

WARWICK SHIRE COUNCIL
LOCAL LAW POLICY No. 5
(KEEPING AND CONTROL OF ANIMALS)
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**WARWICK SHIRE COUNCIL
LOCAL LAW POLICY No. 5
(KEEPING AND CONTROL OF ANIMALS)**

This Local Law Policy is to be read with Local Law No.5 (Keeping and Control of Animals) made by Council resolution on 28 July 1999.

PART 1 PRELIMINARY

Title

1. This policy may be cited as Local Law Policy No.5 (Keeping and Control of Animals).

Local Law allowing the Policy to be made

2. Local Law No.5 (Keeping and Control of Animals).

Commencement

3. This policy commences on 7 August 1999.

Purposes and General effect of the Policy

4. The purposes and general effect of this policy are to further the objects of the Local Law No.5 (Keeping and Control of Animals).

PART 2 – KEEPING OF ANIMALS

Division 1 – Animals for which a permit is required

Requirement to Hold Permit (Local Law Section 6)

5. A permit is required to keep the following animals :-
- (1) More than one (1) dog but not more than two (2) dogs except where approval has been obtained for a kennel under a Planning Scheme.
 - (a) in a settled area; and
 - (b) on land outside a settled area having an area of less than 10,000 m².
 - (2) Notwithstanding the provisions of section 5(1) the local government may grant a permit for the keeping of more than two (2) dogs, where one or more dogs are working dogs.

For the purposes of this local law policy the expression “working dog” means a dog used primarily for the purposes of working stock by the person.

A permit is not required for a working dog used for bona fide rural uses on land outside a settled area on land in excess of 10,000 m².

This section of this local law policy does not apply to a person who keeps dogs on land used for a pet shop or for kennels under a planning scheme applying to the land, provided that the dogs must be kept for the purposes of a pet shop or kennel.
 - (3) A stallion or a bull in a settled area.

Division 2 – Animals for which Registration is Required

Requirement to Register Animals (Local Law Section 8)

- 6.
- (1) The keeper of a dog that is over the age of four months must register the dog with the local government if the dog is ordinarily to be kept on land within a settled area.
 - (2) In making application to register a dog the keeper must specify the land on which the dog is ordinarily to be kept as the place at which the dog is to be registered.
 - (3) No more than two (2) dogs over the age of four months, other than working dogs for which a permit has been granted, may be registered at any place.
 - (4) The registration of a dog is current from the date the identifying tag is issued by the local government until
 - (a) the end of that financial year; or
 - (b) the death of the dogwhichever event happens first.

- (5) A dog is not required to be registered if it -
- (a) is registered with another local government under a law comparable to the local law; and
 - (b) is being kept within the area for a period of not exceeding 60 days; and
 - (c) wears an identifying tag which identifies the other local government area and the relevant registration number or other registration details. An authorised officer may refuse to recognise the exception unless the keeper of the dog satisfies it as to paragraph (b) by, for example, providing a statutory declaration. Further, the exception does not apply to a dog which has been declared to be a dangerous dog.
- (6) Registration requirements only apply to the keeping of the first two dogs on land used as a kennel or similar use where an approval has been granted pursuant to the Planning Scheme.

Obligation to Register (Local Law Section 9)

7. A registered dog is required to have fixed to its collar an identification tag issued by the local government for the current year to identify that dog as a registered dog. The keeper of a show dog may be granted exemption from the requirement to wear an identifying tag.

Such an exemption -

- (a) is given by letter signed by the Chief Executive Officer or his delegate;
- (b) may be granted only upon a keeper producing evidence (by way, for example, of a statutory declaration), that the keeper has a bona fide belief that the fixing of a collar and identifying tag would adversely affect the dog's coat for show purposes;
- (d) will not be granted unless the dog is registered with the Canine Control Council and the keeper produces a certificate verifying such registration; and
- (e) may be withdrawn at any time by letter signed by the local government's delegate

An exemption may also be granted in respect of a dog for which the keeper has a certificate from a veterinary surgeon indicating that the wearing of a collar may cause or aggravate some illness or injury.

Division 3 - Animals which may not be kept

Prohibition of Certain Animals (Local Law Section 11)

8. The prohibitions set out in this clause are subject to any exemptions granted by the local government on application being made to the local government in respect of events or entertainments including circuses, shows, gymkhanas, or for commercial purposes including transport depots, abattoirs, and saleyards. The local government may grant such exemptions on such terms as it thinks fit.

