

# Flinders Shire Council

## Subordinate Local Law No. 2 (Animal Management) 2015

### Contents

---

<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
	1 Short title.....	3
	2 Purpose and how it is to be achieved.....	3
	3 Authorising local law.....	3
	4 Definitions.....	3
<b>Part 2</b>	<b>Keeping of animals .....</b>	<b>3</b>
	5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1).....	3
	6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1) .....	4
	7 Animals that must be desexed—Authorising local law, s 7 .....	4
	8 Minimum standards for keeping animals—Authorising local law, s 8(1) .....	4
	9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9 .....	4
<b>Part 3</b>	<b>Control of animals.....</b>	<b>4</b>
	10 Public places where animals are prohibited—Authorising local law, s 10(1) .....	4
	11 Dog off-leash areas—Authorising local law, s 11(1) .....	5
	12 Animal faeces in public places—Authorising local law, s 13.....	5
	13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2).....	5
	14 Koala conservation—Authorising local law, s 15.....	5
	15 Criteria for declared dangerous animals—Authorising local law, s 19(1).....	5
<b>Part 4</b>	<b>Seizure, impounding or destruction of animals .....</b>	<b>6</b>
	16 Place of care for impounded animals—Authorising local law, s 24.....	6
	17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b).....	6
	18 Register of impounded animals—Authorising local law, s 33(3) .....	6
<b>Part 5</b>	<b>Appeals against destruction orders .....</b>	<b>6</b>
<b>Part 6</b>	<b>Miscellaneous.....</b>	<b>7</b>
	19 Conditions regarding sale of animals—Authorising local law, s 42(1) .....	7

---

<b>Dictionary</b> .....	<b>7</b>
20 Animals excluded from application of the local law—Authorising local law, schedule .....	7
21 Species that are declared dangerous animals—Authorising local law, schedule .....	7
22 Prescribed period for reclaiming animals—Authorising local law, schedule .....	7
<b>Schedule 1 Prohibition on keeping animals</b> .....	<b>8</b>
<b>Schedule 2 Requirement for approval to keep animal</b> .....	<b>10</b>
<b>Schedule 3 Requirement to desex animal</b> .....	<b>11</b>
<b>Schedule 4 Minimum standards for keeping animals generally</b> .....	<b>12</b>
<b>Schedule 5 Minimum standards for keeping particular animals</b> .....	<b>13</b>
<b>Schedule 6 Prohibition of animals in public places</b> .....	<b>19</b>
<b>Schedule 7 Dog off-leash areas</b> .....	<b>220</b>
<b>Schedule 8 Requirements for proper enclosures for animals</b> .....	<b>21</b>
<b>Schedule 9 Requirements for keeping a dog in a koala area</b> .....	<b>22</b>
<b>Schedule 10 Koala areas</b> .....	<b>23</b>
<b>Schedule 11 Criteria for declared dangerous animals</b> .....	<b>23</b>
<b>Schedule 12 Conditions for sale of animals</b> .....	<b>25</b>

## 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.

## 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 an animal that is at a place other than the address stated in the registration for the animal 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*.

## **Part 3 Control of animals**

**10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

**11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

**12 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) an alpaca;
- (b) a buffalo;
- (c) a camel;
- (d) a dog;
- (e) a cat;
- (f) a cow or bull;
- (g) a donkey;
- (h) an emu;
- (i) a goat;
- (j) a horse;
- (k) a llama;
- (l) an ostrich;
- (m) a sheep.

**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 or a contractor 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;
- (b) cats;
- (c) camels;
- (d) cows and bulls;
- (e) donkeys;
- (f) horses;
- (g) sheep;
- (h) goats;
- (i) poultry including any species of fowl, duck, goose, pigeon, turkey, peafowl or guineafowl;
- (j) birds;
- (k) emus;
- (l) ostriches;
- (m) other 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;
- (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 of animal is declared to be a 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 business days.

