

Gold Coast City Council



Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007

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Dale Dickson
Chief Executive Officer

CONSOLIDATED VERSION

GOLD COAST CITY COUNCIL

Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Gold Coast City Council Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007*.

2 Object

- (1) The object of this subordinate local law is to supplement *Local Law No. 12 (Keeping and Control of Animals) Law* to establish a comprehensive legislative scheme.
- (2) The objects of the legislative scheme are to regulate the keeping of animals—
 - (a) to protect the community against risk of injury and damage; and
 - (b) to ensure that animals do not create a nuisance, or a hazard to health or safety; and
 - (c) to prevent pollution and other environmental damage resulting from the keeping of animals and to protect the amenity of the local environment; and
 - (d) to ensure that animals are kept and used in a way that is consistent with the rights and expectations of the local community.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this subordinate local law.

Part 2 Animals for which a permit is required

Division 1 Permit requirements for dogs

4 Requirement for permit — Local Law, s6

- (1) This section specifies the circumstances in which a permit to keep a dog or dogs is required.
- (2) A permit is required to keep more than 1 dog on any land having an area less than 600m².
- (3) However, a permit is not required under subsection (2) for the keeping of more than 1 greyhound on land having an area less than 600m² if all greyhounds kept on the land are registered with the Greyhound Racing Authority of Queensland.
- (4) A permit is required to keep more than 2 dogs on any land having an area of 600m² or more.
- (5) However, a permit to keep dogs is not required under subsection (4) if—
 - (a) there exists, in respect of the keeping of the dogs on the land—
 - (i) a current permit for the operation on the land of a kennel under section

- 11 of the local law; or
- (ii) a current animal breeder permit; or
- (b) the dogs are kept on the land for the purposes of the conduct of—
 - (i) a Kennel under the planning scheme of the local government; or
 - (ii) an animal refuge by an animal welfare agency; or
- (c) more than 2 greyhounds are kept on the land and all greyhounds kept on the land are registered with the Greyhound Racing Authority of Queensland.

Division 2 Permit requirements for horses, cattle and other animals of a similar size

5 Application of this division

This division applies to a horse, donkey, cow, bull, ox and other animals of a similar size¹.

6 Requirement for permit — Local Law, s6

- (1) A permit is required to keep an animal to which this division applies on land if the area of the land is—
 - (a) more than 4,000m² but less than 40,000m²; and
 - (b) less than the relevant limit.
- (2) The area of the land is less than the relevant limit if it is less than the area required to allow 4,000m² for each animal to which this division applies kept on the land.

Examples —

- 1. Suppose that 8 animals to which this division applies are to be kept on land with an area of 25,000m². This would allow 3,125m² for each animal. Therefore a permit would be required.
- 2. Suppose that 6 animals to which this division applies are to be kept on land with an area of 25,000m². This would allow 4,166m² for each animal. Therefore a permit would not be required.
- (3) For the avoidance of doubt, a permit is not required to keep 1 animal to which this division applies on land if the area of the land is between 2,000m² and 4,000m².

Division 3 Permit requirements for sheep, goats, pigs and other animals of a similar size

7 Application of this division

This division applies to a sheep, goat, pig and other animals of a similar size².

¹ Keepers of animals to which this division applies should note that a material change of use for *Animal Husbandry* or *Rural Industry* will require a development permit under the *Integrated Planning Act 1997*. See definitions of *Animal Husbandry* and *Rural Industry* in the dictionary.

² See footnote 1.

8 Requirement for permit — Local Law, s6

- (1) A permit is required to keep an animal to which this division applies on land if the area of the land is—
 - (a) more than 4,000m² but less than 40,000m²; and
 - (b) less than the relevant limit.
- (2) The area of the land is less than the relevant limit if it is less than the area required to allow 4,000m² for each animal to which this division applies kept on the land.

Examples —

1. Suppose that 8 animals to which this division applies are to be kept on land with an area of 25,000m². This would allow 3,125m² for each animal. Therefore a permit would be required.
 2. Suppose that 6 animals to which this division applies are to be kept on land with an area of 25,000m². This would allow 4,166m² for each animal. Therefore a permit would not be required.
- (3) For the avoidance of doubt, a permit is not required to keep 1 animal to which this division applies on land if the area of the land is between 2,000m² and 4,000m².

Division 4 Permit requirements for cats

9 Requirement for permit — Local Law, s6

- (1) A permit is required to keep more than 2 cats on any—
 - (a) land; or
 - (b) multi-residential premises.³
- (2) However, a permit to keep cats is not required under subsection (1) if—
 - (a) there exists, in respect of the keeping of the cats on the land—
 - (i) a current permit for the operation on the land of a cattery under section 11 of the local law; or
 - (ii) a current animal breeder permit; or
 - (b) the cats are kept on the land for the purposes of the conduct of—
 - (i) a Kennel under the planning scheme of the local government; or
 - (ii) an animal refuge by an animal welfare agency.

Division 5 Permit requirements for budgerigars, canaries and other birds of a similar size

10 Application of this division

This division applies to a budgerigar, canary and other birds of a similar size⁴.

³ See definition of *multi-residential premises* in the dictionary.

⁴ Keepers of birds to which this division applies should note that a material change of use for *Animal Husbandry* will require a development permit under the *Integrated Planning Act 1997*. See definition of *Animal Husbandry* in the dictionary.

11 Requirement for permit — Local Law, s6

- (1) A permit is required to keep birds to which this division applies if more than 4 birds to which this division applies are to be kept on—
 - (a) land with an area less than 300m²; or
 - (b) multi-residential premises unless the multi-residential premises on which the birds are to be kept have an area not less than 300m².
- (2) A permit is required to keep birds to which this division applies if more than 20 birds are to be kept on land with an area of 300m² or more.
- (3) However, a permit is not required under subsection (2) if—
 - (a) the keeper of the birds is a member of an avicultural club or association that has a code of practice for the keeping of birds of the relevant species; and
 - (b) the code of practice has been approved by the local government.

Division 6 Permit requirements for cockatoos, galahs and other birds of a similar size

12 Application of this division

This division applies to a cockatoo, galah and other birds of a similar size⁵.

13 Requirement for permit — Local Law, s6

A permit is required to keep birds to which this division applies if more than 1 bird is to be kept on land with an area less than 4,000m².

Division 7 Permit requirements for pigeons

14 Requirement for permit — Local Law, s6

- (1) A permit is required to keep pigeons if more than 20 pigeons are to be kept on land with an area of 800m² or more.
- (2) However, a permit is not required under subsection (1) if—
 - (a) the keeper of the pigeons is a member of a pigeon racing club or association that has a code of practice for the keeping of pigeons; and
 - (b) the code of practice has been approved by the local government.

Division 8 Permit requirements for bees

15 Requirement for permit — Local Law, s6

A permit is required to keep bees unless —

- (a) the keeper of the bees is a member of a recognised bee keeper's association

⁵ See footnote 4.

- that has a code of practice for the keeping of bees; and
- (b) the code of practice has been approved by the local government; and
 - (c) the keeper of the bees produces to the local government evidence that the keeper is —
 - (i) a registered beekeeper under the *Apiaries Act 1982*; or
 - (ii) the holder of a permit to keep bees granted under the *Apiaries Act 1982*.

Division 9 Permit requirements for geese, ducks, chickens, turkeys and poultry other than roosters

16 Application of this division

This division applies to any of the following —

- (a) a domestic hen;
- (b) a duck or drake;
- (c) a goose or gander;
- (d) a turkey hen or turkey cock⁶.

17 Requirement for permit — Local Law, s6

A permit is required to keep birds to which this division applies if more than 6 birds are kept on land with an area of more than 800m² but less than 4,000m².

Division 10 Animal breeder permit

18 Application of this division

- (1) This division applies to any of the following —
 - (a) dogs;
 - (b) cats.
- (2) This division does not apply if the keeping of the animals to which this division applies is the conduct of an animal refuge by an animal welfare agency.
- (3) This division is in addition to, and does not derogate from, laws regulating the use or development of land.

19 Requirement for permit — Local Law, s6

A permit (an *animal breeder permit*) is required to keep animals to which this division applies if—

- (a) a person keeps on land—
 - (i) 1 or more entire dogs (each a *breeding dog*); or

⁶ See footnote 4.

- (ii) 1 or more entire cats (each a **breeding cat**); or
 - (iii) a combination of 1 or more breeding dogs and 1 or more breeding cats; and
- (b) the person allows or encourages—
- (i) a breeding dog to breed with another entire dog; or
 - (ii) a breeding cat to breed with another entire cat; and
- (c) the person—
- (i) offers 1 or more of the progeny of the breeding dog or the breeding cat for sale; or
 - (ii) otherwise disposes of 1 or more of the progeny of the breeding dog or the breeding cat.

Part 3 Registration requirements for dogs

20 Requirement to register dogs — Local Law, s8

- (1) Registration of dogs is required under section 8 of the local law.
- (2) However, subject to subsection (3), a dog is not required to be registered if—
 - (a) the dog is under 6 months of age; or
 - (b) the dog is exempt from registration under subsection (4).
- (3) The keeper of a dog under 6 months of age must register the dog if it—
 - (a) has been impounded under the local law ; or
 - (b) is acquired by the keeper from an animal welfare agency.
- (4) A dog is exempt from registration if—
 - (a) it is —
 - (i) registered with another local government under a law comparable to the local law; and
 - (ii) being kept within the local government area of the local government for a period not exceeding 60 days; and
 - (iii) wearing an identifying tag which identifies the other local government and states the relevant registration number or other registration details; or
 - (b) it is currently registered with the Greyhound Racing Authority of Queensland; or
 - (c) it is currently registered with the Greyhound Racing Control Board; or
 - (d) it is exempt from registration under a State or Commonwealth Act; or
 - (e) it is registered with another local government and the local government has determined to recognise registration with the other local government as equivalent to registration under the local law; or
 - (f) it is kept at an animal refuge conducted by an animal welfare agency.

- (5) The local government may refuse to recognise an exemption under subsection (4) unless the keeper of the dog satisfies the local government as to the application of the exemption by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the application of the exemption.
- (6) If the local government is not satisfied that a dog is covered by an exemption under subsection (4), the local government may require the keeper of the dog to register the dog and the exemption (if any) then comes to an end.
- (7) If the exemption in subsection (4)(a) ceases to apply because the dog is kept within the local government area of the local government for a period exceeding 60 days then after the period, the keeper of the dog is required to register the dog with the local government if it is not registered with another local government in accordance with subsection (4)(e).

21 Identifying tag requirements — Local Law, s9(2)

- (1) The identifying tag required for a registered dog is an identifying tag supplied by the local government for the dog —
 - (a) stating the registration number of the dog; and
 - (b) indicating that the identifying tag has been issued by the local government; and
 - (c) containing other information the local government considers appropriate.
- (2) The identifying tag must be attached to a collar worn by the dog.

22 Identifying tag exception — Local Law, s9(3)

- (1) A registered dog is not required to wear an identifying tag if a current exemption is in force for the dog under subsection (2).
- (2) The local government may issue a certificate of exemption for a dog if satisfied —
 - (a) the dog is being kept for show purposes; and
 - (b) the dog is registered with the Canine Control Council; and
 - (c) the keeper genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (3) The local government may refuse to issue a certificate of exemption under subsection (2) unless the keeper of the dog produces to the local government —
 - (a) a certificate of registration for the dog from the Canine Control Council; and
 - (b) evidence, for example, by way of statutory declaration, that the keeper of the dog genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (4) An authorised person may, by notice in writing to the keeper of a dog for which a certificate of exemption has been issued under subsection (2), revoke the exemption.

