

Glenorchy City Council
Animal Management By-Law 2025

By-Law No. 1 of 2025
Adopted by Council on 31 March 2025

Glenorchy City Council Animal Management By-Law 2025

Contents

	Page
Preliminary	2
1 Short title.....	2
2 Dictionary	2
Control and Management of Animals	4
3 Control of Animals.....	4
4 Maintenance of premises used by Animals	4
5 Pest Animals	5
6 Keeping of Farm Animals	5
7 Keeping bees	6
8 Stables	6
Permits	7
9 Permit applications and transfers.....	7
10 Permit approval or refusal	7
11 Permit cancellation or suspension	8
Seizure and Detention of Animals	8
12 Seizure and detention by Authorised Person	8
Notices and Enforcement	8
13 Direction of Authorised Persons	8
14 Infringement notices	9
15 Continuing offences	10
16 Supply of name and address	10
Schedule 1 Specified Offences	11

Glenorchy City Council

Animal Management By-Law 2025

Preliminary

1 Short title

- (1) This By-Law may be cited as the Animal Management By-Law.

2 Dictionary

- (1) In this By-Law—

Animal includes any live vertebrate, other than a human being;

Animal House means a building or structure used for the housing of any animal that includes a kennel, pen, poultry house, aviary, but does not include a Stable.

Attack includes bite, menace, harass, threaten or chase;

Authorised Person means -

- (a) an employee of the Glenorchy City Council who has been assigned duties related to compliance with legislation and Council policies; or
- (b) any other person authorised by the Chief Executive Officer; or
- (c) a police officer;

Chief Executive Officer means the General Manager of the Council appointed under the *Local Government Act 1993* (Tas) or their delegate.

Code of Practice means any relevant and applicable Code of Practice for the purpose of Animal husbandry and welfare and includes the Glenorchy City Council Code of Practice “Animal Keeping”;

Council means the Glenorchy City Council established under the *Local Government Act 1993* (Tas);

Effective Control means -

- (a) secured within the boundary of private premises, or
- (b) on a leash and under the direct supervision of a competent person; or

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- (c) confined or controlled by such other adequate and/or lawful method that prevents uncontrolled Animal activity.

Farm Animal means a horse, stock or any other Animal that is commonly farmed or grazed;

Foul means to excrete on, dig into, or damage property;

Obstruct means to resist, hinder, assault, verbally abuse, threaten, harass, intimidate, or impede;

Owner includes -

- (a) the person who legally owns, or normally keeps and cares for an Animal; or
- (b) a person who accepts responsibility, or adopts duty of care and control, of an Animal; or
- (c) if the Owner is a minor, that minor's parent or guardian.

Occupier means in relation to premises, includes a person who has, or is entitled to, possession or control of the premises;

Penalty Units means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

Permit includes a letter, ticket, licence, lease, or other form of written approval issued by Council for the purposes of allowing or regulating the activities described in this By-Law;

Permit Holder means the holder of a Permit;

Pest Animal means a non-native Animal with no identifiable Owner, including non-native species that cause harm or nuisance to human activities, agriculture, the environment, or native wildlife;

Poultry includes chickens (including hens and roosters) and any other commonly farmed or grazed avian species;

Public Land means land owned, vested in or managed by Council of any Government department, agency or instrumentality;

Residential Area means the General Residential, Inner Residential, or Low Density Residential zone of the Tasmanian Planning Scheme (Glenorchy);

Road means a highway in the municipality of Glenorchy and includes, but is not limited to, any part of a —

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- (a) local highway as defined by the *Local Government (Highways) Act 1982* (Tas);
 - (b) footpath or cycleway;

Stable means any structure, or building, used for the keeping of horses or stock.

Control and Management of Animals

3 Control of Animals

- (1) The Owner of any Animal must ensure that their Animal does not:
 - (a) enter, remain on, or Foul any private property without the consent of the Occupier of such property; or
 - (b) enter, or remain on, any Public Land unless there is a sign displayed on that land authorising the presence of that kind of Animal; or
 - (c) Attack another Animal or person; or
 - (d) create a noise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort, or convenience of any person in any premises or public place.

Penalty: Fine not exceeding 5 Penalty Units.

- (2) Clause 3(1) of this By-Law does not apply to domestic dogs.

4 Maintenance of Premises Used by Animals

- (1) The Owner of any Animal, in relation to the land where they are kept, must:
 - (a) Use adequate materials for any fencing, and keep such fencing maintained, to ensure the Effective Control of the Animal being kept;
 - (b) keep any Animal House and areas to which Animals have access, in a clean and sanitary condition;
 - (c) regularly maintain any area or container used for the

keeping of Animal waste or Animal food and keep such area in a clean and sanitary condition; and

- (d) not have an Animal House situated within 1 metre of an adjoining property or Road boundary.

