

29/10/2021

To whom it may concern

**RE: Townsville City Council Draft Local Law 2 and Draft Subordinate Local Law 2**

The Canary and Cage Bird Federation of Australia Inc. (CCBFA) is a national federation of approximately 250 avicultural (bird keeping) clubs, including most clubs operating within Queensland including clubs operating within the Townsville LGA. Our member clubs include those supporting a large and broad range of bird species.

CCBFA is working with Animal Care Australia who is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state - issues such as those highlighted in this submission continue to arise across LGAs nationally.

Our recommendations below address concerns within Council's proposed *Animal Management (Amendment) Subordinate Local Law (No. 2) 2021*, the "Amending Document". In this submission, rather than refer to the amending document we refer to specific sections of the draft *Local Law No. 2 (Animal Management) 2021*, "Draft LL2" and draft *Subordinate Local Law No. 2 (Animal Management) 2021*, "Draft SLL2".

The Amending Document, *Draft LL2* and *Draft SLL2* are located at the following URL.

<https://haveyoursay.townsville.qld.gov.au/public-consultation-local-law-2-animal-management-amendment>

In general terms, we always encourage all councils to promote and encourage the keeping of animals, in our case birds.

**Draft LL2 Recommendations**

Restrictions based on numbers alone are retrograde; animals of all types but in particular birds come in a range of sizes and temperaments, many are flock species, there is a broad range of alternative and legitimate management and housing systems and numerous other factors. For birds, where hundreds of different species are being regulated, numbers are simple for legislators but inappropriate in terms of regulating neighbourhood amenity and ensuring sound animal welfare standards.

Policies that restrict keeping of animals in an attempt to pre-empt and hence prevent noise, odour or other issues for neighbours are discouraged. Such restrictions, including permit requirements, inflict an unnecessary compliance burden on residents and staff which only discourages animal keeping needlessly. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices.

*Recommendation 1*

- (a) Delete the words “how many” from *Draft LL2* section 2(2)(a)
- (b) Add the following as an additional purpose to *Draft LL2* as section 2(4).

“Townsville City Council acknowledges the importance animals play to the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the shire.”

CCBFA recommends Council excludes all regulation of birds when the resident is keeping their birds in compliance with the Queensland Department of Agriculture and Science (DAS) *Code of Practice—Aviculture* under the *Nature Conservation Act 1992 s.174A*.

[https://environment.des.qld.gov.au/\\_data/assets/pdf\\_file/0032/89690/cp-wm-aviculture.pdf](https://environment.des.qld.gov.au/_data/assets/pdf_file/0032/89690/cp-wm-aviculture.pdf)

CCBFA encourages council to refer residents to the DAS *Code of Practice—Aviculture* rather than attempt to reinvent the wheel. If numbers are to be regulated, then doing so according to this code has legitimacy. Council may like to consider Logan City Council’s approach, which is based on the DAS code - <https://www.logan.qld.gov.au/aviary-birds>.

*Recommendation 2*

Exclude birds when kept in compliance with the DAS *Code of Practice—Aviculture* as follows.

- (a) Add the following to *Draft LL2* as section 4(4).

“Subsection (3) does not apply when birds are shown to be kept in compliance with the Department of Agriculture and Science, Code of Practice – Aviculture.”

- (b) Add the following as section 5(5) of *Draft LL2*.

“Approval under this section is not required for the keeping of birds when birds are shown to be kept in compliance with the Department of Agriculture and Science, Code of Practice – Aviculture.”

**Draft SLL2 Recommendations**

If *Recommendation 2* above is implemented, then for completeness all references to birds in *Draft SLL2* can be removed and birds added to the excluded list in *Draft SLL2* section 20.

*Recommendation 3*

- (a) To exclude birds, add the words “birds” as *Draft SLL2* section 20(v).
- (b) Delete rows 5 and 6 of the table in Schedule 2 of *Draft SLL2*.
- (c) Delete row 4 of the table in Schedule 5 of *Draft SLL2*.

*Note that corresponding rows in Schedule 1 are not present within the Draft SLL2 document but are implied in the table on the “Have Your Say” information sheet - such a row would also require similar deletion.*

If *Recommendation 2* and *Recommendation 3* above are NOT implemented, then please consider the following.

As discussed above CCBFA is opposed to applying strict numbers that can be kept when based solely on land size such as is specified in the tables that form Schedules 1 and 2 of *Draft SLL2*. In general, we strongly caution against specifying bird numbers for any property with an area exceeding 1000 square metres (0.1 ha).

