

## Legal Requirements for Keeping Poultry

### Legislation Local Government (General) Regulation 2021 – Schedule 2

#### Division 2 - Keeping of poultry

##### 19 Poultry not to be nuisance or health risk

- (1) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- (2) Poultry yards must at all times be kept clean and free from offensive odours.

##### 20 Poultry not to be kept near certain premises

- (1) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 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 or storage of food.
- (2) Poultry (other than fowls referred to in subsection (1)) must not be kept within 30 metres of any building referred to in subsection (1).
- (3) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subsection does not apply to poultry houses--
  - (a) that are not within 15.2 metres of a dwelling, public hall or school, or
  - (b) that are situated on clean sand.
- (4) Poultry yards must be so enclosed as to prevent the escape of poultry.
- (5) The standards in this section apply to a person only if the council has served an order under section 124 of the Act to that effect on the person.

### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Subdivision 21 Fowl and Poultry Houses

#### 2.42 Development standards

- (1) The standards specified for that development are that the development must—
  - (a) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5—
    - (i) be not higher than 3m above ground level (existing), and
    - (ii) not have a floor area of more than 15m<sup>2</sup>, and
    - (iii) be located in the rear yard, and
    - (iv) for development on land in Zone R5—not house more than 10 fowl or poultry, and
    - (v) for development on any other land—not house more than 5 fowl or poultry and not house any roosters, and
  - (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6—
    - (i) be not higher than 7m above ground level (existing), and
    - (ii) not have a floor area of more than 50m<sup>2</sup>, and
  - (b1), (b2) (Repealed)
  - (c) be located at least 3m from each lot boundary, and
  - (d) if it houses fowls (including guinea fowls) only—be located at least 4.5m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
  - (e) if it houses other types of poultry—be located at least 30m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
  - (f) be enclosed to prevent the escape of poultry, and
  - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
  - (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and
  - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
  - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 1 development per lot.