

Fraser Coast 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*.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in Schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

Animal breeders approval means an approval to breed a cat or dog in the circumstances in paragraph 4 of Schedule 2.

domestic animal means a cat, dog, household pet or livestock animal that is fed and kept by someone.

domestic purposes means the keeping of an animal in or within the curtilage of a dwelling for the private enjoyment of a person residing therein.

foreshore means a foreshore that has been placed under the local government's control pursuant to the *Local Government (Operations) Regulation 2011*, section 25.

guard dog means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

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

primary producer means a person whose main business is agriculture or animal husbandry.

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;

regulated dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 60.

residential unit means a residential development comprising multiple units on a single lot.

Example—

A residential unit within a retirement village.

rural area means an area that is not an urban area.

urban area means the area within the urban boundaries indicated on the map called ‘Local Law Urban Boundaries Map Edition 1’ prepared and held by the local government and available for viewing on the local government’s website.

visiting dog is a dog that—

- (a) is registered and microchipped in another local government area; and
- (b) is to be kept on a temporary basis for longer than 7 days but no longer than 3 months in any 12 month period.

working dog means a dog, other than a regulated dog, that is kept—

- (a) on rural land; and
- (b) by a primary producer or a person engaged or employed by a primary producer; and
- (c) primarily for the purpose of droving, protecting, tending, or working stock.

Part 2 Keeping of animals

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

- (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.
- (2) However, subsection (1) does not apply in the following circumstances—

- (a) the keeping of the animal was permitted by the local law in force immediately before the commencement of this subordinate local law; and
 - (b) 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.
- (3) The exemption in subsection (2) applies only in respect of the particular animal identified to the local government.

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

- (1) A cat must be desexed before it is 22 weeks of age unless the circumstances in subsection (2) apply.
- (2) The circumstances for the purpose of subsection (1) are—
- (a) there is a signed veterinarian surgeon certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat; or
 - (b) the owner or responsible person for the cat—
 - (i) is the owner or operator of a pound or shelter; or
 - (ii) is a member of a recognised breeder association and the person intends to breed from the cat; or
 - (iii) is a member of a registered show association and the person intends to show or exhibit the cat; or
 - (iv) holds an animal breeder approval with respect to the cat; or
 - (c) the cat was registered with the local government prior to the commencement of this local law and ownership of the cat has not changed.
- (3) A dog must be desexed before it is 22 weeks of age unless the circumstances in subsection (4) apply.
- (4) The circumstances, for the purpose of subsection (3), are—
- (a) there is a signed veterinarian surgeon certificate for the dog stating that desexing is likely to be a serious risk to the health of the dog; or
 - (b) the owner or responsible person for the dog —
 - (i) (A) is the owner or operator of a pound or shelter; and
 - (B) the dog is currently being looked after on a temporary basis by foster carers; and

- (C) the dog is not transferred to a new owner unless and until it is de-sexed; or
 - (ii) is a member of a recognised breeder association and the person intends to breed from the dog; or
 - (iii) is a member of a registered show association and the person intends to show or exhibit the dog; or
 - (iv) holds an animal breeder approval with respect to the dog; or
 - (c) the dog was registered with the local government prior to the commencement of this local law and ownership of the dog has not changed.
- (5) Despite any other requirements of this section a dog is not required to be desexed if it is over 8 years of age.

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 3.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 4 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 4.

Part 3 Control of animals

9 Public places where animals are prohibited or restricted—Authorising local law, s 11(1)

- (1) For section 10(1) of the authorising local law, the species or breeds of animals prescribed in column 2 of schedule 5 are prohibited in the public places mentioned in column 1 of schedule 5.
- (2) However, subsection (1) does not apply to—
 - (a) an animal that is specifically authorised to be in a particular place pursuant to a condition of an approval issued by the local government under *Local Law No.1 (Administration) 2011*; or
 - (b) an animal in a cemetery that has been authorised in writing to be in the cemetery by an authorised person.

10 Animal faeces in public places—Authorising local law, s 14

This section has been left intentionally blank.

