

# Dogs

## Introduction

Current legislation permits property owners to keep a maximum of two dogs without requiring approval from Council. In some circumstances, residents may wish to keep more than the prescribed number; however, approval from the Shire is required. The Shire will consider limited exceptions as provided within this policy to the two-dog rule.

The *Dog Act 1976* allows residents to apply to keep up to six (6) dogs on their premises provided they have the necessary approval from council. However, it is the policy of the Shire of Toodyay that a maximum of four (4) dogs on a property is the accepted limit.

All dogs residing or staying at the property for longer than eight weeks must be added onto the application.

Surrounding neighbours will be engaged in a consultation process to obtain comments on the application.

Once the application and the survey forms are assessed, a Shire Ranger will contact the applicant to organise a date and time to inspect your property.

The Shire Rangers will also take in account any history recorded against the applicant's dogs while reviewing the application.

**NOTE: Application for approval to keep more than the prescribed number of dogs may be withdrawn if the dog owner is proven guilty of an offence under the [Dog Act 1976](#).**

## Objective

- To provide guidance to Council, staff and the public on the circumstances under which up to four dogs may be kept on a property.
- To promote animal welfare and the responsible ownership of dogs.
- To ensure the amenity and safety of the neighbourhood is protected.
- To provide a framework for residents who wish to apply to the Shire to foster animals.

## Scope

This policy applies to the whole of the Shire of Toodyay.

## Definitions

Term	Definition
Act	Dog Act 1976
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local</i>

Term	Definition
	<i>Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Shire	the Shire of Toodyay.

## Policy Statement

### Statutory basis

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*.

## 1. Mandatory Requirements for Keeping Dogs

### 1.1. Microchipping

- All dogs over the age of eight weeks must be microchipped.

### 1.2. Sterilisation

- Sterilisation is to be compliant with current State government legislation at the time of application..

### 1.3. Owner's responsibility

A dog owner is responsible under the *Dog Act 1976* to ensure a dog:

- Wears a collar displaying a current Shire registration tag whilst in public places.
- Can be confined to the premises where it lives.
- Is held by a competent person capable of controlling a dog on a maximum two metre fixed lead or eight metre retractable lead when in public places.
- In designated areas, dogs may be exercised off a leash, but the person in control of the dog must carry a leash in case it is required.
- Is registered in one person's name who is over the age of 18 years.

## 2. Where the Shire of Toodyay will consider more than two (2) but no more than four (4) dogs in an application.

The following table outlines the circumstances in which the Shire of Toodyay will consider more than two (2) dogs on a property for the purposes of this policy.

<b>Working dog</b>	Farm dog - no greater than 4, two of which are in training and on a rural property of 40ha or greater. Or, where it can be demonstrated an additional dog is required because of an increase in stock or landholding.	Assisted Living dog - no more than one per person of need.	
<b>Compassionate</b>	<p>Fostered - no more than 1 dog in a contained environment.</p> <ul style="list-style-type: none"> <li>• Must be from a registered entity</li> <li>• the dog registered under the registered entity and sterilised.</li> <li>• one foster dog at a time and no more than three dogs in total.</li> </ul>	<p>Family - exception where it can be demonstrated the owner can no longer care for a family pet.</p> <ul style="list-style-type: none"> <li>• Written confirmation required from doctor or other specialist confirming that original owner is no longer able to care for a pet.</li> <li>• Limited to four (4) dogs in total.</li> </ul>	<p>Existing dogs -new resident with pre-existing registered dogs and without a history of aggression or nuisance behaviour. The owner must also not have a problematic history.</p> <ul style="list-style-type: none"> <li>• Must be supported by document evidence of previous registration(s) outside the Shire of Toodyay.</li> <li>• The owner has no previous breaches or offences under the <i>Dog Act 1976</i></li> </ul>

## 2.1 Fees

A non-refundable fee must accompany the application when lodged with the Shire. This fee is to cover the costs of processing the application. The fee will be in accordance with the adopted Shire of Toodyay Schedule of Fees and Charges at the time of application.

## 2.2 Fines and penalties

Heavy fines and penalties can be issued for failing to comply with the *Dog Act 1976* and the *Shire of Toodyay's Local Laws*.

## 2.3 Breeding

The breeding of pedigree dogs and designer dogs has become quite popular in Western Australia. However, before you start, you need to obtain planning approval and obtain a kennel licence from the Shire.

If you are considering breeding your dogs as a business, you are required to apply for a kennel licence. The Shire's planning team must be consulted, as only certain zoning under the Shire of Toodyay's Local Planning Scheme No. 4 permits such

a business. The rationale behind this is to control numbers of dogs, and therefore reduce associated complaints.

## 2.4 Fostering Animals

Only dogs associated with a registered foster care organisation will be permitted. Only one (1) foster dog is permitted at any one time.

Applications must include the following information:

- Letter from Foster Care organisation, confirming the applicant is registered with this organisation for the purpose of fostering;
- Details of the property in which the applicant will be keeping foster animals;
- Details of the current animals held on the property;
- Completed Foster Carer Registration Form (would need to be created – this registers the human to have foster animals).

Where a Registered Foster Carer is receiving a new foster animal, a Foster Animal Details Form would need to be completed and provided to the Council, prior to the animal arriving on the property. Details must include:

- Dog name, breed, age, colour;
- Date of sterilisation;
- Microchip number;
- Expected date of arrival.

On the foster animal being placed into a permanent home, the foster carer must notify the Council of the departure of the foster animal within 48 hours.

Approval will be granted or denied, following a review of the applicant, property, current animals kept on the property and any other relevant information.

Where the fostering of animals exceeds the current legislative approval for two dogs, the conditions outlined in the dog application, below, must be adhered to.

## 3. Application Process

Applications must include the following information:

- (a) An application to have more than two (2) dogs (but no more than four (4)) on a property must be accompanied by the following information:
  - Contact details of the applicant, including their full postal address;
  - Residential address of the property on which the dogs will be kept;
  - The reasons for which they require the permit;
  - The total number of dogs to be kept on the property; and
  - Reasons need to be validated and supported with documentation.
- (b) Prior to determination, all applications to keep up to four (4) dogs on a property will be referred through a mailout to adjoining landowners and properties within 50 meters of the applicant's boundary 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.

- (c) Prior to determination of an application to keep up to four (4) dogs on a property, an authorised officer of Council will attend the subject property at any time to inspect fencing, dog numbers and registration of dogs. The Shire also welcomes dog owners to make appointments for inspections.
- (d) Council reserves the right to revoke any approval to keep up to four (4) 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.
- (e) The Chief Executive Officer has delegated authority to perform the functions of Council in respect to the following:
  - (i) The determination of applications to keep up to four (4) 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;
  - (ii) The determination of applications to keep up to four (4) 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;
  - (iii) To refuse any application that does not comply with section 3 of the policy; and
  - (iv) To refuse applications to keep more than four (4) dogs on a property that are not in connection with a dog kennel facility approved under Council's relevant Local Planning Schemes;
  - (v) The determination of a Foster Carer Application and subsequent Foster Animal Details Forms.
- (f) Any application not considered to fall within the delegation parameters defined in Part 8 will be referred to Council for determination.
- (g) 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*.

## Reference Information

- *Shire of Toodyay Dogs Local Law Clause 3.2*

## Legislation

- *Local Government Act 1995 Section 2.7(2)(b)*
- *Dog Act 1976*

## Associated documents

Dog Registration

Dog Application

## Version control information

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