Redland City Council

Subordinate Local Law No. 1.5 (Keeping of Animals) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 19 May 2021

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A. Chesterman
Chief Executive Officer

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Redland City Council

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the ***authorising local law***).

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 1 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

(1) Keeping of animals.

(2) Under *Local Law No. 2 (Animal Management) 2015*, the relevant approvals are described as —

(a) a 3 cat approval;

(b) a 3 dog approval;

(c) a 4 dog approval;

(d) a prescribed dog approval;

(e) a cattery approval;

(f) a kennel approval;

(g) a pet shop approval;

(h) a pet pig approval.

2. Activities that do not require an approval under the authorising local law

The keeping of animals at an animal entertainment park or an animal sanctuary.

3. Documents and materials that must accompany an application for an approval

(1) An application detailing—

(a) the species, breed, age and gender of each animal for which the approval is sought; and

(b) the number of animals to be kept; and

(c) the nature of the premises at which the animal or animals are to be kept; and

(d) the area, or the part of the area, in which the animal or animals are to be kept; and

(e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and

(f) the location of the enclosure on the premises; and

(g) if the application relates to a 3 cat approval, a 3 dog approval, a 4 dog approval or a prescribed dog approval – the written consent of the occupier of any land which borders the premises on which the animals are to be kept.

(2) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered with

the local government, for example, a registration notice for the animal from the local government.

4. Additional criteria for the granting of an approval

(1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.

(2) Whether a residence exists on the premises.

(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2015*.

(4) If the application relates to a 3 cat approval, a 3 dog approval, a 4 dog approval or a prescribed dog approval – whether compassionate grounds exist for granting the approval.

Example –

Compassionate grounds for the grant of an approval exists if—

(a) 2 dogs are registered with the local government as kept by a person (*the **first person***) on the premises; and

(b) another person (*the **second person***) is the keeper of another dog (*the **third dog***); and

(c) the second person is, due to the occurrence of an event (*the **intervening event***) which is beyond the reasonable control of the second person, for example, a serious injury, sickness or the death of the second person, unable to keep the third dog; and

(d) the first person, as a result of, or after the occurrence of, the intervening event, wishes to keep the third dog on the premises.

(5) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.

(6) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.

(7) Whether the grant of the approval for the prescribed activity on the premises is likely to —

(a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or

(b) affect the amenity of the surrounding area; or

(c) have a deleterious effect on the local environment or cause pollution or other environmental damage.

(8) Whether the applicant has been refused a similar type of approval by the local government or another local government.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions that will ordinarily be imposed on a 3 cat approval for premises are—

(a) a condition limiting the approval to the cats identified in the approval; and

(b) a condition requiring the holder of the approval to take reasonable steps to keep the cats from breeding; and

(c) a condition requiring that the premises be provided with an enclosure complying with the requirements of section 13 of *Local Law No 2 (Animal Management) 2015*; and

(d) a condition requiring that if 1 or more of the cats identified in the approval departs the premises, the approval shall be deemed to have lapsed; and

(e) a condition requiring the holder of the approval to take all reasonable steps to prevent the cats from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and

(f) a condition requiring that waste material and cat faeces be removed daily and disposed of in a manner approved by an authorised person; and

(g) a condition requiring that all enclosure areas be kept clean and sanitary and disinfected on a regular basis to the satisfaction of an authorised person; and

(h) a condition requiring that the holder of the approval ensure that all facilities for the keeping of cats on the premises are structurally maintained and in an aesthetically acceptable condition; and

(i) a condition requiring that all cats are permanently identified by the implanting of a microchip capable of being read by the local government's microchip reader.

(2) The conditions that will ordinarily be imposed on a 3 dog approval, a 4 dog approval or a prescribed dog approval for premises are—

(a) a condition limiting the approval to the dogs identified in the approval; and

(b) a condition requiring that if 1 or more of the dogs identified in the approval departs the premises, the approval shall be deemed to have lapsed; and

(c) a condition requiring the holder of the approval to 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) if a kennel, run or exercise yard is provided for the dogs — a condition requiring that the kennel, run or yard must be located not less than—

(i) 1m from any boundary of the premises; or

(ii) 5m from any residence, other than the residence upon the premises on which the enclosure is to be constructed, and

(e) a condition requiring that drainage and run off from kennels be confined to the premises; and

(f) a condition requiring that waste material and dog faeces be removed daily and disposed of in a manner approved by an authorised person; and

(g) a condition requiring that all kennel and enclosure areas be kept clean and sanitary and disinfected on a regular basis to the satisfaction of an authorised person; and

(h) a condition requiring that the holder of the approval ensure that all facilities for the keeping of dogs on the premises are structurally maintained and in an aesthetically acceptable condition; and

(i) a condition requiring the holder of the approval to take reasonable steps to keep the dogs from breeding; and

(j) a condition requiring that all dogs are permanently identified by the implanting of a microchip capable of being read by the local government's microchip reader.