11 Requirements for enclosures for keeping animals—Authorising local law, s 15(2)

- (1) For section 15(2) of the authorising local law, column 2 of schedule 6 sets out the requirements for enclosures for an animal of the species or breed mentioned in column 1 of schedule 6.
- (2) However, a requirement in column 2 of sections 3, 4 and 6 of schedule 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—

- (a) that the enclosure was constructed prior to the commencement of this subordinate local law; and
 - (b) 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.
- (3) The exemption in subsection (2) ceases at the earliest of the following events—
- (a) 10 years after the commencement of this subordinate local law; or
 - (b) 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.

12 Koala conservation—Authorising local law, s 16

- (1) For section 16(1) of the authorising local law, schedule 7 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 16(4) of the authorising local law, each area described in schedule 8 is designated as a koala area.

13 Criteria for declared dangerous animals—Authorising local law, s 20(1)

For section 20(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

14 Register of impounded animals—Authorising local law, s 34(3)

For section 34(3) of the authorising local law, the register of impounded animals will be kept at Fraser Coast Regional Council, 77 Tavistock Street, Torquay, Queensland, 4655.

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

15 Conditions regarding supply of animals—Authorising local law, s 43(1)

For the purposes of section 43(1) of the authorising local law, persons who supply an animal of a species or breed mentioned in column 1 of schedule 10 must comply with the conditions set out in column 2 of schedule 10.

16 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—

This section has been intentionally left blank.

17 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 section has been intentionally left blank.

18 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 period within which an animal may be reclaimed is—

- (a) for horses, cattle and cats and dogs that are registered or implanted with a permanent identification device under the *Animal Management (Cats and Dogs) Act 2008*—5 working days; or
- (b) for all other animals—3 working days.

Schedule 1 Prohibition on keeping animals

section 5

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited ¹
1 horse, donkey, camel, alpaca, llama, deer, sheep, goat or cow	1 on a property less than 10 000 square metres; and 2 a density of animals that is greater than 1 animal per 4 000 square metres in an urban area
2 bull/stallion	1 on a property less than 10 000 square metres
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 2 000 square metres on a property less than 10 000 square metres
4 ostrich, emu or peacock	1 an ostrich, emu or peacock in an urban area or on a property less than 10 000 square metres
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 10 000 square metres
8 dog or cat	1 the keeping of any dog or cat on Fraser Island
9. chickens	1 the keeping of chickens on a property of 600 square metres or less in an urban area 2 the keeping of more than 6 chickens on a property of more than 600 square metres but equal to or less than 2000 square metres in an urban area 3 the keeping of more than 12 chickens on a property more than 2000 square metres in an urban area

¹ See section 5(2) and (3) regarding the exemption for keeping existing animals that are not permitted to be kept by the local law in force immediately prior to the commencement of this subordinate local law.

Schedule 2 Requirement for approval to keep animal²

section 6

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ³
1. any animal	<p>an approval to keep an animal is required where the owner or responsible person for the animal has committed more than two offences against the authorising local law in any 12 month period in relation to the animal or same species of animal</p> <p><i>Example—</i></p> <p>The owner of a dog commits 3 roaming dog offences in a 12 month period</p>
2. dog	<p>1 in the case of a dog that is not a guard dog, working dog, greyhound registered with Racing Queensland, or a visiting dog an approval is required—</p> <p>(a) to keep 3 or more dogs over the age of 3 months on any property; or</p> <p>(b) to keep 2 or more dogs over the age of 3 months on any residential unit; and</p> <p>2 an approval is required to keep a guard dog on a property; and</p> <p>3 an approval is required to keep more than 6 greyhounds registered with Racing Queensland over the age of 3 months on a property; and</p> <p>4 an approval is required to keep a visiting dog.</p>
3. cat	<p>1 an approval is required—</p> <p>(a) to keep 3 or more cats over the age of 3 months on any</p>

² Under section 6(3) of the authorising local law, an approval is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the *Sustainable Planning Act 2009*.

³ 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).

