not disposed of in an acceptable manner.

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
Dog or cat	<p>A dog or cat must be contained within a property and not permitted to stray from that property –</p> <p>(a) an enclosure used to contain a dog or cat must be constructed of strong materials and designed in such a way so as to prevent the dog or cat from –</p> <ul style="list-style-type: none"> i) escaping over, under, through or around the enclosure; and ii) protruding over, under, through or around the enclosure; and iii) attacking or threatening to attack a person over, under, through or around the enclosure; and <p>(b) the enclosure must contain adequate shelter;</p> <p>(c) the enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(d) a dog or cat must be under effective control when not on private property.</p>
Poultry	<p>Poultry must be contained within the property and not permitted to stray -</p> <ul style="list-style-type: none"> a) a cage or pen must be of a suitable size and standard to effectively contain poultry so they do not cause a nuisance; b) the location of the enclosure must not be within 10 metres of a residential building on an adjoining property; c) the amenity of neighbouring properties must not be affected; d) food must be kept in a sealed, vermin proof container.
Horse or donkey	<p>Horses and donkeys must be contained on the property and not permitted to stray -</p> <ul style="list-style-type: none"> a) a stable or shelter must be of a suitable size and standard to effectively contain a horse or donkey so they do not cause a nuisance; b) the location of the stable/shelter must not be within 10 metres of a residential building on an adjoining property; c) the amenity of neighbouring properties must not be affected; d) food must be kept in a sealed, vermin proof container.

Schedule 6 Prohibition of animals in public places

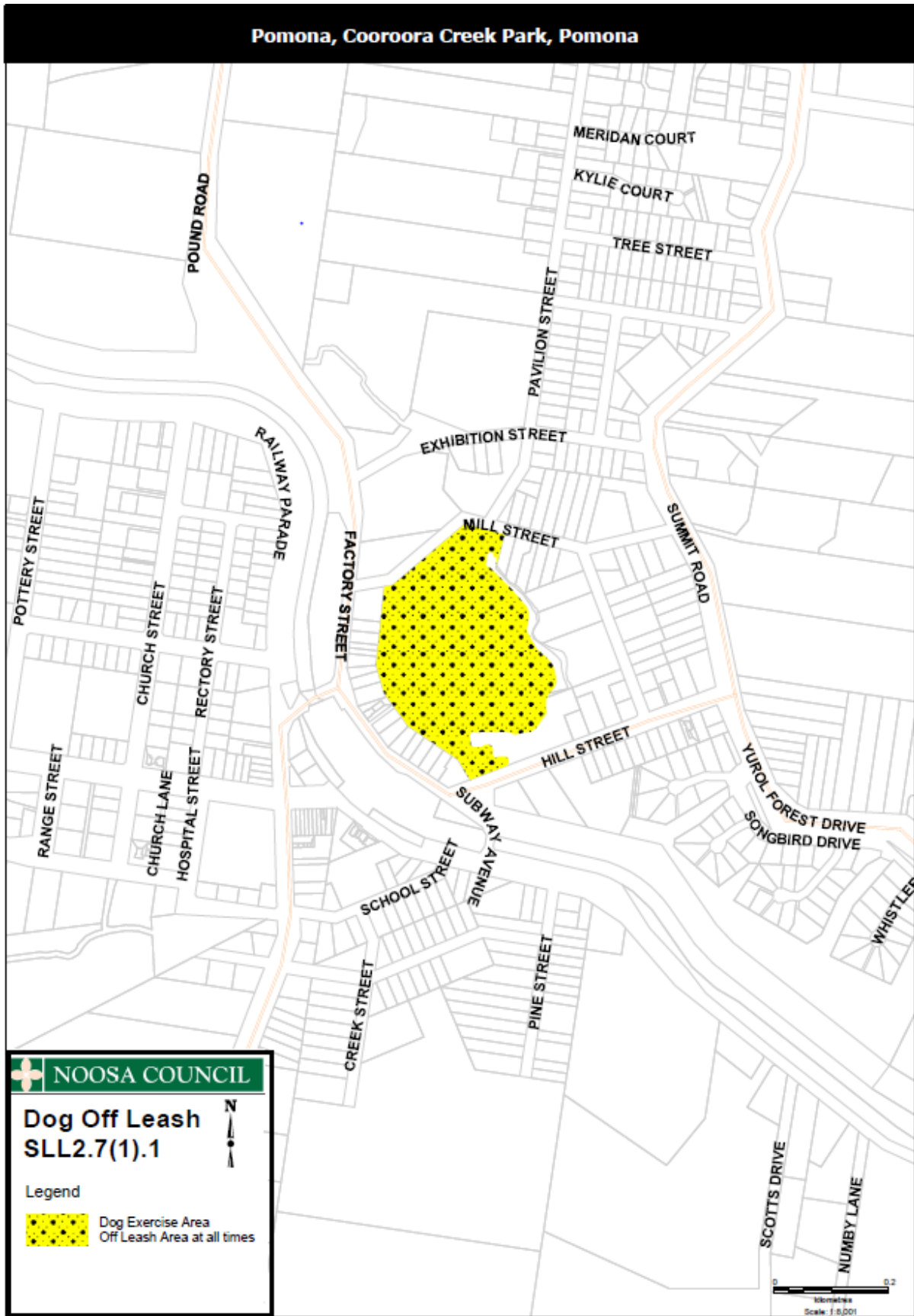
Section 10

Column 1 Public place	Column 2 Species or breed of animals prohibited
All Bathing Reserves within the local government area.	All animals.
<p>Noosa North Shore - the resident and migratory shorebirds habitat area. Refer to Subordinate Local Law 4, schedule 3 (map).</p> <p>The beach foreshore area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers.</p>	All animals.
Girraween Sports Complex, Noosa Heads – Criterion Cycle Track.	All animals.

