

COUNCIL OF THE SHIRE OF BEAUDESERT

Beaudesert Shire
A region of many colours



SUBORDINATE LOCAL LAW NO. 7.1

(ANIMAL KEEPING)

CONSOLIDATED AS AT 13 SEPTEMBER 2000

ANNOTATIONS

Original Local Law

Local Law No. 7 (Licensing)
date of gazettal 25 June 1999

Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2000
date of gazettal 30 June 2000

Original Subordinate Local Laws

Local Law Policy No. 7.1 (Animal Keeping)
date of public notice 28 June 1999

Local Law Policy No. 7.2 (Camping Grounds and Caravan Parks)
date of public notice 28 June 1999

Local Law Policy No. 7.3 (Rental Accommodation)
date of public notice 28 June 1999

Local Law Policy No. 7.4 (Advertisement)
date of public notice 28 June 1999

Local Law Policy No. 7.5 (Animal Vending)
date of public notice 28 June 1999

Local Law Policy No. 7.6 (Extractive Industry)
date of public notice 28 June 1999

Local Law Policy No. 7.7 (Domestic Water Distribution)
date of public notice 28 June 1999

Local Law Policy No. 7.8 (Itinerant Vending)
date of public notice 28 June 1999

Local Law Policy No. 7.9 (Stalls)
date of public notice 28 June 1999

Local Law Policy No. 7.10 (On-site Sewerage Facility)
date of public notice 28 June 1999

Local Law Policy No. 7.11 (Temporary Events)
date of public notice 28 June 1999

Local Law Policy No. 7.12 (Temporary Accommodation)
date of public notice 28 June 1999

Local Law Policy No. 7.13 (Film Production)
date of public notice 28 June 1999

Local Law Policy No. 7.14 (Home Based Business)
date of public notice 28 June 1999

Local Law Policy No. 7.15 (Blasting Operations)
date of public notice 28 June 1999

Amending Subordinate Local Laws

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate
Local Laws) 2000

date of public notice 13 September 2000

PUBLIC NOTICE

Local Government Act 1993

Beautesert Shire Council

Local Law Policies

In accordance with requirements of the Local Government Act 1993, the Council of the Shire of Beautesert gives notice that on 22 June, 1999 it passed a resolution making the following Local Law Policies:

● **Local Law Policy No. 2.1 (Standing Orders)** - is made under Local Law No 2 (Meetings) and provides procedures for dealing with items of business at Council meetings;

● **Local Law Policy No. 3.1 (Animal Control)** - is made under Local Law No 3 (Animal Control) and assists in regulating the keeping of animals;

● **Local Law Policy No. 4.1 (Cemeteries)** - is made under Local Law No 4 (Cemeteries) and provides acceptable standards for the disposal of human remains and requirements for the operation of cemeteries;

● **Local Law No. 5.1 (Business on Public Places Other Than Council Facilities)** - is made under Local Law No 5 (Council Facilities) and regulates business activities on public places other than Council facilities;

● **Local Law Policy No. 7.1 (Animal Keeping)** - is made under Local Law No 7 (Licensing) and regulates the keeping of animals;

● **Local Law Policy No. 7.2 (Camping Grounds and Caravan Parks)** - is made under Local Law No 7 (Licensing) and regulates the operation of camping grounds and caravan parks;

● **Local Law Policy No. 7.3 (Rental Accommodation)** - is made under Local Law No 7 (Licensing) and regulates the operation of rental accommodation;

● **Local Law Policy No. 7.4 (Advertisement)** - is made under Local Law No 7 (Licensing) and regulates advertisements in the local government area;

● **Local Law Policy No. 7.5 (Animal Vending)** - is made under Local Law No 7 (Licensing) and regulates animal vending;

● **Local Law Policy No. 7.6 (Extractive Industry)** - is made under Local Law No 7 (Licensing) and regulates the operation of an extractive industry;

● **Local Law Policy No. 7.7 (Domestic Water Carrier)** - is made under Local Law No 7 (Licensing) and regulates the quality of water supplied for domestic purposes;

● **Local Law Policy No. 7.8 (Itinerant Vending)** - is made under Local Law No 7 (Licensing) and regulates the operation of itinerant vending;

● **Local Law No 7.9 (Stalls)** - is made under Local Law No 7 (Licensing) and regulates the operation of stalls in the local government area;

● **Local Law Policy No. 7.10 (On-Site Sewerage Facility)** - is made under Local Law No 7 (Licensing) and regulates the operation of an on-site sewerage facility;

● **Local Law Policy No. 7.11 (Temporary Events)** - is made under Local Law No 7 (Licensing) and regulates the operation of temporary events;

● **Local Law Policy No. 7.12 (Temporary Accommodation)** - is made under Local Law No 7 (Licensing) and regulates the operation of temporary accommodation;