	<p>property; or</p> <p>(b) to keep 2 or more cats over the age of 3 months in any residential unit</p>
4.	<p>cat or dog</p> <p>1 an approval (an animal breeders approval) is required to keep animals in the following circumstances—</p> <p>(a) if a person keeps on land—</p> <p>(i) one or more entire dogs (each a breeding dog); or</p> <p>(ii) one or more entire cats (each a breeding cat); or</p> <p>(iii) a combination of one or more breeding dogs and one or more breeding cats; and</p> <p>(b) the person intends to, allows or encourages—</p> <p>(i) a breeding dog to breed with another entire dog; or</p> <p>(ii) a breeding cat to breed with another entire cat; and</p> <p>(c) the person intends to or supplies one or more progeny of the breeding dog or breeding cat.</p> <p>2 The requirement for an animal breeder approval does not apply to:</p> <p>(a) the keeping of a declared dangerous dog or a restricted dog;⁴</p> <p>(b) the keeping of cats and dogs in a pound or shelter;</p> <p>(c) the keeping of working dogs where the progeny are sold or disposed of as a working dog; or</p> <p>(d) the keeping of government entity dogs by a government entity.</p>
5.	<p>pigeons or doves</p> <p>an approval is required to keep pigeons or doves in an urban area or on a property less than 10 000 square metres</p>
6.	<p>rooster</p> <p>an approval is required to keep a rooster in an urban area or on a property less than 10 000 square metres</p>

⁴ This is regulated under section 69 (Prohibition on Breeding) of the *Animal Management Cats and Dogs Act 2008*.

Schedule 3 **Minimum standards for keeping animals generally⁵**

section 8(1)

- 1 The owner or responsible person must ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person.
- 2 The owner or responsible person must ensure that excreta, food scraps and other material that is, or is likely to become, offensive or is likely to, or does, attract vermin, is collected at least daily and, if not immediately removed from the premises, is kept in a fly proof container.
- 3 The owner or responsible person must ensure that any enclosure in which the animal is kept is in a clean and sanitary condition.
- 4 The owner or responsible person must ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition.
- 5 Parts of a building or structure which does not have openings through which an animal can escape may form part of the enclosure in lieu of fencing.
- 6 Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.
- 7 The owner or responsible person must ensure that the animal does not—
 - (a) cause a nuisance; or
 - (b) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons or animals.
- 8 Animal noise is a nuisance if it—
 - (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) in the opinion of an authorised person unreasonably disrupts or inhibits an activity ordinarily carried out on a premise.

Example for paragraph (c)—

The barking of a dog, which disrupts a person—

 - (i) *holding a conversation; or*
 - (ii) *watching television; or*
 - (iii) *listening to a radio or recorded material; or*
 - (iv) *sleeping.*

⁵ Note that the *Environmental Protection Act 1994* also imposes duties on individuals and creates offences in relation to activities that may cause environmental nuisance, which might include noise, odours or dust caused by the keeping of animals.

Schedule 4 Minimum standards for keeping particular animals

section 8(2)

Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1 horse, donkey, camel, alpaca, llama, deer, sheep or goat	the owner or responsible person for the animal must provide the local government with the following information— <ol style="list-style-type: none"> (a) the person's name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept
2 cattle	the owner or responsible person for the animal must provide the local government with the following information— <ol style="list-style-type: none"> (a) the person's name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept; and (d) a description of the animal, including any brand or identification mark on the animal
3 budgerigars, Canaries and other birds of a similar size	<ol style="list-style-type: none"> 1 all seed and other food for the birds must be contained within a properly sealed and vermin proof container 2 cages and aviaries are to be thoroughly cleaned once per week
4 geese, ducks, chickens, roosters, turkeys and other poultry	<ol style="list-style-type: none"> 1 all seed and other food for the birds must be contained within a properly sealed and vermin proof container 2 enclosures are to be thoroughly cleaned once per week
5 pigeons	<ol style="list-style-type: none"> 1 enclosed housing must use deep litter or other appropriate substrate 2 pigeon lofts must be regularly cleaned and maintained in a healthy condition so that no food scraps, pigeon faeces or feathers may create a food source to attract vermin 3 rodents and other vermin must be vigorously controlled 4 all food must be stored in sealed vermin proof containers

