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Fact Sheet: Sunset clauses under Subordinate Local Law No.2 (Animal Management) 2011

Keeping of animals:

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 Animal	Column 2 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. 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. 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: **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 **Species or breed of animal**	**Column 2** **Requirements for enclosures**
1	Cats, dogs and other animals not listed elsewhere in this schedule	1 The enclosure— (a) must be suitably fenced; and (b) must be of a size appropriate to the species and breed of the animal to be enclosed; and (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 (d) must contain adequate shelter. 2 The enclosure's gates must be closed and latched except when in actual immediate use. 3 ***Suitably fenced*** means a fence constructed of strong materials and designed in such a way to the prevent the animal from— (a) escaping over, under, through or around the fence; and (b) protruding over, under, through or around the fence; and (c) threatening to attack a person or animal over, under, through or around the fence; and (d) attacking a person or animal over, under, through or around the fence. 4 Keeping an animal on a leash does not constitute a proper enclosure.
2	Geese, ducks, chickens, roosters, turkeys and other poultry	1 The enclosure must— (a) not be sited closer than 2 metres from the property boundaries; and (b) be located at the rear of the premises behind the residence (if any) situated on the premises; and (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. 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). 3 All pigeons must be housed in purpose built facilities. 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. 5 Where concrete floors are used, a concrete edge to the slab extending at least 600mm into the ground must be provided. 6 Pigeon lofts are to have a maximum height of 2.5 metres above natural ground level. 7 An appropriate size of enclosure must be selected to house a maximum number of birds within the proposed loft. 8 The maximum number of birds per cubic metre of air space must not exceed 5. 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. 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— (a) be constructed to prevent any such animal from being within 10 metres of any dwelling (except any dwelling on the premises); and (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— (a) not be sited closer than 2 metres from the property boundaries; and (b) not, in combination with all buildings on site, exceed 50% of the area of the lot; and (c) be located at the rear of the premises behind the residence (if any) situated on the premises; and (d) prevent the animals from being nearer than 10 metres to any local government road or State-controlled road; and (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 *Notification Template – Sunset clauses under Subordinate Local Law No 2 (Animal Management) 2011* is available on Council's website or Customer Service Centres.