

Mount Isa City Council

Subordinate Local Law No. 2 (Animal Management) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Mount Isa City Council Subordinate Local Law No. 2 (Animal Management) 2018*.

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) 2013*, 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) 2013* (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 14 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, the following animals are prescribed as an animal whose faeces must be removed from a public place in an urban area and disposed of in a sanitary way –

- (a) a camel;
- (b) a cat;

- (c) a horse;
- (d) a dog;
- (e) a cow or bull;
- (f) a donkey;
- (g) a sheep;
- (h) a goat;

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) sheep;
- (d) goats;
- (e) poultry, including any species of fowl, duck, goose, pigeon, turkey, peafowl or guineafowl.
- (f) birds,

- (g) 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 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.

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 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 or micro-chipped with the local government—5 business days; or
- (b) if the animal is not registered or micro-chipped with the local government—3 business days.

23 Repeal

This subordinate local law repeals *Subordinate Local Law No. 2 (Animal Management) 2013*.

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	<p>(a) Any of the following breeds and cross breeds of 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> <p>(b) More than 4 dogs over the age of 12 weeks per lot in a Mount Isa Urban Area</p> <p>(c) More than 5 dogs over the age of 12 weeks per lot in a Mount Isa Urban Fringe Area</p> <p>(d) More than 4 dogs over the age of 12 weeks per lot in a Camooweal Urban Area</p>
2	Security/Guard Dog	(a) More than 2 dogs over the age of 12 weeks
3	Cat	<p>(a) More than 3 cats over the age of 12 weeks per lot in a Mount Isa Urban Area</p> <p>(b) More than 4 cats over the age of 12 weeks per lot in a Mount Isa Urban Fringe Area</p> <p>(c) More than 3 cats over the age of 12 weeks per lot in a Camooweal Urban Area</p>
4	Horse (except racehorse – see item 5)	<p>(a) Any Horse in a Mount Isa Urban Area</p> <p>(b) More than 1 Horse for every 2500m² per lot in a Mount Isa Urban Fringe Area</p>
5	Racehorse	<p>(a) Any Racehorse in any area other than the Racehorse Stable Precinct</p> <p>(b) Any Racehorse on a lot less than 750m² within the Racehorse Stable Precinct</p> <p>(c) More than 1 Racehorse on a lot with an area less than 1500m² in the Racehorse Stable Precinct</p>
6	Livestock of the Bovine variety except Bull (Cattle, Mule, Donkey, Buffalo, Camel, Deer, Llama and Alpaca) – see item 7 for Bull	<p>(a) Any of these animals in a Mount Isa Urban Area</p> <p>(b) Any of these animals in a Camooweal Urban Area</p> <p>(c) More than 1 head of livestock (in total, not each), per 5000m² in a Mount Isa Urban Fringe Area</p>
7	Bull and Stallion (except Racehorse Stallion – See item 5 for Racehorse)	<p>(a) Any of these except where the bull is kept within a "town common" designated by the local government for grazing cattle under 'common rights'.</p> <p>(b) Any of these unless authorised under a condition of an approval for a prescribed activity”.</p>

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
8	Sheep and Goat	(a) Any of these animals in a Mount Isa Urban Area (b) More than 2 of these animals (in total, not each) per lot in a Camooweal Urban Area (c) More than 1 of these animals (in total, not each) per 2500m ² in a Mount Isa Urban Fringe Area
9	Pig	(a) A Pig in a Mount Isa Urban Area (b) More than 1 Pig per lot in a Camooweal Urban Area (c) More than 1 pig per 5000m ² in a Mount Isa Urban Fringe Area
10	Bee	(a) More than 1 hive per lot in a Mount Isa Urban Area (b) More than 1 hive per lot in a Camooweal Urban Area (c) More than 5 hives per lot in a Mount Isa Urban Fringe Area <i>(Complies with Code of Practice for Urban Bee Keeping in Queensland 1998)</i>
11	Hen	(a) More than 6 Hens per lot in a Mount Isa Urban Area (b) More than 6 Hens per lot in a Camooweal Urban Area (c) More than 15 hens per 5000m ² in a Mount Isa Urban Fringe Area
12	Rooster	(a) Any Rooster in a Mount Isa Urban Area (b) More than 1 Rooster per lot in a Camooweal Urban Area (c) More than 1 Rooster per lot in a Mount Isa Urban Fringe Area
13	Goose, Turkey, Duck and the like	(a) Any of these in a Mount Isa Urban Area (b) More than 2 of these animals (in total, not each) per lot in a Camooweal Urban Area (c) More than 2 of these animals (in total, not each) per lot in a Mount Isa Urban Fringe Area
14	Emu, Ostrich, Peacock, Peahen, Guinea Fowl, Pheasant and the like	(a) Any of these in a Mount Isa Urban Area (b) Any of these in a Camooweal Urban Area
15	Large caged bird (Cockatoo, Galah, Corella, Cockatiel, Parrot and the like)	(a) More than 2 birds in total per lot in a Mount Isa Urban Area (b) More than 2 birds in total per lot in a Camooweal Urban Area (c) More than 20 birds in total per lot in a Mount Isa Urban Fringe 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.