		<p>and must not be left uncovered</p> <p>5 the pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks</p> <p>6 waste must be disposed of in an approved manner</p> <p>7 the slaughtering of pigeons in urban areas is prohibited</p> <p>8 the uncontrolled release of pigeons (free lofting) in an urban area is not permitted</p> <p>9 free non-flight time must be conducted under close supervision by the owner</p> <p>10 the exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit</p> <p>11 every reasonable attempt must be made to retrieve birds that do not return</p> <p>12 birds must not be permitted to roost on neighbours' premises</p> <p>13 birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation</p>
6	doves	<p>1 all seed and other food for the birds must be contained within a properly sealed and vermin proof container</p> <p>2 cages and aviaries are to be thoroughly cleaned once per week</p>
7	greyhounds	where greyhounds are kept on premises they must be kept in accordance with Racing Queensland – Local Rules of Racing
8	cats and dogs	the owner of the cat or dog must ensure that at all times the animal is wearing the registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i>

Schedule 5 Prohibition of animals in public places⁶

section 9

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	In or within 5 metres of any playground, in a park or reserve where animals are otherwise permitted and provided the animal is under effective control	all domestic animals
2	all cemetery reserves	all domestic animals, excluding attendance of a family's pet dog at a funeral of a family member, provided that the dog is on a leash, under effective control at all times, and removed from the cemetery immediately after the service is concluded.
3	all parks, reserves and foreshores	all domestic animals other than cats and dogs
4	all parks, reserves and foreshores except the foreshore at Dundowran, Sawmill Road to Eli Creek	all horses
5	on the foreshore in front of the Pialba Caravan Park, Hervey Bay	all domestic animals
6	on the foreshore between Scarness Pier and the eastern side of the Surf Life Saving Club	all domestic animals
7	Queens Park, Maryborough	all domestic animals
8	Elizabeth Park Rose Gardens, Maryborough	all domestic animals
9	Town Hall Precinct, Maryborough	all domestic animals

⁶ The *Guide, Hearing and Assistance Dogs Act 2009*, section 8(1) provides that: "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 public place or public passenger vehicle."

10	Fay Smith Wetlands Park (Victory Street, Maryborough)	all domestic animals
11	Hervey Bay Botanic Gardens	all domestic animals
12	on the foreshore adjacent to the Esplanade, Maaroom	all domestic animals
13	on the foreshore from the junction between Milzewski Street and Shaw Street to Tuan Road, Big Tuan	all domestic animals
14	on the foreshore between the Gables Boat Ramp and the eastern side of ESA Park, adjacent to the play equipment, Point Vernon	all domestic animals.
15	on the foreshore from the junction of Rawson Street and Eckert Road to Scrimshaw Place, Boonooroo	all domestic animals
16	on the eastern side of the transect between the easternmost beach access off Watermans Way and the intersection of Bengtson Road and North Esplanade, River Heads	all domestic animals
17	an animal exclusion zone designated in the conditions of an approval for an activity in a local government controlled area or road issued under <i>Local Law No.1 (Administration) 2011</i>	all domestic animals

Schedule 6 Requirements for enclosures for animals

section 11

Column 1 Species or breed of animal	Column 2 Requirements for enclosures ⁷
1 cats, dogs and other animals not listed elsewhere in this schedule	1 the enclosure— <ul style="list-style-type: none"> (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 <i>suitably fenced</i> means a fence constructed of strong materials and designed in such a way to the prevent the animal from— <ul style="list-style-type: none"> (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	the enclosure must— <ul style="list-style-type: none"> (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

⁷ See section 11(2) and (3) regarding the exemption for certain current enclosures that are sited closer than 2 metres from the property boundaries.

