

**Gympie Regional Council  
Subordinate Local Law No. 2 (Animal  
Management) 2011**

**CONSOLIDATED VERSION NO. 3**

**Incorporating amendments up to 5 April 2019**

**adopted by Gympie Regional Council on 24 April 2019 pursuant to section 32  
of the *Local Government Act 2009***

# Gympie Regional Council

## Subordinate Local Law No. 2 (Animal Management) 2011

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
  - (c) the control of animals in public places; and
  - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (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) In this subordinate local law—

**authorised by an authorised person—**

  - (a) means that the action is authorised by a written authorisation signed by an authorised person; and
  - (b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2011*.

**lot** has the meaning given in the *Sustainable Planning Act 2009*, section 10.

**property** means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

**recognised bird or feather club** means a club formally affiliated with a national or state association for bird keeping.

**urban property** means a property of less than 4000m<sup>2</sup> that is entirely or mostly within the boundaries of a zone, other than the Rural zone or Industry Investigation zone, defined in the local government's planning scheme.

**working dog** has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

## Part 2 Keeping of animals

### 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

### 6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

### 7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

### 8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

**9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9**

For section 9 of the authorising local law, the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008* is the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.

**Part 3 Control of animals****10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

**11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the fenced areas that are indicated on a map in schedule 7 are designated as dog off-leash areas.

**12 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way— *This list has been intentionally left blank.*

**13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)**

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

**14 Criteria for declared dangerous animals—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

## **Part 4                      Seizure, impounding or destruction of animals**

### **15    Place of care for impounded animals—Authorising local law, s 24**

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be the place nominated by a resolution of the local government.

### **16    Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)**

For section 32(1)(b) of the authorising local law, any animal that is not cattle, a goat, a horse, a pig or a sheep may be sold by private agreement, destroyed or disposed of in some other way without being destroyed.

### **17    Register of impounded animals—Authorising local law, s 33(3)**

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

## **Part 5                      Appeals against destruction orders**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 6                      Miscellaneous**

*This part has been intentionally left blank.*

## **Dictionary**

### **18    Animals excluded from application of the local law—Authorising local law, schedule**

For the purposes of the definition of *animal* in the schedule to the authorising local law, the following species of animal are excluded from the application of the authorising local law—

- (a) fish;
- (b) reptiles;
- (c) amphibians.

**19 Species that are declared dangerous animals—Authorising local law, schedule**

For the purposes of the definition of *declared dangerous animal* in the schedule to the authorising local law, an animal of the following species is a declared dangerous animal— *This list has been intentionally left blank.*

**20 Prescribed period for reclaiming animals—Authorising local law, schedule**

For the purposes of the definition of *prescribed period* in the schedule to the authorising local law, the prescribed period is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days.



## Schedule 1 Prohibition on keeping animals

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dogs	<ol style="list-style-type: none"> <li>1 Keeping more than 1 dog is prohibited in a residential unit that is within a residential complex comprising 2 units.</li> <li>2 Keeping more than 2 dogs is prohibited on any property that contains more than 2 residential units.</li> </ol>
2	Cats	<ol style="list-style-type: none"> <li>1 Keeping more than 1 cat is prohibited in a residential unit that is within a residential complex comprising 2 units.</li> <li>2 Keeping more than 2 cats is prohibited on any property that contains more than 2 residential units.</li> </ol>
3	Pigs	<ol style="list-style-type: none"> <li>1 Keeping pigs is prohibited on an urban property or a property less than 10,000m<sup>2</sup>.</li> <li>2 On a property greater than 10,000m<sup>2</sup> but less than 20,000m<sup>2</sup>, keeping more than 2 pigs is prohibited.</li> </ol>
4	Roosters and cockerels	Keeping a rooster or cockerel is prohibited on an urban property.
5	Horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats	<ol style="list-style-type: none"> <li>1 Keeping horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats is prohibited on a property less than 4,000m<sup>2</sup>.</li> <li>2 On an urban property, keeping more than 1 animal from the list of animals in column 1 for every 4,000m<sup>2</sup> is prohibited. <i>Examples for clause 2 – On a 4,000m<sup>2</sup> urban property, a person could keep 1 animal in total. On an 8,000m<sup>2</sup> urban property, a person could keep 2 animals in total, such as 2 horses or 1 horse and 1 cow.</i></li> </ol>
7	Geese, ducks, turkeys, pheasants or similar birds	<ol style="list-style-type: none"> <li>1 Keeping geese, ducks, turkeys, pheasants or similar birds is prohibited on an urban property or a property less than 4,000m<sup>2</sup>.</li> <li>2 On a property greater than 4,000m<sup>2</sup> but less than 10,000m<sup>2</sup>, keeping more than 12 birds in aggregate of geese, ducks, turkeys, pheasants or similar birds is prohibited.</li> </ol>