● **Local Law Policy No. 7.13 (Film Production)** - is made under Local Law No 7 (Licensing) and regulates the operation of film production;

● **Local Law Policy No. 7.14 (Home Based Business)** - is made under Local Law No 7 (Licensing) and regulates the operation of home based business;

● **Local Law Policy No. 7.15 (Blasting Operations)** - is made under Local Law No 7 (Licensing) and regulates blasting operations;

● **Local Law Policy No. 8.1 (Parks and Reserves)** - is made under Local Law No 8 (Parks and Reserves) and extends the operation of Part 2 and 3 of the Local Law to reserves and other public places and provides specific requirements for the protection of parks, reserves and other public places;

● **Local Law Policy No. 9.1 (Public Health)** - is made under Local Law No 9 (Public Health) and regulates activities that affect public health, including fire hazards and dangerous fencing; and

● **Local Law Policy No. 10.1 (Gates and Grids)** - is made under Local Law No 10 (Roads) and regulates the installation of gates and grids in the local government area.

The above Local Law Policies commence operation on 1 July 1999.

Certified copies of the Local Law Policies are open for inspection at Beautesert Shire Council's public office at 82 Brisbane Street, Beautesert and at the Department of Communication and Information, Local Government and Planning. Copies of the Local Law Policies may be purchased at Beautesert Shire Council's public office at a cost of \$0.50 per page.



G.W. Day
CHIEF EXECUTIVE OFFICER

PO Box 25
BEAUTESERT QLD 4265

CERTIFICATION

It is hereby certified that this is a true and correct copy of Subordinate Local Law No. 7.1 (Animal Keeping) made, in accordance with the *Local Government Act 1993*, by the Council of the Shire of Beaudesert.

G.W. Day
Chief Executive Officer

COUNCIL OF THE SHIRE OF BEAUDESERT

SUBORDINATE LOCAL LAW NO. 7.1

(ANIMAL KEEPING)

SUMMARY OF PROVISIONS

PART 1 - PRELIMINARY

- 1 Citation
- 2 Objects
- 3 Definitions

PART 2 - LICENSING

- 4 Definition of terms in the local law
- 5 Prescribed activity
- 6 Prescribed criteria
- 7 Application for a licence
- 8 Grant of a licence
- 9 Conditions of a licence

PART 3 - ENFORCEMENT

- 10 Records to be kept

COUNCIL OF THE SHIRE OF BEAUDESERT

SUBORDINATE LOCAL LAW NO. 7.1 (ANIMAL KEEPING)

This subordinate local law is to be read with Local Law No. 7 (Licensing)

Made by Council Resolution 22/06/99

PART 1 – PRELIMINARY

Citation

- 1 This subordinate local law may be cited as Subordinate Local Law No. 7.1 (Animal Keeping).

Objects

- 2 The object of this subordinate local law is to assist in the implementation of *Local Law No 7 (Licensing)* by:
 - (a) ensuring that the operation of animal keeping does not cause a nuisance; and
 - (b) protecting the welfare of animals and the health of the public from cross contamination by zoonotic infections.

Definitions

- 3 In this subordinate local law:

“**animal**” means any live mammal (other than a human being), reptile, amphibian, bird, poultry, fish or insect.

“**animal enclosure**” has the meaning given in *Local Law No 3 (Animal Control)*.

“**animal keeper**” means a person approved by the local government to keep an animal on approved premises.

“**animal work dog**” means a dog which:

- (a) is kept and used on premises which:
 - (i) is in excess of 20 hectares; and
 - (ii) is primarily used for the purpose of keeping cattle, sheep or goats; and
- (b) is owned by a person whose primary occupation is the keeping of cattle, sheep or goats.

“**approved premises**” means the premises on which a person has been licensed pursuant to *Local Law No 7 (Licensing)* to carry on the operation of animal keeping.

“**commercial kennel**” has the meaning given in the local government’s planning scheme.

“**domestic dog keeping**” has the meaning given in the local government’s planning scheme.

“**family**” of the owner of a dog means:

- (c) the brothers and sisters of the owner of the dog; and
- (d) the ascendants and descendants of the owner of the dog.

“**farm work dog**” has the meaning given in *Local Law No 3 (Animal Control)*.

“**guard dog**” has the meaning given in *Local Law No 3 (Animal Control)*.

“**hobby kennel**” has the meaning given in the local government’s planning scheme.

“**identifying tag**” has the meaning given in *Local Law No 3 (Animal Control)*.

“**owner**” of a dog has the meaning given to the “owner” of an animal in *Local Law No 3 (Animal Control)*.

“**relatives dog**” means a dog which is being kept on:

-
- (a) premises by the family of the owner of the dog due to the incapacity of the owner of the dog; or
 - (b) premises being a relative's accommodation as defined in the local government's planning scheme in circumstances where the dog was previously being lawfully kept on other premises.