23 Current registration receipt – Local Law, s9

- (1) An application for registration of an animal must be—

- (a) made by the keeper of the animal; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee.
- (2) The local government must grant an application for registration of an animal if the keeping of the animal complies with the provisions of the local law.
- (3) A registration granted by the local government is for a term commencing on the date of issue of the registration and expiring on the 30th day of August following the date of issue (*registration expiry date*) unless otherwise specified in the registration.
- (4) A registration expires at the end of the registration expiry date.
- (5) The keeper of an animal for which a registration is required must make application to the local government to renew the registration before the registration expires.
- (6) An application to renew a registration for an animal must be—
 - (a) made by the keeper of the animal; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee.
- (7) If an application to renew a registration is made pursuant to subsection (6), the registration is taken to continue in force from the day it would, apart from this section, have expired until the day the application is decided pursuant to subsection (8).
- (8) The local government must approve an application to renew a registration for an animal if the keeping of the animal complies with the provisions of the local law.
- (9) For the avoidance of doubt, a person who keeps an animal for which a registration is required does not hold a current registration receipt for the animal from the local government if—
 - (a) the registration for the animal expires; or
 - (b) the keeper of the animal does not make an application to the local government to renew the registration under subsection (6); or
 - (c) the local government does not approve the keeper's application to renew the registration under subsection (8).

Part 4 Prohibition of certain animals

Division 1 Prohibition on keeping of dogs

24 Prohibition on keeping of dog of a prohibited breed — Local Law, s10(1)

- (1) The local government prohibits anyone in its area, other than an exempted person, from keeping a dog of a prohibited breed.
- (2) The prohibition in subsection (1) does not apply if—
 - (a) the prohibited dog—
 - (i) was registered with the local government on 11th September, 2003;

- and
- (ii) is kept substantially in accordance with the requirements of chapter 4, part 3, division 2 of the Animal Management Act pertaining to the keeping of a restricted dog⁷; and
- (b) the local government has issued to the keeper of the prohibited dog a restricted dog permit and—
 - (i) the restricted dog permit has not expired; and
 - (ii) the local government has not at any time refused a renewal application for the restricted dog permit.
- (3) Also, the prohibition in subsection (1) does not apply if—
- (a) the prohibited dog;
 - (i) was registered with the local government on 11th September, 2004; and
 - (ii) is kept substantially in accordance with the requirements of chapter 4, part 3, division 2 of the Animal Management Act pertaining to the keeping of a restricted dog; and
 - (b) the keeper of the restricted dog applies to the local government for a restricted dog permit; and
 - (c) the local government decides to grant the permit application and issues the keeper with a restricted dog permit under section 77 of the Animal Management Act; and
 - (d) the restricted dog permit has not expired; and
 - (e) the local government has not at any time refused a renewal application for the restricted dog permit.
- (4) In this section—
- breed*** includes crossbred of a breed; and
- keeping***, a dog, includes possession of the dog incidental to the keeping of the dog; and
- prohibited breed***, for a dog, means a dog—
- (a) of a breed as follows—
 - (i) dogo Argentino;
 - (ii) fila Brasileiro;
 - (iii) Japanese tosa;
 - (iv) American pit bull terrier or pit bull terrier;
 - (v) Perro de Presa Canario or Presa Canario; or
 - (b) that is a crossbreed of a breed mentioned in paragraph (a); and
- prohibited dog*** means a dog of a prohibited breed.

25 Prohibition on keeping of dogs other than of a prohibited breed — Local

⁷ See definition of *restricted dog* in the dictionary.

Law, s10(1)

- (1) This section does not apply to the keeping of—
 - (a) a restricted dog; or
 - (b) a dog of a prohibited breed.
- (2) A person must not keep more than 4 dogs on land in the local government area of the local government.
- (3) The prohibition in subsection (2) does not apply to the keeping of more than 4 dogs on land if—
 - (a) there exists, in respect of the keeping of the dogs on the land—
 - (i) a current permit for the operation on the land of a pet shop or a kennel under section 11 of the local law; or
 - (ii) a current animal breeder permit; or
 - (b) the dogs are kept on the land for the purposes of the conduct of—
 - (i) a Kennel⁸ under the planning scheme of the local government; or
 - (ii) an animal refuge by an animal welfare agency.

Division 2 Prohibition on keeping of horses, cattle and other animals of a similar size

26 Application of this division

This division applies to a horse, donkey, cow, bull, ox and other animals of a similar size⁹.

27 Prohibition on keeping of animals to which this division applies — Local Law, s10(1)

- (1) A person must not keep an animal to which this division applies on land with an area less than 2,000m².
- (2) The prohibition on the keeping of animals to which this division applies does not derogate from an authorisation conferred by a development permit.

Division 3 Prohibition on keeping of sheep, goats, pigs and other animals of a similar size

28 Application of this division

⁸ Under the planning scheme keepers of dogs should note that a material change of use for a Kennel will require a development permit under the *Integrated Planning Act 1997*. The planning scheme defines “Kennel” as any premises used or intended to be used for keeping, boarding or breeding more than 4 dogs or 4 cats. The term includes a cattery, breeding kennels, coursing kennels and show kennels. It does not include the keeping of domestic pets ancillary to the use of a dwelling.

⁹ Keepers of animals to which this division applies should note that a material change of use for *Animal Husbandry* or *Rural Industry* will require a development permit under the *Integrated Planning Act 1997*. See definitions of *Animal Husbandry* and *Rural Industry* in the dictionary.

This division applies to a sheep, goat, pig and other animals of a similar size¹⁰.

29 Prohibition on keeping of animals to which this division applies — Local Law, s10(1)

A person must not keep an animal to which this division applies on land with an area less than 2,000m².

Division 4 Prohibition on keeping of cats

30 Prohibition on keeping more than 4 cats — Local Law, s10(1)

- (1) A person must not keep more than 4 cats on land in the local government area of the local government.
- (2) The prohibition in subsection (1) does not apply to the keeping of more than 4 cats on land if—
 - (a) there exists, in respect of the keeping of the cats on the land —
 - (i) a current permit for the operation on the land of a pet shop or a cattery under section 11 of the local law; or
 - (ii) the current animal breeder permit; or
 - (b) the cats are kept on the land for the purposes of the conduct of—
 - (i) a Kennel under the planning scheme of the local government¹¹; or
 - (ii) an animal refuge by an animal welfare agency.

Division 5 Prohibition on keeping of pigeons

31 Prohibition on keeping of pigeons — Local law, s10(1)

A person must not keep a pigeon on land with an area less than 800m².

Division 6 Prohibition on keeping of geese, ducks, chickens, turkeys and poultry other than roosters

32 Application of this division

This division applies to any of the following —

- (a) a domestic hen;
- (b) a duck or drake;
- (c) a goose or gander;
- (d) a turkey hen or turkey cock¹².

¹⁰ See footnote 9.

¹¹ See footnote 8.

¹² See footnote 4.

33 Prohibition on keeping of birds to which this division applies — Local Law, s10(1)

- (1) A person must not keep a bird to which this division applies on land with an area less than 800m².
- (2) A person must not keep more than 30 birds to which this division applies on land with an area of 800m² or more.
- (3) The prohibition on the keeping of birds to which this division applies does not derogate from an authorisation conferred by a development permit.

Division 7 Prohibition on keeping of roosters, peacocks, ostriches and emus

34 Application of this division

This division applies to roosters, peacocks, ostriches and emus¹³.

35 Prohibition on keeping of birds to which this division applies — Local Law, s10(1)

A person must not keep a bird to which this division applies on land with an area less than 4,000m².

Part 5 Minimum standards for the keeping of animals

36 Minimum standards for the keeping of all animals — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps an animal —

- (a) the keeper must ensure that the animal is adequately identified so that the keeper's name, address and telephone number are readily ascertainable; and
- (b) the keeper must 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
- (c) the keeper must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a fly proof container of a kind approved by an authorised person; and
- (d) the keeper must ensure that any enclosure in which the animal is kept is in a clean and sanitary condition; and
- (e) the keeper must take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—

¹³ See footnote 4.

- (i) adjoining land; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
- (f) the keeper must ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition.

37 Minimum standards for the keeping of greyhounds — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps a greyhound —

- (a) the keeper must ensure that the dog is kept without nuisance; and
- (b) the keeper must ensure that the dog is kept in accordance with the requirements of a code of practice for the keeping of greyhounds adopted by the Greyhound Racing Authority of Queensland.

38 Minimum standards for the keeping of horses, sheep etc — Local Law, s13

The minimum standard to be complied with by a person who keeps an animal to which part 2 division 2 or 3 applies is that the keeper of the animal must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of —

- (a) a residence on adjoining land; 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 keeper of the animal; or
- (c) a place used for the storage of food (other than food kept in hermetically sealed packages).

39 Minimum standards for the keeping of cats — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps a cat —

- (a) the keeper must ensure that the cat is kept without nuisance; and
- (b) the keeper must ensure that the cat is adequately identified so that the keeper's name, address and telephone number are readily ascertainable.

40 Minimum standards for the keeping of budgerigars, cockatoos etc — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps a bird to which part 2 division 5 or 6 applies —

- (a) the keeper must ensure that the bird is kept without nuisance; and
- (b) the keeper must ensure that the bird is contained within an enclosed cage or aviary; and
- (c) the keeper must ensure that the bird's food is kept in a properly sealed, vermin proof container; and

- (d) the keeper must ensure that the fence surrounding the land on which the bird is kept does not form part of the cage or aviary in which the bird is kept; and
- (e) the keeper must ensure that the cage or aviary in which the bird is kept is—
 - (i) thoroughly cleaned at least once each week; and
 - (ii) located not less than 1m from the boundary of the land on which the bird is kept.

41 Minimum standards for the keeping of pigeons — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps pigeons —

- (a) the keeper must ensure that the pigeons are kept without nuisance; and
- (b) the keeper must ensure that the pigeons are kept in accordance with the requirements of a code of practice for the keeping of pigeons which has been approved by the local government.

42 Minimum standards for the keeping of bees — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps bees —

- (a) the bees must be kept without nuisance; and
- (b) the keeper must ensure that any beehive constructed on land for the purpose of keeping the bees is not located within a radius of 10 m of —
 - (i) a residence on adjoining land; 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 keeper of the bees; or
 - (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and
- (c) the keeper must ensure that the bees are kept in accordance with the requirements of a code of practice for the keeping of bees which has been approved by the local government.

43 Minimum standards for the keeping of geese etc — Local Law, s13

The following are the minimum standards to be complied with by a person who keeps a bird to which part 2 division 9 applies —

- (a) the keeper must ensure that the bird is kept without nuisance; and
- (b) the keeper must ensure that the bird is contained within an enclosure; and
- (c) the keeper must ensure that the bird's food is kept in a properly sealed, vermin proof container; and
- (d) the keeper must ensure that the fence surrounding the land on which the bird is kept does not form part of the enclosure in which the bird is kept; and
- (e) the keeper must ensure that the enclosure in which the bird is kept is—
 - (i) thoroughly cleaned at least once each week; and

- (ii) located not less than 1m from the boundary of the land on which the bird is kept; and
- (iii) located at the rear of, and behind, any residence situated on the land; and
- (iv) not located within a radius of 10m of —
 - (A) a residence on adjoining land; 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 keeper of the bird; or
 - (C) a place used for the storage of food (other than food kept in hermetically sealed packages).