(3) The conditions that will ordinarily be imposed on a cattery approval or a kennel approval are —

(a) a condition that the operation of the cattery or kennel must not —

(i) cause an odour nuisance to neighbouring premises; or

(ii) detrimentally affect the amenity of neighbouring premises; and

(b) a condition that 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; and

(c) a condition that 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; and

(d) a condition that only rain water from uncontaminated areas may drain directly into the storm water system; and

(e) a condition that 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 materials to any storm water system or waters; and

(f) a condition that the operation of the cattery or kennel must not attract fly breeding or vermin infestation; and

(g) a condition that —

(i) the cattery or kennel must be kept free of pests and conditions offering harbourage for pests; and

(ii) all feed must be stored in insect and vermin proof containers; and

(h) a condition that all fixtures, fittings, equipment and facilities at the cattery or kennel must be maintained in a clean, tidy, sanitary and hygienic condition; and

(i) a condition that waste waters from animals and 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; and

(j) a condition that waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the cattery or kennel must be provided in the manner and location specified by the local government; and

(k) a condition that all waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and

(l) a condition that the cattery or kennel, including all premises, buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to its operation, must be maintained at all times—

(i) in good working order and condition; and

(ii) in a clean and sanitary condition; and

(m) a condition that all enclosures which form part of the operation of the cattery or kennel must be provided and maintained in such a manner so as to—

(i) be clean and in a sanitary condition; and

(ii) prevent the escape of any animal kept in the enclosure; and

(iii) protect the safety of staff and the public; and

(iv) be in a state of good order and repair; and

(v) avoid injury to any animal kept in the enclosure; and

(vi) ensure the regular cleaning of all internal and external surfaces of the enclosures and regular checking of any animal within the enclosures; and

(vii) be impervious and able to be effectively cleaned and sanitised; and

(viii) ensure the comfort of any animal kept in the enclosure and the prevention of disease.

(4) The conditions that will ordinarily be imposed on a pet shop approval are—

(a) a condition that the premises must be maintained in a clean and sanitary condition at all times; and

(b) a condition that 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; and

(c) a condition that no dog or cat is to be sold unless registered or, alternatively, a register is supplied to the local government on a monthly basis giving full details of all dogs and cats sold including name and address of purchaser, date sold and full description of the dog or cat; and

(d) a condition that no dog or cat is to be sold unless all necessary vaccinations have been implemented; and

(e) a condition that all pet food must be stored in sealed vermin proof containers; and

(f) a condition that all cages and containers used for the keeping of animals must be thoroughly disinfected on a daily basis; and

(g) a condition that the keeper must comply with any request or direction of an authorised person which is considered necessary to keep the premises free of nuisance; and

(h) a condition that waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.

(5) Unless otherwise specified, the conditions in subsection (4) do not apply to the keeping of fish at premises the subject of a pet shop approval.

(6) The conditions that will ordinarily be imposed on a pet pig approval are—

(a) a condition requiring that the food of the pet pig is, so far as is practical, stored in a vermin proof container; and

(b) a condition requiring that drainage and run off from all shelters and enclosure areas be confined to the premises; and

(c) a condition requiring that waste material and faeces be removed daily and disposed of in a manner approved by an authorised person; and

(d) a condition requiring that all shelters and enclosure areas be kept clean and sanitary; and

(e) a condition requiring that the holder of the approval ensure that all facilities for the keeping of the pet pig on the premises are structurally maintained and in an aesthetically acceptable condition; and

(f) a condition requiring that the keeping of the pet pig does not have an adverse impact on—

(i) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and

(ii) the health or safety of people or other animals; and

(g) a condition requiring that environmental impacts from the keeping of the pet pig are properly managed; and

Examples of environmental impacts include—

1 erosion;

2 dust;

3 weed infestation;

4 water pollution.

(h) a condition requiring that any enclosure on the premises in which the pet pig is kept must—

(i) be constructed so as to prevent the pig from going within 25m of any residence, other than a residence upon the premises on which the enclosure is, or is to be, constructed; and

(ii) be constructed so as to prevent the pig from going within 5m of any boundary of the premises; and

(iii) be constructed so as to comply with the requirements of *Subordinate Local Law No. 2 (Animal Management) 2015*, section 9, including schedule 4, item 3; and

(i) a condition requiring that the pet pig be de-sexed; and

(j) if a code of practice for the keeping of pigs has been approved by the local government — a condition requiring that the pet pig must be kept in accordance with the requirements of the code of practice.

(7) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—

(a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*; and

(b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for the period during which the animal the subject of the approval is kept on the premises identified in the approval if the approval is—

(a) a 3 cat approval; or

(b) a 3 dog approval; or

(c) a 4 dog approval; or

(d) a prescribed dog approval; or

(e) a pet pig approval.

(4) An approval may be granted for a term of up to 2 years if the approval is —

(a) a cattery approval; or

(b) a kennel approval; or

(c) a pet shop approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 2 years if the approval is—

(a) a cattery approval; or

(b) a kennel approval; or

(c) a pet shop approval.

(3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 **Application requirement**	**Column 2** **Individuals or organisations that are third party certifiers**	**Column 3** **Qualifications necessary to be a third party certifier**
No application requirements stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

The categories of approval that are non-transferable are—

(a) a 3 cat approval; and

(b) a 3 dog approval; and

(c) a 4 dog approval; and

(d) a prescribed dog approval; and

(e) a pet pig approval.

Schedule 3 Dictionary

Section 4

animal entertainment park means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

Animal Management Act has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2015*.

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2015*.

proper enclosure means, for a particular type of animal or species or breed of animal, an enclosure meeting each of the requirements of Schedule 4 of *Subordinate Local Law No. 2 (Animal Management) 2015* for the particular animal and premises.

public place has the meaning given in *Local Law No. 1 (Administration) 2015*.

registered has the meaning given in the Animal Management Act.

residence has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2015*.

SEQ urban footprint has the meaning given in the *Planning Regulation 2017*.

waste has the meaning given in the *Environmental Protection Act 1994*.