

Tuesday, 2 August, 2011

Rooster permissibility and Lake Macquarie Council
Response given to the Newcastle Herald

Lake Macquarie City Council claims that fowl houses are now exempt development under the NSW Government's Housing Code and therefore there is little they can do about a noisy rooster that has generated complaints. Is this true?

Department of Planning and Infrastructure response:

Yes, the State environmental planning policy (exempt and complying development) 2008 does define when fowl or poultry houses can be exempt from planning approval.

However, this clearly only covers the structure itself, not the animal.

It is the Department's understanding that councils have powers under other State legislation to deal with animal issues, including the ability to issue an order under Section 124 of the Local Government Act.