Part 6 Criteria for granting permits

44 Permit criteria for dogs on land with an area less than 600m² — Local Law, s15(7)

In deciding whether to grant a permit authorising a person to keep more than 1 dog on land having an area less than 600m²¹⁴, the local government may have regard to the following criteria (in addition to those stated in section 15 of the local law)

- (a) whether the land on which the dogs are to be kept is —
 - (i) appropriately sized so that the dogs can be effectively and comfortably kept; and
 - (ii) under the exclusive possession and control of the keeper of the dogs; and
- (b) whether a residence exists on the land; and
- (c) whether a proper enclosure is maintained on the land in accordance with the requirements of section 22 of the local law; and
- (d) where the dogs are to be kept on multi-residential premises —
 - (i) whether the keeper of the dogs is entitled to make use of a common area; and
 - (ii) whether the keeper has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the dogs; and
 - (iii) whether the keeper has the written permission of the person or body which manages or controls the common area to use the common area or a part of the common area, as the case may be, for the purpose of keeping the dogs; and
- (e) whether the applicant for the permit or some other suitable person to supervise the dogs will be resident on the land on which the dogs are to be kept; and

¹⁴ See section 4(2).

- (f) whether the dogs will be properly supervised; and
- (g) whether each dog identified in the application is registered.

45 Permit criteria for dogs otherwise — Local Law, s15(7)

In deciding whether to grant a permit authorising a person to keep more than 2 dogs on land having an area of 600m² or more¹⁵, the local government may have regard to the following criteria (in addition to those stated in section 15 of the local law) —

- (a) whether the land on which the dogs are to be kept is appropriately sized so that the dogs can be effectively and comfortably kept; and
- (b) whether a residence exists on the land; and
- (c) whether a proper enclosure is maintained on the land in accordance with the requirements of section 22 of the local law; and
- (d) whether the applicant for the permit or some other suitable person to supervise the dogs will be resident on the land on which the dogs are to be kept; and
- (e) whether the dogs will be properly supervised; and
- (f) whether each dog identified in the application is registered; and
- (g) whether compassionate grounds exist for the granting of the permit.

46 Permit criteria for cats — Local Law, s15(7)

In deciding whether to grant a permit authorising a person to keep 3 or 4 cats on land, the local government may have regard to the following criteria (in addition to those stated in section 15 of the local law) —

- (a) whether the land on which the cats are to be kept is appropriately sized so that the cats can be effectively and comfortably kept; and
- (b) whether a residence exists on the land; and
- (c) whether a proper enclosure is maintained on the land in accordance with the requirements of section 22 of the local law; and
- (d) whether the applicant for the permit or some other suitable person to supervise the cats will be resident on the land on which the cats are to be kept; and
- (e) whether the cats will be properly supervised; and
- (f) whether compassionate grounds exist for the granting of the permit.

47 Permit criteria for animal breeder permit — Local Law, s15(7)

In deciding whether to grant an animal breeder permit, the local government may have regard to the following criteria (in addition to those stated in section 15 of the local law) —

- (a) whether a residence exists on the land; and

¹⁵ See section 4(4).

- (b) whether a proper enclosure is maintained on the land in accordance with the requirements of section 22 of the local law; and
- (c) whether the applicant for the permit or some other suitable person to supervise the animals will be resident on the land on which the animals are to be kept; and
- (d) whether the animals will be properly supervised; and
- (e) if the application for the animal breeder permit relates to the keeping of cats — whether the applicant will be able to contain the cats within the land identified in the application; and
- (f) whether the applicant has been refused a similar type of permit by the local government or another local government; and
- (g) whether the applicant is a suitable person to hold an animal breeder permit; and

Example —

The local government may have regard to the applicant's compliance history with the requirements of the local law and this subordinate local law. The local government may have regard to the fact that the applicant for the permit has committed 1 or more offences against the local law in the 12 month period prior to receipt of the application.

- (h) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section.

47A Permit criteria for pet shop, cattery and kennel — Local Law, s15(7)

In deciding whether to grant a permit for the use of land for a pet shop, cattery or kennel under section 11 of the local law, the local government may have regard to the following criteria (in addition to those stated in section 15 of the local law) —

- (a) whether a residence exists on the land; and
- (b) whether a proper enclosure is maintained on the land in accordance with the requirements of section 22 of the local law; and
- (c) whether the applicant for the permit or some other suitable person to supervise the animals will be resident on the land on which the animals are to be kept; and
- (d) whether the animals will be properly supervised; and
- (e) whether the applicant has been refused a similar type of permit by the local government or another local government; and
- (f) whether the applicant is a suitable person to hold the permit; and

Example —

The local government may have regard to the applicant's compliance history with the requirements of the local law and this subordinate local law. The local government may have regard to the fact that the applicant for the permit has committed 1 or more offences against the local law in the 12 month period prior to receipt of the application.

- (g) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section.

Part 7 Conditions of permit

48 Permit conditions for dogs on land with an area less than 600m² — Local Law, s16(3)

A permit to keep more than 1 dog on land having an area less than 600m²¹⁶ will ordinarily be subject to the following conditions —

- (a) a condition requiring that dog faeces be collected daily and placed into a bag, sealed and deposited in an approved refuse receptacle; and
- (b) a condition requiring that the dogs be kept without nuisance to the occupiers of other premises; and
- (c) a condition limiting the permit to the dogs identified in the permit; and
- (d) a condition requiring the holder of the permit to desex each dog —
 - (i) within 3 months of the issue of the permit if the dog is aged 6 months or over; and
 - (ii) otherwise, within 3 months after the dog reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the dog has been desexed.

49 Permit conditions for dogs otherwise — Local Law, s16(3)

A permit to keep more than 2 dogs on land having an area of 600m²¹⁷ or more will ordinarily be subject to the following conditions —

- (a) a condition limiting the permit to the dogs identified in the permit; and
- (b) a condition requiring that if 1 of the dogs identified in the permit departs the land identified in the permit, then —
 - (i) if the permit authorises the keeping of 4 dogs then the permit shall be deemed to authorise the keeping of only the 3 remaining dogs; and
 - (ii) if the permit authorises the keeping of 3 dogs then the permit shall be deemed to have lapsed; and
- (c) a condition requiring that the holder of the permit take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and

Example —

Persistent barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.
- (d) a condition requiring that the holder of the permit ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining land; and
- (e) a condition requiring that the holder of the permit ensure that excreta, food

¹⁶ See section 4(2).

¹⁷ See section 4(4).

scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a fly proof container of a kind approved by an authorised person; and

- (f) a condition requiring that the holder of the permit ensure that any enclosure in which the dogs are kept is maintained in a clean and sanitary condition and disinfected regularly; and
- (g) a condition requiring that the holder of the permit ensure that any enclosure in which the dogs are kept is properly maintained in an aesthetically acceptable condition; and
- (h) a condition requiring the holder of the permit to desex each dog —
 - (i) within 3 months of the issue of the permit if the dog is aged 6 months or over; and
 - (ii) otherwise, within 3 months after the dog reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the dog has been desexed.

50 Permit conditions for cats — Local Law, s16(3)

A permit to keep 3 or 4 cats on land will ordinarily be subject to the following conditions —

- (a) a condition requiring that if 1 of the cats identified in the permit departs the land identified in the permit then —
 - (i) if the permit authorises the keeping of 4 cats then the permit shall be deemed to authorise the keeping of only the 3 remaining cats; and
 - (ii) if the permit authorises the keeping of 3 cats then the permit shall be deemed to have lapsed; and
- (b) a condition requiring the holder of the permit to desex each cat—
 - (i) within 3 months of the issue of the permit if the cat is aged 6 months or over; and
 - (ii) otherwise, within 3 months after the cat reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed.

51 Permit conditions for other animals — Local Law, s16(3)

- (1) This section applies to a permit to keep 1 or more animals.
- (2) However, this section does not apply to a permit to keep —
 - (a) 1 or more dogs (other than greyhounds); or
 - (b) 1 or more cats.
- (3) Where this section applies, a permit to keep 1 or more animals will ordinarily be subject to a condition requiring that each animal must be kept in accordance with—
 - (a) the minimum standards specified in section 36; and
 - (b) the minimum standards specified for the relevant species, breed or type of

animal in part 5.

52 Permit conditions for animal breeder permit — Local Law, s16(3)

- (1) This section specifies the conditions that will ordinarily be imposed in each of—
 - (a) an animal breeder permit; and
 - (b) if section 19 applies—a permit granted under section 11 of the local law authorising the use of land as—
 - (i) a pet shop; or
 - (ii) a cattery; or
 - (iii) a kennel.
- (2) In this section —
 - (a) **animal of a litter** means an animal from a litter which is the progeny of an animal kept on land pursuant to—
 - (i) an animal breeder permit; or
 - (ii) a permit granted under section 11 of the local law; and
 - (b) an animal of a litter may be a kitten or a puppy.

Example—

The progeny of a breeding dog or a breeding cat.
- (3) The holder of the permit must ensure that any enclosure in which an animal, including an animal of a litter, is kept —
 - (a) is maintained in a sanitary condition; and
 - (b) is provided with a sleeping area for the animal that—
 - (i) is weather proof, that is, sheltered from sun, wind and rain; and
 - (ii) is raised off the floor of the enclosure in which the animal is kept; and
 - (iii) does not become damp; and
 - (iv) has sufficient clean, dry and comfortable bedding for the animal appropriate to the species and breed of the animal; and
 - (c) allows the animal to move around freely and urinate and defecate away from the sleeping and eating areas of the animal within the enclosure; and
 - (d) is free of any dangerous structure or object that may cause injury to the animal; and
 - (e) is secure so as to prevent access to the animal by persons other than the holder of the permit and persons authorised by the holder of the permit; and
 - (f) has an area which is appropriately sized so as to be capable of effectively and comfortably housing the animal kept in the enclosure; and
 - (g) is constructed of materials which are of sufficient strength to prevent the animal from escaping from the enclosure; and
 - (h) is drained so that the animal kept in the enclosure does not have continuous or extended contact with any part of the floor of the enclosure which is wet; and

- (i) has a floor which is non-porous or coated with a non-toxic material so as to facilitate the proper cleaning of the floor and prevent the transmission of any infectious disease between animals; and

Example—

A wood, chipboard, brick, dirt or grass floor is not acceptable for the main living area of the enclosure, but would be acceptable for the exercise area for the animal kept within the enclosure.

- (j) is equipped with items and areas sufficient to provide the animal with enrichment and exercise appropriate to the species of the animal.
- (4) The holder of the permit must keep 1 separate enclosure on the land available for—
 - (a) each animal that is suspected of, or diagnosed as having, an infectious disease; and
 - (b) each animal which is whelping or kitting; and
 - (c) each female animal with a litter.

- (5) The holder of the permit must ensure that each cat is provided with a litter tray containing a sufficient depth of material to comfortably accommodate the cat.

Example—

Commercial cat litter or sand in a litter tray which is of a sufficient size and depth to comfortably accommodate the cat.

