



DEVELOPMENT SERVICES ATTACHMENTS
ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 JULY 2023

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DS01 – 07/23	Review of Council Policy 9.5 – ‘Multiple Dogs’ Attachments 1. Draft Council Policy 9.5 – Multiple Dogs 2. Current Council Policy 10.5 – Multiple Dogs	1 – 5

9.5 Multiple Dogs

Policy Owner:	Executive Manager Development Services
Person Responsible:	Ranger
Date of Approval:	21 November 2012
Amended:	xxxx

Objective

To provide a consistent approach for the assessment and approval of additional dogs above the prescribed limitations within the Shire of Chittering Local Law 2023.

Statement

The Multiple Dogs Policy ensures alignment with the Shire of Chittering **Dog Local Law 2023**, section 3.2(2) which allows for:

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act—

(a) two (2) dogs over the age of three (3) months and the young of those dogs under that age if the premises are situated on land zoned townsite or residential; or

(b) three (3) dogs over the age of three (3) months and the young of those dogs under that age if the premises situated on land zoned other than townsite or residential.

The terms ‘additional dogs’ and ‘multiple dogs’ refers to a number of dogs that exceeds the prescribed limits of the *Shire of Chittering Dog Local Law 2023*, above.

Application Procedure

Residents wishing to obtain additional dogs are to follow this procedure prior to obtaining the additional dog(s):

1. Complete and submit to the Shire of Chittering an “Application for Exemptions on Limitations of Number of Dogs” form;
2. Detailed written explanation for the purpose of the requested additional dog(s) that aligns to the ‘Exceptional Circumstances’ of this Policy;
3. Enclose the additional dog application fee (which is non-refundable) and is prescribed in the Shire of Chittering’s Fees and Charges; and
4. Register all existing dogs that are ordinarily kept at the subject property.

Only once a resident has received approval from the Shire of Chittering (either by Council or under delegated authority), may they then obtain the additional dog(s) in line with the conditions outlined on their approval. A resident wishing to obtain retrospective approval may incur additional fees as per the Shire of Chittering Fees and Charges.

Assessment Procedure

In assessing an application for additional dogs the following procedures will be undertaken by an Authorised Officer (Ranger):

1. Notify all adjoining and adjacent neighbouring landowners within 50 metres of the boundary of the subject property in writing for the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
2. Arrange and conduct a site inspection of the property and undertake an animal welfare assessment of any existing dogs and a fencing assessment. All details of the Authorised Officer's findings will be recorded as a report towards the final recommendation.
3. Contact and interview any neighbouring landowners who have made comments to ascertain their objection is justified and of a reasonable nature, if any received.
4. Review dog owner's history and complete a report upon closure of the 21 days period for part (1), and completion of part (2) and (3). The Authorised Officer will refer their report and recommendation for review of the Executive Manager of Development Services.

The Chief Executive Officer and Executive Manager of Development Services have conditional delegated authority on additional dog applications. If at part (3), the Authorised Officer has determined that any objections cannot be resolved or have significant issues, a report will be prepared for Council's decision.

Exceptional Circumstances

The following circumstances are considered sufficient reason for the Shire and Council to consider approval of additional dogs consistent with the criteria set out in the Shire of Chittering Dog Local Law 2023, section 3.3(c):

1. To replace an elderly or sick dog not expected to live, that is already registered to the subject property.
2. A family emergency resulting in the dog being inherited.
3. Merging of two households.
4. Where the applicants have had approval to keep the subject additional dog or dogs in another local authority; or
5. On premises zoned as rural or rural residential under the Shire's local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

The above are the only circumstances which Council will consider additional dog applications, with each application to be assessed on its merits.

Conditions of Approval

Should an application for additional dogs be approved, the following conditions will be imposed on an approval granted:

- The approved additional dog(s) shall be registered under the *Dog Act 1976* with the Shire within 21 days of the subject dog(s) residing at the subject property.
- The approved additional dog(s) shall be microchipped and the microchip number be provided to the Shire within 21 days of the subject dog(s) residing at the subject property.
- This approval is for the life of the dog(s) listed below <insert table of dogs approved at the premises> and no additional dog or replacement dog shall be registered to this property unless a new application has been approved.
- The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs approved.

- If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven (7) days.
- The fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

Additional conditions can be imposed on any approval granted, as the Shire deems necessary.

10.5 Multiple Dogs

Policy Owner:	Executive Manager Development Services
Person Responsible:	Ranger
Date of Approval:	21 November 2012
Amended:	20 February 2013

Objective

To provide a consistent approach for the assessment on the number of dogs above the prescribed approval on properties within the Shire of Chittering.

Statement

The Multiple Dogs Policy ensures alignment with the Shire of Chittering **Dog Local Law 2011**, section 3.2(2) which allows for:

- (a) *Two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*
- (b) *Three dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

Residents wishing to register additional dogs are to submit to the Shire of Chittering an “Application for Exemptions on Limitations of Number of Dogs” form, and enclose the additional dog application fee (which is non-refundable) and is prescribed in the Shire of Chittering’s Fees and Charges.

Procedures

In determining the application the following procedures will need to be undertaken by the Ranger Services:

1. All adjoining and adjacent landowners are to be notified in writing for the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
2. The Council Ranger to attend the property and undertake a complete dog welfare assessment, a fencing assessment and a report prepared by the investigating officer of his findings.
3. The Council Ranger to contact and interview any landowners who have made comments to ascertain their objection is justified and of a reasonable nature.
4. Upon closure of the 21 days period for part (1), and completion of part (2) and (3), Council will be advised of the application including all submissions for its determination.

The Chief Executive Officer has delegated authority on additional dog applications; however if an application has significant issues with neighbouring properties a report will be prepared for Council's decision.

References:

Shire of Chittering Dog Local Law 2011, clause 3.2(2)

Dog Act 1976, section 26(3)

Local Government Act 1995, sections 5.18, 5.42 and 5.46(1)