FACT SHEET

# Keeping of Animals - Exemptions

**Subordinate Local Law No.2 (Animal Management) 2011**
**Section 5 & Schedule 1**

Keeping an animal or animals mentioned in column 1 of the table below is prohibited in the circumstances described in column 2.

However, this does not apply in the following circumstances:

- the keeping of the animal was permitted by the local law in force immediately before the commencement of this subordinate local law; and
- within 3 months of the commencement of this subordinate local law, the keeper of the animal has provided the local government with details identifying the animal. *

This exemption applies only in respect of the particular animal identified to the local government.

## Prohibition on keeping animals

| | Column 1<br>Animal | Column 2<br>Circumstances in which keeping of animal or animals is prohibited |
|---|---|---|
| 1 | Horse, donkey, camel, alpaca, llama, deer, sheep, goat or cow | 1 On a property less than 10 000m$^2$.<br>2 A density of animals that is greater than 1 animal per 4 000m$^2$ in an urban area. |
| 2 | Bull/Stallion | 1 On a property less than 10 000m$^2$. |
| 3 | Turkeys, geese, ducks or guinea fowl | 1 A turkey, goose, duck or guinea fowl in an urban area.<br>2 A density of animals that is greater than 1 animal per 2 000m$^2$ on a property less than 10 000m$^2$. |
| 4 | Ostrich, emu or peacock | 1 An ostrich, emu or peacock in an urban area or on a property less than 10 000m$^2$. |
| 5 | Bees (excluding native bees) | 1 The keeping of bees in an urban area. |
| 6 | Cockatoo, galah or other bird of a similar type | 1 More than 2 birds per property in an urban area. |
| 7 | Pig | 1 The keeping of a pig in an urban area or on a property less than 10 000m$^2$. |
| 8 | Dog or cat | 1 The keeping of any dog or cat on Fraser Island. |

# Enclosures for Keeping Animals - Exemption

**Subordinate Local Law No.2 (Animal Management) 2011**
**Section 11 & Schedule 6**

Column 2 of table below sets out the requirements for enclosures for an animal of the species or breed mentioned in column 1.

However, a requirement in column 2 of rows 3, 4 and 6 that *"an enclosure must not be sited closer than 2 metres from the property boundaries"* does not apply where both of the following circumstances exist:

- that the enclosure was constructed prior to the commencement of this subordinate local law; and
- prior to or within 3 months following the commencement of this subordinate local law, the keeper of the animals has provided the local government with a plan of the enclosure and site. *

This exemption ceases at the earliest of the following events:

- 10 years after the commencement of this subordinate local law; or
- the keeper of the animals at the commencement of this subordinate local law sells or permanently moves from the property or ceases primary production on the site for a period of at least 6 months.

## Requirements for enclosures for animals

| | Column 1<br>Species or breed of animal | Column 2<br>Requirements for enclosures |
|---|---|---|
| 1 | Cats, dogs and other animals not listed elsewhere in this schedule | 1 The enclosure—<br>(a) must be suitably fenced; and<br>(b) must be of a size appropriate to the species and breed of the animal to be enclosed; and<br>(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<br>(d) must contain adequate shelter.<br>2 The enclosure's gates must be closed and latched except when in actual immediate use.<br>3 ***Suitably fenced*** means a fence constructed of strong materials and designed in such a way to the prevent the animal from—<br>(a) escaping over, under, through or around the fence; and<br>(b) protruding over, under, through or around the fence; and<br>(c) threatening to attack a person or animal over, under, through or around the fence; and<br>(d) attacking a person or animal over, under, through or around the fence.<br>4 Keeping an animal on a leash does not constitute a proper enclosure. |