- (6) If cats and dogs are kept on the land identified in the permit and the animals have not been socialised with each other—the holder of the permit must keep and maintain facilities for the animals so that —
 - (a) the dogs are separated from the cats; and
 - (b) the proximity in which the animals are kept does not cause stress to the animals.

- (7) Where groups of animals are housed together on the land — the holder of the permit must ensure that each animal housed in a group is kept free of intimidation from any other animal housed in the group.

- (8) If an animal kept on the land is particularly sensitive to changes in temperature—the animal must be provided with appropriate heating and cooling.

Example—

An elderly animal, kitten, puppy or pregnant animal may be provided with an enclosed container with a doorway which gives the animal the opportunity to regulate temperature by perching on top of the container or sheltering within the container.

- (9) This subsection specifies the minimum dimensions for an enclosure in which 1 or more cats may be kept.

Number of Cats	Minimum area (square metre)	Minimum length (metre)	Minimum width (metre)	Minimum height (metre)
1 cat (night confinement or maximum of 8 hours)	.48	1.2	0.4	0.6
1 cat	2.25	1.5	1.5	1.8
1 stud cat ^{17a}	4.4	2.1	2.1	1.8
2 cats	4.32	2.4	1.8	1.8
3 or 4 cats (maximum of 4 cats)	12.25	3.5	3.5	1.8

- (10) The table in this subsection specifies the minimum dimensions for an enclosure for the keeping of dogs.

Height of the dog measured at the shoulder of the dog	Minimum area	Minimum width	Minimum height	Increased floor area for each pup aged between 8 and 16 weeks
(centimetre)	(square metre)	(metre)	(metre)	(square metre)
70 and above	15	2.40	1.80	1.5
40 to 70	10	1.80	1.80	1.0
20 to 40	6	1.40	1.20	0.5
5 to 20	4	1.0	1.20	0.5

The table in this subsection applies to the keeping of—

- (a) 1 adult dog; or
 - (b) 1 female dog and a litter of the dog up to 8 weeks of age.
- (11) However, if 2 or more adult dogs are kept in 1 enclosure, the minimum dimensions for the enclosure specified in the table in subsection (10) must be increased by 1.5m² for each dog kept in the enclosure.
- (12) The holder of the permit must take specified action to prevent the animals, including each animal of a litter, from making a noise or disturbance that may cause a nuisance or disturbance to the occupiers of other premises.

Example —

If the permit relates to the keeping of dogs — barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.

- (13) A permit condition may require the holder of the permit to provide and maintain a soundproof enclosure for each animal kept on the land which causes, or is likely to cause, a noise nuisance.
- (14) A substance or liquid which may harm the health or safety of an animal kept on the land must not be stored or used on the land in a manner which permits the animal to access or consume the substance or liquid.
- (15) The holder of the permit must provide and maintain for each animal—
- (a) access to fresh water; and
 - (b) a diet appropriate to the individual needs of the animal.
- (16) The holder of the permit must provide and maintain on the land —
- (a) an area for the storage of food for the animals which prevents—
 - (i) the deterioration or contamination of the food; and

^{17a} Each stud cat must have an individual enclosure with an area set aside within the enclosure for the introduction of a visiting female cat and a high shelf to which the stud cat may retreat after mating.

- (ii) water from entering the food; and
 - (iii) vermin or insects from accessing the food; and
 - (b) an area for the storage of equipment and consumables used for the cleaning of enclosures on the land which is not accessible by any animal kept on the land.
- (17) All enclosures, animal food preparation areas, and animal food utensils must be—
 - (a) cleaned daily; and
 - (b) disinfected weekly; and
 - (c) if the enclosure, area or utensils are used for the keeping, storage or treatment of an animal — cleaned and disinfected prior to use by another animal.
- (18) Any enclosure in which an animal, including an animal of a litter, is kept must be properly drained and run-off must be kept off premises adjoining the land.
- (19) Each cat litter tray must be —
 - (a) checked, scooped and replenished daily; and
 - (b) changed, washed and disinfected at least once every 3 days.
- (20) Animal faeces must be collected—
 - (a) at least daily; and
 - (b) more frequently if the number of animals kept, or the conditions of the housing of the animals, necessitates collection more often than daily.
- (21) Collection drains on the land must be cleaned at least daily.
- (22) The holder of the permit must collect and dispose of promptly in a hygienic manner—
 - (a) all animal droppings, soiled litter, bedding and animal food waste; and
 - (b) any deceased animal.
- (23) The holder of the permit must ensure that animal management and training methods used by the holder on the land do not compromise the physical development, health or welfare of any animal, including an animal of a litter, kept on the land.

Examples—

1. Each animal, including each animal of a litter, must be socialised so as to—
 - (a) encourage confident and friendly behaviour with people and other animals; and
 - (b) discourage timidity and aggression to persons and other animals.
 2. The permit holder should provide each animal with safe experiences with a range of people, other animals, places and objects.
 3. Dogs, and in particular puppies, should be socialised with both adult and juvenile dogs, not just other puppies.
 4. When exercising an animal the permit holder should—
 - (a) allow the animal to run freely and choose and control its environment; and
 - (b) include daily play sessions with people and other animals of the same species as the animal.
- (24) The holder of the permit must, on request, advise the local government of the

veterinary surgeon to whom animal health issues about the animals will be referred.

- (25) The holder of the permit must monitor the health, well-being and grooming of each animal daily.

Example—

The holder of the permit must seek advice from a veterinary surgeon if any animal appears sick, injured or in distress.

- (26) The holder of the permit must ensure that each animal, including each animal of a litter, receives all necessary vaccinations, inoculations and treatments—
- (a) which are appropriate according to the age of the animal; and
 - (b) in any event, before the animal is offered for sale or otherwise disposed of by the holder of the permit.

Example—

Each animal must be vaccinated, wormed and treated for external parasites, including fleas, up to date according to protocols accepted by a veterinary surgeon.

- (27) The euthanasia of any animal must only be carried out by a veterinary surgeon.
- (28) The holder of the permit must not mate an animal if the animal has a known hereditary disease or disorder that causes, or may cause, pain or discomfort to —
- (a) the animal; or
 - (b) an animal of a litter of the animal.
- (29) To avoid unwanted pregnancy, the holder of the permit must keep a cycling, entire, fertile, female cat isolated from all male cats other than during a planned mating of the female cat.
- (30) To avoid unwanted pregnancy, the holder of the permit must keep a cycling, entire, fertile, female dog isolated from all male dogs other than during a planned mating of the female dog.
- (31) A permit condition may require the holder of the permit to desex an entire female animal which the holder of the permit has retired from breeding.
- (32) The holder of the permit must regularly monitor the health of each pregnant animal, especially during the last weeks of pregnancy, and ensure that the animal receives all necessary treatments which are appropriate according to the age and condition of the animal.

Example—

If there is evidence that whelping or kitting has commenced, but there is no progress within 30 minutes, the animal must be examined by a veterinary surgeon.

- (33) If an animal is giving birth, the holder of the permit must—
- (a) isolate the animal from all other animals; and
 - (b) at least 1 week prior to the expected date of birth, provide the animal with a clean and adequately sized container and bedding; and
 - (c) promptly after completion of the birth, clean the birthing area and replace all bedding used by the animal.
- (34) The holder of the permit must complete the weaning of an animal before the animal is sold or otherwise disposed of by the holder.

- (35) The holder of the permit must not sell or otherwise dispose of an animal of a litter to a minor.
- (36) The holder of the permit must not sell an animal of a litter which is a cat, or otherwise dispose of the cat, unless the cat is at least 10 weeks of age.
- (37) The holder of the permit must not sell an animal of a litter which is a dog, or otherwise dispose of the dog, unless the dog is at least 8 weeks of age.
- (38) If the holder of the permit advertises an animal, including an animal of a litter, for sale or disposal — the advertisement must specify the number allocated to the permit by the local government.
- (39) The holder of the permit must not sell or otherwise dispose of an animal which is a cat, or an animal of a litter of a cat, unless —
 - (a) prior to the sale or disposal, the holder obtains from a veterinary surgeon a certificate stating, or other evidence of, either of the following—
 - (i) that the animal has been desexed; or
 - (ii) that desexing the animal is likely to be a serious risk to the animal's health; or
 - (b) the animal is sold or otherwise disposed of to the holder of a current animal breeder permit.
- (40) If the holder of the permit sells or otherwise disposes of an animal, including an animal of a litter, to a person (the *receiver*) — the holder of the permit must give written notice to the receiver of —
 - (a) the number allocated to the permit by the local government; and
 - (b) particulars of —
 - (i) the typical lifespan of the animal; and
 - (ii) the common physical and behavioural characteristics for the age and breed of the animal; and
 - (c) the standard of care appropriate for the animal, including specific information about —
 - (i) diet; and
 - (ii) containment; and
 - (iii) socialisation; and
 - (iv) exercise and play; and
 - (v) training; and
 - (d) the medical and health care history of the animal, including particulars of all vaccinations, inoculations and treatments that have been carried out on the animal; and
 - (e) the obligations of the receiver as the keeper of the animal under each of —
 - (i) the local law; and
 - (ii) the Animal Management Act.

Examples—

1. The obligation to hold a permit.

2. The obligation to comply with minimum standards.
 3. Animals to be kept under effective control.
 4. The duty to provide a proper enclosure.
 5. The registration obligation.
 6. The registration renewal obligation.
- (41) The holder of the permit must keep and maintain a written register (an ***animal breeder register***) which records details of the activities of the holder under the permit —
- (a) during the term of the permit; and
 - (b) for a minimum of 3 years after the end of the term of the permit.
- (42) The animal breeder register must detail —
- (a) the particulars and description of each animal kept on the land including breed, name, date of birth, identifying tag and any other form of identification; and
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out for each animal; and
 - (c) if any animal is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal; and
 - (d) if any animal is, or has been, implanted with a permanent identification device — particulars of the permanent identification device for the animal; and
 - (e) for each animal of a litter of an animal kept on the land—
 - (i) the dam of the litter; and
 - (ii) the sire of the litter; and
 - (iii) the breed of each animal of the litter; and
 - (iv) the date of birth of each animal of the litter; and
 - (v) the date of mating of the parents of the litter; and
 - (vi) the date of the birth of each animal of the litter; and
 - (vii) the sex of each animal of the litter; and
 - (viii) the distinguishing marks or other form of identification of each animal of the litter; and
 - (ix) if any animal of the litter is implanted with a permanent identification device — particulars of the permanent identification device of the animal; and
 - (x) if an animal of the litter is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal; and
 - (xi) in the event of the death of an animal of the litter — the date of death and the cause of death of the animal; and
 - (xii) a medical history for each animal of the litter listing vaccinations, inoculations and treatments of the animal that have been carried out

- for the animal; and
- (f) if an animal kept on the land was not born on the land — for the acquisition of the animal by the holder of the permit —
 - (i) the date of the acquisition; and
 - (ii) the person from whom the animal was acquired by the holder of the permit.
- (43) The holder of the permit must —
- (a) keep and maintain records about the activities of the permit holder; and
 - (b) produce the records for inspection promptly after receipt of a request from an authorised person; and
 - (c) permit the authorised person to take copies of, or extracts from, the records; and
 - (d) keep the records —
 - (i) at specified premises; and
 - (ii) for a specified period.
- (44) The records that the holder of the permit must keep and maintain for the purposes of subsection (43) include, without limitation, details of procedures and protocols adopted and implemented by the holder of the permit in relation to —
- (a) cleaning and disinfecting enclosures, food preparation and storage areas and animal husbandry equipment; and
 - (b) pest management; and
 - (c) emergencies.
- (45) A permit condition may require the holder of a permit who keeps a cat or dog which is on heat to keep the animal in an enclosure which is—
- (a) appropriate to the species and breed of the animal to be enclosed; and
 - (b) constructed of materials which are of sufficient strength to prevent any other animal from entering the enclosure.
- (46) A permit condition may specify the maximum number of breeding dogs and breeding cats which may be kept on the land at any 1 time.
- (47) If a code of practice for the keeping of breeding cats, breeding dogs or animals of a litter has been approved by the local government — the holder of the permit must keep the animals in accordance with the requirements of the code of practice.