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 animals

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) More than 2 dogs over the age of 12 weeks per lot in a Mount Isa Urban Area (b) More than 3 dogs over the age of 12 weeks per lot in a Mount Isa Urban Fringe Area (c) More than 3 dogs over the age of 12 weeks per lot in a Camooweal Urban Area
2	Security/Guard Dog	(a) More than 1 dog over the age of 12 weeks
3	Cat	(a) More than 2 cats over the age of 12 weeks per lot in a Mount Isa Urban Area (b) More than 2 cats over the age of 12 weeks per lot in a Mount Isa Urban Fringe Area (c) More than 2 cats over the age of 12 weeks per lot in a Camooweal Urban Area
4	Horse (except racehorse – see item 5)	(a) More than 1 horse per lot in a Camooweal Urban Area
5	Racehorse	Any racehorse that: (a) is kept and stabled on a lot in the Medium Density Residential Zone – Racehorse Stable Precinct; and (b) the keeping of the horse is not prohibited by section 5 of this subordinate local law.
6	Emu, Ostrich, Peacock, Peahen, Guinea Fowl, Pheasant and the like	More than 2 per lot in a Mount Isa Urban Fringe Area
7	Small caged bird (Budgerigar, Canary, Finch, Lovebird, and the like)	(a) More than 10 per lot in a Mount Isa Urban Area (b) More than 10 per lot in a Camooweal Urban Area (c) More than 30 per lot in a Mount Isa Urban Fringe Area
8	Pigeon (includes racing pigeon, show pigeon and show dove) excludes feral pigeon	(a) More than 10 of these per lot in a Mount Isa Urban Area (b) More than 10 of these per lot in a Camooweal Urban Area (c) More than 30 of these per lot in a Mount Isa Urban Fringe Area

¹ See *Local Law No.1 (Administration) 2013* and *Subordinate Local Law No.1 (Administration) 2013* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 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
1.	Declared dangerous animals	(a) If the animal is less than 6 months old – 6 months; (b) If the animal is more than 6 months old – the animal must be desexed within 1 month of the date of the declaration.	Left intentionally blank

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) ensure the animal does not makes a noise that constitutes a nuisance ("***animal noise nuisance***") in the reasonable opinion of an authorised person.

An animal causes an animal noise nuisance if it makes a noise that occurs more than once in a forty-eight (48) hour period which:

- (i) persists for more than five (5) minutes continually during any hour of any day or night; and
- (ii) disrupts or inhibits the reasonable enjoyment of an activity ordinarily carried out on adjoining or nearby residential premises.

Example —

The barking of a dog which disrupts a person—

- sleeping; or
- holding a conversation; or
- watching television; or
- listening to a radio or recorded material

- (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	Cats	<p>(a) Each owner of, and responsible person for, a cat which is kept on premises must ensure that on any day after 6:00pm and before 6:00am, the cat is kept in a cage or enclosure on the premises which is appropriately sized so as to be capable of effectively and comfortably housing the cat;</p> <p>(b) The cage or enclosure must be suitably fenced – and</p> <p>(i) appropriate to the breed of cat to be enclosed; and</p> <p>(ii) so as to enclose the cat within the cage or enclosure.</p> <p>(c) For the purpose of this item, a cat is suitably fenced within a cage or enclosure if –</p> <p>(i) the cage or enclosure is constructed of materials which are of sufficient strength to prevent the cat from escaping over, under or through the cage or enclosure; and</p> <p>(ii) the height of the cage or enclosure is sufficient to prevent the cat jumping or climbing over, or out of, the cage or enclosure; and</p> <p>(iii) the cage or enclosure is designed and constructed in such a way as to prevent the cat from climbing over, or out of, the cage or enclosure; and</p> <p>(iv) all gates of the cage or enclosure are kept closed and latched except when in immediate use by a person entering or leaving the cage or enclosure.</p>