| | Column 1<br>Species or breed of animal | Column 2<br>Requirements for enclosures |
|---|---|---|
| 2 | Geese, ducks, chickens, roosters, turkeys and other poultry | 1 The enclosure must—<br>(a) not be sited closer than 2 metres from the property boundaries; and<br>(b) be located at the rear of the premises behind the residence (if any) situated on the premises; and<br>(c) prevent the animals from being nearer than 10 metres to any local government road or State-controlled road. |
| 3 | Pigeons | 1 The cage or aviary must not be sited closer than 2 metres from the property boundaries.<br>2 The enclosure must be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises).<br>3 All pigeons must be housed in purpose built facilities.<br>4 Where wooden floors are used, a clear air space not less than 400mm between the ground level and the underside of the flooring timbers must be provided.<br>5 Where concrete floors are used, a concrete edge to the slab extending at least 600mm into the ground must be provided.<br>6 Pigeon lofts are to have a maximum height of 2.5 metres above natural ground level.<br>7 An appropriate size of enclosure must be selected to house a maximum number of birds within the proposed loft.<br>8 The maximum number of birds per cubic metre of air space must not exceed 5.<br>9 Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds.<br>10 Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage. |
| 4 | Doves | 1 The enclosure must not be sited closer than 2 metres from the property boundaries. |
| 5 | Horses, cattle, sheep, goats and other animals of a similar size | 1 The enclosure must—<br>(a) be constructed to prevent any such animal from being within 10 metres of any dwelling (except any dwelling on the premises); and<br>(b) except in rural areas, be sited a minimum distance of 2 metres from the property boundaries. |
| 6 | Caged birds | 1 The cages/enclosures must—<br>(a) not be sited closer than 2 metres from the property boundaries; and<br>(b) not, in combination with all buildings on site, exceed 50% of the area of the lot; and<br>(c) be located at the rear of the premises behind the residence (if any) situated on the premises; and<br>(d) prevent the animals from being nearer than 10 metres to any local government road or State-controlled road; and |

| Column 1<br>Species or breed of animal | Column 2<br>Requirements for enclosures |
|---|---|
| | (e) meet the following dimensions to enclose the size and number of birds indicated— |

| Indoor or suspended cage | | | | |
|---|---|---|---|---|
| **Size of birds* (mm)** | **Number of birds** | **Minimum floor area (sq m)** | **Minimum height (m)** | **Increased floor area for each additional bird (sq m)** |
| 100 | 2 | 0.1 | 0.34 | 0.1 |
| 200 | 2 | 0.16 | 0.34 | 0.1 |
| 300 | 2 | 0.5 | 0.9 | 0.25 |
| 400 | 2 | 1 | 0.9 | 0.6 |
| 500 | 2 | 2.25 | 1.5 | 0.85 |
| 900 | 2 | 4 | 1.5 | 1.4 |

| Minimum size of aviary outdoor | | | | |
|---|---|---|---|---|
| **Size of birds* (mm)** | **Number of birds** | **Minimum floor area (sq m)** | **Minimum height (m)** | **Increased floor area for each additional bird (sq m)** |
| 100 | 2 | 0.37 | 1.8 | 0.18 |
| 200 | 2 | 0.72 | 1.8 | 0.36 |
| 300 | 2 | 1 | 1.8 | 0.5 |
| 400 | 2 | 1.5 | 1.8 | 0.75 |
| 500 | 2 | 2.5 | 1.8 | 1.25 |
| 900 | 2 | 5 | 1.8 | 2.5 |

(f) meet the following requirements—

(i) non-suspended aviaries/cages with a floor area exceeding 2sq m must be of a minimum height of at least 1.8m and allow access for physical entry; and

(ii) the minimum length and width of any cage should be at least twice the length of the largest bird in the cage.

* Sizes of birds are derived from the following example of birds contained within each group:

| | |
|---|---|
| 100 mm | Zebra, Cuban, Double Bar, Orange Breasted Waxbill Finches, Canaries, African Peachface and Mask Birds |
| 200 mm | Neophemas, Budgerigars, Yorkshire canaries, Red Crested Cardinal Finches, Lorikeets (except Rainbow and Red Collared) |
| 300 mm | Rosellas, Cockatiels, Lorikeets, Bronze-Wing Pigeons |
| 400 mm | King, Princess, Indian Ringneck and Superb Parrots, Galahs, Long Billed Corellas |
| 500 mm | Sulphur Crested Cockatoos |
| 900 mm | Hyacinth Macaws |

* A copy of the *Application Form: Keeping of Animals – Exemptions Under the Local Laws* is available on Council's website or Customer Service Centres.