52A Permit conditions for pet shop —Local Law, s16(3)

- (1) This section specifies the conditions that will ordinarily be imposed in a permit granted under section 11 of the local law authorising the use of land as a pet shop.
- (2) For the avoidance of doubt, if section 19 applies, the conditions that will ordinarily be imposed in a permit granted under section 11 of the local law authorising the use of land as a pet shop are—
 - (a) the conditions specified in section 52; and
 - (b) the conditions specified in each of subsections (3), (9) and (12).

- (3) The premises must be maintained in a clean and sanitary condition at all times.
- (4) Any excreta, offensive material or food scraps must be collected at least once each day and placed in a fly proof approved refuse receptacle for disposal.
- (5) The holder of the permit must keep and maintain a written register detailing, for cats and dogs kept at the premises—
 - (a) the particulars and description of each animal including breed, name, identifying tag and any other form of identification; and
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and
 - (c) the place of origin of each animal.
- (6) If section 44 of the Animal Management Act applies to the keeping of an animal—the holder of the permit must comply with the requirements of the section before the sale of the animal by the holder.
- (7) The holder of the permit must ensure that each animal receives all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.
- (8) No animal is to be sold unless all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal have been implemented.
- (9) All animal food must be stored in sealed vermin proof containers.
- (10) The holder of the permit must comply with any request or direction of an authorised person requiring action considered necessary to keep the premises free of nuisance.
- (11) Waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.
- (12) If a code of practice for the operation of a pet shop has been approved by the local government — the holder of the permit must operate the pet shop in accordance with the requirements of the code of practice.

52B Additional permit conditions for catteries and kennels —Local Law, s16(3)

- (1) This section specifies conditions that will ordinarily be imposed in a permit granted under section 11 of the local law authorising the use of land as a cattery or kennel.
- (2) For the avoidance of doubt, if section 19 applies, the conditions that will ordinarily be imposed in a permit granted under section 11 of the local law authorising the use of land as a cattery or kennel are—
 - (a) the conditions specified in section 52; and
 - (b) the conditions specified in each of subsections (3) to (17) inclusive.
- (3) The operation of the cattery or kennel must not detrimentally affect the amenity of neighbouring premises.
- (4) The cattery or kennel must be suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions.

- (5) The operation of the cattery or kennel must not involve the storage in the open of goods, materials or activities associated with the operation of the cattery or kennel.
- (6) Only rain water from uncontaminated areas may drain directly into the storm water system.
- (7) All spillages of wastes, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any storm water system or waters.
- (8) The operation of the cattery or kennel must not attract fly breeding or vermin infestation.
- (9) The cattery or kennel must be kept free of pests and conditions offering harbourage for pests.
- (10) All fixtures, fittings, equipment and facilities at the cattery or kennel must be maintained in a clean, tidy, sanitary and hygienic condition.
- (11) Waste waters from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.
- (12) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises must be provided in the manner and location approved by an authorised person.
- (13) All waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (14) The cattery or kennel (as the case may be), including all premises, buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the operation of the cattery or kennel (as the case may be), must be maintained at all times —
 - (a) in good working order and condition; and
 - (b) in a clean and sanitary condition.
- (15) Animal feed must be stored in insect and vermin proof containers.
- (16) If a code of practice for the operation of a cattery has been approved by the local government — the holder of the permit must operate the cattery in accordance with the requirements of the code of practice.
- (17) If a code of practice for the operation of a kennel has been approved by the local government — the holder of the permit must operate the kennel in accordance with the requirements of the code of practice.
- (18) All enclosures which form part of the operation of the cattery or kennel (as the case may be) must be provided and maintained in such a manner so as to—
 - (a) be clean and in a sanitary condition; and
 - (b) prevent the escape of any animal kept in the enclosure; and
 - (c) protect the safety of staff and the public; and
 - (d) be in a state of good order and repair; and
 - (e) avoid injury to any animal kept in the enclosure; and
 - (f) permit regular cleaning of all internal and external surfaces of each

- enclosure and regular checking of any animal within the enclosure; and
 - (g) be impervious and able to be effectively cleaned and sanitised; and
 - (h) ensure the comfort of any animal kept in the enclosure and the prevention of disease.
- (19) The holder of the permit must —
- (a) desex each animal kept for the purposes of the operation of the cattery or kennel within 3 months of the issue of the permit if the animal is aged 6 months or over; and
 - (b) otherwise, desex each animal within 3 months after the animal reaches 6 months of age; and
 - (c) produce to the local government evidence, by way of, for example, a statutory declaration, that the animal has been desexed.

Part 8 Term of permit

53 Term of permit — Local Law, s17

- (1) The term for which a permit is granted will ordinarily be—
 - (a) the life of the animal identified in the permit; or
 - (b) if there is more than 1 animal identified in the permit — the life of the last surviving animal identified in the permit.
- (2) However, the term for which a permit is granted will ordinarily be 1 year if the permit is—
 - (a) a permit granted under section 11 of the local law authorising the use of land as a pet shop, cattery or kennel; or
 - (b) an animal breeder permit.
- (3) However, the local government may fix some other term for a permit if it is desirable to do so—
 - (a) to provide common expiry dates for permits; or
 - (b) for some other reason.

Part 9 Prohibition or regulation of animals upon parks, reserves, foreshores and beaches

54 Prohibition of cats on parks, reserves, foreshores and beaches — Local Law, s21(1)

The areas of park, reserve, foreshore and beach under the control of the local government where a person is prohibited from allowing a cat to be brought are—

- (a) every park, reserve, foreshore and beach under the control of the local government on South Stradbroke Island; and

- (b) lot 5 on RP868568, County of Ward, Parish of Barrow, Coombabah Reserve, Coombabah other than the local government's animal pound.

55 Prohibition of dogs on parks, reserves, foreshores and beaches — Local Law, s21(1)

The areas (each a *Dog Prohibited Area*) of park, reserve, foreshore and beach under the control of the local government where a person is prohibited from allowing a dog to be brought are specified in schedule 2, part 1.

56 Regulation of dogs on parks, reserves, foreshores and beaches — Local Law, s21(2)

- (1) The areas (each an *Off Leash Dog Exercise Area*) of park, reserve, foreshore and beach under the control of the local government specified in schedule 2 part 2 are designated as off leash dog exercise areas.
- (2) If an item in schedule 2, part 2 prescribes a period of time for an Off Leash Dog Exercise Area, the area is an Off Leash Dog Exercise Area only during the prescribed period.
- (3) To avoid doubt, if an item in schedule 2, part 2 does not prescribe a period of time for an Off Leash Dog Exercise Area, the area is an Off Leash Dog Exercise Area at all times.
- (4) The conditions upon which a person may bring a dog or dogs onto an Off Leash Dog Exercise Area are—
 - (a) the dog must be under verbal command and so controlled as not to cause or allow the dog to attack or worry another person or an animal; and
 - (b) the dog must remain in the immediate vicinity of the person exercising the dog.

57 Temporary regulation of dogs on parks, reserves, foreshores and beaches — Local Law, s21

- (1) If an area is an Off Leash Dog Exercise Area and the local government is satisfied that a temporary prohibition of, or restriction on, the use of the area as an Off Leash Dog Exercise Area is necessary because of a particular event, or conditions temporarily applying in the area, the local government may temporarily prohibit or restrict the use of the area as an Off Leash Dog Exercise Area.

Examples for subsection (1)—

The local government might temporarily prohibit the use of an area as an Off Leash Dog Exercise Area if building work that is being carried out on or adjacent to the area makes it impracticable to use the area as an Off Leash Dog Exercise Area.

The local government might also temporarily prohibit the use of an area as an Off Leash Dog Exercise Area if the area is to be used for the purposes of a festival, event or public assembly.

- (2) To avoid doubt, a power under subsection (1) may be exercised by—
 - (a) resolution of the local government; or
 - (b) a person to whom the power has been delegated by the local government.
- (3) If the local government prohibits or restricts the use of an area as an Off Leash Dog Exercise Area under subsection (1)—

- (a) notice of the prohibition or restriction must be placed at each public entrance to the area; and
 - (b) the temporary prohibition of, or restriction on, the use of the area as an Off Leash Dog Exercise Area only takes effect when notice of the prohibition or restriction is placed at each public entrance to the area.
- (4) A temporary prohibition of, or restriction on, the use of an area as an Off Leash Dog Exercise Area under subsection (1) cannot remain in force for more than 2 months.

58 Animals on parks, reserves, foreshores and beaches conditional on approval — Local Law, s21(2)

- (1) Subject to sections 54 to 57 inclusive, a person must not allow an animal to be brought onto a park, reserve, foreshore or beach under the control of the local government unless the keeper of the animal has the written approval of the local government to take the animal onto the park, reserve, foreshore or beach specified in the approval.
- (2) The local government may grant an approval under subsection (1) if the grant of the approval is consistent with the objects of the local law.
- (3) An approval under subsection (1) may be granted on conditions the local government considers appropriate.
- (4) However, the conditions of the approval must be consistent with the objects of the local law.

59 General conditions for parks, reserves, foreshores and beaches — Local Law, s21(2)

- (1) If a person brings a dog onto a park, reserve, foreshore or beach under the control of the local government, the person must not bring or permit the dog to be brought—
 - (a) within 10m of any playground apparatus which is provided for the use of minors in, as the case may be, the park, reserve, foreshore or beach; or
 - (b) onto a designated playground area in, as the case may be, the park, reserve, foreshore or beach.
- (2) This section does not apply to a guide dog used by a blind person or a deaf person.

Part 10 Animal enclosure requirements

60 Proper enclosure requirements generally — Local Law, s22(2)

- (1) A proper 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.
- (2) The area must be suitably fenced, appropriate to the species and breed of the animal to be enclosed, so as to effectively enclose the animal on the land on which it is kept at all times.

- (3) For the purposes of this section *suitably fenced* means enclosed by a fence —
- (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and
 - (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and
 - (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
 - (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
 - (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.

61 Enclosure requirements for dangerous dogs — Local Law, s22(2)

- (1) This section applies where the animal is a dog which has been declared to be a dangerous dog under section 25 of the local law.
- (2) Where this section applies the enclosure must, in addition to the requirements specified in section 60 (other than subsection (3)(e)) —
 - (a) have self closing and self latching gates; and
 - (b) not include any driveway gate or other vehicle entry gate; and
 - (c) if it includes any other type of perimeter entry gate or gates, the gate or gates must be kept securely locked whenever not in immediate use by a person entering or leaving the land on which the dog is kept; and
 - (d) be childproof; and
 - (e) not be built or situated in a way requiring a member of the public seeking access to the front entrance of a residence on the land to go into the enclosure.