(1) Dogs

The keeping of a dog is prohibited at any residential premises on, or which involve the use of, property used in common with others provided that the local government may grant approval for the keeping of a dog in a residential unit subject to the written consent of the owner of the property and if there is a body corporate the body corporate.

Examples of residential units include units, caravan parks, relocatable home parks and retirement villages where occupiers do not have an area of land under their exclusive possession and control.

- (a) The keeping of more than two (2) dogs is prohibited except where approval has been obtained for a kennel under the Planning Scheme, or where a working dog has been permitted in accordance with this local law policy.

(2) Cats

- (a) The keeping of more than two (2) cats is prohibited except where approval has been obtained for a cattery under the Planning Scheme.

(3) Poultry and Birds

- (a) The keeping of poultry is prohibited on land having an area of less than 600m².
- (b) The keeping of a rooster in a settled area is prohibited.
- (c) The keeping of more than twenty (20) poultry is prohibited except where approval has been obtained for a poultry farm under the Planning Scheme.
- (d) The keeping of more than fifty (50) caged birds in a settled area is prohibited, except where a variation is approved by the local government.

A person who is a registered member of a show bird or poultry club affiliated with the Feather Clubs Association of Queensland Inc. may be granted exemption by the local government from the above requirements in Clause (a) and (b), where it can be demonstrated that there will be no potential to create a danger or nuisance to the community environment.

(4) Pigs

- (a) The keeping of pigs in a settled area is prohibited.
- (b) The keeping of pigs outside a settled area on land having an area of less than 20,000m² is prohibited.
- (c) The keeping of more than ten (10) pigs is prohibited except where approval has been obtained for a piggery under the Planning Scheme.

(5) Horses, Cattle

- (a) The keeping of a horse, cow or bullock, in the settled area of Warwick is prohibited on land having an area of less than 2,000m² and the keeping of a horse, cow or bullock on land having an area of 2,000 m² to 20,000 m² is only permitted in accordance with the following Table 1.

Table 1.

Area of Land	Number of Horses, Cows or Bullocks	Separation Distance from any Dwelling or other Occupied Building
2,000m ² to 4,000m ²	1	20.0 metres
4,001m ² to 10,000m ²	2	20.0 metres
10,001m ² to 20,000m ²	3	20.0 metres

- (b) The keeping of a horse, cow, or bullock, in all other settled areas is prohibited on land having an area of less than 1000 m² and the keeping of a horse, cow or bullock on land having an area of 1000 m² to 20,000 m² is prohibited otherwise than in accordance with the following Table 2.

Table 2.

Area of Land	Number of Horses, Cows or Bullocks	Separation Distance from any Dwelling or other Occupied Building
1,000m ² to 4,000m ²	1	20.0 metres
4,001m ² to 10,000m ²	2	20.0 metres
10,001m ² to 20,000m ²	3	20.0 metres

- (c) The keeping of a stallion or a bull in a settled area is prohibited, except in accordance with a permit granted under this local law policy.
- (6) Buffaloes, Asses, Donkeys, Camels, Deer, Billygoats
- (a) The keeping of a buffalo or ass or donkey or camel or deer or billygoat is prohibited on land having an area of less than 5,000 square metres.
- (7) Goats, Sheep
- The keeping of nanny-goats, gelded goats and sheep is prohibited on land in a settled area having an area of less than 1,000m² and the keeping of nanny-goats and sheep on land having an area of 1,000 m² and 20,000 m² in is only permitted in accordance with Table 3.

Table 3.

Area of Land	Number of Nanny-Goats or Sheep	Separation Distance from any Dwelling or other Occupied Building
1000m ² to 2000m ²	1	20.0 metres
2001m ² to 6000m ²	3	20.0 metres
6001m ² to 10000m ²	5	20.0 metres
10,001m ² to 20,000m ²	10	20.0 metres

- (8) Large Birds
- (a) The keeping of large birds (for example emus or ostriches) is prohibited on land having an area of less than 5000 m².
 - (b) The keeping of more than 20 large birds is prohibited except where approval has been obtained for an Emu/Ostrich Farm under the Planning Scheme.
- (9) Dangerous Reptiles
- (a) The keeping of dangerous reptiles (for example, venomous snakes) is prohibited.
- (10) Variations
- The local government may permit the keeping of animals contrary to the provisions of Division 3 where it can be demonstrated that by the location, configuration or other features of the land, that the keeping of the animal will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land or affect the amenity of the surrounding area or affect the environment by pollution or other environmental harm. This variation clause cannot approve a use contrary to the provision of a Planning Scheme or any approvals required by the Integrated Planning Act.