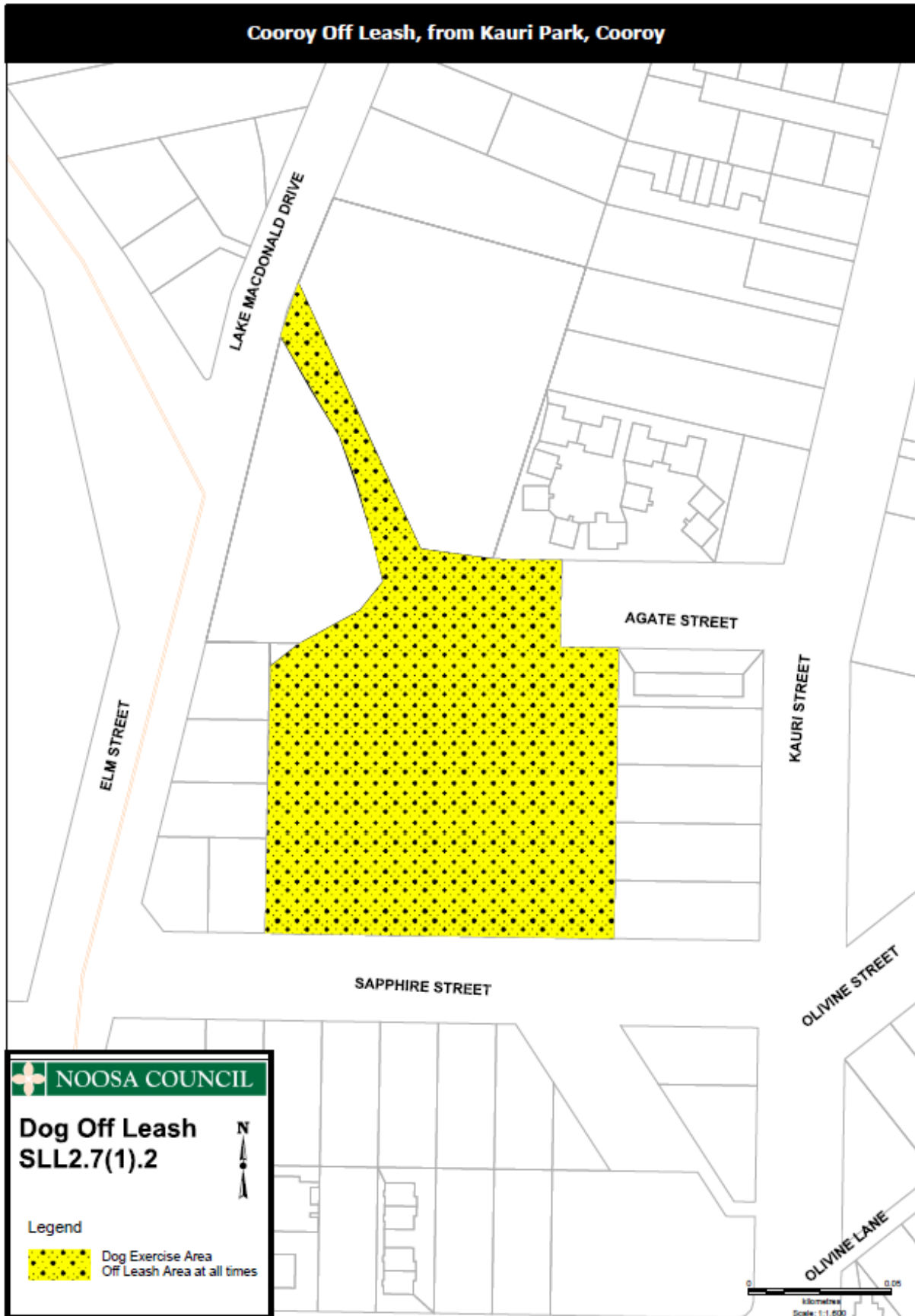
Schedule 7 Part 1 - Dog off-leash areas

Section 11

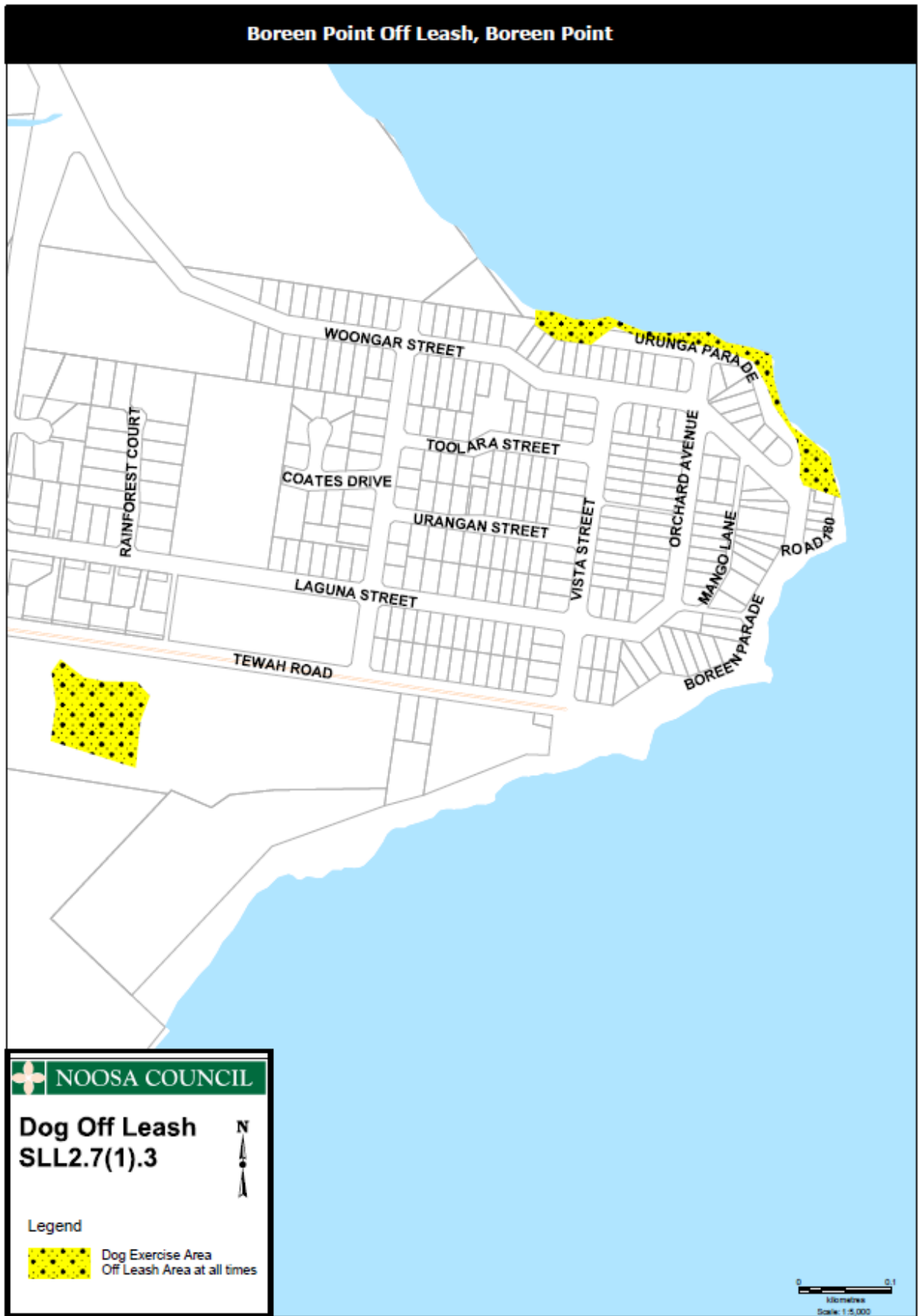
Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map number
Park	Cooroora Creek Park, Pomona – all of the park area.	SLL2.7(1).1
Park	Kauri Park, Cooroy – all of the park area.	SLL2.7(1).2
Park	Sports & Recreation ground, Boreen Point – as signed.	SLL2.7(1).3
Foreshore Reserve	The foreshore adjacent to Uranga Parade, Boreen Point - between the end of the road near the boat ramp and Woongar street.	SLL2.7(1).3
Park	Heritage Park, Tewantin – access from Griffith Ave near Parkview Crt as signed.	SLL2.7(1).4
Park	Alec Loveday Park, Tewantin - access from Hooper Crescent or Outlook Drive as signed.	SLL2.7(1).5
Park	Shorehaven Drive, Noosaville – between Seacove Street and Shipwright Avenue, Noosa Waters.	SLL2.7(1).6
Park/foreshore Reserve	Weyba Creek Foreshore Park, Noosaville – between Lake Weyba Drive and the AFL ground.	SLL2.7(1).7
Park	Alec Dan Park, Noosa Heads –as signed.	SLL2.7(1).8
Reserve	Noosa Spit Reserve, Noosa Heads – access from Claude Batten Drive between the Woods Park and the river mouth.	SLL2.7(1).9
Beach	North Sunshine Beach access 27 (Seaview Terrace) to Noosa National Park.	SLL2.7(1).10
Beach	Marcus Beach from access 38 to access 47	SLL2.7(1).11



