

Rockhampton Regional Council Animal Management (Amendment) Subordinate Local Law (No. 1) 2023

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Prohibition on keeping animals)

(1) Schedule 1, items 1 to 14—

omit, insert—

1	Dog	<p>(a) More than 2 dogs over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <p>(i) a multiple dog approval; or</p> <p>(ii) a kennel approval; or</p> <p>(iii) a pet shop approval.</p> <p>(b) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog on premises if the premises are rural land or are in the rural zone in the planning scheme of the local government.</p> <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p> <p>(i) American pit bull terrier or pit bull terrier;</p> <p>(ii) dogo Argentino;</p> <p>(iii) fila Brasileiro;</p> <p>(iv) Japanese tosa;</p> <p>(v) Perro de Presa Canario or Presa Canario.</p>
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2	Cat	<p>More than 2 cats over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <p>(a) a multiple cat approval; or</p> <p>(b) a cattery approval; or</p> <p>(c) a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on premises with an area less than 2,000m ² .
4	Cow	A cow on premises with an area less than 2,000m ² .
5	Bull	A bull on premises with an area less than 10,000m ² .
6	Birds	<p>(a) More than 20 birds of the same or different species on premises with an area less than 801m².</p> <p>(b) More than 40 birds of the same or different species on premises with an area between 801m² and 2,500m².</p>
7	Pig (including a miniature pig)	A pig (including a miniature pig) on premises with an area less than 8,000m ² .
8	Ostrich or emu	An ostrich or emu on premises with an area less than 4,000m ² .
9	Racing pigeons	1 or more racing pigeons on premises with an area less than 800m ² .
10	Bees (other than native bees)	A hive on premises with an area less than 800m ² ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound (including a whippet)	More than 2 racing greyhounds over the age of 12 weeks on premises with an area less than 800m ² .
12	Racehorse	A racehorse on premises with an area less than 800m ² .
13	Stallion	<p>(a) A stallion on premises with an area less than 40,000m².</p> <p>(b) More than 1 stallion on a premises with an area less than 60,000m².</p>

14	European rabbit	A European rabbit on premises in the local government area.
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- (2) Schedule 1, section 1(a)—

omit, insert—

‘(a) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*; and’

- (3) Schedule 1, section 1(b)—

omit, insert—

‘(b) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023* did not contravene any provision of the authorising local law.’

4 Amendment of sch 2 (Requirement for approval to keep animal)

- (1) Schedule 2, items 1 to 14—

omit, insert—

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ¹
1	Dog	<p>(a) 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) —</p> <p style="padding-left: 20px;">(i) are kept on premises; and</p> <p style="padding-left: 20px;">(ii) the keeping of the dogs on the premises satisfies the criteria for the grant of a multiple dog approval.</p> <p>(b) 1 or more dogs on non-residential premises.</p> <p>(c) A guard dog on any premises.</p> <p>(d) A dog kept on residential premises—</p> <p style="padding-left: 20px;">(i) temporarily; but</p> <p style="padding-left: 20px;">(ii) for longer than 1 month.</p>

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Keeping of Animals) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

		<p>(e) 1 or more dogs kept in circumstances which require the grant of a kennel approval.</p> <p>(f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.</p>
2	Cat	<p>(a) 3 or more cats over the age of 12 weeks —</p> <p style="padding-left: 40px;">(i) are kept on premises; and</p> <p style="padding-left: 40px;">(ii) the keeping of the cats on the premises satisfies the criteria for the grant of a multiple cat approval.</p> <p>(b) 1 or more cats kept in circumstances which require the grant of a cattery approval.</p> <p>(c) 1 or more cats kept in circumstances which require the grant of a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	<p>(a) More than 1 animal to which this item 3 applies on premises with an area less than 20,000m².</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 3 applies kept on the premises is greater than 1 animal per 2,000m².</p>
4	Cow	More than 1 cow on premises, but excluding premises within an urban area, unless the density of the cows kept on the premises is less than 1 cow per 2,000m ² .
5	Bull	More than 1 bull on premises with an area not less than 10,000m ² .
6	Birds (other than nuisance birds)	<p>(a) More than 10, but not more than 20, birds of the same or different species on premises with an area less than 801m².</p> <p>(b) More than 20, but not than 40, birds of the same or different species on premises with an area between 801m² and 2,500m².</p>
7	Nuisance bird	1 or more nuisance birds on premises with an area less than 20,000m ² .
8	Pig (including a miniature pig)	<p>(a) More than 1 pig on premises with an area less than 20,000m² unless—</p> <p style="padding-left: 40px;">(i) the keeping of the pigs on the premises is authorised by a development approval; or</p>

		<p>(ii) the premises are situated on rural land and the responsible person for the pigs is a primary producer.</p> <p>(b) Subject to paragraph (a), unless the density of the pigs kept on the premises is less than 1 pig per 4,000m².</p>
9	Sheep, goat, or camelid	<p>(a) More than 1 animal to which this item 9 applies on premises with an area less than 20,000m².</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 9 applies kept on the premises is greater than 1 animal per 2,000m².</p>
10	Racing pigeons	1 or more racing pigeons on premises with an area of 800m ² or more.
11	Bees (other than native bees)	<p>(a) More than 2 hives on premises with an area between 800m² and 1,000m².</p> <p>(b) More than 5 hives on premises with an area between 1,001m² and 2,000m² (see Code of Practice for Urban Bee Keeping in Queensland 1998).</p>
12	Racing greyhound (including a whippet)	<p>(a) 3, 4 or 5 dogs to which this item 12 applies over the age of 12 weeks on premises with an area less than 10,000m².</p> <p>(b) 6,7 or 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area between 10,000m² and 100,000m².</p> <p>(c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area of more than 100,000m².</p>
13	Racehorse	1 or more racehorses on premises in an urban area.
14	Stallion	More than 1 stallion on premises with an area not less than 60,000m ² .