Division 4 - Commercial Operations

Permit for Pet Shop, Catteries, Kennels & Veterinary Clinics (Local Law Section 12)

9. A permit authorising a person to operate a pet shop, cattery, kennel or veterinary clinic will only be granted where the premises and the applicant comply with the following conditions -
- (a) a pet shop, cattery, kennel or veterinary clinic must not be situated adjoining premises used for the preparation or sale of food for human consumption and must not share an air conditioning system with any premises. All ventilation arrangements for pet shops, catteries, kennels and veterinary clinics require specific approval prior to installation and must be in conformity with construction standards adopted by the local government¹;
 - (b) the situation and nature of the premises must be such that they can be used as a pet shop without causing a nuisance to neighbouring properties;
 - (c) construction and fit out of a pet shop, cattery, kennel or veterinary clinic must comply with the construction standards such premises adopted by the local government from time to time (unless the standards are modified or relaxed in a particular case by the local government's delegate).

¹ Ventilation arrangements for pet shops, catteries, kennels and veterinary clinics require special approval as a public health measure to minimise undesirable effects of odours and pets to humans by disease transmission via the air. This will generally mean a prohibition to return supplied air to such premises and back into a common air system.

A permit authorising a person to operate a pet shop, cattery, kennel or veterinary clinic will be subject to the following conditions (unless the local government's delegate otherwise determines due to exceptional circumstances in a particular case) -

- (d) The holder of the permit must -
 - (i) provide accommodation and equipment which suits the physical and behavioural requirements of animals held;
 - (ii) provide protection for animals from adverse natural or artificial environmental conditions, other animals and interference from humans;
 - (iii) provide sufficient space for animals so as to prevent overcrowding and to allow them to stand, move around freely, stretch fully, rest, swim or fly, as appropriate to the species;
 - (iv) provide sufficient quantities of appropriate food and water to maintain good health;
 - (v) protect animals from disease, distress and injury and excess heat;
 - (vi) provide prompt veterinary or other appropriate treatment in cases of disease or injury;
 - (vii) maintain hygiene including vermin and pest control of the premises and health of animals held;
 - (viii) ensure no public health nuisances are created through the operation of the pet shop;
 - (ix) supervise daily feeding, watering and inspection of animals adequate to ensure their welfare.

Enclosures

- (e) Enclosures must be provided and maintained in such a manner as to -
 - (i) be clean and in a sanitary condition;
 - (ii) prevent any creature/animal from escaping from the premises;
 - (iii) be kept within the curtilage of the pet shop;
 - (iv) not become deteriorated;
 - (v) avoid injury of the creature/animal or interference by unauthorised persons;
 - (vi) permit regular cleaning of all internal and external surfaces and regular checking of creatures/animals within;
 - (vii) be impervious and able to be easily and readily cleaned and effectively disinfected;
 - (viii) ensure the comfort of animals and prevention of disease except aquaria;
- (f) Enclosures must be sprayed or dusted with insecticide or larvicide or disinfectant, to the manufacturer's instructions, for the purpose of fly, insect and/or disease control. Animals must be removed prior to the application of the said insecticide, larvicide or disinfectant;

- (g) Enclosures, except aquaria, must be treated with effective and appropriate disinfectants at least once/week;
- (h) Enclosures must be cleaned and disinfected and if necessary insecticided or larvicided before the introduction of replacement animals.

Collection and Disposal of Waste Waters, Manure and Refuse

- (i) Unless exempted, waste waters from animals from washing down of floors, surfaces, enclosures, fish tanks etc must be collected and drained to an approved pre-treatment device before discharge to the sewerage system (Trade Waste approval required in accordance with the Sewerage and Water Supply Act) or other approved means of sewage disposal.
- (j) Manure and offensive matter is to be cleaned up at least once each day, wrapped in paper and then placed forthwith into a fly-proof covered receptacle approved by an authorised person. The receptacle must be collected from the premises daily and the contents disposed of in an approved manner.