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
2	Racehorse	<p>(a) Where the grazing behaviour of a racehorse is causing or is likely to cause damage to neighbouring property, the occupier of the land where the Racehorse is kept shall take all reasonable measures to effectively isolate the animal from the neighbouring property to the satisfaction of an authorised person.</p> <p>Reasonable measures may include the construction of a fence (to the satisfaction of an authorised person) that achieves a setback of 3 metres between the neighbouring property boundary and the racehorse.</p> <p>(b) An owner of, and responsible person for, a racehorse must ensure that-</p> <p>(i) the stable is not located within a 10m radius of -</p> <p>(A) a residence on adjoining premises; and</p> <p>(B) 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; and</p> <p>(C) a place used for the storage of food for human consumption (other than food kept in hermetically sealed packages); and</p> <p>(ii) the stable is set back:</p> <p>(A) for lot boundaries that are not shared with Buchanan Park (Lot 11 on RD235): at least 2 metres from each boundary; and</p> <p>(B) for lot boundaries that are shared with Buchanan Park (Lot 11 on RD235): a minimum of 2m from each boundary of the premises (other than a common boundary with Buchanan Park); and</p> <p>(iii) the stable is located a minimum of 20m from any watercourse, well or bore; and</p> <p>(iv) the stable has a floor with an absorbent soft floor material that is changed at least once every 6 weeks; and</p> <p>(v) the interior of the stable, any associated open yard and the remainder of the lot are cleaned of manure and other unhygienic matter daily; and</p> <p>(vi) the construction of the stable complies with the requirements of any applicable approval or code; and</p> <p>(vii) the stable is maintained in good condition and repair.</p> <p>(c) The density of racehorses is to be one racehorse per 750m².</p>
	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals

3	Horse, Cattle, Mule, Donkey, Buffalo, Camel, Deer, Llama, and Alpaca	<p>(a) 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.</p> <ul style="list-style-type: none"> (i) 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 (ii) The density of horses is to be one horse per 2,500m² (iii) The density of animals (except a horse) is to be one animal per 5,000 m² <p>(b) Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept at a stable on premises must ensure that—</p> <ul style="list-style-type: none"> (i) the stable is not located within a 10m radius of – <ul style="list-style-type: none"> (A) a residence on adjoining premises; or (B) 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 (C) a place used for the storage of food (other than food kept in hermetically sealed packages); and (ii) the stable is set back a minimum of 2m from each boundary of the premises; and (iii) the stable is located a minimum of 20m from any watercourse, well or bore; and (iv) the stable has a floor which is changed with an absorbent soft floor material which is changed at least once every 6 week period; and (v) the interior of the stable and any associated open yard are cleaned of manure and other unhygienic matter daily; and (vi) the construction of the stable complies with the requirements of any applicable approval or code; and (vii) the stable is maintained in good condition and repair. <p>(c) Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept free range or in a paddock on premises must ensure that shelter is of a clean, dry and shady nature, is provided together with a minimum space per animal as prescribed in the <i>Model Code of Practice for the Welfare of Animals</i> published by the Commonwealth Scientific and Industrial Research Organisation.</p>
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	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
4	Stallions and Bulls (excludes Racehorses)	No additional standards
5	Sheep and Goats	The density of animals is to be one animal per 2,500 m ²
6	Pigs	No additional standards
7	Bees	The keeping of bees on an allotment must be conducted in accordance with the Code of Practice for Urban Beekeeping in Queensland.
8	Caged Birds (Budgerigar, Canary, Finch, Lovebirds, Parrots Cockatoo, Galah, Corella, Cockateil and the like)	Each owner of, and responsible person for, a bird specified in column 1, item 8 must ensure that— <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (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 (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 (g) the enclosure in which the bird is kept is set back a minimum of 2m from each boundary of the premises.
9	Emu, Ostrich and the like	No additional standards
10	Pigeons	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.