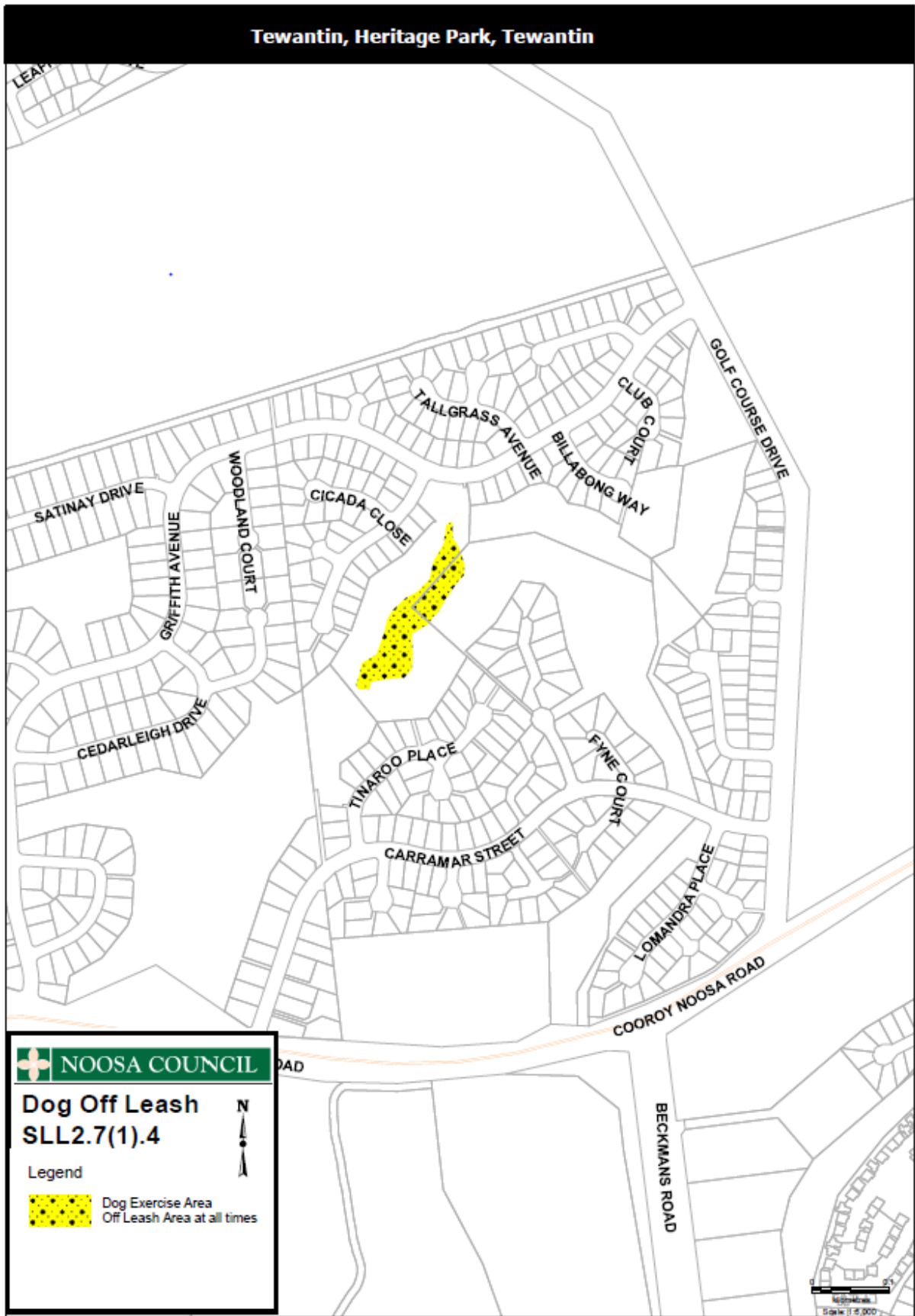
Buttall



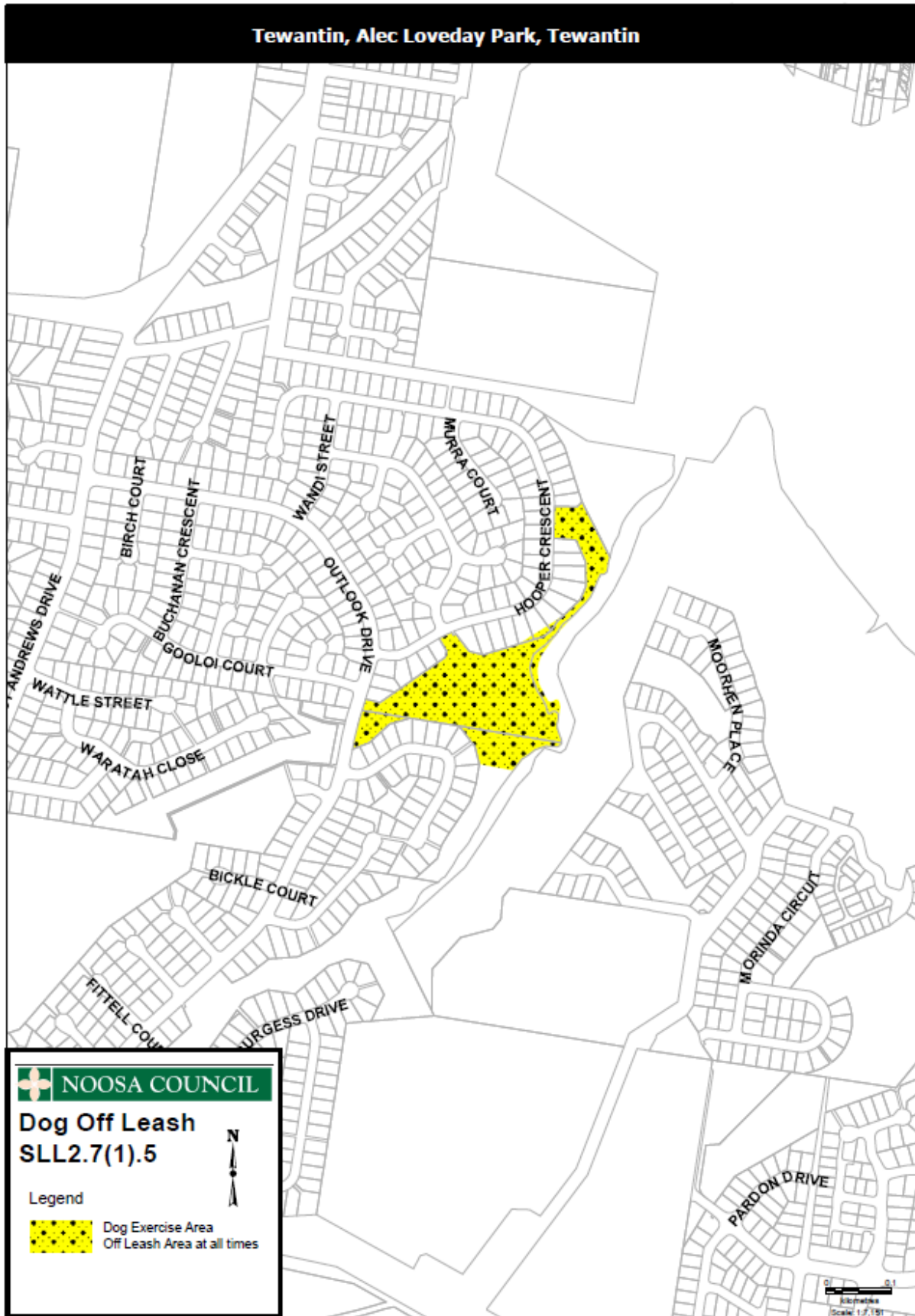
Brett Allart



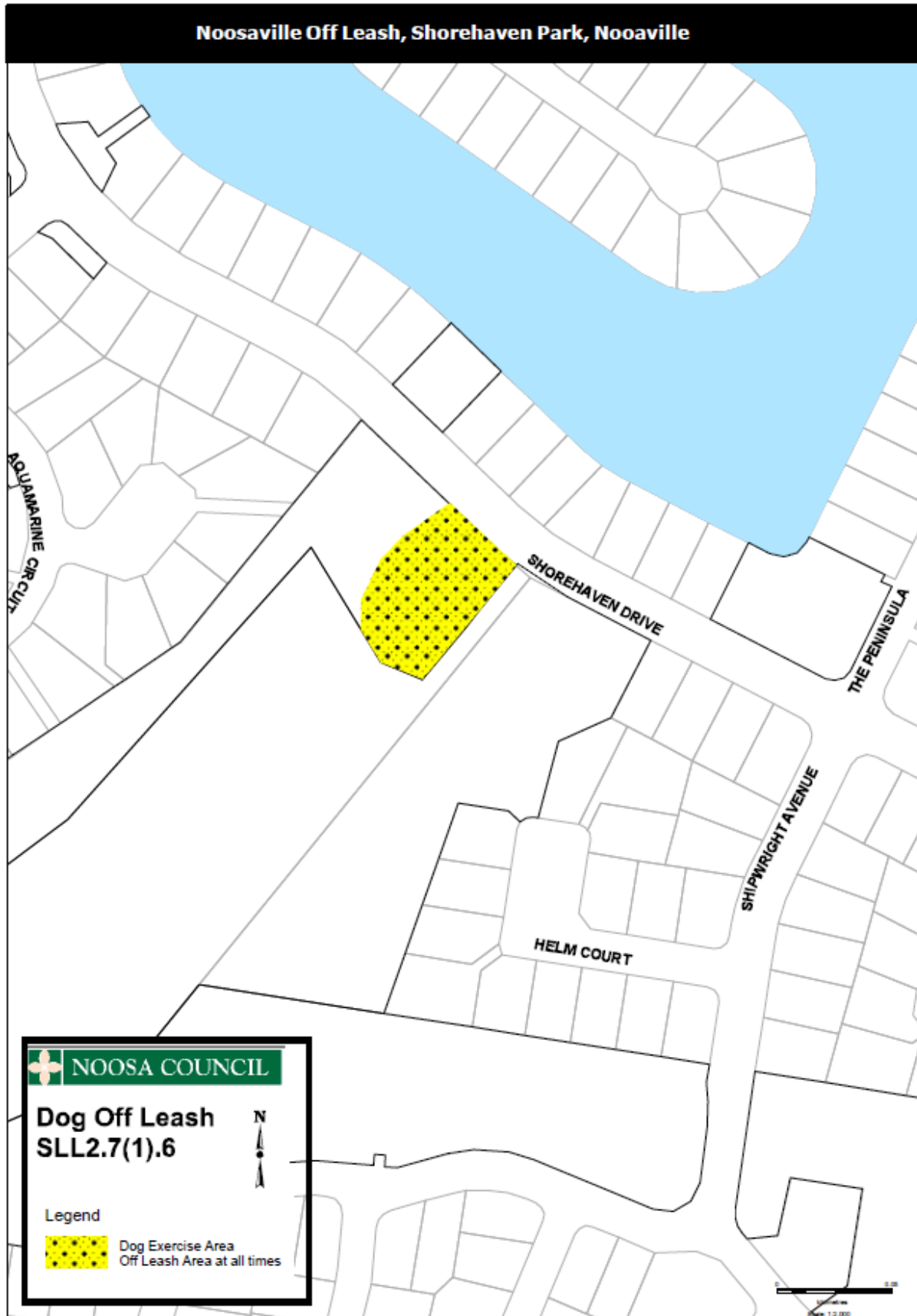
Brett Allart



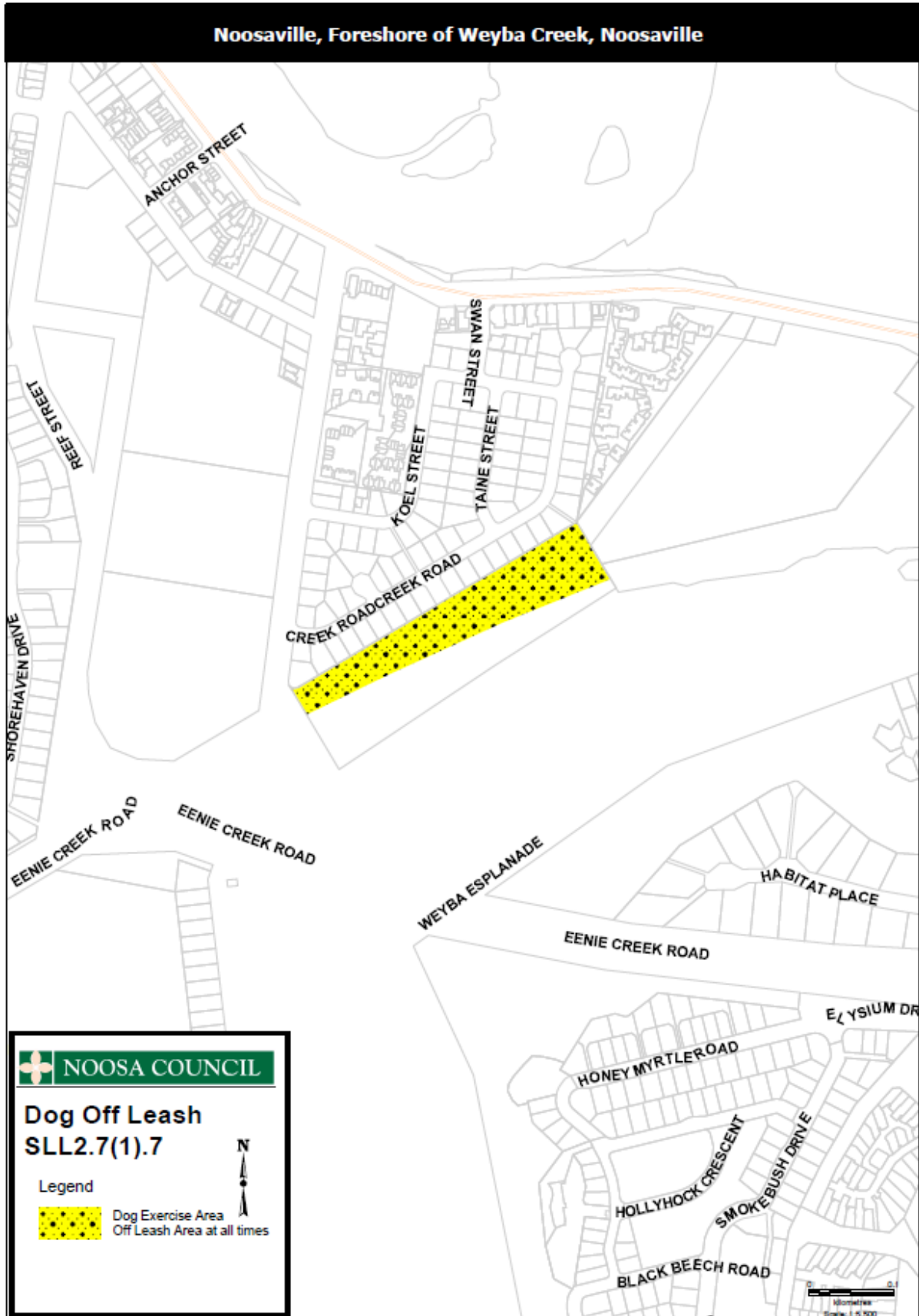
Brett Allart



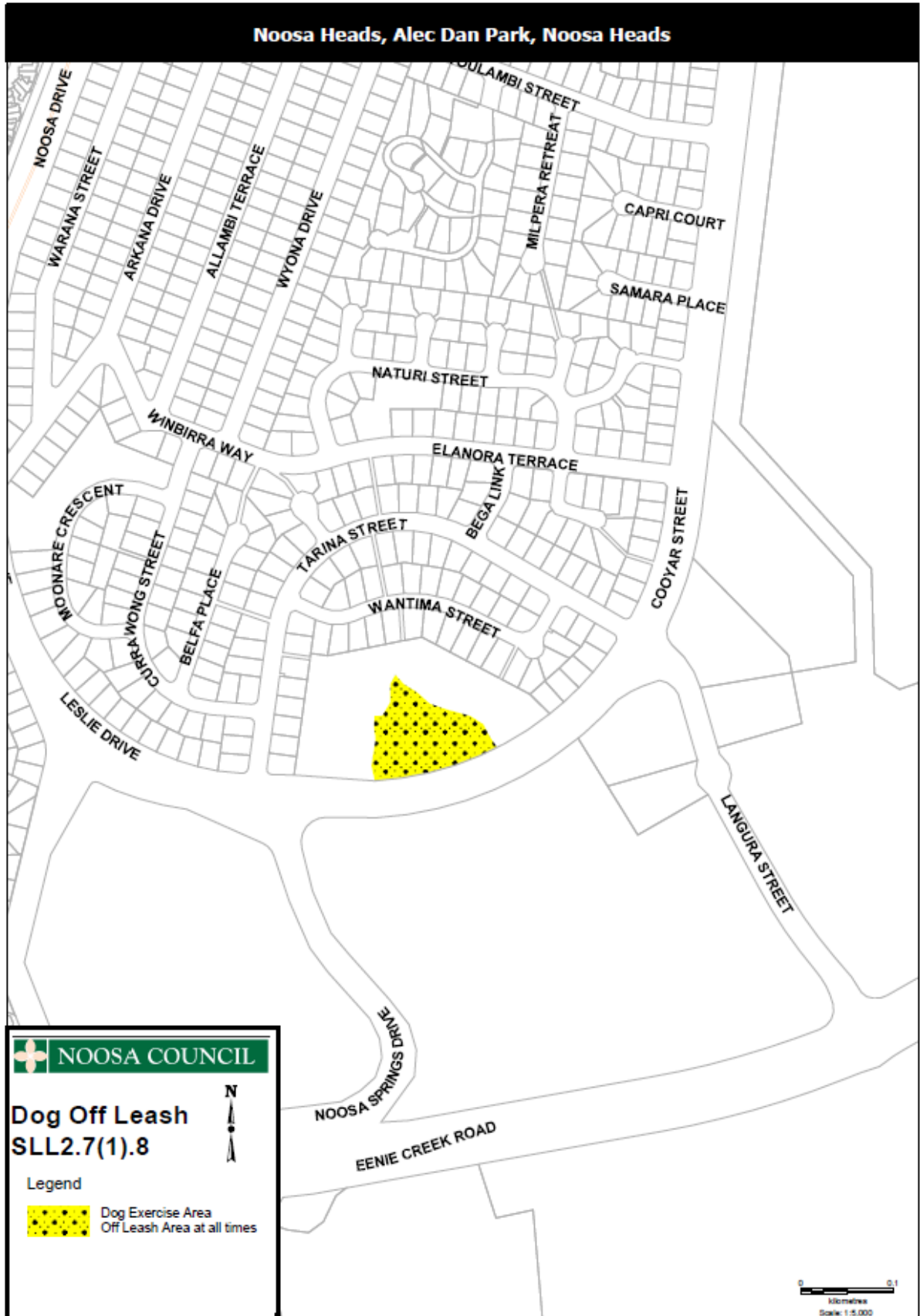
Brett Allart



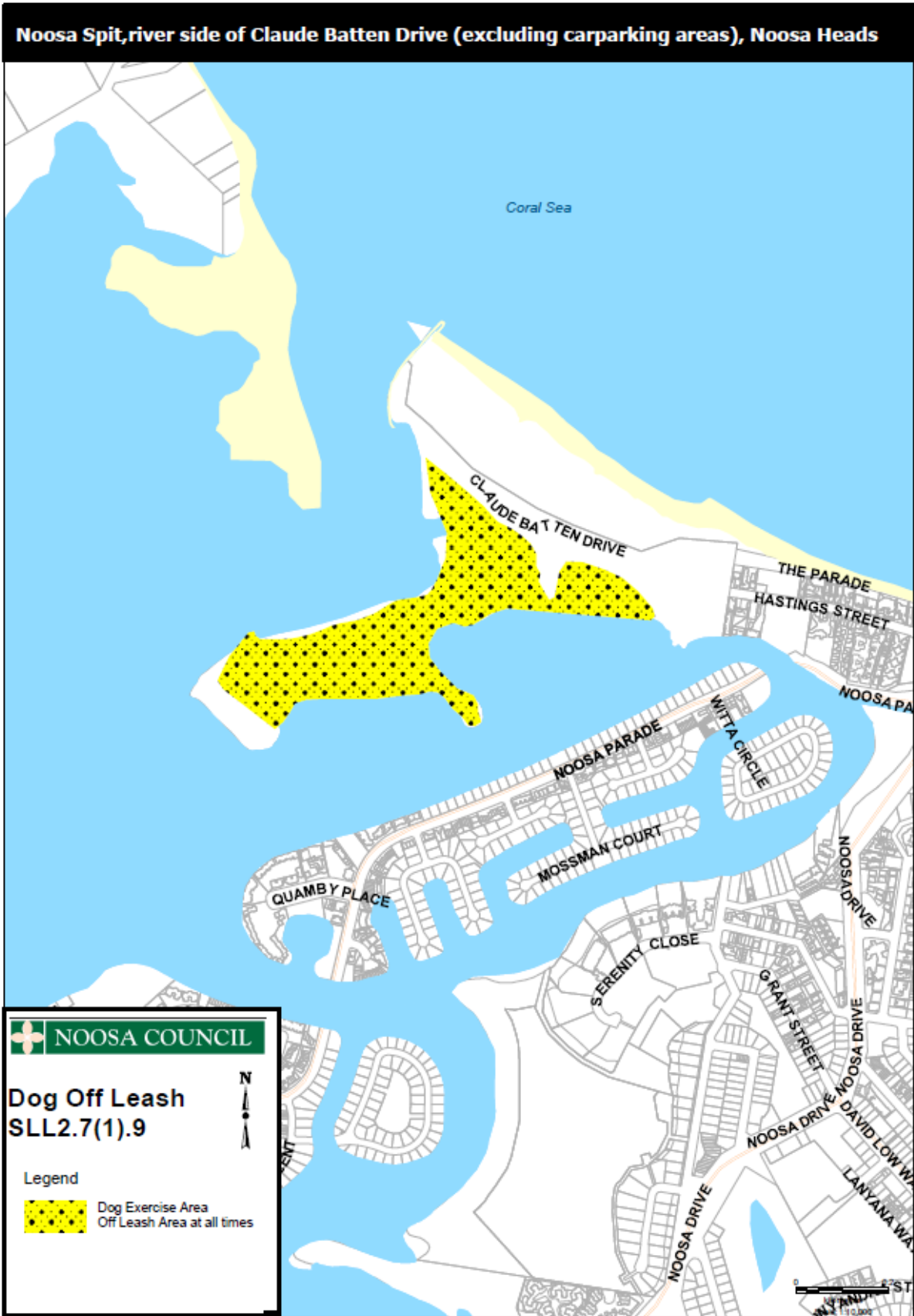
Brett Allcott



Brett Allart



Brett Clark



Brett Allart





Brett Allart

Schedule 7 Part 2 - Dog on-leash areas

