

Banana Shire Council

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 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) 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 animals are prescribed as animals 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,
- (b) Cats,
- (c) Birds, including poultry (hens, roosters, ducks, geese, turkeys and the like)
- (d) Emus, ostriches,
- (e) 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.

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.

Dictionary

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, the following species of animal are excluded from the application of the authorising local law—

- (a) Fish,
- (b) Insects other than bees,
- (c) Amphibians,
- (d) Reptiles.

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 is declared as 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 registered with the local government - 5 days; or
- (b) if the animal is not registered with the local government - 3 days;

commencing on the day a notice of impounding is given to a person, or, if no notice is given to a person, on the day of the seizure.



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 (excluding Guard/Security Dog)	<ul style="list-style-type: none"> • More than 4 dogs over the age of 12 weeks on an allotment with an area greater than 350m² in a Designated area. • More than 2 dogs in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area.
2 Guard/Security Dog	<ul style="list-style-type: none"> • More than 4 guard dogs over the age of 12 weeks on an allotment in a Designated area.
3 Cats	<ul style="list-style-type: none"> • More than 4 cats over the age of 12 weeks on an allotment with an area greater than 350m² in a Designated area. • More than 2 cats in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area.
4 Livestock (Horse, cattle, mule, donkey, buffalo, camel, deer, llama, and alpaca excluding stallions and bulls)	<ul style="list-style-type: none"> • Any of these livestock on an allotment with an area less than 2 ha in a Designated area unless in the Rural Residential precinct and with an area greater than 3,000 m².
5 Stallions & Bulls	<ul style="list-style-type: none"> • Stallions and Bulls in a Designated area.
6 Sheep & Goats	<ul style="list-style-type: none"> • A sheep or goat on an allotment with an area less than 2 ha in a Designated area unless in the Rural Residential precinct and with an area greater than 3,000 m².
7 Pigs	<ul style="list-style-type: none"> • A pig in a Designated area.
8 Bees	<ul style="list-style-type: none"> • A hive on an allotment with an area less than 400 m² in a Designated area. • More than 2 hives on an allotment with an area less than 2 ha in a Designated area.

9	Cockatoo, galah, corella, and the like	<ul style="list-style-type: none"> • More than 2 birds on an allotment with an area less than 2,500m² in a Designated area. • More than 2 birds in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area.
10	Caged Birds (Budgerigar, cockatiel, canary, finch, lovebirds, parrots and the like)	<ul style="list-style-type: none"> • More than 4 birds on an allotment with an area less than or equal to 350m² in a Designated area. • More than 4 birds in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area.
11	Emu, Ostrich and the like	<ul style="list-style-type: none"> • An emu or an ostrich in a Designated area.
12	Pigeons including doves	<ul style="list-style-type: none"> • Pigeons on an allotment with an area less than or equal to 350m² in a Designated area. • Pigeons in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area. • More than 20 birds on an allotment with an area less than 2 ha in a Designated area.
13	Rooster, Peacock, Peahen, Guinea Fowl or Pheasant	<ul style="list-style-type: none"> • Any of these in a Designated area.
14	Domestic Hens, Geese, Turkey, Ducks and the like	<ul style="list-style-type: none"> • Any of these on an allotment with an area less than or equal to 350m² in a Designated area. • Any of these in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area. • More than 2 birds on an allotment with an area greater than 350m² and less than 500m² in a Designated area. • More than 12 birds on an allotment with an area less than 2 ha in a Designated area.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if the animal or animals were kept on the premises before the commencement of the authorising local law and the keeping of the animal or animals did not contravene a provision of a pre-existing local law.

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
1 Dog (excluding Guard/Security Dog)	<ul style="list-style-type: none"> • Any dog up to a maximum of 2 dogs in a Multiple Dwelling Complex (Units, duplex, townhouse, etc) in a Designated area. • 2 dogs on an allotment with an area less than or equal to 350m² in a Designated area. • 3 or 4 dogs over the age of 12 weeks on an allotment with an area greater than 350m² in a Designated area.
2 Guard/Security Dog	<ul style="list-style-type: none"> • 1 or more dogs over the age of 12 weeks in a Designated area.
3 Cats	<ul style="list-style-type: none"> • 3 or 4 cats over the age of 12 weeks on an allotment with an area greater than 350m² in a Designated area.
4 Livestock (Horse, cattle, mule, donkey, buffalo, camel, deer, llama, and alpaca excluding stallions and bulls)	<ul style="list-style-type: none"> • 1 or more livestock over the age of 12 weeks in a Designated area.
5 Stallions & Bulls	<ul style="list-style-type: none"> • Not applicable.
6 Sheep & goats	<ul style="list-style-type: none"> • 1 or more sheep or goats over the age of 12 weeks in a Designated area.
7 Pigs	<ul style="list-style-type: none"> • Not applicable.
8 Bees	<ul style="list-style-type: none"> • More than 2 hives on an allotment area of 2 ha or greater in a Designated area.
9 Cockatoo, Galah, Corella and the like	<ul style="list-style-type: none"> • More than 2 birds on an allotment with an area 2,500m² or greater in a Designated area.