Part 11 Dangerous dogs

62 Dangerous dog requirements — Local Law, s25(2)

The specified action that an authorised person may order the keeper of a dangerous dog to take is —

- (a) upon receipt of the order, immediately bring the dog under the keeper's effective control; and
- (b) within 48 hours of receipt of the order, display conspicuously at all times on each entrance into the land upon which the dog is kept, a notice in white lettering on a black background, not less than 50mm in height and readily legible with the words —

“BEWARE OF THE DANGEROUS DOG”; and
- (c) within 14 days of receipt of the order, permanently identify the dog as a dangerous dog by the implanting of a microchip which—

- (i) is capable of being read by the local government’s microchip reader; and
- (ii) bears an electronic code which permanently identifies the dog as a dangerous dog; and
- (d) at all times after receipt of the order, ensure that the dog does not enter any Off Leash Dog Exercise Area; and
- (e) provide and maintain a proper enclosure to keep the dog on the keeper’s land and prevent the dog from wandering or escaping from the land in compliance with section 22(2) of the local law; and
- (f) upon receipt of the order, comply in full with each of the remaining conditions (if any) relating to the keeping of the dog set out in the order.

Part 12 Guard dogs

63 Guard dog requirements — Local Law, s28(2)

- (1) This section specifies the action that the occupier of land to which section 28 of the local law applies must take.
- (2) The occupier must—
 - (a) display conspicuously at all times on each entrance into the land upon which the guard dog is kept, a notice in white lettering on a black background, not less than 50mm in height and readily legible with the words—

“BEWARE OF THE DANGEROUS GUARD DOG”; and
 - (b) provide and maintain a proper enclosure on the land which is—
 - (i) of a standard approved by an authorised person; and
 - (ii) adequate to prevent the dog from wandering or escaping from the land; and
 - (c) take such measures and do all such acts as may be required by an authorised person to prevent the dog from escaping from the land; and
 - (d) ensure that the dog is fitted with an approved guard dog collar and an identifying tag issued by the local government; and
 - (e) ensure that at all times after the dog is fitted with the approved guard dog collar and identifying tag, the collar and tag are worn by the dog; and
 - (f) ensure that the dog is not brought into a public place under the control of the local government unless the dog is securely muzzled to prevent it from biting.

Part 13 Impounding of animals

64 Operation of animal pound — Local Law, s30

- (1) The times when the animal pound will be open for the reception and release of animals are the times resolved by the local government from time to time.

- (2) The animals which will be accepted at the pound, otherwise than pursuant to an impounding under the local law, are —
 - (a) dogs; and
 - (b) cats; and
 - (c) horses; and
 - (d) cattle.
- (3) For the avoidance of doubt, animals other than dogs, cats, horses and cattle may be accepted at the animal pound pursuant to an impounding under the local law.
- (4) Where animals are to be sold from the animal pound, the times for the sale of the animals are —
 - (a) 12.00p.m. each Friday; or
 - (b) if the Friday is not a business day — 12.00p.m. on the preceding Thursday.
- (5) The scale of fees to be paid for matters relating to the impounding of animals is as resolved by the local government from time to time.

65 Sale and disposal of impounded animals — Local Law, s36(1)

- (1) For the purposes of section 36(1) of the local law, the local government may offer an animal for sale by public auction or, subject to subsection (2), sell, destroy or otherwise dispose of the animal if the animal has not been reclaimed —
 - (a) where the animal is a horse, cow, registered dog or other identifiable animal — within 5 business days; and
 - (b) where the animal is an unregistered dog or an animal which is not an identifiable animal — within 3 business days.
- (2) For the purposes of section 36(1)(b) of the local law —
 - (a) horses and cattle may be offered for sale by public auction; and
 - (b) all animals other than horses and cattle may be sold, destroyed or otherwise disposed of by the local government without being offered for sale by public auction.

Part 14 Miscellaneous

66 Destruction at request of keeper — Local Law, s42(2)

The procedure for accepting animals seized by an authorised person pursuant to section 42(1) of the local law is —

- (a) the keeper of the animal must —
 - (i) complete an indemnity form authorising the local government to dispose of the animal; and
 - (ii) pay the prescribed fee for disposal at the time the animal is handed to the authorised person; and
- (b) details of the seizure must be recorded in the Register of Impounded

Animals; and

- (c) the keeper of an animal seized by an authorised person pursuant to section 42(1) of the local law may reclaim the animal, however the prescribed fee for disposal may be forfeited; and
- (d) if a dog which is reclaimed is not registered, the prescribed fee for registration must be paid before the dog is released to its keeper.

Schedule 1 Dictionary

section 3

animal breeder permit see section 19.

animal breeder register see section 52(3).

Animal Husbandry has the meaning given in the planning scheme¹⁸.

Animal Management Act means the *Animal Management (Cats and Dogs) Act 2008*.

animal of a litter see section 52(2).

animal welfare agency means —

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

bathing area has the meaning given in *Gold Coast City Council Local Law No. 30 (Bathing Reserves) 2004*.

bathing reserve means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 935 of the Act.

beach see bathing reserve.

blind person has the meaning given in the *Guide Dogs Act 1972*.

breeding cat see section 19(a)(ii).

breeding dog see section 19(a)(i).

cat includes a kitten regardless of age.

cattery has the meaning given in the local law.

childproof means, for an enclosure, that the exterior walls of the enclosure are designed to prevent a dog in the enclosure being able to bite a child outside the enclosure.

deaf person has the meaning given in the *Guide Dogs Act 1972*.

designated playground area means an area which is—

- (a) physically defined; and
- (b) constructed by the local government for recreational use by minors; and
- (c) provided with one or more items of playground apparatus.

Example—

A designated playground area may be an area which is—

- (a) enclosed by a fence or some other barrier; and

¹⁸ The planning scheme defines **Animal Husbandry** as any premises used or intended for use for the keeping or farming of more than 10 mammals or 30 birds. The term includes stables, dairy and goat farms and veterinary establishments associated with these. It does not include a Cattery, Kennels, piggery, poultry farm, Rural Industry or lot feeding, nor does it include the keeping of domestic animals.

- (b) covered by bark chips or similar material; and
- (c) equipped with a swing, see-saw or similar playground apparatus.

development permit means a development permit under the *Integrated Planning Act 1997*.

Division see division.

division has the meaning given in the Act¹⁹.

dog includes a puppy regardless of age.

Dog Prohibited Area see section 55.

entire, for an animal which is a cat or dog, means the gonads of the animal have not been removed and the animal is capable of reproducing.

exempted person has the meaning given in section 6 of the Animal Management Act.

foreshore has the meaning given in the Act.

guide dog has the meaning given in the *Guide Dogs Act 1972*.

identifiable animal means an animal —

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the keeper of the animal.

identifying tag means a mark or object to identify an animal including, for example—

- (a) a metal or plastic disc or plate; and
- (b) a collar; and
- (c) a tattoo or brand; and
- (d) an implant bearing an electronic code.

kennel has the meaning given in the local law.

land means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in—

- (a) the same ownership; or
- (b) the same occupation.

local government area has the meaning given in the Act.

local law means *Local Law No. 12 (Keeping and Control of Animals) Law*.

multi-residential premises means —

- (a) premises designed for use as a residence which are directly adjacent to each other and share a common wall including a ceiling in circumstances where 1 set of premises is directly under the floor of another set of premises; or
- (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*.

¹⁹ Schedule 2 identifies areas of park, reserve, foreshore and beach by reference to the division of the local government area within which the area is located.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

Off Leash Dog Exercise Area see section 56.

park—

- (a) has the meaning given in *Local Law No. 9 (Parks and Reserves)*; but
- (b) includes a reserve.

permanent identification device has the meaning given in the Animal Management Act.

permit application has the meaning given in the Animal Management Act.

pet shop has the meaning given in the local law.

planning scheme means the planning scheme of the local government.

prescribed fee means a fee determined by the local government for the matter in respect of which the term is used²⁰.

prohibited breed see section 24(4).

receiver see section 52(16).

registration means a registration which has been granted pursuant to section 23(2) or renewed pursuant to section 23(8) which has not expired pursuant to section 23(3) or (7).

registration expiry date see section 23(3).

renewal application has the meaning given in the Animal Management Act.

reserve—

- (a) has the meaning given in *Local Law No. 9 (Parks and Reserves)*; but
- (b) includes—
 - (i) land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act; and
 - (ii) other land held in trust by the local government; and
 - (iii) a park.

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

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

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

restricted dog permit has the meaning given in the Animal Management Act.

²⁰ The local government has a general power to determine fees under s 1071A of the Act.

Rural Industry has the meaning given in the planning scheme²².

sale includes the following —

- (a) exchange, give or sell; and
- (b) possess for sale or supply; and
- (c) offer or agree to exchange, give, sell or otherwise supply; and
- (d) cause or permit to be given, supplied or otherwise sold.

suitably fenced see section 60(3).

the Act means the *Local Government Act 1993*.

vehicle means a vehicle as defined in the *Transport Operations (Roads Use Management) Act 1995*.

veterinary surgeon has the meaning given in the Animal Management Act.

²² The planning scheme defines **Rural Industry** as any premises used, or intended for use, for the purposes of any industry handling, treating, processing and packing primary products produced on the land on which it is situated other than to a standard suitable for transport. The term includes sawmilling, when carried out in a rural area, a wholesale nursery, a turf farm, a piggery, a poultry farm, intensive lot feeding operations, servicing of and the storage of fuel for plant or equipment used for agricultural, Rural Industry or forestry purposes. The term does not include a shop, stall or retail sale of any products. It does not include any industry that processes mainly materials or produce sourced externally from the land on which it is situated.

