

<b>POLICY:-</b>	
Policy Title:	Keeping of Poultry (Residential Areas)
File reference:	F10/618-04
Date Policy was adopted by Council initially:	21 April 2011
Resolution Number:	120/11
Other Review Dates:	19 September 2019
Previous Resolution Numbers:	244/19
Current Policy adopted by Council:	21 July 2022
Resolution Number:	158/22
Next Policy Review Date:	2025

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	Director Environment and Planning
Committee/s (if any) consulted in the development of this policy::	
Responsibility for implementation:	Director Environment and Planning
Responsibility for review of Policy:	Director Environment and Planning

## OBJECTIVE

The objective of this Policy is to maintain residential amenity and minimise the nuisance affects associated with the keeping of poultry in urban areas.

## GENERAL

The keeping of poultry, specifically in relation to the manner in which they are kept, can be subject of Orders pursuant to Section 124 of the Local Government Act 1993.

The Regulation to the Act (specifically Schedule 2 of the Local Government (General) Regulation 2005) includes standards for the keeping of specific birds or animals being poultry. These provisions must be read in connection with this Policy.

Certain animal shelters should not be erected or located at premises without prior approval of Council. Council will consider the circumstances of individual proposals and will normally consult with neighbours as provided for in Council's Development Control Plan.

## TABLE OF REQUIREMENTS

ANIMAL	MAXIMUM NUMBER	MINIMUM DISTANCE (from certain buildings)	ADVISORY NOTES
Hens	No maximum numbers	4.5 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale of storage of food.	The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.
Roosters	Limited/Restricted	15.2 metres.	The keeping of roosters must not create a nuisance or be dangerous or injurious to health. Roosters should be housed within a properly constructed sound reduction shed. If an offending rooster continues to cause a noise problem within

			the neighbourhood Council may proceed with further action under the Protection of the Environment and Operations Act 1997. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.
Other poultry including ducks, geese, turkeys, peafowl and other pheasants	Maximum of five	15.2 metres.	The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.

### **COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS**

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the Local Government Act 1993 and the local Government (general) Regulation 2005.

**This Policy is intended to be used by Council to provide guidance about the criteria Council will use when determining whether to exercise its powers and issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.**

Council may, in appropriate circumstances, issue an Order to:

- Prohibit the keeping of various kinds of animals;
- Restrict the number of various kinds of animals to be kept at the premises; and
- Require that animals be kept in a specific manner.

It is advised that Council can exercise further controls over animals under the following Acts:

- Protection of the Environmental Operations Act 1997;
- Environmental Planning and Assessment Act 1979
- Impounding Act 1993; and
- Food Act 2003

## **GIVING ORDERS BY COUNCIL**

Upon complaint, Council will inspect the premises and discuss any concerns with the owner/tenant of the premises in question. In addition, Council may liaise with community representatives with regard to solving the problem.

Where a problem is identified with the keeping of poultry and it cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order.

Normally a person will be given the opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

## **RELATED LEGISLATION AND COUNCIL POLICIES**

The following Legislation and Council Policies and documents that are relevant to this Policy include:

- Local Government Act 1993
- Local Government Regulations 2005
- Protection of the Environmental Operations Act 1997;
- Environmental Planning and Assessment Act 1979
- Impounding Act 1993; and
- Food Act 2003

## **VARIATION**

Council reserves the right to review, vary or revoke this policy.