“**temporary dog**” means a dog which is to be kept on premises for a period no greater than 1 year in every 3 years.

“**vermin**” has the meaning given in *Local Law No 9 (Public Health)*.

“**waste container**” means a weatherproof container for the storage of waste that:

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

“**waste water**” means a liquid waste.

PART 2 - LICENSING

Definitions of terms in the local law

4 For the purposes of section 3(1) (Administration definitions) of the Schedule of *Local Law No 7 (Licensing)*:

“**animal**” has the meaning given in section 3 (Definitions) of this subordinate local law.

Prescribed activity

- 5 For the purposes of the definition of animal keeping in section 2 (Definitions of prescribed activities) of the Schedule of *Local Law No 7 (Licensing)*, the prescribed activity of animal keeping shall include:
- (a) the keeping of a guard dog; or
 - (b) the keeping of an animal work dog; or
 - (c) a hobby kennel or commercial kennel; or
 - (d) the keeping of 3 or 4 dogs as part of domestic dog keeping; or
 - (e) the keeping of more than 4 cats over the age of 6 months; or
 - (f) the keeping of more than 20 poultry over the age of 3 months (other than as part of the environmentally relevant activity of poultry farming as defined under the *Environmental Protection Regulation 1998*).

Prescribed criteria

- 6 (1) For the purposes of section 3 (Definitions) of *Local Law No 7 (Licensing)*, animal keeping involving a relatives dog must comply with the following prescribed criteria:
- (a) During the operation of animal keeping, no dog shall be kept on the premises other than:
 - (i) a dog registered at the time of the grant of the licence; or
 - (ii) a relatives dog which is the subject of the licence.
 - (2) For the purposes of section 3 (Definitions) of *Local Law No 7 (Licensing)*, animal keeping involving a temporary dog must (unless otherwise required by the local government) comply with the following prescribed criteria:

-
- (a) The operation of animal keeping must be limited to a period not greater than 1 year in every 3 years.
 - (b) The operation of animal keeping is limited to circumstances where:
 - (i) the owner of the temporary dog is temporarily residing on the premises on which the animal keeping is operating; or
 - (ii) the temporary dog is being temporarily cared for on behalf of the owner of the dog who is temporarily unable to care for the dog; or
 - (iii) the temporary dog is to be trained as a guard dog as defined in *Local Law No 3 (Animal Control)*.
 - (3) For the purposes of section 3 (Definitions) of *Local Law No 7 (Licensing)*, animal keeping involving a guard dog must (unless otherwise required by the local government) comply with the following prescribed criteria:
 - (a) The operation of animal keeping must be performed by:
 - (i) a registered security firm; or
 - (ii) the owner or occupier of premises not used for human habitation other than for a caretaker's residence as defined in the local government's planning scheme.
 - (b) The guard dog must be trained to a standard specified by the local government.
 - (c) An enclosure which is separated from areas accessible to members of the public must be provided on the premises if the guard dog is kept permanently on the premises.
 - (d) The guard dog must be capable of being identified by reference to an identifying tag.

-
- (e) A guard dog used for the operation of animal keeping which is not kept permanently on the premises must be kept on other premises in accordance with all local government Acts.
 - (4) For the purposes of section 3 (definitions) of *Local Law No. 7 (Licensing)*, animal keeping involving a hobby kennel or commercial kennel must (unless otherwise required by the local government) comply with the following prescribed criteria:
 - (a) The person operating a hobby kennel or commercial kennel must be:
 - (i) a member of a club or association which promotes dog management and training; and
 - (ii) genuinely and actively engaged in the breeding, showing, training or boarding of dogs.

Application for a licence

- 7 For the purposes of section 6(1)(c)(iv) (Application for a licence) of *Local Law No 7 (Licensing)*, an application for a licence for the operation of animal keeping must (unless otherwise requested by the local government) be accompanied by:
- (a) the name, address and telephone number of the person to be operating the animal keeping; and
 - (b) the trading name and address of the business under which the animal keeping is to be operated; and
 - (c) the name and address of the person responsible for the design of any buildings or structures involved in the operation of animal keeping; and
 - (d) three (3) copies of plans to dye-line standard consisting of:
 - (i) a floor plan; and
 - (ii) a drainage plan; and
 - (iii) a plan showing elevations; and

- (iv) a plan which also depicts construction and fitout details.

Grant of a licence

8 For the purposes of section 7(1)(f) (Grant of a licence) of *Local Law No 7 (Licensing)*, the local government may grant a licence for the operation of animal keeping if satisfied that:

- (a) the operation of animal keeping can be lawfully conducted on the premises; and
- (b) the operation of animal keeping does not contravene the *Animal Protection Act 1925*; and
- (c) the matters which are the subject of the conditions specified in section 9 (Conditions of a licence) of this subordinate local law which are relevant to the operation of animal keeping can be adequately addressed by the imposition of those conditions.