Section 11

Column 1 Type of public place	Column 2 Description of dog on leash area	Column 3 Map number
Beach	Peregian Beach between access 59 (Grebe Street) and access 67 (Pitta Street) Peregian Beach.	SLL2.7(2).1
All Public Places except where a sign prohibits a dog and the excluded areas identified within this Subordinate Local Law.	All roads, parks, reserves and other places open to and used by the public as of right where dogs are permitted to go.	No map included.



Brett Allcott

Schedule 8 Requirements for proper enclosures for animals

Section 13

Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
All animals regardless of species or breed.	<p>A suitable enclosure must –</p> <ul style="list-style-type: none"> (a) be constructed of materials which are of sufficient strength to – <ul style="list-style-type: none"> (i) restrain the types of animals contained within the area of the enclosure; and (ii) stop the animals from escaping over, under, through or around the enclosure. (b) if the enclosure includes a gate the gate must be kept closed and latched except when in immediate use by a person entering or leaving the enclosure. (c) where the animal has the ability to dig, a barrier must be installed directly below the fence to prevent the animal digging its way out; and (d) where the animal has the ability to climb the enclosure must be designed and constructed in such a way as to prevent the animal from climbing over the enclosure.

Schedule 9 Requirements for keeping a dog in a koala area

Section 14(1)

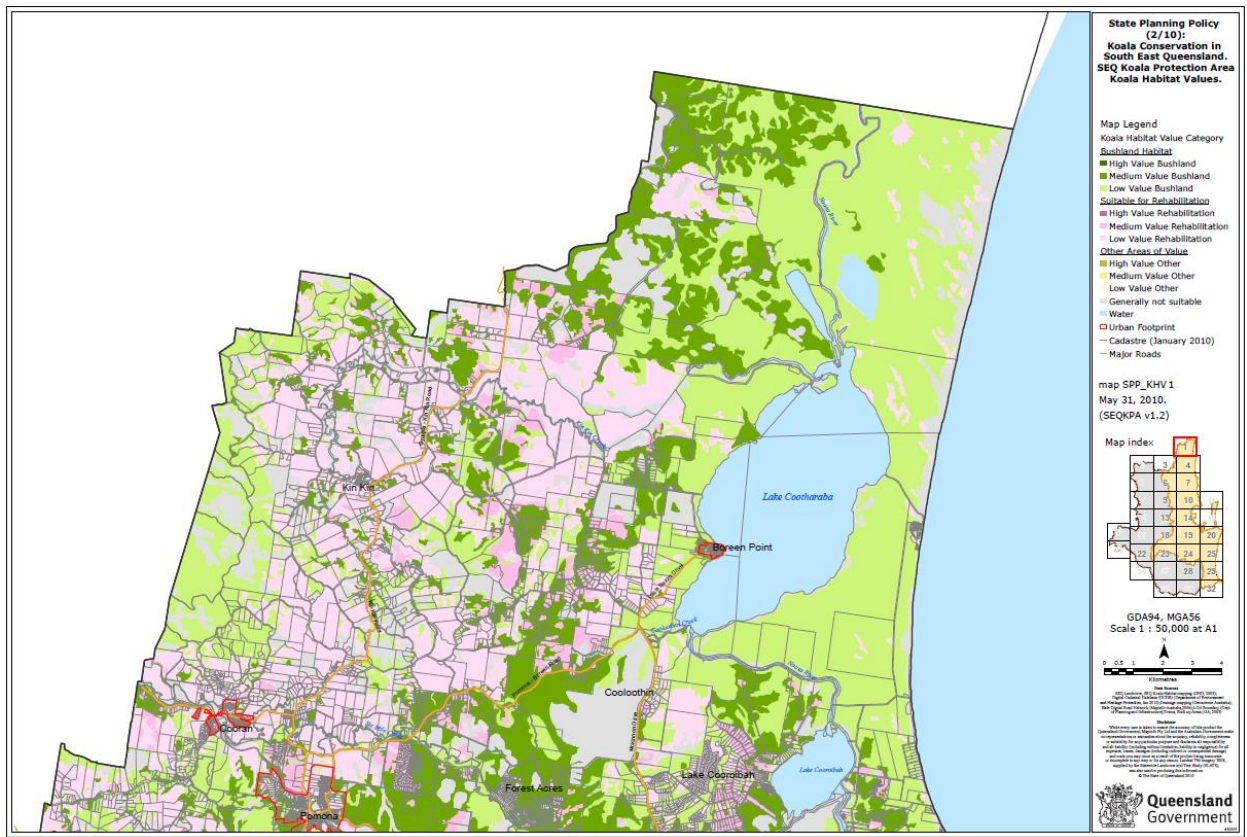
Dogs must be kept in accordance with the conditions imposed in this subordinate local law.
There are no additional requirements for keeping a dog in a koala area.

