

5. DEVELOPMENT AND REGULATION 5.2 RANGER POLICIES

5.2.5 Applications to Keep Additional Dogs or Cats

Objectives

The objective of this policy is guide the assessment of the following applications to keep additional dogs or cats:

- Applications made under Section 26(3) of the *Dog Act 1976* to keep more than two (2) dogs on a property within a townsite or more than four (4) dogs outside a townsite;
- Applications made under the Shire of Manjimup Cat Local Laws to keep three (3) or more cats at any premises.

Purpose

The purpose of this policy is outline the circumstances under which the Shire of Manjimup may be prepared to conditionally approve the keeping of more than the maximum number permitted under Shire of Manjimup Local Laws and the procedure to be followed by Shire of Manjimup employees in assessing such applications.

Interpretation

For the purpose of this policy, all terms shall have the same meaning as defined by the *Dog Act 1976* and *Cat Act 2011* and the associated regulations.

Permissibility

Dogs

In accordance with Section 26(1) of the *Dog Act 1976* up to two dogs may be kept on any premises, 'as of right'. As detailed in section 26(2) of the Act, local government may through the making of a local law, limit the maximum number of dogs that may be permitted.

Pursuant to this, Part 3 of the Shire of Manjimup's *Dogs Local Law 2004* stipulates that, unless otherwise approved by Council:

- i) A maximum of two dogs may be kept on any property within a townsite (including Windy Harbour and Quinninup);
- ii) A maximum of four dogs may be kept on any property outside of townsite.

In accordance with the Local Laws the keeping of more than two dogs in a townsite, or four dogs outside of a townsite may be permitted under the following circumstances:

- As an approved Kennel; or
- Where Council grants an exemption pursuant to Section 26(3) of the *Dog Act 1976*.

An exemption to permit the keeping of up to six dogs may be granted under Section 26(3) of the Dog Act, which states:

- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified are but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied*

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in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

**Note: Puppies are not considered dogs until they reach three months of age.*

Cats

Part 5, Division 2 of the *Cat Act 2011* details that the local government may make and enforce a local law that regulates aspects of cat ownership, including the number of cats that may be kept at a property. Council adopted the Shire of Manjimup Cat Local Law 2021 in accordance with the *Cat Act 2011* and the *Local Government Act 1995* at it's Ordinary Meeting held on March 2021. The Local Law now has full effect.

Clause 4.2(1) of the Shire of Manjimup *Cat Local Laws 2021* specifies that, unless otherwise approved by Council, no person shall keep more than two (2) cats on any premises.

Application

Where an application is to be made to keep more dogs/cats than permitted by Shire of Manjimup Local Laws, the submitted details should include:

- A completed Application for Permit to Keep Additional Dogs/Cats;
- The submission of supporting correspondence detailing the background to the situation and the reasoning for the keeping of more dogs/cats;
- In the case of a tenanted property, correspondence from either the landowner or their appointed real estate agent authorising the application; and
- Payment of the required fee in accordance with the Shire of Manjimup's Schedule of Fees and Charges adopted as part of the annual budget.

Assessment of Proposals

All applications seeking approval to the keeping of more than the maximum number of dogs/cats prescribed by the relevant Shire of Manjimup Local Laws shall be determined by Full Council. Agenda Items prepared for Council consideration, shall address the following matters to the satisfaction of the Chief Executive Officer:

1. Applications to keep more than the number of dogs/cats prescribed by the Shire of Manjimup Local Laws shall only be supported in the following circumstances:
 - a. A maximum of three (3) dogs being approved on a single premises within a townsite;
 - b. A maximum of five dogs (5) dogs being approved on a single premises outside of a townsite;

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- c. The reason for requesting more than the number of dogs/cats prescribed by the local laws is as a result of:
 - i. To replace an elderly or sick dog in the family that it is not expected to live;
 - ii. Sudden family emergency and dog inherited;
 - iii. Merging of two households;
 - iv. Where the applicants have had approved to keep more than prescribed number in another local authority.
 - d. The existing dogs/cats on the premises are registered.
 - e. The application does not relate to a restricted or declared breed.
 - f. The property has been inspected and deemed suitable by Council's regulatory officer (Ranger) or other person authorised under the *Dog Act 1976* and/or *Cat Act 2011*.
2. Applications for approval to keep more than the prescribed number of dogs/cats on the following grounds shall not be supported:
- a. Just wanting another dog/cat;
 - b. Rescued a stray and would like to keep it;
 - c. Family member moves home and brings dog/cat;
 - d. A third party moving into a property (ie a boarder) and bringing a dog/cat with them;
 - e. Wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born.
 - f. For breeding purposes, unless the owner is a registered breeder and the premises have been approved as an Animal Establishment in accordance with the provisions of the Shire of Manjimup's Local Planning Scheme No 4;
 - g. Applications seeking to keep declared or restricted breeds.

Approval Conditions

Conditions of approval shall be applicable as deemed necessary by the Chief Executive Officer. Without limiting the generality of the foregoing, approvals are contain conditions to address the following:

1. This approval relates the keeping of the following dogs/cats only:
 - Officer to list each dog/cat by name, age, colour/description, breed, microchip number and registration number.
2. The owner ensuring that the registration and registration details relating to each dog/cat are kept up to date at all times.
3. The animals hereby approved shall not create a nuisance as defined by the *Dog Act 1976*.
4. Within a townsite, not more than two of the animals hereby approved shall be unsterilized unless the premises have been approved as an "Animal Establishment" in accordance with the provisions of Local Planning Scheme No 4.

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5. Outside of a townsite, not more than four of the animals hereby approved shall be unsterilized unless the premises have been approved as an “Animal Establishment” in accordance with the provisions of Local Planning Scheme No 4.

Advice to Applicant:

1. The applicant is advised that the Shire of Manjimup reserves the right to revoke this approval should any of the above conditions be met, or any complaints and/or nuisance results from the keeping of the additional dogs/cats on the premises.
2. The applicant is advised that this approval is not transferrable to another property.
3. The applicant is advised that in accordance with the provisions of the Shire of Manjimup’s Local Planning Scheme No 4, the keeping of more than two dogs or cats for the purposes of breeding is classified as an “Animal Establishment”. Council’s prior planning approval is required for the use of land as a “Animal Establishment”.

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REVIEWED 27 MAY 2021**

NEXT DUE FOR REVIEW MAY 2025

The Administration of this Policy is by Directorate of Development and Regulation