## Schedule 1 Prohibition on keeping animals<sup>1</sup>

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	<p>(1) More than 1 dog per dwelling in a multiple dwelling (units, duplex, townhouse, etc.); and</p> <p>(2) More than 2 dogs over the age of 3 months on an allotment with an area less than 800m<sup>2</sup>; and</p> <p>(3) More than 3 dogs over the age of 3 months on an allotment with an area less than 4000m<sup>2</sup>; and</p> <p>(4) Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Guard/Security Dog	(1) More than 2 Guard dogs over the age of 12 weeks at any one place (this does not mean in addition to items 1 - 4).
3	Dogs used for Hunting purposes	(1) More than 2 dogs used for hunting purposes over the age of 12 weeks (this does not mean in addition to items 1 - 4).
4	Livestock Guardian Dogs	(1) More than 2 dogs over the age of 12 weeks.
5	Cats	<p>(1) More than 2 cats per dwelling in a multiple dwelling (units, duplex, townhouses, etc).</p> <p>(2) More than 2 cats over the age of 3 months on an allotment with an area less than 800 m<sup>2</sup>;</p> <p>(3) More than 3 cats over the age of 3 months on an allotment with an area less than 4000m<sup>2</sup>.</p>
6	Horse and cattle	(1) Horses or Cattle in a designated town area (unless in a Rural Residential zone or the Stable area in a Residential zone in accordance with Flinders Shire Planning scheme).
7	Sheep, goats, alpacas or llamas	(1) Sheep, goats, alpacas or llamas Horses or Cattle in a designated town area (unless in a Rural Residential zone or the Stable area in a Residential zone in accordance with Flinders Shire Planning scheme).



8	Poultry	(1) A rooster in a designated town area; (2) 20 or more poultry on an allotment in a designated town area.
9	Pig	(1) A pig on an allotment with an area less than 4,000m <sup>2</sup> ; (2) more than 2 pigs on an allotment with an area between 4,001m <sup>2</sup> and 10,000m <sup>2</sup> .
10	Duck or goose	(1) Any of these in a multiple dwelling (units etc) (2) More than 2 birds on an allotment less than 800m <sup>2</sup>
11	Ostrich or emu	(1) An emu or an ostrich in the town area
12	Bees	(1) A hive on an allotment less than 400 m <sup>2</sup> ( <a href="http://www.daff.qld.gov.au/_data/assets/pdf_file/0016/62512/Guidelines-for-keeping-bees-in-Queensland.pdf">http://www.daff.qld.gov.au/_data/assets/pdf_file/0016/62512/Guidelines-for-keeping-bees-in-Queensland.pdf</a> )

---

<sup>1</sup>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.

However, in the event of any of the approved animals becoming deceased or otherwise disposed of, the owner must make application for a replacement application nominating all animals that will be kept on

the premises.

## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval<sup>2</sup></b>
1	Dog	(1) More than 3 dogs over the age of 3 months on an allotment with an area more than 4000m <sup>2</sup> in a designated town area.
2	Cat	(1) More than 3 cats over the age of 3 months on an allotment with an area more than 4000m <sup>2</sup> in a designated town area.
3	Horse and cattle	(1) Horses or Cattle in a Rural Residential zone or the Stable area in a Residential zone in accordance with Flinders Shire Planning scheme.
4	Sheep, goats, alpacas or llamas	(1) Sheep, goats, alpacas or llamas Horses or Cattle in a Rural Residential zone or the Stable area in a Residential zone in accordance with Flinders Shire Planning scheme.
5	Poultry	(1) A rooster in a designated town area; (2) 20 or more poultry on an allotment in a designated town area.
6	Pig	(1) A pig on an allotment with an area more than 4,000m <sup>2</sup> ; (2) 2 or less pigs on an allotment with an area between 4,001m <sup>2</sup> and 10,000m <sup>2</sup> .
7	Duck or goose	(1) 2 or less birds on an allotment less than 800m <sup>2</sup>
8	Bees	(1) A hive on an allotment 400 m <sup>2</sup> or more ( <a href="http://www.daff.qld.gov.au/_data/assets/pdf_file/0016/625/12/Guidelines-for-keeping-bees-in-Queensland.pdf">http://www.daff.qld.gov.au/_data/assets/pdf_file/0016/625/12/Guidelines-for-keeping-bees-in-Queensland.pdf</a> )

<sup>2</sup> 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). See Chapter 3 of the *Animal Management (Cats and Dogs) Act 2008* for requirements to register dogs with the Local Government.

## Schedule 3 Requirement to desex animal

Section 7

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
1	Livestock Guardian Dogs	6 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing.  Where desexing is likely to be a serious health risk to the dog (the owner must provide evidence in the form of a signed veterinary surgeon's certificate stating this).
2	Dogs used for Hunting purposes	6 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing.  Where desexing is likely to be a serious health risk to the dog (the owner must provide evidence in the form of a signed veterinary surgeon's certificate stating this).
3	Guard/Security Dog	6 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing.  Where desexing is likely to be a serious health risk to the dog (the owner must provide evidence in the form of a signed veterinary surgeon's certificate stating this).
4	Declared Dangerous or Menacing Dogs	6 months or on date stated in declaration.	Nil

## **Schedule 4      Minimum standards for keeping animals generally**

Section 8(1)

A person who keeps an animal on premises must—

- (a) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off 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 animals from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other land or premises; and
- (f) 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
- (g) 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
- (h) ensure that all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
- (i) 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
- (j) 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; and
- (k) 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.