Schedule 10 Koala areas²

Section 14(2)

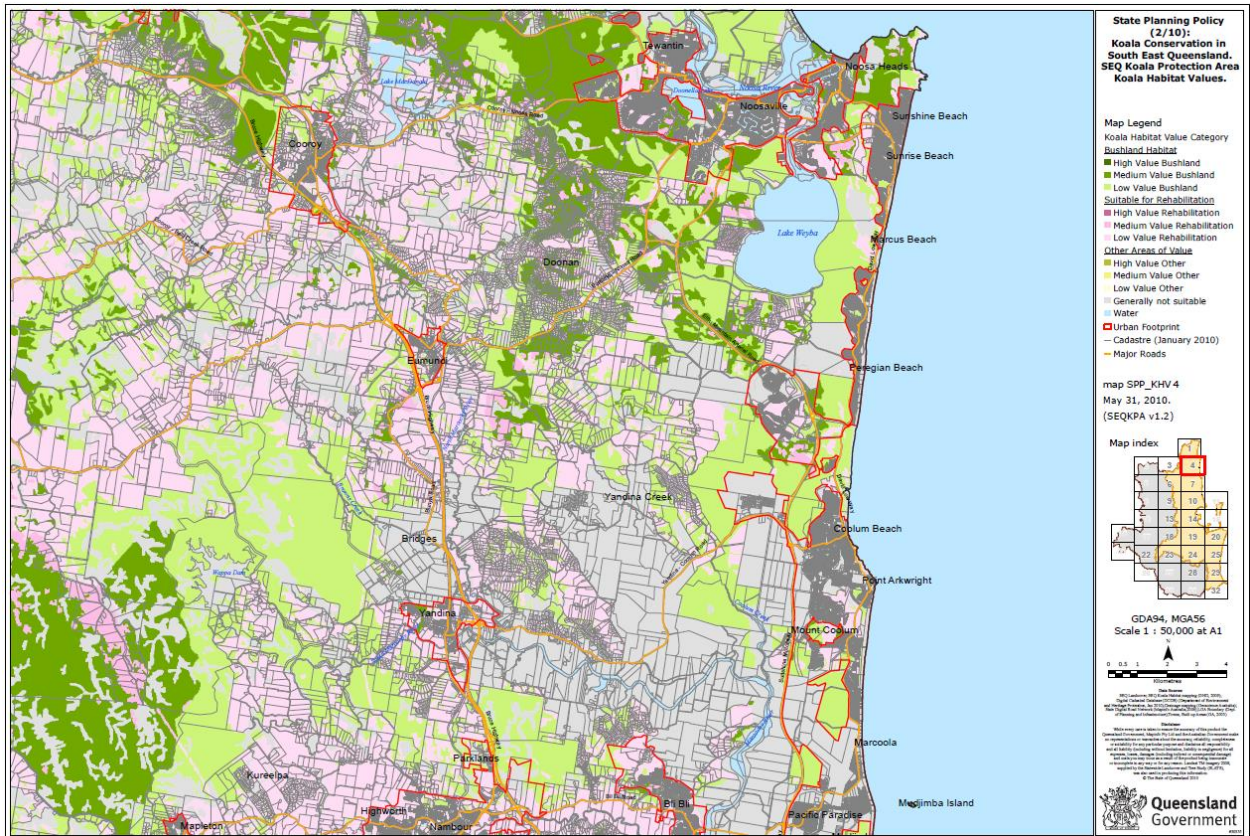
Koala Habitat Area mapping can be found online via the Queensland Government online mapping webpage. The map below identifies a section of the Noosa Shire Council koala area. Check the link below for all of the Noosa Shire Koala areas.

<http://www.ehp.qld.gov.au/wildlife/koalas/mapping/documents/spp-values/spp-habitat-values-map04.pdf>



² “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*.

Buttallart



Brett Allart

Schedule 11 Criteria for declared dangerous animals

Section 15

The criteria for declaring an animal as a declared dangerous animal can be found in Chapter 4 of the Animal Management (cats & dogs) Act 2008.

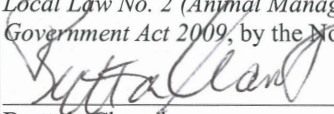
Schedule 12 Conditions for sale of animals

Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
	Any dog or any cat	<p>Any person selling a dog or cat must comply with the following –</p> <ul style="list-style-type: none"> (a) hold a current membership with a recognised dog or cat breeding association; example – Dogs Qld (formally CCCQ), Cats Qld, Qld Feline Assoc, Feline Control Council of Qld etc; (b) have all relevant licences or permits required under state legislation to breed and sell dogs or cats; and (c) register with the local government as a breeder, selling dogs or cats; and (d) all dogs and cats sold must be vaccinated and treated for worms; and (e) all dogs and cats sold must be micro-chipped in accordance with Chapter 2, Part 1, Division 1 of the Animal Management (cats & dogs) Act 2008; and (f) dogs and cats given away must comply with conditions (d) & (e) above.

CERTIFICATION

This and the preceding 33 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2015*, adopted in accordance with the provisions of section 32 of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated 16 August 2018.


 Brett de Chastel
 Chief Executive Officer
 Noosa Shire Council