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).

10	Caged Birds (Budgerigar, Cockatiel ,Canary, Finch, Lovebirds, Parrots and the like	<ul style="list-style-type: none">• More than 10 birds on an allotment with an area greater than 350m² and less than or equal to 500m² in a Designated area.• More than 20 birds on an allotment with an area greater than 500m² in a Designated area.
11	Emu, Ostrich and the like	<ul style="list-style-type: none">• Not applicable.
12	Pigeons including doves	<ul style="list-style-type: none">• More than 10 birds on an allotment with an area greater than 350m² and less than 500m² in a Designated area.
13	Rooster, Peacock. Pea Hen, Guinea Fowl or Pheasant	<ul style="list-style-type: none">• Not applicable.
14	Domestic hens Geese, Turkeys Ducks and the like	<ul style="list-style-type: none">• More than 4 Geese, Turkeys Ducks and the like (in total) on an allotment with an area of 500m² or greater in a Designated area.



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
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Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

1. The owner of an animal must comply with the following minimum standards -
 - (a) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off does not discharge to adjoining land or as otherwise directed by an authorised person; and
 - (b) ensure that excreta, food scraps, and other material that is, or is likely to become, offensive, is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container of a kind approved by an authorised person; and
 - (c) ensure that any enclosure in which the animal is kept is kept in a clean and sanitary condition and free from dust and odour; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in 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 other land or premises; and
 - (f) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place; and
 - (g) 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
 - (h) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility and the receptacle or storeroom facility, as the case may be, is maintained to the satisfaction of an authorised person; and
 - (i) ensure that all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
 - (j) ensure that any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
 - (k) comply with reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises, including directions for the treatment of transmittable infestations of fleas or mange; and
 - (l) if the animal is a dog and the dog is kept on premises – ensure that the keeping of the dog on the premises does not cause an animal noise nuisance; and
 - (m) 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*.

2. For the purposes of section 1(l), the keeping of a dog on premises causes an animal noise nuisance if the dog makes a noise which –
 - (a) occurs more than once; and
 - (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2 (b) –

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 a 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.

3. The criteria an authorised person must consider when deciding whether a dog makes a noise which disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises include whether the local government has received 3 complaints of a contravention of section 1(l).

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 Dogs	<ul style="list-style-type: none"> Adequate identification so that the owners name and telephone number is readily ascertainable where the dog is otherwise not required to be registered under the <i>Animal Management (Cats & Dogs) Act 2008</i>.
2 Guard/Security Dogs	No additional standards.
3 Cats	No additional standards.
4 Livestock (Horse, Cattle, Mule, Donkey, Buffalo, Camel, Deer, Llama, and Alpaca excluding stallions and bulls)	<ul style="list-style-type: none"> Where the grazing behaviour of an animal is causing or is likely to cause damage to neighbouring property, the occupier of the land where the animal is kept shall take all reasonable measures to effectively isolate the animal from the property at risk, to the satisfaction of an authorised person. Reasonable measures may include the construction of a fence to achieve a 3 metre set-back from affected property boundaries. The fence is to be constructed to the satisfaction of an authorised person. The maximum density of animals is to be one animal per 3,000 m².
5 Stallions & Bulls	No additional standards.
6 Sheep & Goats	<ul style="list-style-type: none"> The maximum density of animals is to be one animal per 2,500 m².
7 Pigs	No additional standards.
8 Bees	<ul style="list-style-type: none"> The keeping of bees on an allotment must be conducted in accordance with the Code of Practice for Urban Beekeeping in Queensland.
9 Cockatoo, Galah, Corella and the like	No additional standards.



10	Caged Birds (Budgerigar, Cockatiel, Canary, Finch, Lovebirds, Parrots and the like)	No additional standards.
11	Emu, Ostrich and the like	No additional standards.
12	Pigeons including doves	<ul style="list-style-type: none">• Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons endorsed by a recognised pigeon racing or fancier association.
13	Rooster, Peacock, Pea Hen, Guinea Fowl or Pheasant	No additional standards.
14	Domestic Hens, Geese, Turkey, Ducks and the like	No additional standards.



Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	All land under local government control where sport, other than sports involving animals, is played.	All animals except those training for or participating in an organised event and where approval has been granted by the Chief Executive Officer of Council or an authorised person.
2	Rifle Range Nature Reserve	All animals.
3	All Parks, Footpaths, Road Reserves, Walking Tracks	All animals with the following exceptions;- <ol style="list-style-type: none"> 1. Dog/s where under effective control of a person of sufficient strength and maturity to maintain control of the dog/s; or 2. Animals training for or participating in an organised event and where approval has been granted by the Chief Executive Officer of Council or an authorised person.
4	In or within 10 metres of, a designated children's playground, any playground equipment, barbecue, shelter or picnic table in a park or reserve where animals are permitted whether or not the facility is being used at the time.	All animals except assistance dogs.
5	All other land under local government control	All animals except those training for or participating in an organised event such as in a showground, etc or where permission is granted by the Chief Executive Officer of Council or an authorised person.

Schedule 7 Dog off-leash areas

Section 11

1. Malcolm Husbands Agility Park, Dawson Highway, Biloela being part of Lot 1 on SP225908, but limited to the area circumscribed by a bold red line on the map titled "Malcolm Husbands Agility Park – Lot 1 on SP225908" which forms part of this schedule 7.



Malcolm Husbands Agility Park - Lot 1 on SP225908

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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	<ul style="list-style-type: none"> • The owner of an animal must provide a proper enclosure to contain the animal on the owner's premises. • A proper enclosure is- <ul style="list-style-type: none"> (a) an area of land on the owner's premises that is suitably fenced and effectively encloses the animal on the land at all times other than when the owner allows the animal to leave the land under effective control; (b) the enclosure must be of sufficient dimensions having regard to the species, breed and size of the animal; and (c) the enclosure must contain adequate shelter for all animals kept in the enclosure. • A proper enclosure is suitably fenced if- <ul style="list-style-type: none"> (a) it is fully surrounded by a fence comprised of strong and firm materials and designed and constructed in such a way as to prevent the enclosed animal escaping from the enclosure over, under or through the fence; (b) a part of a building or structure forms a section of the enclosure and does not have any openings through which the enclosed animal may escape from the enclosure; and (c) a gate forms a section of the enclosure and the gate is kept closed and latched at all times other than when a person is effecting immediate entry to, or exit from, the enclosure.
2 Dogs	<ul style="list-style-type: none"> • If the dog is a climber, the fence or enclosure must be constructed in such a way as to prevent the dog from climbing over the fence. • If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog digging its way out.

3	Guard/Security Dogs	<ul style="list-style-type: none"> • A guard/security dog must be kept behind a secure fence or enclosure which is adequate to prevent the dog from escaping and which is constructed to a standard approved by an authorised officer.
	Guard/Security Dogs (Continued)	<ul style="list-style-type: none"> • An approved warning sign must be clearly displayed adjacent to each entrance to any property where a guard/security dog is being kept or used. The sign shall prominently and permanently display in lettering not less than 50mm in height on a background so as to be readily legible the following words - "BEWARE -GUARD/SECURITY DOG ON PREMISES" • A guard/security dog must be confined in a secure enclosure at all times when the public has access to the property where the guard dog is being held or used.
4	Cats	<ul style="list-style-type: none"> • The enclosure (including a building or structure) shall be such that it humanely prevents the cat from escaping from the premises.
5	Livestock (Horse, Cattle, Donkey, Mule, Buffalo, Camel, Llama, and Alpaca excluding Stallions and Bulls)	<ul style="list-style-type: none"> • An enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). • An enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. • An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this requirement if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).
6	Stallions & Bulls	<ul style="list-style-type: none"> • Enclosures for stallions shall be at least 1.8 metres in height and constructed so as to reasonably prevent the animal from escaping from the premises. • The enclosure shall not be within twenty (20) metres of any residence on an adjoining premises and at least 2 metres from the boundary of any adjoining premises so the animal cannot reach through or over the boundary of the land on which it is kept.

7	Sheep & Goats	<ul style="list-style-type: none"> • An enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). • An enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. • An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this requirement if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection
8	Pigs	<ul style="list-style-type: none"> • An enclosure must be suitably constructed for the purpose of restricting the movement of pigs. • An enclosure shall be not less than 60 metres from any dwelling house (except a dwelling on the premises) and not less than 30 metres from any property boundary.
9	Bees	<ul style="list-style-type: none"> • The bee hive must not be sited closer than 2 metres from the property boundaries. • The bee hive must be located at the rear of the premises behind the residence (if any) situated on the premises.
10	Cockatoo, Galah, Corella and the like	<ul style="list-style-type: none"> • The enclosure shall not be within twenty (20) metres of any residence on an adjoining premises and at least 2 metres from the boundary of any adjoining premises.
11	Caged Birds (Budgerigar, Cockatiel, Canary, Finch, Lovebirds, Parrots and the like	<ul style="list-style-type: none"> • The cage or aviary must not be sited closer than 2 metres from the property boundaries. • The cage or aviary must be constructed to prevent the birds from escaping and prevent the spread of infectious disease, odour and infestations of vermin.