Penalty: Fine not exceeding 5 Penalty Units.

- (2) A person must not discharge, deposit, allow, or permit the discharge or deposition of any Animal waste, including but not limited to faeces;
 - (a) onto any other property; and/or
 - (b) into any watercourse or drain,

Penalty: Fine not exceeding 5 Penalty Units.

5 Pest Animals

- (1) A person must not feed, encourage, or harbour Pest Animals.

Penalty: Fine not exceeding 5 Penalty Units.

6 Keeping of Farm Animals

- (1) A person must not keep, or allow to be kept, a Farm Animal other than Poultry, on any land in a Residential Area without a Permit.

Penalty: Fine not exceeding 5 Penalty Units.

- (2) A person may keep Poultry in a Residential Area without a Permit, provided that:
 - (a) no roosters are kept; and
 - (b) if the property allotment size is
 - i. greater than 400m², but less than 1000 m², the number of Poultry being kept does not exceed 6 birds; or
 - ii. 1001 m² or greater and the number of Poultry being kept does not exceed 12 birds; and
 - (c) a breach of this By-Law is not being committed.

Failure to comply with subclauses (a)-(c) constitutes an offence under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

7 Keeping Bees

- (1) The maximum number of beehives a person can keep on a property allotment size, in a Residential Area without a Permit, is as follows:
- (a) up to 400 m² – 0 hives
 - (b) 401m² to 1000m² – 2 hives
 - (c) 1001m² to 3000m² – 5 hives
 - (d) 3001m² and above – 10 hives

Failure to comply with subclauses (a)-(d) constitutes an offence under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

- (2) A person must not keep a beehive without a Permit within:
- (a) 4 metres of an adjoining private property boundary; and
 - (b) 25 metres of a Road or adjoining dwelling.

Penalty: Fine not exceeding 5 Penalty Units.

8 Stables

- (1) A Stable used for the keeping of a horse or stock must not be situated in a Residential Area or within 6 metres of a property boundary without a Permit.

Penalty: Fine not exceeding 5 Penalty Units.

- (2) An application for a Stable Permit cannot be considered until:
- (a) the person applying for the Permit has correctly advertised their intention to apply for a Stable Permit in a daily newspaper circulating throughout Council's municipal area; and
 - (b) 28 days since the publication of the notice of intention to apply for a Stable Permit has passed; and

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- (c) the Application submitted to Council includes a copy of the published Notice of Intention to Apply for a Stable Permit; and
 - (d) the Stable construction meets any requirements under the Tasmanian Planning Scheme (Glenorchy).

Permits

9 Permit applications and transfers

- (1) An application for a Permit, must be made in the prescribed form and be accompanied by the prescribed fee.
- (2) The Chief Executive Officer may request further information from an applicant, when assessing an application for a Permit.
- (3) A Permit Holder may apply to the Chief Executive Officer to transfer their Permit to another person.

10 Permit Approval or Refusal

- (1) The Chief Executive Officer may approve or refuse a Permit application.
- (2) When deciding whether to approve or refuse a Permit application, the Chief Executive Officer will consider factors including, but not limited to:
 - (a) the applicant's previous history of compliance with By-Laws and any other law relating to Animal management, public health, or environmental protection;
 - (b) whether the premises in the Permit application is suitable for the Permit; and
 - (c) the proposed manner in which the Animals are to be kept.
- (3) The Council or the Chief Executive Officer may impose any conditions on a Permit granted under this By-Law that they consider appropriate.
- (4) The Council or the Chief Executive Officer may grant a Permit of any duration and for single or multiple activities.
- (5) The holder of a Permit must not contravene the conditions of a Permit granted under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

11 Permit cancellation or suspension

- (1) The Chief Executive Officer may cancel or suspend a Permit if they reasonably believe that the Permit Holder is committing, has committed or attempted to commit an offence under this By-Law.
- (2) Before cancelling a Permit, the Chief Executive Officer is to:
 - (a) give one (1) month's written notice to the Permit Holder to show cause on, or before, a day specified on the notice why the Permit should not be cancelled; and
 - (b) give consideration to any representation made by the Permit Holder in respect to the notice given under clause 11 (2)(a).

Seizure and Detention of Animals

12 Seizure and detention by Authorised Person

- (1) An Authorised Person who reasonably believes an offence has been committed under this By-Law, may enter land, and seize an Animal or beehive relating to the commission of that offence.
- (2) As soon as reasonably practicable, the Chief Executive Officer will provide the Owner of any Animal or beehive seized under this By-Law with written notification of:
 - (a) a description of the Animal or beehive seized; and
 - (b) the alleged offence against this By-Law, being the reason for seizure; and
 - (c) conditions required to be met or fees required to be paid before the Animal or beehive can be released; and
 - (d) the fact that if the requirements of clause 12(2)(c) are not fulfilled and/or the Animal or beehive remains unclaimed, it may be rehomed, given away, sold, or humanely euthanised after ten working days.
- (3) If the Owner of an Animal or beehive seized under this By-Law cannot be identified, the Chief Executive Officer may, after three working days, rehome, give away, sell, or humanely euthanise it.