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
11	Poultry including domestic hens, duck, rooster, peacock, turkey, drake, goose.	<p>Each owner of, and responsible person for, a bird specified in column 1, item 11 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (ii) 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 (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is set back a minimum of 2m from each boundary of the premises; and (g) a rooster kept on the premises does not create a noise nuisance; and (h) 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.

Schedule 6 Prohibition of animals in public places ²

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	All land under local government control	All animals except those training for or participating in an organised event and where approval has been granted by Local Government or an authorised officer, or if signage permits.
2	All Parks	All animals with the following exceptions: (a) dog/s where under effective control of a person of sufficient strength and maturity to maintain control of the dog/s; or (b) animals training for or participating in an organised event and where approval has been granted by Local Government or an authorised officer.
3	In or within 15m 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 ³ dogs.
4	Dog off-leash areas	All animals except 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, racecourse, etc or where permission is granted by Local Government or an authorised person.

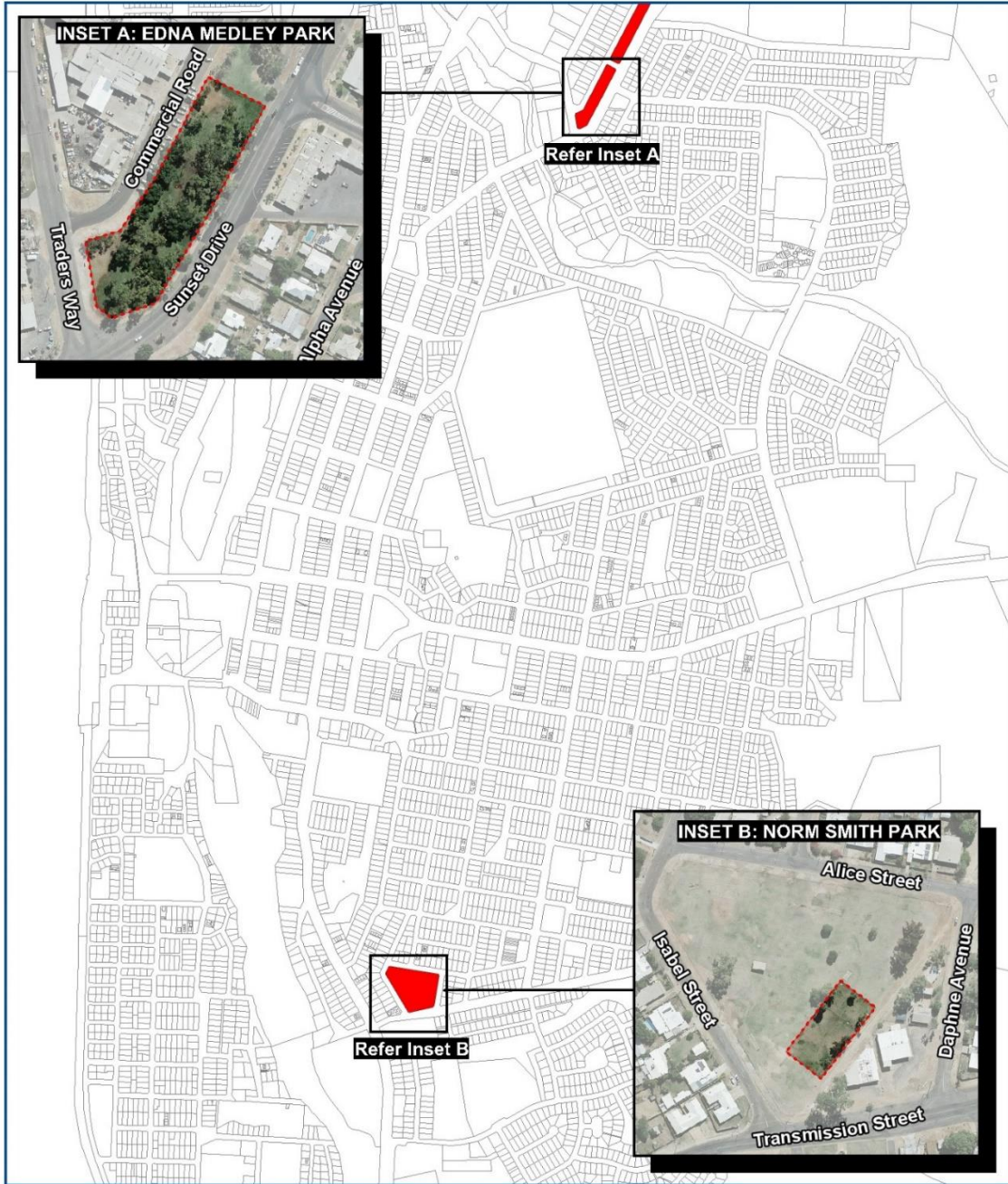
² Refer Guide, Hearing and Assistance Dog Act 2009