## 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	All Dogs	<p>(1) Dogs must be provided with a weatherproof sleeping area and shelter from sun, wind and rain.</p> <p>(2) Kennels must be large enough for the dog to stand, turn around and lie comfortably.</p> <p>(3) Dogs must be confined to the property at all times, unless under the effective control of the owner or handler.</p> <p>(4) The area a dog is confined to must have secure fencing that the dog cannot get over, under or through.</p> <p>(5) Where dogs are housed in enclosures or restricted areas they must meet the minimum size requirements listed below.<sup>3</sup></p> <table border="1" data-bbox="544 1088 1430 1608"> <thead> <tr> <th data-bbox="544 1088 802 1279">Height of dog</th> <th data-bbox="802 1088 1010 1279">Min area (Sq. m)</th> <th data-bbox="1010 1088 1222 1279">Min width (cm)</th> <th data-bbox="1222 1088 1430 1279">Min height (cm)</th> </tr> </thead> <tbody> <tr> <td data-bbox="544 1279 802 1402">70 cm and above</td> <td data-bbox="802 1279 1010 1402">15</td> <td data-bbox="1010 1279 1222 1402">240</td> <td data-bbox="1222 1279 1430 1402">180</td> </tr> <tr> <td data-bbox="544 1402 802 1485">40 – 70 cm</td> <td data-bbox="802 1402 1010 1485">10</td> <td data-bbox="1010 1402 1222 1485">180</td> <td data-bbox="1222 1402 1430 1485">180</td> </tr> <tr> <td data-bbox="544 1485 802 1608">less than 40 cm</td> <td data-bbox="802 1485 1010 1608">7</td> <td data-bbox="1010 1485 1222 1608">120</td> <td data-bbox="1222 1485 1430 1608">180</td> </tr> </tbody> </table> <p>(6) Enclosures need to allow dog(s) to move around freely, to urinate and defecate away from the sleeping and eating areas and be cleaned daily so that enclosures are free of faeces.</p> <p>(7) Vehicles must not be used as permanent housing for dogs.</p> <p>(8) Each dog must have its own sleeping area and food bowl.</p>	Height of dog	Min area (Sq. m)	Min width (cm)	Min height (cm)	70 cm and above	15	240	180	40 – 70 cm	10	180	180	less than 40 cm	7	120	180
Height of dog	Min area (Sq. m)	Min width (cm)	Min height (cm)															
70 cm and above	15	240	180															
40 – 70 cm	10	180	180															
less than 40 cm	7	120	180															

<sup>3</sup> Per dog.

		<p>(9) Dogs must be given adequate daily exercise outside of enclosures.</p> <p>(10) Adequate ventilation must be provided if dogs are housed in enclosed areas or buildings.</p> <p>(11) All housing areas for dogs must be maintained in a safe, clean and hygienic condition at all times.</p> <p>(12) Dogs must have access to clean drinking water at all times.</p>
2	<p>Horse (including a racehorse), donkey, ass, mule, cow, bull, camel, buffalo and other domesticated animals of a similar size and sheep, goat, alpaca, llama and other animals of a similar size</p>	<p>(1) Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept at a stable on premises must ensure that—</p> <p>(a) the stable is not located within a 15m radius of—</p> <ul style="list-style-type: none"> <li>(i) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or</li> <li>(ii) a place used for the storage of food (other than food kept in hermetically sealed packages)</li> </ul> <p>(b) the stable is set back a minimum of 9m from any dedicated road and dwelling.</p> <p>(c) the stable is located a minimum 4.5m from the boundary of adjoining land in other occupation</p> <p>(d) the stable has a floor that is impervious, suitably bunded, rat baffled and graded to outlet drains; and</p> <p>(e) the interior of the stable and any associated open yard are cleaned of manure and other unhygienic matter daily; and</p> <p>(f) the construction of the stable complies with the requirements of any applicable approval or code; and</p> <p>(g) the concrete apron at the front of the stables is at least 1.2m in width; and</p> <p>(h) the stables are enclosed on three sides; and</p> <p>(i) the feed room and storage bins are vermin proof; and</p> <p>(j) sufficient bins are provided for manure and other putrescibles; and</p> <p>(k) the stable is maintained in good condition and repair.</p> <p>(l) Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept</p>

		free range or in a paddock on premises must ensure that shelter of a clean, dry and shady nature is provided together with a minimum space per animal as prescribed in the Model Code of Practice for the Welfare of Animals published from time to time by the Commonwealth Scientific and Industrial Research Organisation.
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size.	<p>(1) Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosed cage or aviary; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</li> <li>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice; and</li> <li>(f) the fence surrounding the premises on which the bird is kept does not form part of the cage or aviary in which the bird is kept; and</li> <li>(g) the enclosure in which the bird is kept is set back a minimum of 2m from each boundary of the premises.</li> </ul>
4	Poultry including duck, drake, goose, turkey, and rooster	<p>(1) Each owner of, and responsible person for, a bird specified in column 1 item 4 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</li> </ul>