5 Amendment of sch 3 (Requirement to desex animal)

Schedule 3, items 1 to 4—

omit, insert—

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1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	<p>The requirement for desexing of dogs does not apply if—</p> <ul style="list-style-type: none"> (a) more than 2 dogs over the age of 12 weeks are kept on premises; and (b) the keeping of the dogs on the premises complies with the requirements of the authorising local law; and (c) the owner of the dogs is— <ul style="list-style-type: none"> (i) a recognised breeder; or (ii) a recognised animal carer; or (iii) a recognised show keeper.
2	Menacing dog.	The requirement for desexing applies once the menacing dog reaches 12 weeks of age.	No menacing dog is exempt from the requirement to be desexed.
3	Cat.	Refer to the exemption in column 3.	<p>The requirement for desexing of cats does not apply if—</p> <ul style="list-style-type: none"> (a) more than 2 cats over the age of 12 weeks are kept on premises; and (b) the keeping of the cats on the premises complies with the requirements of the authorising local law; and (c) the owner of the cats is— <ul style="list-style-type: none"> (i) a recognised breeder; or (ii) a recognised animal carer; or

			(iii) a recognised show keeper.
4	An animal of a species or breed, if the animal is declared to be a dangerous animal under the authorising local law, section 19.	The animal must be desexed by whichever is the later of— (a) the age of 12 weeks; and (b) within 1 month after the animal is declared as a dangerous animal.	The requirement for desexing of the animal does not apply if— (a) desexing is likely to be a serious risk to the health of the animal; and (b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the animal is likely to be a serious risk to the health of the animal.

6 Amendment of sch 4 (Minimum standards for keeping animals generally)

(1) Schedule 4, Section 1(e) —

omit, insert

‘(e) Ensure the animal kept on the premises does not persistently make a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience to occupiers of premises in the vicinity of the land on which the animal is ordinarily kept; and’

7 Amendment of sch 5 (Minimum standards for keeping particular animals)

Schedule 5, items 1 to 6—

omit, insert—

1	Racing greyhound (including a whippet)	Each owner of, and responsible person for, a racing greyhound must— (a) ensure that the racing greyhound is kept— (i) without nuisance; and (ii) if a code of practice for the keeping of racing greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and (b) not bring into, or permit the racing greyhound to be in, a public place unless the racing greyhound is muzzled so as to prevent the racing greyhound from biting.
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2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, camel, pig and other animals of a similar size or type	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary cockatiel, galah and other birds of a similar size or type	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice; and (f) the enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the racing pigeons are kept without nuisance; and (b) the racing pigeons are contained within an enclosed cage or aviary; and (c) the racing pigeon's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the racing pigeons are kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of racing pigeons has been approved by the local government—the racing

		<p>pigeons are kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the racing pigeons are kept is not located less than 2m from the side and rear boundaries of the premises.</p>
5	Bees, including native bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and</p> <p>(d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.</p>

6	Duck, drake, peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none">(a) the bird is kept without nuisance; and(b) the bird is contained within an enclosure; and(c) the bird’s food is stored in a properly sealed, vermin proof container; and(d) the enclosure in which the bird is kept is—<ul style="list-style-type: none">(i) thoroughly cleaned at least once each week; and(ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on premises with an area less than 2,000m²—located at the rear of, and behind, any residence situated on the premises; and(e) the enclosure in which the bird is kept is not located within a radius of 10m of—<ul style="list-style-type: none">(i) a residence on adjoining premises; or(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and(f) the enclosure in which the bird is kept is not located less than 2m from the side or rear boundaries of the premises.
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8 Amendment of sch 7 (Dog off-leash areas)

(2) Schedule 7, Section 11—

omit, insert

‘The areas shown in the local government’s ‘Dog Off-leash Area Register’, available for public inspection, and are designated pursuant to this subordinate local law as areas where animals are permitted in a dog off-leash area.’

9 Amendment of sch 13 (Dictionary)

(1) Schedule 13—

omit.

‘*registered breeder*, of dogs, has the meaning given in the Animal Management Act.’

insert—

‘*bees* means a stinging winged insect which collects nectar and pollen, produces wax and honey, and lives in large communities, excluding native bees.

native bees means the two genera, *Tetragonula* and *Ausroplebeia*.’

recognised breeder, of dogs, means a person who—

- (a) breeds dogs; and
- (b) is an accredited breeder as defined under the Animal Management (Cats and Dogs) Act 2008; or
- (c) another association recognised by the local government for the purposes of this definition.

This and the preceding 11 pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the 11th day of December 2023.



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Acting Chief Executive Officer