³ Refer Guide, Hearing and Assistance Dog Act 2009



Schedule 7 Dog off-leash areas

Section 11

Designated Off Leash Areas in Mount Isa City



Legend

 Boundaries of Designe
 Off Lease Areas

Mount Isa City Council

Imagery as at 26/05/2017 | Printed on 15/03/2018

DISCLAIMER

The services shown on this map are approx. only. This map is based on or contains data provided by the State of Queensland (DNRM) [2017]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (inc., without limitation, liability in negligence) for any loss, damage or costs (inc. consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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	<p>The owner of an animal must provide a proper enclosure to contain the animal on the owner's premises. A proper enclosure is -</p> <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; and (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. <p>A proper enclosure is suitably fenced if -</p> <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; and (b) if 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) if 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"> (a) If the dog is a climber or a jumper, the fence or enclosure must be constructed in such a way as to prevent the dog from climbing or jumping over the fence; (b) 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.

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
3	Guard/Security Dogs	<p>(a) 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;</p> <p>(c) 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 –</p> <p style="text-align: center;">"BEWARE - GUARD/SECURITY DOG ON PREMISES"</p> <p>(c) 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.</p>
4	Cats	The enclosure (including a building or structure) shall be such that it humanely prevents the cat from escaping from the premises.
5	Horse, Cattle, Donkey, Mule, Buffalo, Camel, Sheep, Goats, Llama, and Alpaca	<p>(a) An enclosure must be constructed to prevent any such animal from going within 10m of any dwelling (except any dwelling on the premises);</p> <p>(b) An enclosure must also be constructed to prevent any such animal from going within 10m 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;</p> <p>(c) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2m from the premises boundaries (however, an exemption may be granted from compliance with this requirement if the boundary fence is not less than 2m high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).</p>
6	Stallions and Bulls	<p>(a) Enclosures shall be at least 1.8m in height and constructed so as to reasonably prevent the animal from escaping from the premises;</p> <p>(b) The enclosure shall not be within 20m of any residence on an adjoining premises and at least 2m 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.</p>

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
7	Pigs	<p>Each owner of, and responsible person for, a pig which is kept on premises must ensure that the enclosure in which the pig is kept is not located within —</p> <ul style="list-style-type: none"> (a) 20m of a residence on adjoining premises; or (b) 10m from the boundary of any adjoining premises; or (c) 10m of 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 pig; or (d) 10m of a place used for the storage of food (other than food kept in hermetically sealed packages).
8	Bees	<ul style="list-style-type: none"> (a) The bee hive must not be sited closer than 2m from the property boundaries; and (b) The bee hive must be located at the rear of the premises behind the residence (if any) situated on the premises.
9	Cockatoo, Galah, Corella and Cockatiel and the like	<ul style="list-style-type: none"> (a) The enclosure shall not be within 20m of any residence on an adjoining premises and at least 2m from the boundary of any adjoining premises.
10	Caged Birds (Budgerigar, Canary, Finch, Lovebirds, parrots, and the like)	<ul style="list-style-type: none"> (a) The cage or aviary must not be sited closer than 2m from the property boundaries; and (b) 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.
11	Emu, Ostrich and the like	<ul style="list-style-type: none"> (a) An enclosure must be constructed to prevent any such animal from going within 10m of any dwelling (except any dwelling on the premises); and (b) An enclosure must also be constructed to prevent any such animal from going within 10m 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; and (c) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2m from the premises boundaries (however, an exemption may be granted from compliance with this requirement if the boundary fence is not less than 2m high and the occupiers of premises adjoining the boundaries state in writing that they have no objection.