Schedule 2 Prohibition or regulation of dogs upon parks, reserves, foreshores and beaches – description of areas for identification purposes.

sections 55 and 56

Part 1

The areas of park, reserve, foreshore and beach under the control of the local government where a person is prohibited from allowing a dog to be brought

Description of area for identification purposes	Real property description
Division 1	
1. Jacobs Well Swimming Enclosure, Jacobs Well Road, Jacobs Well as identified in schedule 3, map 1.	Lot 424 on plan WD 6275, County of Ward, Parish of Albert.
Division 2	
2. Coombabah Reserve, Coombabah other than the local government's animal pound as identified in schedule 3, map 2.	Lot 5 on RP 868568, County of Ward, Parish of Barrow.
Division 3	
3. Saltwater Park, Hope Island Drive, Hope Island as identified in schedule 3, map 3.	Lot 98 on SP 122935, County of Ward, Parish of Coomera.
4. Paradise Point Swimming Enclosure, but limited to the area east of the footpath, north to the stormwater pipe protruding into the Broadwater and south to the Ephriam Island Bridge as identified in schedule 3, map 4.	Lot 128 on SP 146946, County of Ward, Parish of Barrow.
5. All parks, reserves and bathing reserves on South Stradbroke Island.	
6. Runaway Bay Sports Complex and sporting fields at Lae Drive, Runaway Bay as identified in schedule 3, map 5.	Lot 268 on CP862915, Lot 1 on SP 126865 and Lot 4 on SP 116505, County of Ward, Parish of Barrow.
Division 4	

Description of area for identification purposes	Real property description
7. Harley Park Swimming Enclosure, Labrador (including the lagoon area) as identified in schedule 3, map 6.	Lot 126 on SP 153558, County of Ward, Parish of Barrow.
8. Sporting fields, Keith Hunt Park, Musgrave Avenue, Labrador as identified in schedule 3, map 7.	Lots 101 and 249 on SP 138895 and lot 3 on CP 911934, County of Ward, Parish of Barrow.
Division 6	
9. Washington Waters Park Swimming Enclosure, Marine Parade, Southport as identified in schedule 3, map 8.	Near Lot 209 on plan WD 6339, County of Ward, Parish of Nerang.
10. Musgrave Recreation Park, Musgrave Avenue, Southport as identified in schedule 3, map 9.	Lot 303 on SP 120554, County of Ward, Parish of Nerang.
11. The Ashmore Athletics Track area at the Ashmore Community Centre, Community Drive, Ashmore as identified in schedule 3, map 10.	Lot 424 on plan WD 5770, County of Ward, Parish of Nerang
Division 7	
12. Surfers Paradise Beach, from Lifeguard Tower No. 37 at Higman Street, south to Lifeguard Tower No. 33 at Clifford Street, Surfers Paradise as identified in schedule 3, map 11.	Adjacent to lot 1 on RP 115538, County of Ward, Parish of Gilston.
13. Budds Beach Reserve, Budds Beach, as identified in schedule 3, map 12.	Adjacent to lot 219 on plan WD 2851, County of Ward, Parish of Gilston.
14. Within 200m of any bathing area in a bathing reserve in the area of the local government.	
15. The lake area commonly known as the Evandale Swimming Enclosure behind the Surfers Paradise Administration Centre, Bundall as identified in schedule 3, map 13.	Lot 4 on SP 148594, County of Ward, Parish of Nerang.
Division 9	
16. Firth Park, Somerset Drive, Mudgeeraba as identified in schedule 3, map 14.	Lot 32 on plan SP 184243, County of Ward, Parish of Gilston.
16A. Hinterland Regional Park, Hardys Road, Mudgeeraba as identified in schedule 3, map 38.	Lot 3 on RP 92347, County of Ward, Parish of Mudgeeraba.

Description of area for identification purposes	Real property description
Division 10	
17. Gold Coast Regional Botanic Garden, Benowa, but limited to the area adjacent to the ponds as identified in schedule 3, map 15.	Lot 531 on WD4057, Lot 503 on WD4418, Lot 394 on WD4057 and Lot 2 on plan RP 868750 County of Ward, Parish of Nerang.
18. Within 200m of any bathing area in a bathing reserve in the area of the local government.	
Division 11	
19. Within 200m of any bathing area in a bathing reserve in the area of the local government.	
Division 12	
20. Burleigh Heads Beach, Burleigh Heads, from the concrete drain south to the National Park and including John Laws Park and Apex Park, Goodwin Terrace as identified in schedule 3, map 16.	Adjacent to lot 21 on CP 857837, County of Ward, Parish of Mudgeeraba.
21. Within 200m of any bathing area in a bathing reserve in the area of the local government.	
Division 13	
22. Part of Schusters Park, Tallebudgera, including the pony club field, dressage arena and habitat area as identified in schedule 3, map 17.	Lot 2 on RP 124746 and lot 504 on RP 173609, County of Ward, Parish of Mudgeeraba.
23. The barbecue and children's playground areas at Murlong Crescent Park, Palm Beach as identified in schedule 3, map 18.	Lot 161 on CP 903696, County of Ward, Parish of Mudgeeraba.
24. The Tallebudgera Tourist Park and adjacent Swimming Enclosure and foreshore area of Tallebudgera Creek other than the walkway around the Tallebudgera Tourist Park as identified in schedule 3, map 18.	Lot 160 on CP 903695, County of Ward, Parish of Tallebudgera.
25. Tallebudgera Creek Estuary, but limited to the eastern side of the Gold Coast Highway to the Groyne, Currumbin as identified in schedule 3, map 19.	Lot 294 on Plan WD 5405, County of Ward, Parish of Tallebudgera.
26. The southern side of Currumbin Creek as identified in schedule 3, map 20.	Lot 198 on plan WD 4601, County of Ward, Parish of Tallebudgera.

Description of area for identification purposes	Real property description
27. Palm Beach Parklands, Palm Beach, but limited to the area of Tarraborra Reserve identified in schedule 3, map 21.	Lot 242 on plan WD 4471, County of Ward, Parish of Tallebudgera.
28. Within 200m of any bathing area in a bathing reserve in the area of the local government.	
Division 14	
29. The area of Currumbin Estuary identified in schedule 3, map 22.	Lot 198 on plan WD 4601, County of Ward, Parish of Tallebudgera.
30. The area of bathing reserve south of the drainage outlet commonly known as Kirra Beach, Coolangatta as identified in schedule 3, map 23.	Parallel to lot 203 on Plan WD 2895 and lot 347 on SP 138244, County of Ward, Parish of Tallebudgera.
31. The area of bathing reserve commonly known as Coolangatta and Greenmount Beaches as identified in schedule 3, map 24.	Parallel to lot 347 on SP 138244 and lot 201 on SP 138246, County of Ward, Parish of Tallebudgera.
32. The area of bathing reserve commonly known as Rainbow Bay and Snapper Rocks as identified in schedule 3, map 25.	Parallel to lot 304 on SP 138243, County of Ward, Parish of Tallebudgera.
33. Within 200m of any bathing area in a bathing reserve in the area of the local government.	

Part 2**The areas of park, reserve, foreshore and beach under the control of the local government which are designated as an Off Leash Dog Exercise Area**

Description of area for identification purposes	Real property description
Division 1	
1. August Burow Park, Alberton Road, Alberton.	Lot 1 on plan SP 104045, County of Ward, Parish of Albert.
2. Cecil Zipf Park, Rocky Point Road, Woongoolba.	Lot 1 on RP 111597, County of Ward, Parish of Albert.
3. Jacob Court Reserve, Gannon Way, Upper Coomera.	Lot 501 on SP 185696, County of Ward, Parish of Coomera.
4. Maidenwell Park, corner of Ravensthorpe and Maidenwell Road, Ormeau, but limited to the area enclosed by fence, as identified in schedule 3, map 26.	Lot 914 on SP196077, County of Ward, Parish of Albert.
5. Helmore Park, Jacobs Well, as identified in schedule 3, map 27, but limited to the area indicated by signage.	Lot 85 on RP 88606, County of Ward, Parish of Albert.
6. Vennor Reserve, Ormeau, but limited to the area enclosed by fence, as identified in schedule 3, map 28.	Lot 777 on SP 144961, County of Ward, Parish of Darlington.
Division 2	
7. Gambamora Park, Riverside Road, Oxenford, but limited to the area indicated by signage.	Lot 199 on RP 142509, County of Ward, Parish of Barrow.
8. John Siganto Reserve, John Siganto Road, Upper Coomera.	Lot 8 on RP 98599, County of Ward, Parish of Cedar.
9. The Village Park, east of Studio Drive, off Hepburn Court, Oxenford.	Lot 903 on RP 801740, County of Ward, Parish of Barrow.
10. The area of Rugby Park behind the kindergarten at Ashford Road, Helensvale to the swimming pool as indicated by signage.	Lot 989 on RP 220449, County of Ward, Parish of Barrow.
11. The area of Salix Reserve, Helensvale, between Mildura Drive and the railway line.	Lot 221 on plan WD 5321, County of Ward, Parish of Barrow.
12. That part of Careel Reserve, Helensvale, from Careel Close to the sewage pump station.	Lot 13 on SP 108081, County of Ward, Parish of Barrow.

Description of area for identification purposes	Real property description
13. Discovery Park, Discovery Drive, Helensvale. Limited to the area indicated by signage.	Lot 254 on plan WD 5900, County of Ward, Parish of Barrow.
14. Samford Court Reserve, Samford Court, Helensvale.	Lot 923 on RP 810806, County of Ward, Parish of Barrow.
15. Salt Water Creek Park, Oxenford, as identified in schedule 3, map 29, but limited to the area enclosed by fence.	Lot 999 on SP 188843, County of Ward, Parish of Cedar.
Division 3	
16. Boat Harbour Park, Abalone Avenue, Paradise Point, but limited to the area indicated by signage.	Lot 274 on plan WD 3763, County of Ward, Parish of Barrow.
17. Saltwater Park, Helensvale Road, Hope Island as identified in schedule 3, map 3.	Lot 98 on SP122935, County of Ward, Parish of Coomera.
18. Bayview Park, corner of Hyacinth Avenue and Bayview Street, Hollywell.	Lot 198 on plan WD5061, County of Ward, Parish of Barrow.
19. Chiba Street Park, Chiba Street, Coombabah.	Lot 197 on plan WD 5464, County of Ward, Parish of Barrow.
20. Runaway Bay Sports Complex, behind the basketball stadium off Lae Drive, Runaway Bay as identified in schedule 3, map 5.	Lot 1 on SP 126865, County of Ward, Parish of Barrow.
Division 4	
21. O'Connell Park, corner Morala Avenue and Ocean Street, Biggera Waters.	Lot 76 on RP 7372, County of Ward, Parish of Barrow.
22. Collingwood Court parkland and the Biggera Creek retardation basin from Olsen Avenue to Napper Road, Labrador.	Lot 1 on RP 223934, County of Ward, Parish of Barrow.
23. Nick Pavlis Park, Brown Street, Labrador (fenced agility area only).	Lot 292 on plan WD 4133, County of Ward, Parish of Barrow.
24. Runaway Bay Lions Club Park, Medika Street, Runaway Bay.	Lot 629 on plan WD 6424, County of Ward, Parish of Barrow.
Division 5	
25. Galapagos Park, Galapagos Way, Pacific Pines.	Lot 315 on plan SP 107094; Lot 967 on plan RP 893912 and Lot 957 on plan RP 893914, County of Ward, Parish of Barrow.

Description of area for identification purposes	Real property description
26. Arthur Earle Park and Burchill Park, Nerang on the eastern side of the Pacific Highway but excluding all access roads leading to the Off Leash Dog Exercise Area.	Lot 620 on SP 105702, County of Ward, Parish of Gilston.
27. Swift Park, Centurion Crescent, Nerang.	Lot 3 on SP 146948, County of Ward, Parish of Nerang.
28. Kamholtz Family Park, Souter Street, Nerang (fenced agility area only).	Lot 2 on CP 852903, County of Ward, Parish of Nerang.
29. Morgan Family Park, Birribi Avenue, Nerang.	Lot 95 on RP 159548, County of Ward, Parish of Nerang.
30. Aaron Andrews Park, Bushmead Street, Nerang.	Lot 461 on plan WD 5585, County of Ward, Parish of Nerang.
31. Carol Moore Park, Dugandan Street, Nerang (north east section only).	Lot 900 on plan WD 5828, County of Ward, Parish of Nerang.
Division 6	
32. Mitchell Park, Marine Parade, Southport as identified in schedule 3, map 30.	Lot 533 on SP 123105, County of Ward, Parish of Nerang.
33. Abbot Park, east of Parkwood Boulevard to the golf course, west of drain to Woodland Way, Parkwood.	Lot 993 on plan WD 6456, County of Ward, Parish of Barrow.
34. Matron & Sister Higman Park, Brighton Parade, Southport.	Lot 580 on plan WD 6742, County of Ward, Parish of Nerang.
35. James Overell Park, Brighton Parade, Southport.	Lot 554 on plan WD 3901, County of Ward, Parish of Nerang.
36. Buckley Family Park, Bambarra Street, Southport.	Lot 2 on plan WD 6123, County of Ward, Parish of Nerang.
37. Musgrave Recreation Park, Musgrave Avenue, Southport as identified in schedule 3, map 9.	Lot 303 on SP 120554, County of Ward, Parish of Nerang.
38. Black Stump Park, Wardoo Street and Baratta Street, Southport.	Lot 4 on RP 841238, County of Ward, Parish of Nerang.
39. Regatta Parade Park, Regatta Parade, Southport as identified in schedule 3, map 31 – 5.00a.m. to 7.00a.m. and 5.00p.m. to 7.00p.m. daily.	Adjacent to lot 1 on RP213231, County of Ward, Parish of Nerang.
40. Green Glen Park, Expo Court, Ashmore	Lot 563 on plan WD 4328, County of Ward, Parish of Nerang.