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8	Peacocks, peahens and guinea fowl	Keeping peacocks, peahens and guinea fowl is prohibited on an urban property or a property less than 4,000m <sup>2</sup> .
9	Ratites (emus, ostriches and other similar birds)	Keeping ratites (emus, ostriches and other similar birds) is prohibited on an urban property or a property less than 4,000m <sup>2</sup> .

## Schedule 2 Requirement for approval to keep animals

### Section 6

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval <sup>1</sup>
1 Dogs	1 An approval is required to keep more than 2 dogs over the age of 12 weeks on any property, except where any additional dog is a working dog.  2 An approval is required to keep 1 or more dogs over the age of 12 weeks on any property that contains multiple residential units.
2 Cats	1 An approval is required to keep more than 2 cats over the age of 12 weeks on any property.  2 An approval is required to keep 1 or more cats over the age of 12 weeks on any property that contains multiple residential units.
3 Poultry	1 An approval is required to keep more than 6 poultry on an urban property less than 800m <sup>2</sup> .  2 An approval is required to keep more than 20 poultry on an urban property that is 800m <sup>2</sup> or greater.  <i>Note—</i> In section 4, <b>urban property</b> is defined as “a property of less than 4000m <sup>2</sup> that is entirely or mostly within the boundaries of a zone, other than the Rural zone or Industry Investigation zone, defined in the local government’s planning scheme.” Therefore, if a property within an urban zoned area is more than 4000m <sup>2</sup> it will not be considered an “urban property” and no approval will be required for keeping poultry, regardless of the number of animals kept.
4 Birds (excluding poultry)	1 An approval is required to keep more than 25 birds on an urban property.  2 However, an approval is not required where the keeper of the birds is a member of a recognised bird or feather club, provided that a majority of the birds kept are of a species covered by the bird or feather club.

<sup>1</sup> See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 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).

## **Schedule 3      Requirement to desex animal**

Section 7

*This schedule has been intentionally left blank.*

## **Schedule 4      Minimum standards for keeping animals generally**

Section 8(1)

- 1 Animals must be kept in a manner that does not create and is not likely to create a smell, dust or noise nuisance to contiguous or neighbouring land.
- 2 Waste waters from enclosures must be drained in a nuisance- and pollution- free manner.
- 3 Any excreta, offensive material or food scraps must be collected at least once each day and placed into a suitable waterproof and flyproof receptacle, which must be covered at all times and the contents removed at least twice weekly.
- 4 Any animal food must be stored in impervious flyproof and vermin proof receptacles or impervious flyproof and vermin proof storeroom facilities.

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Minimum standards for keeping animals</b>
1 Poultry, roosters and cockerels	1 A fowl house must be constructed and maintained for housing the animals 2 The fowl house must— <ul style="list-style-type: none"> <li>(a) be located in a position which will minimise any adverse impacts of the keeping of the animals on the occupiers of neighbouring premises; and</li> <li>(b) not be located within 1 metre of any property boundary; and</li> <li>(c) not be located within 6 metres of a property boundary adjoining a public road.</li> </ul>

## Schedule 6 Prohibition of animals in public places




### Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited<sup>2</sup></b>
1	Within five (5) metres of any playground, barbeque, shelter or picnic table in a park or reserve	All animals
2	<i>Rainbow Beach Bathing Reserve</i> – the area within the boundaries delineated on Map 1 in this schedule	All animals
3	<i>One Mile Oval</i> – the area within: Lot 3 MPH24205 Lot 4 SP143068 Lot 1 MPH31929 Lot 361 SP216726	All animals
4	<i>Albert Park</i> – the area within: Lot 131 SP 240979	All animals
6	<i>Gympie Hockey Club</i> – the area within: Lot 98 CP894544 Lot 10 CP894544	All animals
7	<i>Jack Stokes Oval</i> – the area within: Lot 2 MPH40589 Lot 4 MPH40589 Lot 1 MPH14096 Lot 3 MPH40589 Lot 36 MCH4529	All animals
8	<i>Six Mile Oval</i> – the area within: Lot 185 MCH4242	All animals
9	All local government cemeteries	All animals unless authorised by an authorised person
10	Libraries	All animals