3	<p>pigeons</p> <ol style="list-style-type: none"> 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 400 millimetres 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 600 millimetres 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	<p>doves</p> <p>the enclosure must not be sited closer than 2 metres from the property boundaries</p>
5	<p>horses, cattle, sheep, goats and other animals of a similar size</p> <p>the enclosure must—</p> <ol style="list-style-type: none"> (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	<p>caged birds</p> <p>the cages/enclosures must—</p> <ol style="list-style-type: none"> (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* (millimetres)	Number of birds	Minimum floor area (square metres)	Minimum height (metres)	Increased floor area for each additional bird (square metres)
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* (millimetres)	Number of birds	Minimum floor area (square metres)	Minimum height (metres)	Increased floor area for each additional bird (square metres)
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 2 square metres must be of a minimum height of at least 1.8 metres 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 millimetres	Zebra, Cuban, Double Bar, Orange Breasted Waxbill Finches, Canaries, African Peachface and Mask Birds
200 millimetres	Neophemas, Budgerigars, Yorkshire canaries, Red Crested Cardinal Finches, Lorikeets (except Rainbow and Red Collared)
300 millimetres	Rosellas, Cockatiels, Lorikeets, Bronze-Wing Pigeons
400 millimetres	King, Princess, Indian Ringneck and Superb Parrots, Galahs, Long Billed Corellas
500 millimetres	Sulphur Crested Cockatoos
900 millimetres	Hyacinth Macaws

Schedule 7 Requirements for keeping a dog in a koala area

section 12(1)

- (1) The owner or responsible person for a dog kept on a lot of 200 square metres or more within a koala area must during the hours from 6:00pm to 6:00am —
 - (a) confine the dog to an enclosure (a koala management enclosure) which—
 - (i) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
 - (ii) has walls which are constructed so as to prevent the dog from escaping from the enclosure; and
 - (iii) is constructed so as to prevent a koala from entering the enclosure; or
 - (b) tether the dog by a leash or chain which is—
 - (i) not more than 3 metres long; and
 - (ii) securely attached to the collar of the dog and a fixed stationery object on the lot; and
 - (iii) the dog is unable to reach the boundary fence.
- (2) A koala management enclosure may be—
 - (a) a dwelling or part of a dwelling; or
 - (b) a garage; or
 - (c) a suitably fenced area which is constructed—
 - (i) outside a dwelling on the lot for the purpose of confining the dog; and
 - (ii) is constructed in such a way to prevent a koala from entering the enclosure.
- (3) For avoidance of doubt, the requirements in paragraph (1) do not prevent the owner of or responsible person for the dog/s taking the animal/s from a proper enclosure at any time provided the animal/s is/are under effective control.⁸

⁸ For what constitutes effective control see section 13(3) of the Authorising Local Law.

Schedule 8 Koala areas⁹

section 12(2)

This schedule has been left intentionally blank.

⁹ “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 9 Criteria for declared dangerous animals

section 13

The following criteria will be considered prior to the declaration of an animal, other than a dog, being declared dangerous—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (d) whether the animal has exhibited behaviour that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

Schedule 10 Conditions for supply of animals

section 16

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when supplying animals
1 cats and dogs (under 18 months of age)	1 The supplier must provide the person who is obtaining the animal with documented evidence ¹⁰ that the animal has received all core vaccines in accordance with the recommendations in the Australian Veterinary Association's policy on vaccination of dogs and cats. 2 The supplier must lodge a Fraser Coast Regional Council Animal Change of Ownership Form within 14 days of supply.
2 Cats and dogs	1 The supplier must ensure the animal is desexed unless the circumstances in paragraph (2) apply. 2 The circumstances for the purpose of paragraph (1) are— <ul style="list-style-type: none"> (a) the supplier holds a signed veterinary surgeon's certificate for the cat stating that desexing is likely to be a serious risk to the health of the animal ; or (b) the animal is under 16 weeks of age and the supplier provides the purchaser with a a veterinary surgeon voucher of a local government desexing voucher to the equivalent monetary value of the full cost of desexing the animal ; or (c) the supplier is a member of a registered show association and the supply is for the purpose of showing or exhibiting the animal ; or (d) the animal is to reside with a person who does not reside within the local government area.

¹⁰ Documented evidence for the purpose of section 1(a) is a vaccination certificate from a Veterinary Practice.