Description of area for identification purposes	Real property description
Division 7	
41. Benowa Park, Sylvan and Evans Drive, Benowa.	Lot 999 on RP 128426, County of Ward, Parish of Nerang.
42. Scenic Park, at the end of Scenic Avenue, Benowa.	Lot 157 on RP 97039, County of Ward, Parish of Nerang.
43. Ward Park, Dandar Drive, Southport.	Lot 157 on RP 844060, County of Ward, Parish of Nerang.
44. Merinda Park, Merinda Way, Southport.	Lot 573 on plan WD 4767, County of Ward, Parish of Nerang.
45. Lilli Pilli Park, Lilli Pilli Drive, Southport.	Lot 434 on plan WD 4754, County of Ward, Parish of Nerang.
46. Coolibah Park, Tongarra Street, Southport.	Next to Lot 191 on RP 191982, County of Ward, Parish of Nerang
47. Keebra Park Reserve, Blake Street to Minnie Street, Southport.	Lot 140 on plan WD 5894, County of Ward, Parish of Nerang.
48. Chevron Island Park, Thomas Drive, Chevron Island.	Lot 43 on RP 93882, County of Ward, Parish of Nerang.
49. Ron Short Park, Alicia Street, Southport.	Lot 550 on RP 841237, County of Ward, Parish of Nerang.
50. Franquin Park, The Corso, Isle of Capri.	Lot 495 on plan WD 3742, County of Ward, Parish of Nerang.
51. Paradise Waters Park, Commodore Drive, Surfers Paradise.	Lot 604 on plan WD 4449, County of Ward, Parish of Gilston.
52. The area of foreshore between the Seaway and Muriel Henchman Avenue as indicated by signage.	Lot 2 on SP 104014, County of Ward, Parish of Gilston.
Division 8	
53. Robina Capes Waterway Park, Markeri Street, Clear Island Waters.	Lot 954 on RP 809047, County of Ward, Parish of Gilston.
54. Boonooroo Park, Hickey Way, Carrara.	Lot 3 on SP 188780, County of Ward, Parish of Gilston.

Description of area for identification purposes	Real property description
55. Glenmore Park, Galloway Drive, Ashmore.	Lot 9 on RP 222742, County of Ward, Parish of Nerang.
56. Sun Valley Park, Sun Valley Drive, Ashmore.	Lot 53 on RP 844068, County of Ward, Parish of Nerang.
57. The eastern side of Robina Parkway, Robina opposite Boowaggan Road.	Lot 1 on RP 809096, County of Ward, Parish of Gilston.
58. Stoner Family Park, Merridown Drive, Carrara.	Lot 17 on RP 809897, County of Ward, Parish of Gilston.
59. Takasu Gardens, Markeri Street, Clear Island Waters.	Lot 968 on RP 904508, County of Ward, Parish of Gilston.
60. Markeri Park, Markeri Street, Clear Island Waters	Lot 847 on RP 226765, County of Ward, Parish of Gilston.
Division 9	
61. Campbell Duncan Park, Franklin Drive, Mudgeeraba.	Lot 498 on plan SP 200789, County of Ward, Parish of Gilston.
62. Explorers Way Northern Linear Park, Alexander Drive, Nerang.	Lot 330 on RP 222763, County of Ward, Parish of Gilston.
63. Pioneer Downs Park, Vince Hinde Drive, Worongary.	Lot 454 on plan WD 5668, County of Ward, Parish of Gilston.
64. Syd Duncan Park, Beechmont Road, Lower Beechmont, but limited to the fenced enclosure.	Lot 1 on RP 175981, County of Ward, Parish of Witheren.
65. Davenport Park, Jackmans Road, Bonogin.	Lot 1 on SP 124529, County of Ward, Parish of Mudgeeraba.
66. Hinterland Regional Park, Hardys Road, Mudgeeraba as identified in schedule 3, map 39 but limited to the area indicated by signage.	Lot 3 on RP 92347, County of Ward, Parish of Mudgeeraba.
67. Little Nerang Road Park, Mudgeeraba as identified in schedule 3, map 32.	Lot 33 on RP 138232, County of Ward, Parish of Gilston.
Division 10	
68. Hart Park, Alaska Avenue and Cypress Drive, Broadbeach Waters.	Lot 125 on plan WD 5755, County of Ward, Parish of Gilston.
69. Pratten Park, Old Burleigh Road, Broadbeach (south of the Kurrawa Surf Club car park).	Lot 1 on SP 134184, County of Ward, Parish of Gilston.

Description of area for identification purposes	Real property description
70. Gooding Park, Cleland Crescent, Broadbeach Waters.	Adjacent to lot 1 on RP 109938, County of Ward, Parish of Gilston.
71. Albert Park, Fremar Street, Broadbeach Waters but excluding all designated pathways.	Lot 100 on SP 125892, County of Ward, Parish of Gilston.
72. Moana Park, Kalimna Drive, Broadbeach Waters.	Lot 263 on plan WD 3116, County of Ward, Parish of Gilston.
73. Gladys Moncrieff Park, Boomerang Crescent, Sorrento.	Lot 274 on plan WD 3971, County of Ward, Parish of Nerang.
74. Gold Coast Regional Botanic Garden, Benowa as identified in schedule 3, map 15, but excluding all access roads leading to the Dog Off Leash Exercise Area.	Lot 3 on RP 222146 and Lot 1 on RD6104 County of Ward, Parish of Nerang.
Division 11	
75. Elfin Park, Christine Avenue, Robina.	Lot 887 on SP 113440, County of Ward, Parish of Gilston.
76. Jack Wilson Park, Cheltenham Drive, Robina.	Lot 871 on RP 864354, County of Ward, Parish of Gilston.
77. Kerrydale Park, Priddey's Road, Robina.	Lot 921 on RP 226425, County of Ward, Parish of Gilston.
78. Robina Common, the western end off Brighton Court, Robina, including the fenced agility area.	Lot 8 on RP 225558, County of Ward, Parish of Gilston.
79. Orpheus Park, Robina, as identified in schedule 3, map 33, but limited to the area indicated by signage.	Lot 801 on RP 226654, Lot 893 on RP 800187 and Lot 989 on RP 220442, County of Ward, Parish of Gilston.
80. Frascott Park, Varsity Lakes, as identified in schedule 3, map 34, but limited to the area enclosed by fence.	Lot 618 on RP 226654, County of Ward, Parish of Gilston.
Division 12	
81. Deodar Park next to Burleigh Knoll, Burleigh Street, Burleigh Waters.	Lot 609 on plan WD 4762, County of Ward, Parish of Gilston.

Description of area for identification purposes	Real property description
82. Pizzey Park, Oceanic Drive, Mermaid Waters, but limited to the area around the lake between the tennis courts and the athletics track as indicated by signage.	Lot 1 on RP 164605, County of Ward, Parish of Gilston.
83. Ernie Tebb Park, Mountain View Avenue, Miami, but limited to the northern half of the park.	Lot 543 on plan WD 3721, County of Ward, Parish of Gilston.
84. Reserve between Connor and Ocean Street, Burleigh Heads, but limited to fenced area as identified in schedule 3, map 35.	Lot 10 on plan WD 6645, County of Ward, Parish of Mudgeeraba.
85. Burleigh Lake Park, Burleigh Heads, as identified in schedule 3, map 36, but limited to the area indicated by signage.	Lot 102 on RP 906831, County of Ward, Parish of Mudgeeraba.
Division 13	
86. Mallowa Drive Sports Complex, 19th Avenue, Melaleuca Drive, Palm Beach, but limited to the western side of the complex as indicated by signage.	Lot 358 on SP 201965, County of Ward, Parish of Tallebudgera.
87. Part of Schusters Park, Tallebudgera, as identified in schedule 3, map 17.	Lot 506 on RP 174004, County of Ward, Parish of Mudgeeraba.
88. Elanora Oval, Park Court, Elanora.	Lot 702 on plan WD 813952, County of Ward, Parish of Tallebudgera.
89. Salk Oval, Thrower Drive, Palm Beach but excluding all marked playing fields.	Lot 234 on plan WD 800479, County of Ward, Parish of Tallebudgera.
90. Laguna Park, Laguna Avenue, Palm Beach, but limited to the area around the lake.	Lot 3 on RP 102521, County of Ward, Parish of Tallebudgera.
91. The area north of the Tallebudgera bathing reserve to the Tallebudgera Creek Entrance as identified in schedule 3, map 19.	Near lot 151 on SP 168847, County of Ward, Parish of Tallebudgera.
92. Eddie Kornhauser Reserve, Guineas Creek Road and Casuarina Drive, Elanora as indicated by signage.	Lot 902 on RP 886556, County of Ward, Parish of Tallebudgera.
93. The area north of the Currumbin Groyne and Rockview Public Park as identified in schedule 3, map 21.	Adjacent to lot 258 on plan WD 5078, County of Ward, Parish of Tallebudgera.

Description of area for identification purposes	Real property description
94. Wonga Park, Tallebudgera as identified in schedule 3, map 37, but limited to the area indicated by signage.	Lot 996 on RP 898503, County of Ward, Parish of Mudgeeraba.
Division 14	
95. Goodwin Park, Jarvis Lane, Coolangatta, but limited to the area east of the divided road near the Cenotaph.	Lot 153 on plan WD 1807, County of Ward, Parish of Tallebudgera.
96. Betty Diamond Sports Complex, but limited to the area adjacent to Boyd Street, Bilinga as identified in Schedule 3, map 40.	Lot 31 on SP 197355, County of Ward, Parish of Tallebudgera.
97. Atkin Park, Station Street, Tugun, but limited to the northern end adjacent to the bowls club as indicated by signage.	Lot 2 on RP 96896, County of Ward, Parish of Tallebudgera.
98. Robinson Park, Tallebudgera Creek Road, Tallebudgera.	Lot 16 on RP 139520, County of Ward, Parish of Tallebudgera.
99. George Dacca Bramley Park, corner Tallebudgera Creek Road and Rusty Court, Tallebudgera.	Lot 100 on CP 882787, County of Ward, Parish of Tallebudgera.
100. Ridge Top Park, Currumbin Creek Road, Currumbin.	Lot 26 on plan WD 5655, County of Ward, Parish of Tallebudgera.