Notices and Enforcement

13 Direction of Authorised Persons

- (1) An Authorised Person may give a direction, verbally or in writing, to a person to—
 - (a) cease any conduct or activity which constitutes a breach of this By-Law; or

(b) take action to prevent or remedy a breach of the By-Law.

- (2) A direction given under this By-Law may be subject to such conditions and requirements and allow such time period as the Authorised Person may determine.
- (3) Unless otherwise specified in a direction, a person to whom the direction is given is to comply with the direction at their own cost.
- (4) A person must not without lawful excuse, fail to comply with a direction given under this By-Law.

Penalty: Fine not exceeding 20 Penalty Units.

- (5) The Chief Executive Officer may undertake the work required in a direction given pursuant to this By-Law if the person to whom a direction is given fails to comply with the direction within the time specified, or to the prescribed standard, in the direction.
- (6) Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this By-Law is a debt payable to Council by that person and is recoverable in a court of competent jurisdiction in addition to any penalty imposed under this By-Law.

Penalty: Fine not exceeding 10 Penalty Units.

- (7) A person must not Obstruct an Authorised Person in the performance of any function, or in exercising any power under this By-Law.

Penalty: Fine not exceeding 10 Penalty Units.

14 Infringement notices

- (1) An Authorised Person who reasonably believes an offence listed in Schedule 1 of this By-Law has been committed, may issue an infringement notice in respect of that offence which is to detail:
 - (a) The conduct constituting the offence under this B-Law; and
 - (b) The monetary penalty payable in respect of that offence.
- (2) The infringement notice may be issued for more than one offence.
- (3) Payment of the monetary penalty set out in an infringement notice must be made to Council in the manner specified in the infringement notice.
- (4) Payment of an infringement notice issued under this By-Law must be made to the Chief Executive Officer within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.

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- (5) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this By-Law.

15 Continuing offences

- (1) Where a person:
- (a) commits an offence under this By-Law; and
 - (b) is given notice of the offence; and
 - (c) continues to carry out the act or omission that constituted the offence after first being given notice of the offence; and
 - (d) is subsequently convicted of the offence,

—the person is liable to a further penalty of 2 Penalty Units for each day during which the act or omission continues after the person was given notice of the offence.
- (2) The penalty in clause (15) (1) does not displace the penalty specifically prescribed elsewhere for the offence and is to be imposed in addition to the penalty for the offence.
- (3) In this clause, convicted includes a deemed conviction, such as a result of a person paying an infringement notice or failing to appeal an infringement notice within a prescribed time limit.

16 Supply of name and address

- (1) An Authorised Person may require a person to give their name and address if the Authorised Person reasonably believes that the person is offending or has offended against this By-Law.
- (2) A person who fails or refuses to comply with a requirement under clause (16) (1) or who states a name or address that is false, is guilty of an offence.

Penalty: Fine not exceeding 5 Penalty Units.

17 Code of Practice

- (1) All Animals must be kept in accordance with the Code of Practice, adhering to best practice standards to ensure the highest level of care and welfare.

Schedule 1 Specified Offences

Column 1	Column 2	Column 3
Clause	General description of offence	Penalty units
3	Fail to control Animal	1
4(1)	Improper maintenance of premises	1
4(2)	Improper management of Animal waste	1
5	Feed, encourage, harbour Pest Animals	1
6(1)	Keeping of Farm Animals in a Residential Area without a Permit	1
6(2)	Keeping Poultry in breach of By-Law	1
7(1)	Keeping more beehives than Permitted	1
7(2)	Keeping beehive in breach of location regulations	1
8	Have a Stable in a Residential Area without Permit or within 6 metres of a property boundary	1
10(5)	Contravening a Permit	1
13(4)	Fail to comply with a direction	4
13(6)	Failure to pay debts incurred from expenses or non-compliant activities	2
13(7)	Obstructing an Authorised Person	2
16(2)	Fail to supply name or address, or give a false name or address.	1

Certified that the provisions of the By-Law are in accordance with the law



Michael John Jacques
Legal Practitioner

Dated this ^{4TH} day of April 2025 at Glenorchy

Certified that the By-law is made in accordance with the *Local Government Act 1993 (Tas)* AND
That the Common Seal of the Glenorchy City Council was affixed to the By-Law in accordance
with a decision of Council dated 31 May 2025



Tony McMullen
General Manager/CEO

Dated this ^{15th} day of April 2025 at Glenorchy