Storage and Dispensing of Feed

- (k) Feed must be stored in fly and vermin proof receptacles.
- (l) Feed and water containers used by the animals must be of impervious, smooth construction, non-toxic and able to be easily cleaned and disinfected.
- (m) Feed that has spoiled or deteriorated must be removed and disposed of in an approved refuse container.
- (n) Spilled feed must be immediately collected and disposed of in an approved refuse container.

Management of Diseased and Disposal of Dead Animals

- (o) The permit holder must upon discovering the existence of a dead animal remove such animal to a lawful place of disposal;
- (p) An animal (other than a fish) which contracts or is suspected of contracting any disease must be isolated.

General Provisions

- (q) The premises including all surfaces such as walls, floors, ceiling, fixtures and fittings are at all times to be kept clean and disinfected.
- (r) Animals must not be displayed or exposed for sale outside a pet shop;
- (s) Cloths, towels or materials used in the pet shop, cattery, kennel or veterinary clinic must be maintained in a clean condition and washed in effective disinfectant.
- (t) The premises are at all times to be kept free of flies and vermin.

Animals Not Permitted in a Pet Shop

- (u) In addition to restrictions or prohibitions under any other law, the following animals must not be kept, held or sold at a pet shop -
- (i) Pigs;
 - (ii) Asses, Donkeys, Horses;
 - (iii) Cattle;
 - (iv) Buffalo;
 - (v) Sheep;
 - (vi) Goats;
 - (vii) Deer;
 - (viii) Emus or Ostriches.

unless the nature of the pet shop is such that these animals can be kept in accordance with all relevant requirements of the local law.

Division 5 - Minimum Standards

Prescription of Minimum Standards (Local Law Section 14)

10. Minimum standards to be complied with in relation to the keeping of animals whether or not a permit or registration is required.
- (1) All animals
- Cleanliness/Welfare
- (a) Waste waters from enclosures must be drained in a nuisance free manner or as directed.
 - (b) Any excreta, offensive material or food scraps must be collected at least once each day and placed into a fly proof approved type of refuse container for disposal as approved.
 - (c) The keeper must comply with any request or direction of an authorised person which is considered necessary to keep the enclosures or the keeping of an animal free of nuisance.
 - (d) The keeper must ensure that all animals kept on the land are provided with and have access to adequate shelter, clean drinking water and appropriate food.
 - (e) The keeper must ensure that adequate space is provided for the animal, or for each animal, as the case may be.
- (2) Livestock Animals; including horses, cattle, buffaloes, asses, donkeys, camels, deer, goats and sheep
- Where livestock animals are kept on land having an area of less than 20,000 square metres -
- (a) an enclosure must be constructed to prevent any animal, other than a dog or cat from going within 20 metres of any dwelling, including any dwelling on the premises; and
 - (b) an enclosure which includes an open fenced area, must be sited a minimum distance of 2.0 metres from the allotment boundaries.

- (3) Where cats are kept on a premises -
 - (a) they must be kept without nuisance; and
 - (b) where directed by the local government wears an identifying tag with the owner's name, address and telephone number attached to a collar.

- (4) Birds and Poultry

Where birds and poultry are kept on a premises:

 - (a) they must be kept in an enclosed cage or aviary which must not be sited closer than 9.0 metres to any dwelling, on an adjoining allotment.
 - (b) the cage or aviary must not be sited closer than 2.0 metres from property boundaries. All seed and other food must be kept contained within the cage or aviary.
 - (c) cages and aviaries are to be thoroughly cleaned once per week.

- (5) Notwithstanding the provisions of paragraphs 2(a), 2(b), (4)(a) and (4)(b) the local government may permit a variation of these provisions for a specific application where it can be demonstrated that a lesser separation distance than those specified will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land, or affect the amenity of the surrounding area or affect the local environment by possible pollution or other environmental damage.

- (6) The local government may impose different minimum standards or grant exemptions from the above minimum standards in respect of any circus, show, or other entertainment or event involving animals.