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
12	Pigeons	<p>(a) The enclosure must not be sited closer than 2m from the property boundaries; and</p> <p>(b) The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises; and</p> <p>(c) The enclosure must be constructed to prevent any such bird from going within 10m of any dwelling (except any dwelling on the premises); and</p> <p>(d) The enclosure must also be constructed to prevent any such bird from going within 10m 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.</p>
13	Roosters, Peacock, Pea Hen, Guinea Fowl, Pheasants	<p>(a) The enclosure must not be sited closer than 2m from the property boundaries; and</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 10m of any dwelling (except any dwelling on the premises); and</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 10m 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.</p>
14	Domestic Hens	<p>(a) The enclosure must not be sited closer than 2m from the property boundaries; and</p> <p>(b) The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises; and</p> <p>(c) The enclosure must be constructed to prevent any such bird from going within 10m of any dwelling (except any dwelling on the premises); and</p> <p>(d) The enclosure must also be constructed to prevent any such bird from going within 10m 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.</p>

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
16	Geese, Turkey, Ducks and the like	<p>(a) The enclosure must not be sited closer than 2m from the property boundaries; and</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 10m of any dwelling (except any dwelling on the premises); and</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 10m 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.</p>

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

Section 14(1)

No requirements prescribed

Schedule 10 Koala areas⁴

Section 14(2)

No area designated

⁴ "Koala areas" under section 15(4) of the authorizing 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
 - (c) damage to property, taking into account—
 - (i) its prior history of attacking or causing fear to persons or animals or
 - (ii) damaging property; or
 - (iii) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed; or
 - (iv) the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
 - (vi) 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"

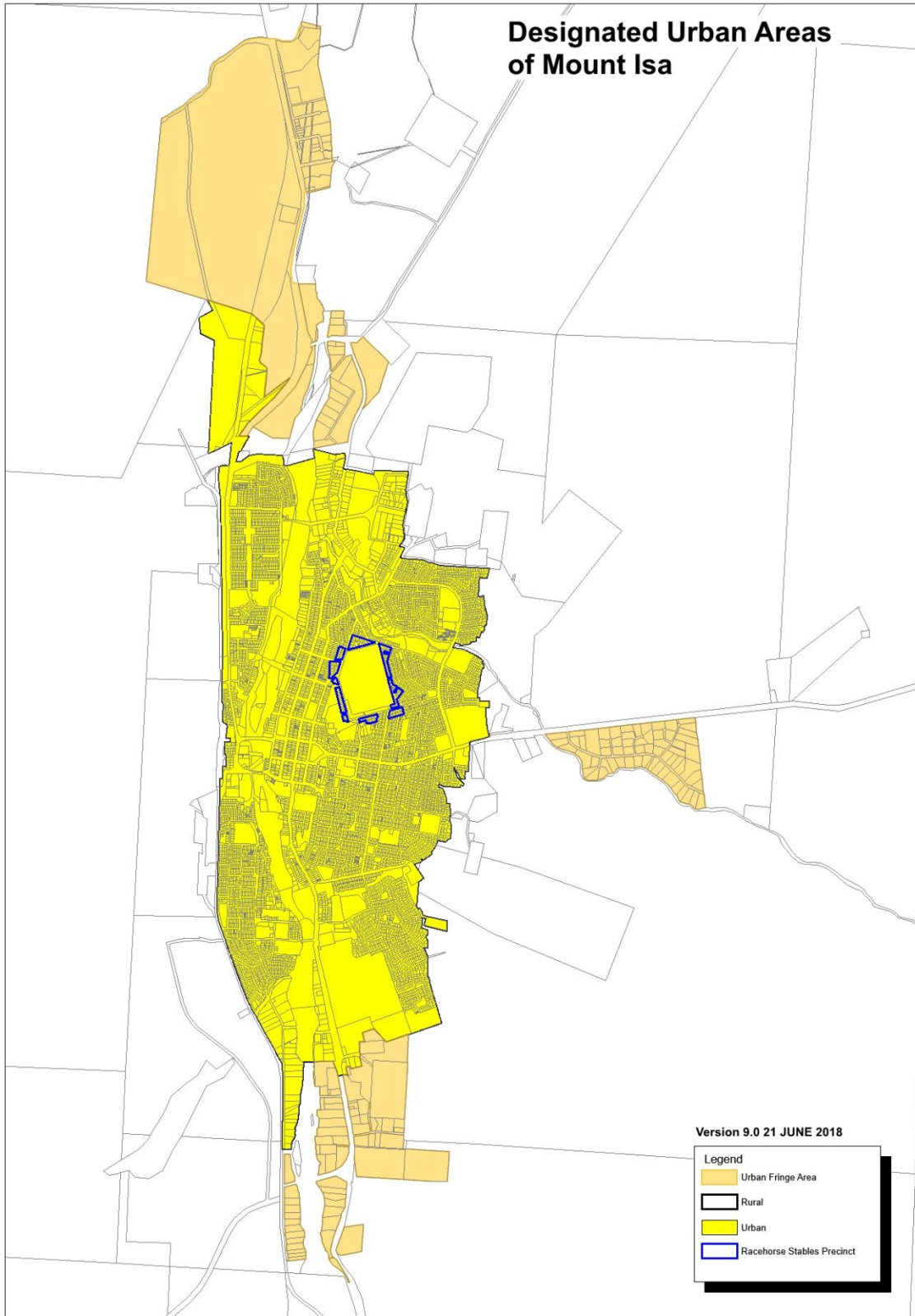
Schedule 12 Conditions of sale of animals

