

Scenic Rim Planning Scheme 2020

Pets and Animals - June 2023

Planning Scheme or Local Laws

The regulatory control of animals by Council falls into two main areas, the Planning Scheme and local laws. The Scenic Rim Planning Scheme (Planning Scheme) predominately controls matters which are a land use, described as either:

- *Animal keeping* - Examples include kennels, catteries, stables and aviaries;
- *Animal husbandry* - Examples include livestock grazing, bee keeping, cattle stud and non-feedlot dairy;
- *Aquaculture* - Examples include pond farms, tank systems and hatcheries; or
- *Intensive animal industry* - Examples include feedlots, piggeries, poultry and egg production.

Local laws regulates how animals are kept, including the numbers of domestic pets, fencing requirements and keeping standards.

The planning scheme seeks to clearly differentiate its rules from that of local laws however, in some instances both will apply. For example, kennels require an initial development approval under the planning scheme, followed by an annual licence under the local law. Also, compliance with the requirements of the Planning Scheme does not, on its own, provide authorisation for an approval under Council's Local Laws, and vice versa.

What are domestic animals?

The Planning Scheme does not regulate *domestic animals*. Under **Schedule 1** of the Planning Scheme, *domestic animals* are defined as:

domesticated animals which are kept in or about a dwelling for the purpose of companionship, enjoyment, interest or protection and:

1. *includes, but is not limited to aquarium fish, bees, birds kept in a cage or enclosure located within a residence, cats, poultry (limited to less than 100 in combined total), dogs (including incidental breeding), rodents (including guinea pigs, mice and rats); and*
2. *does not include:*
 - a. *alpaca or llama, camel, cattle, crocodile, donkey, ducks, emu, geese, goats, guinea fowl, horses, ostrich, pea fowl, pigs, sheep, turkeys; or*
 - b. *Animal keeping; or*
 - c. *animals commonly associated with food production, intensive animal industry or rural land uses.*

If your proposal falls under the definition of *domestic animals*, you are not required to obtain planning approval (however Local Law approvals may still be required).



Common queries for pets and animals

The below table provides an overview of only the common animal related activities queries. Please note that the table is not an extensive list and it is important to discuss your individual query with

Council's Development Assessment team for planning related questions and Health, Building and Environment team for Local Law related questions. Refer to the 'Talk to a Planner' section of this fact sheet. For details on the below activities, refer to the 'Definitions under the Planning Scheme' section of this fact sheet. Please also see the 'What if an Overlay applies to my property' section of this fact sheet.

ACTIVITY	PLANNING SCHEME	LOCAL LAW*
Animal husbandry	Planning approval is not required in the Rural and Rural Residential Zones (and all associated Precincts)	Prohibited on small lots. Density limits for lots up to 4ha
Aviary (Animal keeping)	Planning approval may be required in a residential zone and a Rural Zone (including all precincts). Aviary structures are required to have a total site cover not exceeding: 1. 5% on a site up to 4000m ² ; or 2. 200m ² on a site more than 4000m ² .	Keeping standards. Limits on particular birds numbers, eg pigeons, peacocks
Bees (domestic pets or Animal husbandry)	Either <i>domestic pets</i> or <i>Animal husbandry</i> depending on the intent of the use (eg. for commercial purposes).	Limits on hive numbers for small lots.
Chickens and other poultry	Limited to less than 100 in total is defined as a <i>domestic pet</i> and does not require planning approval. In Rural Zones (all precincts): <ul style="list-style-type: none"> Up to 999 can be kept on large lots as per Intensive Animal Industry Code requirements may require planning approval 1000 birds and over must have planning approval 	Restrictions on numbers. Annual licencing if more than 20 on small lots. Keeping standards.

ACTIVITY	PLANNING SCHEME	LOCAL LAW*
Dogs/Cats as pets (domestic animals)	Can be kept in association with a dwelling.	Numbers, permits, keeping standards and fencing requirements.
Kennel (Animal keeping)	Planning approval required for boarding, breeding or training.	Annual licencing.
Cattery (Animal keeping)	Planning approval may not be required where involving breeding and/or training in selected zones (where requirements are met). Boarding only supported (with planning approval) on larger lots in selected Zones.	Annual licencing.
Pigs (Intensive animal industry)	Supported in the Rural Zone only. Planning approval may be required.	Keeping standards.
Stables (Animal keeping)	In specific zones (generally larger lots), planning approval may be required.	Density limits. Keeping standards.
Aquaculture	Supported in all Rural Zones and the Rural Residential Zone – Rural Residential A Precinct only. Planning approval not required for minor aquaculture in the Rural Zone (excluding Rural Escarpment Protection Precinct)	n/a

What is an overlay applies to my property?

An Overlay in the Planning Scheme may also influence whether planning approval is required for *Animal Keeping, Animal Husbandry, Aquaculture and Intensive animal industry*. For example, an Overlay may **increase the category of assessment from accepted development to assessable development** (which requires planning approval).

The best way to check whether a property is affected by an Overlay is to view the [eplan and mapping](#) on Council's website or talk to one of our planners. If your property is affected by an overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help you to determine whether the overlay means planning approval is required.

What other approvals are required?

Apart from the Local Law approvals mentioned above, it should also be noted that some activities (e.g. *Intensive Animal Industry*) require additional approvals such as an Environmentally Relevant Activities (ERA) licence or permit that needs to be obtained from the State Government.

Definitions under the Planning Scheme

The below is a list of definitions, used in this fact sheet that are outlined under **Schedule 1** of the Planning Scheme.

Animal Husbandry: means the use of a premises for:

- a. producing animals or animal products on native or improved pastures or vegetation; or
- b. a yard, stable, temporary holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph a.

Animal Keeping: means the use of premises for:

- a. boarding, breeding or training animals; or
- b. a holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph a.

Aquaculture: means the use of premises for cultivating, in a confined area, aquatic animals or plants for sale.

Intensive animal industry: means the use of a premises for:

- a. The intensive production of animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand; or

- b. storing and packing feed and produce, if the use is ancillary to the use in subparagraph (a); but

does not include the cultivation of aquatic animals.

Minor aquaculture: Aquaculture that complies with the requirements set out under the document 'Accepted Development Requirements for Material Change of Use that is Aquaculture' by the State Department of Agriculture and Fisheries.

Residential Zone: Means premises (however described) designated in a local categorising instrument as residential.

Examples of ways of describing premises:

- General residential
- Low density, medium density or high density residential
- Residential living
- Residential choice
- Rural residential or park residential.

Note: For the purposes of the Planning Scheme, residential Zones are the Low Density residential Zone, Low-Medium Density Residential Zone, Rural Residential Zone and Township Zone.



Related information

The *Keeping of poultry* fact sheet can be found on Scenic Rim Planning [Fact Sheets - Scenic Rim Regional Council](#)

Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

For more information

The planning scheme and mapping is available to view on Council's website [Scenic Rim Planning Scheme – Scenic Rim Regional Council](#)

Hard copies of the planning scheme and mapping are also available for viewing at Council's Customer Service Centres.

Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.