

ADMINISTRATION POLICY

POLICY NO:	A.15
POLICY SUBJECT:	Keeping of 3 to 6 Dogs
ADOPTION DATE:	19 June 2012
LAST REVIEW	

STATEMENT OF INTENT

To provide guidance to the owners or occupiers of land within the Shire of Toodyay on the circumstances where more than two (2) but less than six (6) dogs may be kept on their premises. The policy provides the basis for approving more than two (2) and less than six (6) dogs on a property, including consultation with adjoining owners, ensuring adequate boundary fencing and that all other requirements of the *Dog Act 1976* are achieved.

This policy will provide for the delegation of authority to deal with these matters, such that the keeping of between three (3) and six (6) dogs may be approved in an efficient and timely manner.

OBJECTIVES

- To provide clear guidance to Council, staff and the public on the circumstances under which between three (3) and six (6) dogs may be kept on a property.
- To provide delegated authority to the Chief Executive Officer to approve between three (3) and six (6) dogs on a property.

DEFINITIONS

'Authorised officer' means a person appointed by the Shire of Toodyay to exercise powers on behalf of the Shire of Toodyay under the *Dog Act 1976* (section 29(1)).

'Property' means an area of land with a residence which a person has a lawful right to occupy and is clearly demarked by way of a fence or clearly defined barrier.

STATUTORY POWERS

This policy is made pursuant to Section 2.7(2) (b) of the *Local Government Act 1995* and provides clarification to Clause 3.2 of the *Shire of Toodyay Dogs Local Law*, which has been made pursuant to the *Dog Act 1976*.

POLICY STATEMENT

1. An owner or occupier of land within the Shire of Toodyay shall not be allowed to keep more than two (2) dogs on a property, without the prior written approval of the Council.
2. No person within the Shire of Toodyay will be permitted to keep more than six (6) dogs on a property under any circumstance. This requirement will not apply to a dog kennel facility approved under the provisions of the Shire of Toodyay Local Planning Scheme No 4.
3. The maximum amount of dogs that can be considered for any one property is set out in the table below:

Site	Maximum Number of Dogs that could be approved
<ul style="list-style-type: none"> • Property zoned 'Residential' and 'Town Centre'. • Property zoned 'Residential Development' with site area less than one hectare (1ha). 	2 dogs
<ul style="list-style-type: none"> • Property zoned 'Residential Development' with site area greater than one hectare. • Property zoned 'Rural Living', 'Rural Residential' and 'Special Residential'. 	3 dogs
<ul style="list-style-type: none"> • Property zoned 'Rural'. 	Up to 6 dogs. If approval sought for more than 3 dogs, must be demonstrated that at least half the number of dogs on the property are working dogs associated with an agricultural pursuit.

4. An application to have more than two (2) dogs on a property must be accompanied by 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 be referred to adjoining landowners (whose property boundaries are within a 50 metre radius of the subject land) for public comment. Adjoining landowners will have 21 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.

6. Prior to determination of an application 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. 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 Toodyay 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.
8. 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 Toodyay Dogs Local Law* and no written objection has been received from adjoining landowners during the notification period;
 - b) 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 Toodyay Dogs Local Law* and a written objection is received which is not considered sufficient reason for refusal of the application;
 - c) To refuse any application that does not comply with section 3 of the policy; and
 - d) 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 Local Planning Schemes.
9. Any application not considered to fall within the delegation parameters defined in Part 8 will be referred to Council for determination.
10. All dogs within the Shire of Toodyay must meet the requirements set out in PART 3 of the *Shire of Toodyay Dogs Local Law – Dogs to be confined*.

(Refer to LPP.15)

Adopted as Administration Policy Council Meeting 19 June 2012