		<ul style="list-style-type: none"> <li>(f) a residence on adjoining premises; or</li> <li>(g) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</li> <li>(h) a place used for the storage of food (other than food kept in hermetically sealed packages); and</li> <li>(i) the enclosure in which the bird is kept is set back a minimum of 2 m from each boundary of the premises; and</li> <li>(j) a rooster kept on the premises does not create a noise nuisance; and</li> <li>(k) the enclosure in which the bird is kept is constructed so as to prevent the bird from wandering off, or flying away from, the premises.</li> </ul>
5	Cat	<p>(1) Each owner of, and responsible person for, 1 or more cats kept on premises must ensure that —</p> <ul style="list-style-type: none"> <li>(a) each enclosure, run and exercise yard on the premises is—</li> <li>(b) set back a minimum of 2m from each boundary of the premises; and</li> <li>(c) located not less than 10m from a residence other than a residence on the premises; and</li> <li>(d) all cat accommodation and enclosure areas are thoroughly cleansed and disinfected on a regular basis to the satisfaction of an authorised person; and</li> <li>(e) any external cat enclosure on the premises is set back a minimum of 2m from each boundary of the premises.</li> </ul>
6	Dogs, if the dogs are kept on premises used for the purposes of the operation of a kennel, and cats, if the cats are kept on premises used for the purposes of the operation of a cattery	<p>(1) Each owner of, and responsible person for, a animal kept on premises in the circumstances specified in column must ensure that the keeping of the animals on the premises -</p> <ul style="list-style-type: none"> <li>(a) does not detrimentally affect the amenity of neighbouring premises; and</li> <li>(b) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and</li> <li>(c) does not promote fly breeding or vermin infestation; and</li> <li>(d) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free</li> </ul>



		<p>of dampness, nuisance odours and dust emissions; and</p> <p>(e) only rain water from uncontaminated areas may drain directly into the storm water system; and</p> <p>(f) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</p> <p>(g) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p> <p>(h) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(i) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and</p> <p>(j) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(k) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(l) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times—</p> <p style="padding-left: 40px;">(i) in good working order and condition; and</p> <p style="padding-left: 40px;">(ii) in a clean and sanitary condition; and</p> <p>(m) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to—</p> <p style="padding-left: 40px;">(i) be clean and in a sanitary condition; and</p> <p style="padding-left: 40px;">(ii) prevent the escape of any animal kept in</p>
--	--	--

		<p>the enclosure; and</p> <ul style="list-style-type: none"><li>(iii) protect the safety of staff and the public; and</li><li>(iv) be in a state of good order and repair; and</li><li>(v) avoid injury to any animal kept in the enclosure; and</li><li>(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</li><li>(vii) be impervious and able to be effectively cleaned and sanitised; and</li><li>(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</li></ul> <p>(n) animal feed is stored in insect and vermin proof containers; and</p> <p>(o) if a code of practice for the operation of a cattery or a kennel has been approved by the local government— the cattery or kennel is operated in accordance with the requirements of the code of practice</p>
--	--	--

## Schedule 6 Prohibition of animals in public places

Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1	A designated playground area which forms part, or the whole, of a local government controlled area.	All species and breeds of animal.

## **Schedule 7      Dog off-leash areas**

Section 11

*No Dog off-leash areas*

## 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 regardless of species or breed	<p>(1) An adequate enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <b>suitably fenced</b> means enclosed by a fence -</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(c) where the animal has the ability to dig - which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</p> <p>(d) where the animal has the ability to climb - designed and constructed in such a way as to prevent the animal from climbing over the fence; and</p> <p>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p> <p>(4) An adequate enclosure must include a weather proof area appropriate to the species or breed of animal to be enclosed.</p> <p>(5) If the animal is poultry, the enclosure must be constructed so as to prevent the poultry from wandering off, or flying away from, the land on which the poultry is kept.</p>

**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14(1)

*This page has intentionally been left blank.*

## **Schedule 10 Koala areas<sup>4</sup>**

Section 14(2)

*This page has intentionally been left blank.*

---

<sup>4</sup> “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

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account (a) its prior history of attacking or causing fear to persons or animals or damaging property and (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed;

- (a) The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; and
- (b) 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.



## **Schedule 12    Conditions for sale of animals**

### **Section 19**

*This page has intentionally been left blank.*

#### **Drafting certificate**

This and the preceding twenty-five (25) pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2015*, has been drafted in accordance with the *Local Government Act 2009* by Flinders Shire Council by resolution dated 20<sup>th</sup> day of August 2015.

---

**Graham King**  
**Chief Executive Officer**