No conditions set out.

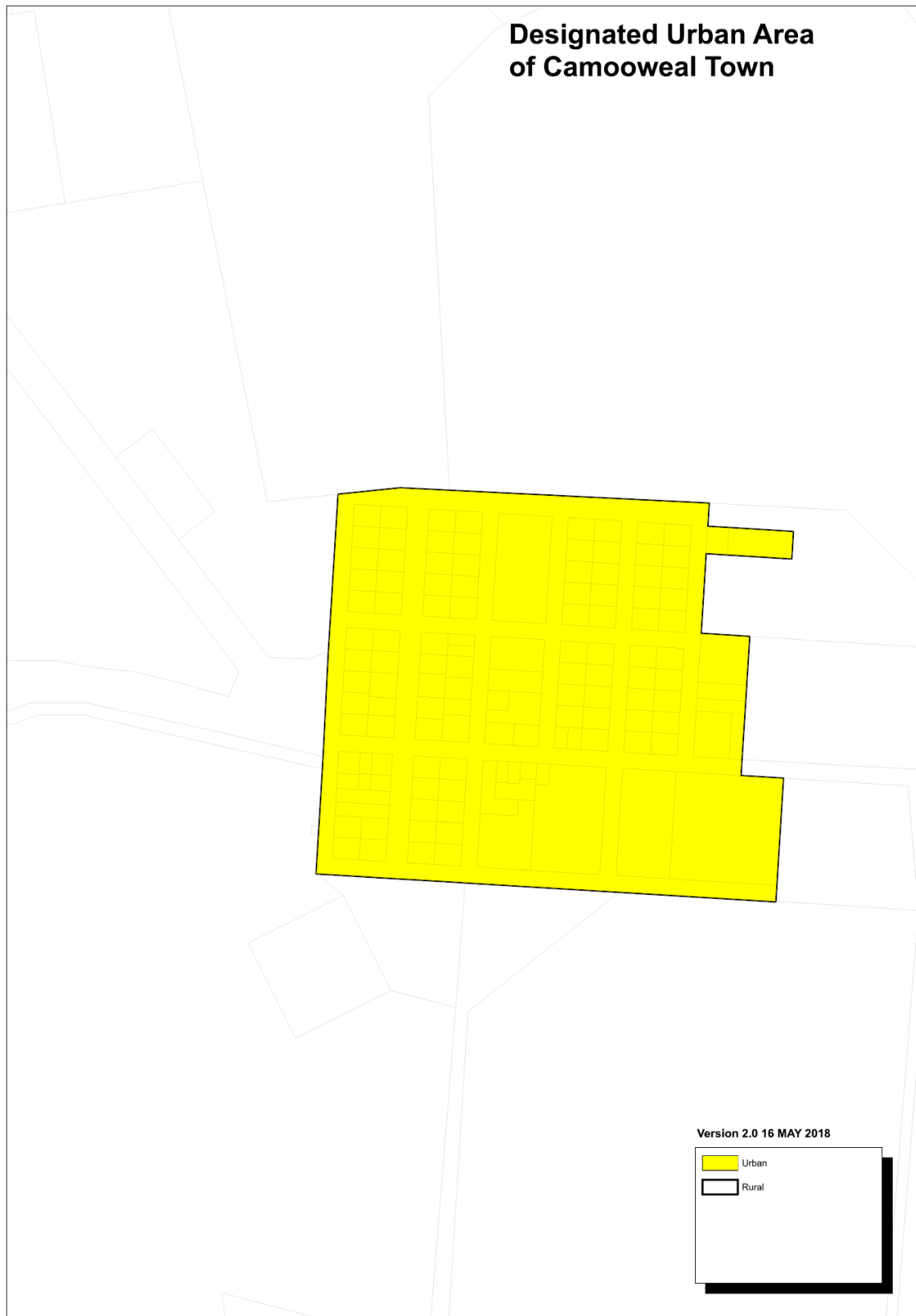
Schedule 13 Designated Areas

Section 4

Mount Isa Urban Area and Mount Isa Urban Fringe Area and Racehorse Stables Precinct



Camooweal Urban Area



Schedule 14 Dictionary

Section 4

adjoining premise means a premise that is situated next to another that share the same boundary

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

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

assistance dog means a dog trained to perform identifiable physical tasks and behaviors to assist a person with a disability to reduce the person's need for support. (*The Guide, Hearing and Assistance Dogs Act 2000* refers)

building has the meaning given in the *Building Act 1975*.

Camooweal Urban Area means the area shown as the Camooweal Urban Area in Schedule 14.

Cat —

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

cattle means any bull, cow, ox, heifer, steer or calf.

destroy, an animal, includes causing it to be destroyed.

dog —

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

domestic kitchen – relating to or used in the home or everyday life within a household

domestic purposes means the purposes of —

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

dwelling – means a house or other building or place in which somebody lives

horse includes a pony and a miniature horse.

keep (an animal) —

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and

- (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

land has the meaning given in the *Planning Act 2016*.

livestock means alpacas, buffalo, camel, deer, emus, goats, horses, ostriches, pig, poultry or sheep.

Mount Isa Urban Area means the area shown as the Mount Isa Urban Area in Schedule 14.

Mount Isa Urban Fringe Area means the area shown as the Mount Isa Urban Fringe Area in Schedule 14.

multi-residential premises includes each of the following –

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share —
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises: Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

occupier, of premises —

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

planning scheme has the meaning given in the *Planning Act 2016*.

premises—

- (a) means any land, building or structure and includes any part thereof; and