Conditions of a licence

9 For the purposes of section 9(3) (Conditions of a licence) of *Local Law No 7 (Licensing)*, the local government may impose all or any of the following conditions on a licence for the operation of animal keeping;

- (a) All animal enclosures must be provided and maintained in such a manner so as to:
 - (i) be clean and in a sanitary condition; and
 - (ii) prevent any animal from escaping from the approved premises; and
 - (iii) be kept within an area on the approved premises which is specified in the conditions of the licence; and
 - (iv) not become deteriorated; and
 - (v) avoid injury to the animal; and

-
- (vi) permit regular cleaning of all the internal and all external surfaces of the enclosures and regular checking of any animals within the animal enclosures; and
 - (vii) be impervious and able to be easily and readily cleaned and effectively disinfected; and
 - (viii) ensure the comfort of animals and the prevention of disease.
- (b) All animal enclosures must be sprayed or dusted with insecticide, larvicide or disinfectant, for the purpose of fly, insect and disease control;
- (i) to the manufacturers' instructions; and
 - (ii) whilst the animals are removed from the animal enclosures.
- (c) All animal enclosures must be treated with effective and appropriate disinfectants at least once a week.
- (d) All animal enclosures must be cleaned and disinfected and if necessary insecticided or larvicided before the introduction of a replacement animal.
- (e) Waste waters from animals 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.
- (f) A trade waste approval must be held by the holder of the licence in accordance with the *Sewerage and Supply Act 1949*;
- (g) Manure and offensive matters must be cleaned up at least once each day and then placed forthwith into a flyproof covered waste container.
- (h) All waste containers must be collected from the premises at least weekly and the contents disposed of in an approved manner.
- (i) Feed must be stored in fly and vermin proof containers.

-
- (j) Feed and water containers used by the animals must be of impervious, smooth construction, non-toxic and able to be easily cleaned and disinfected.
 - (k) Feed that has spoiled or deteriorated must be removed and disposed of in a waste container.
 - (l) Spilled feed must be immediately collected and disposed of in a waste container.
 - (m) The holder of the licence must upon discovering the existence of a dead animal remove such an animal to a lawful place of disposal.
 - (n) An animal which contracts or is suspected of contracting any disease must be isolated and a veterinary surgeon must be engaged as soon as is reasonably practicable to treat the animal.
 - (o) The approved premises including all surfaces such as walls, floors, ceilings fixtures and fittings must be kept clean and disinfected at all times.
 - (p) An animal must not be displayed or exposed for sale as part of the approved premises.
 - (q) Cloths, towels or material used in the animal keeping must be maintained in a clean condition and washed in an effective disinfectant.
 - (r) The approved premises must at all times to be kept free of flies and vermin.
 - (s) The floors, walls and ceiling of the approved premises must be finished with an easily washable surface coating.
 - (t) The floor must be covered with an easily washable smooth finished surface and must be sealed so to be free from cracks and crevices.
 - (u) A wash tub of sufficient size to clean cages must be installed and fitted with hot and cold running water. The wall behind the tub must be provided with splash back tiles to a minimum height of 300mm.

- (v) The animal keeping operations must be suitably and continuously ventilated to ensure that all the animal housing areas are free of dampness, nuisance odours and dust emissions.
- (w) The situation and nature of the approved premises must be such that the operation of animal keeping must not cause a nuisance to neighbouring premises.
- (x) The operation of animal keeping must comply with the *Environmental Protection Act 1994*.
- (y) The animals must wear or display an identifying tag specified by the local government.

PART 3 - ENFORCEMENT

Records to be kept

- 10** For the purposes of section 17(2)(b) (Inspection of a prescribed activity) of *Local Law No 7 (Licensing)*:
- (a) the records must be kept by the person operating the animal keeping; and
 - (b) the records must contain details of:
 - (i) in the case of a guard dog:
 - (A) the address of the premises on which the guard dog is kept; and
 - (B) the address of the premises in respect of which the guard dog is acting as a deterrent; and
 - (C) any training that the guard dog has undertaken; and
 - (D) a description of each guard dog including:
 - (1) breed, sex and age; and

- (2) colour and distinguishing markings and features; and
 - (3) any identifying tag; and
 - (ii) in the case of a hobby kennel or commercial kennel:
 - (A) all dogs kept on the premises; and
 - (B) the period during which the dogs were kept on the premises; and
 - (C) all vaccinations and treatment provided by a veterinary surgeon to a dog kept on the premises; and
 - (D) any complaints in relation to the operation of animal keeping received by the person operating the animal keeping; and
- (c) the records must be kept for a period of seven (7) years.