

## **RANGER & EMERGENCY SERVICES**

### **POLICY NO 8.9**

#### ***8.9– Multiple Dogs***

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##### **Origin/Authority**

Council Meeting: 15 November 2012

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##### **Enabling Legislation**

Dog Act 1976

Local Government Act 1995

##### **Related Legislation & Statutes**

Shire of Exmouth Dogs Local Law

##### **Preamble**

The Dogs Act and the Shire of Exmouth Dog Local Law place a limit on the number of dogs that may be kept on a property. This limit is 2 dogs over the age of 3 months within the townsite and 4 dogs over the age of 3 months outside the townsite.

Section 26(3) of the Dog Act provides for Council to make an exemption to the Local Law and permit a person to keep more than the prescribed number of dogs. Any exemption Council makes may be subject to conditions relating to the dogs in the application. Council cannot approve more than 6 dogs on a premise and Council may revoke the approval at any time.

##### **Policy Objectives:**

This policy seeks to ensure that multiple dog applications are treated in a fair and consistent manner having regard to the relevant Acts, Regulations, Local Laws and not to create disharmony in the immediate neighbourhood due to problems that could occur through having a multiple dogs on a single property.

##### **Definitions:**

“Authorised Officer” – means a person appointed by the Shire of Exmouth under the Dog Act 1976.

“Premise” – means the property or properties owned or occupied by the applicant. Where a property consists of more than one land title, all parcels of land together shall be deemed to be one premise.

##### **Policy:**

1. An owner or occupier of land within the Shire of Exmouth shall not be allowed to keep more than :-
    - a) two (2) dogs on a premise within the townsite, without the prior written approval of the Council.
    - b) four (4) dogs on a premise outside the townsite, without the prior written approval of Council.
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2. No person within the Shire of Exmouth will be permitted to keep more than six (6) dogs on a premise under any circumstance. This requirement will not apply to a dog kennel facility approved under the provisions of the relevant Shire of Exmouth Town Planning Scheme.
  3. Council will not approve more than two (2) dogs within the townsite or four (4) dogs outside the townsite unless it can be shown to the satisfaction of an authorised officer that:
    - a) the property has sufficient open space capable of housing a 3<sup>rd</sup>/5<sup>th</sup> dog; or
    - b) the 3<sup>rd</sup> / 5<sup>th</sup> dog is to replace an elderly or sick dog which is likely to die within the next 12 months.
  4. In order to seek Council's approval to keep between three (3) and six (6) dogs on a property, the owner / occupier must provide a written application advising of the following information :-
    - a) Contact details of the applicant, including their full postal address;
    - b) Complete details on the property on which the dogs will be kept;
    - c) The reasons for which they require the permit; and
    - d) The total number of dogs to be kept on the property.
  5. Prior to determination, all applications to keep between three (3) and six (6) dogs on a property will :-
    - (a) Be referred to adjoining landowners for comment. Adjoining landowners will have 14 days from the date of referral to lodge a written submission on the proposed application. Where no response is received, Council will take the view that the adjoining owners have no objection to the application.
    - (b) All dogs must be registered to the address in the application
    - (c) The property will be inspected for (i) suitable containment (ii) ensure that dog faeces are removed regularly and in an appropriate manner (iii) the general health and welfare of the dogs is suitable.
    - (e) In the case where an application is being made for a dog to replace an old dog, the old dog is in all probability likely to die within the next 12 months.
  6. Following approval to keep three (3) to six (6) dogs on a property, an authorised officer of Council may inspect the subject property at any time to inspect fencing, dog numbers and registration of dogs.
  7. Any application approved by Council shall be an approval only for (i) the dogs named in the application (ii) the property named in the application.
  8. Council reserves the right to revoke any approval to keep three (3) to six (6) dogs on a property if it is considered that a breach or offence against the *Shire of Exmouth Dogs Local Law* or the *Dog Act 1976* has been committed. In this circumstance, the Council may require that the number of dogs on the property be reduced to a maximum of two (2) within 14 days.
  9. The Chief Executive Officer is delegated authority to perform the functions of Council in respect to the following:
    - a) The determination of applications to keep between three (3) and six (6) dogs on a property, where the application meets all requirements of this policy, the *Shire of Exmouth Dogs Local Law* and no written objection has been received from adjoining landowners during the notification period; and
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- b) To refuse applications to keep more than six (6) dogs on a property that are not in connection with a dog kennel facility approved under Council's relevant Town Planning Schemes.
  - c) To place any conditions on the approval which the Chief Executive Officer sees fit.
10. Any application not considered to fall within the delegation parameters defined in Section 9 will be referred to Council for determination.
11. Any applicant whose application has been refused or is not satisfied with the conditions placed on an approval is to be advised of their right of appeal to the State Administrative Tribunal. Applicants shall be advised they have a maximum of 28 days from the date of notice to lodge their appeal.

All dogs within the Shire of Exmouth must meet the requirements set out in Section 3.1 of the Shire of Exmouth Dogs Local Law – Dogs to be Confined.

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