Division 6 – Permits

Conditions of Permit (Local Law Section 17)

- 11. Conditions of permits may include, but are not limited, to the following:
 - (1) Permit for more than one dog
 - (a) Two (2) dogs only (over the age of four(4) months) to be kept on the said premises at any time.
 - (b) If either dog dies or leaves the premises, a new permit is required for the keeping of two (2) dogs.
 - (c) The dogs shall be contained at all times in an enclosure constructed of such materials and such a height as to effectively contain the dogs to the rear of the premises. Such an enclosure must have an area of not less than 300m² and must provide shelter to the dogs.
 - (d) Dog faeces are collected from the enclosure at least once per day, and deposited in an approved refuse bin.

- (e) The dog/dogs shall be kept without nuisance to neighbouring premises, including noise from barking or howling and odour nuisance.
 - (f) At any time when dogs kept at the premises is not within the approved enclosure they are leashed and under the effective control of a competent person.
 - (g) A working dog permit shall lapse, when the dog/dogs are no longer used as working dogs.
- (2) Permit for Stallion or a Bull
- (a) the location and or area of the land upon which it is proposed to keep the stallion or a bull provides adequate separation from residential premises or a public place; and
 - (b) the stallion or a bull is so enclosed or restrained on the property so that the safety of persons or property is not put at risk; and
 - (c) the keeping of the animal will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land or affect the amenity of the surrounding area or affect the environment by pollution or other environmental harm.

Term of Permit (Local Law Section 18)

12.

- (1) A permit is current from the date it is issued by the local government until whichever of the following happens first:
 - (a) the expiration of a period specified in the permit; or
 - (b) until the person to whom the permit was issued ceases to keep the animal; or
 - (c) the use of the land for the purpose authorised ceases; or
 - (d) the permit is withdrawn by the local government
- (2) If the holder of a permit contravenes a condition of the permit, the local government may, by written notice given to the holder of the permit, suspend or cancel the permit.

However, before suspending or cancelling a permit, the local government must:

 - (a) give written notice to the holder of the proposed suspension or cancellation; and
 - (b) allow the holder a period stated in the notice (which must be at least 1 month from when the notice is given) to make written representations to the local government about the proposed suspension or cancellation; and
 - (c) consider representations made in response to the notice.

PART 3 - CONTROL OF ANIMALS

Division 2 - Duty to Provide Proper Enclosure

Duty to Provide Proper Enclosure in a Settled Area (Local Law Section 22)

13.

(1) For dogs

A proper enclosure for the purposes of section 22 (1) of the local law is an area of the land, upon which the animal is kept, suitably fenced in accordance with the following minimum standards -

- (a) on land of less than 2000 m² the whole of the rear yard must be suitably fenced;
- (b) on land having an area of 2000 m² or more, an area of 300 m² of the yard, excluding any wading pool and swimming pool area, must be suitable fenced;
- (c) in either case, parts of buildings or structures which do not have openings through which an animal can escape may form part of the enclosure in lieu of fencing;
- (d) the enclosed area must contain a suitable grassed area and must contain adequate shelter.

In the above standards, "suitably fenced" means enclosed by a fence -

- (e) constructed of a minimum height of -
 - (i) not less than 1 metre and of a design and nature so as to effectively contain the animal; or
 - (ii) a device or system or restraint that in the opinion of an authorised officer is capable of continually restraining a dog within an area of land that would otherwise have to be fenced.
 - (f) in which any gates forming part of the enclosure are kept closed and latched except when in actual immediate use.
- (2) For small animals including cats -
- (a) a proper enclosure for the purposes of Section 22 (1) of the local law includes any humane method used to prevent the small animal from escaping the premises.

Division 5 – Dangerous Dogs

Declaration of Dangerous Dog (Local Law Section 25)

14.

- (1) An authorised person may form the opinion that a dog is dangerous and declare that dog to be a dangerous dog under the local law if the authorised person is satisfied that the dog has -
 - (a) attacked or threatened to attack a person or another animal; or
 - (b) put at risk the safety of motorists, cyclists, pedestrians or any other person.
- (2) The keeper of a declared dangerous dog shall
 - (a) within forty-eight (48) hours of the order, display at all times on the entrance into the property which the dog is kept, a notice in white lettering on a black back ground, not less than 50 millimetres in height and readily legible with the words:- “BEWARE OF THE DANGEROUS DOG”; and
 - (b) ensure that the dog remains in secure custody and is unable to cause injury or damage to persons or other animals.