<sup>2</sup> See, however, section 8(1) of the *Guide, Hearing and Assistance Dogs Act 2009*: “Despite any other Act, a person with a disability who relies on a guide, hearing or assistance dog to reduce the person’s need for support may be accompanied by the guide, hearing or assistance dog in a place of accommodation, public place or public passenger vehicle.”

**Map 1 – Rainbow Beach Bathing Reserve animal exclusion area**



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# Schedule 7 Dog off-leash areas

## Section 11



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## Schedule 8 Requirements for proper enclosures for animals

### Section 13

Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1 All Animals	<p>1 The enclosure—</p> <ul style="list-style-type: none"> <li>(a) must be suitably fenced; and</li> <li>(b) must be of a size appropriate to the species and breed of the animal to be enclosed; and</li> <li>(c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</li> <li>(d) must contain adequate shelter.</li> </ul> <p>2 The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>3 <b><i>Suitably fenced</i></b> means a fence constructed of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> <li>(a) escaping over, under, through or around the fence; and</li> <li>(b) protruding over, under, through or around the fence; and</li> <li>(c) threatening to attack a person or animal over, under, through or around the fence; and</li> <li>(d) attacking a person or animal over, under, through or around the fence.</li> </ul>

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## **Schedule 9      Criteria for declared dangerous animals**

Section 14

*This schedule has been intentionally left blank.*

## Endnotes

### 1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 20 November 2015.

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No.1 (Miscellaneous) 2014	21 February 2014	
2	Amendment Subordinate Local Law No.2 (Animal Management) 2014	7 November 2014	
	Amendment Subordinate Local Law No.1 (Miscellaneous) 2015	20 November 2015	
3	Amendment Subordinate Local Law No.1 (Animal Management) 2019	5 April 2019	

### 3 List of amending local laws

#### **Amendment Subordinate Local Law No.1 (Miscellaneous) 2014**

date of Council resolution 19 February 2014  
 date of gazettal 21 February 2014  
 commenced on date of gazettal

#### **Amendment Subordinate Local Law No.2 (Animal Management) 2014**

date of Council resolution 5 November 2014  
 date of gazettal 7 November 2014  
 commenced on date of gazettal

#### **Amendment Subordinate Local Law No.1 (Miscellaneous) 2015**

date of Council resolution 18 November 2015  
 date of gazettal 20 November 2015  
 commenced on date of gazettal

#### **Amendment Subordinate Local Law No.1 (Animal Management) 2019**

date of Council resolution 27 March 2019  
 date of gazettal 5 April 2019  
 commenced on date of gazettal

## **4 List of annotations**

### **Definitions**

**s 4** amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 9

### **Dog off-leash areas**

**s 11** amended by Amendment Subordinate Local Law No.2 (Animal Management) 2014 s 4

### **SCHEDULE 1—PROHIBITION ON KEEPING ANIMALS**

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 10

amended by Amendment Subordinate Local Law No.1 (Animal Management) 2019 s 4

### **SCHEDULE 2—REQUIREMENT FOR APPROVAL TO KEEP ANIMALS**

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 11

amended by Amendment Subordinate Local Law No.1 (Animal Management) 2019 s 5

### **SCHEDULE 4—MINIMUM STANDARDS FOR KEEPING ANIMALS GENERALLY**

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 12

amended by Amendment Subordinate Local Law No.1 (Animal Management) 2019 s 6

### **SCHEDULE 5—MINIMUM STANDARDS FOR KEEPING PARTICULAR ANIMALS**

amended by Amendment Subordinate Local Law No.1 (Animal Management) 2019 s 7

### **SCHEDULE 6—PROHIBITION OF ANIMALS IN PUBLIC PLACES**

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2015 s 4

### **SCHEDULE 7—DOG OFF-LEASH AREAS**

amended by Amendment Subordinate Local Law No.2 (Animal Management) 2014 s 5

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2015 s 5