There are hundreds of avian species routinely kept in Queensland and every species has its own specialised management, husbandry, enclosure size and welfare requirements. Some species are best kept as bonded pairs, some in large colonies, size is an unreliable indicator of noise, recommended enclosure size varies considerably, diet should be considered, etc, etc. The variables are numerous such that setting numbers is unwise, particularly when based on land size. Such regulation is ineffective, and is simply not a reliable indicator of noise, odour, rodent potential or any other parameter relevant to neighbourhood amenity.

For small birds, such as finches, canaries and budgerigars, a typical backyard aviary will easily contain 15 pairs (30 birds). During a typical breeding season numbers will grow five or ten-fold depending on the species and management practices of the aviculturist. If, and it is a big if, numbers are to be specified then a limit of 30 birds excluding progeny without a permit on blocks less than 1000 square metres is CCBFA's compromise position. For block sizes greater than 1000 square metres CCBFA opposes all limits on numbers.

#### *Recommendation 4*

Delete and replace Column 2 of Row 6 of the table in Schedule 2 of *Draft SLL2* with the following.

“More than 30 birds, excluding progeny, on an allotment with an area less than 1000 square metres.

(This recommendation applies only if the recommendations 2 and 3 above are not implemented).

*Note that a corresponding row in Schedule 1 is not present within the Draft SLL2 document but is implied in the table on the “Have Your Say” information sheet - such a row would also require similar amendment.*

The minimum standards for birds specified in Schedule 5 Row 4 include a number of points inappropriate to the welfare of birds and unnecessary in terms of neighbourhood amenity. We again draw Council's attention to the *DAS Code of Practice—Aviculture* under the *Nature Conservation Act 1992*, and recommend council specify this code as the minimum standard.

Building and planning laws specify the details of Class 10 buildings such as aviaries and other animal enclosures. Nuisance including noise, odour, vermin and the like are already well regulated. Attempts to specify such detail within Schedule 5 are unnecessary.

#### *Recommendation 5*

Delete and replace Column 2 of Row 4 of the table in Schedule 5 of *Draft SLL2* with the following.

“Each owner of, and responsible person for, a bird specified in column 1, item 4 must ensure they comply with the Department of Agriculture and Science, Code of Practice – Aviculture.”

(This recommendation applies only if the recommendations 2 and 3 above are not implemented).

The restrictions on Poultry are surprising given the recent resurgence nationally of people keeping a few hens in their backyard as pets and for organic eggs for the home. CCBFA has consistently recommended to Councils nationally that keeping up to 6 hens on land areas less than 1000 square metres should be permitted without approval and larger numbers with approval. Roosters to require approval for lots less than 1000 square metres.

Restriction of numbers for lots greater than 1000 square metres are unwise and not recommended. Such lots can accommodate poultry hobbyists well and current nuisance laws with regard to noise, odour, vermin, etc. are sufficient to ensure neighbour amenity is maintained should problems occur.

*Recommendation 6*

- (a) Delete and replace Column 2 of Row 5 of the table in Schedule 1 of *Draft SLL2* with the following.

“Any animal to which item 5 applies on an allotment with an area less than 1000 square metres.”

- (b) Delete and replace Column 2 of Row 6 of the table in Schedule 1 of *Draft SLL2* with the following.

“More than 6 birds to which item 6 applies on an allotment with an area less than 1000 square metres.”

- (c) Add Row 7 to the table in Schedule 2 of *Draft SLL2* as follows.

“Poultry - More than 6 birds on an allotment with an area less than 1000 square metres.”

- (d) Add Row 8 to the table in Schedule 2 of *Draft SLL2* as follows.

“Rooster – 1 or more roosters on an allotment with an area less than 1000 square metres.”

Aviculture is a hobby activity enjoyed by many thousands of people for many hundreds of years. In recent decades it has evolved to be central to conservation efforts globally. We support regulation that ensures aviculture is practiced with due respect for neighbours and with high welfare standards.

Should Townsville City Council wish to persist with numbers based on various land areas rather than as specified in the *DAS Code of Practice—Aviculture*, CCBFA requests Council convene a meeting to enable our position to be put directly.

For your information, this submission will be publicly available via our website [www.ccbfa.org.au](http://www.ccbfa.org.au).

Please do not hesitate to make contact if we can assist further.

Kind regards,



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