- (b) includes an allotment, whether or not —
 - (i) the allotment is a single parcel of land, or several contiguous parcels of land; or
 - (ii) all of the contiguous parcels of land are in —
 - (A) the same ownership; or
 - (B) the same occupation; and
- (c) includes multi-residential premises.

primary producer has the meaning given in the *Animal Management (Cat and Dogs) Act 2008*.

property boundary means the boundary line between two properties, also referred to as property line

public place means a place or part of a place —

- (a) that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money (a beach, park or road, for example); or
- (b) if the occupier of the place allows members of the public to enter the place, whether or not on payment of money (a sale yard or showground, for example).

racehorse means a horse that is registered with Racing Australia as a racehorse.

Racehorse Stable Precinct means the area depicted as a racehorse stable precinct within the Mount Isa Urban Area.

registered has the meaning given in the Animal Management Act.

residence means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

residential area —

- (a) means premises zoned in the planning scheme of the local government as suitable for use as residential premises; and
- (b) includes any premises (contiguous premises) if the premises —
 - (i) are contiguous to premises identified in paragraph (a), regardless of whether the contiguous premises are zoned as suitable for use as residential premises or not; and
 - (ii) have an area not more than 4,000m².

residential premises means premises used, or intended to be used, predominantly as a place of residence.

rural land has the meaning given in the Animal Management Act.

security/guard dog means a dog which is contained at commercial premises without a handler, which in the opinion of an authorized person is used for the purpose of acting as a deterrent to intruders.

stock has the meaning given in the Animal Management Act.

structure has the meaning given in the *Local Government Act 2009*.

watercourse means —

- (a) a canal, creek, river or stream in which water flows permanently or intermittently; or
- (b) an ocean, a lake or other collection of water (whether permanent or intermittent)

working dog has the meaning given in the Animal Management Act.