12	Emu, Ostrich & the like	<ul style="list-style-type: none"> • An enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). • An enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. • An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this requirement if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).
13	Pigeons including doves	<ul style="list-style-type: none"> • The enclosure must not be sited closer than 2 metres from the property boundaries. • The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises. • The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises). • The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
14	Roosters, Peacock, Pea Hen, Guinea Fowl, Pheasants	<ul style="list-style-type: none"> • The enclosure must not be sited closer than 2 metres from the property boundaries. • The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises). • The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.

15	Domestic Hens, Geese, Turkey, Ducks and the like	<ul style="list-style-type: none">• The enclosure must not be sited closer than 2 metres from the property boundaries.• The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises.• The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises).• The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
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**Schedule 9 Requirements for keeping a dog in a koala
area.**

Section 14(1)

Intentionally blank



Schedule 10 Koala areas²

Section 14(2)

Intentionally blank

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*.



Schedule 11 Criteria for declared dangerous animals

Section 15

- 1 A dangerous animal declaration may be made for an animal if the animal -
 - (a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or
 - (b) there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account -
 - (i) its prior history of attacking or causing fear to persons or animals or damaging property; or
 - (ii) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed; or
 - (iii) the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
 - (iv) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.
- 2 Within 2 days of the declaration of a dangerous animal, there must be displayed at any entrance to the premises where the animal resides to be viewed by persons entering such premises, a sign which prominently and permanently displays in lettering not less than 50 millimetres in height on a background so as to be readily legible the following words-

"BEWARE - DANGEROUS [*INSERT TYPE OF ANIMAL*] ON PREMISES"



Schedule 12 Conditions for sale of animals

Section 19

Intentionally blank



Schedule 13 Dictionary

Section 4

Allotment means a single parcel of land, or several contiguous parcels of land in the same ownership or occupation.

Guard/Security Dog means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

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

Designated area means—

- (a) if the local government has published a public notice about making a planning scheme under the *Planning Act 2016*, section 18(5)(h) — an area included in a zone identified in the planning scheme as follows—
 - (i) rural residential zone;
 - (ii) general residential zone;
 - (iii) centre zone;
 - (iv) industry zone;
 - (v) mixed use zone;
 - (vi) township zone.
- (b) if the local government has not published a public notice about making a planning scheme under the *Planning Act 2016*, section 18(5)(h) —
 - (i) an area included in a zone identified in the planning scheme of the local government titled “Integrated Planning Act 1997 Planning Scheme for Banana Shire” as follows—
 - (A) town zone;
 - (B) village zone; and
 - (ii) an area included in a zone identified in the planning scheme of the local government titled “Integrated Planning Act 1997 Planning Scheme for Taroom Shire” as follows—
 - (A) commercial zone;
 - (B) industrial zone;
 - (C) rural residential zone;
 - (D) urban zone.

Rural Residential precinct means—

- (a) if the local government has published a public notice about making a planning scheme under the *Planning Act 2016*, section 18(5)(h) — an area included in a rural residential zone as identified in the planning scheme;
- (b) if the local government has not published a public notice about making a planning scheme under the *Planning Act 2016*, section 18(5)(H) —
 - (i) an area included in a rural residential precinct as identified in the planning scheme of the local government titled “Integrated Planning Act 1997

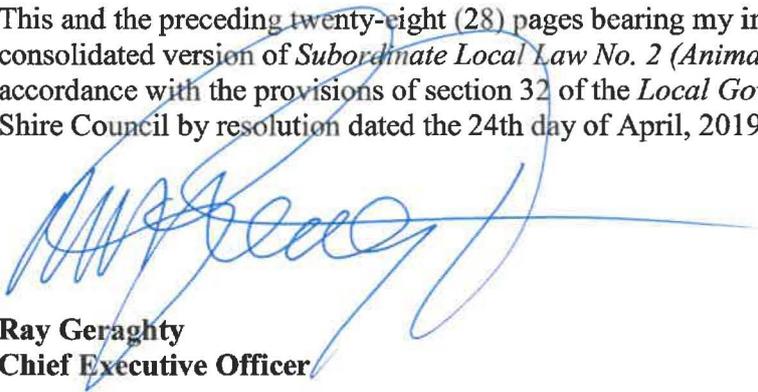


- Planning Scheme for Banana Shire”; and
- (ii) an area included in a rural residential zone as identified in the planning scheme of the local government titled “Integrated Planning Act 1997 Planning Scheme for Taroom Shire”.



Certificate

This and the preceding twenty-eight (28) 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 Banana Shire Council by resolution dated the 24th day of April, 2019.



Ray Geraghty
Chief Executive Officer

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