



Applications to Keep Additional Dogs or Cats

1.0 Introduction

1.1 Purpose

The purpose of this policy is to:

- i) outline the circumstances under which the Shire of Northampton may be prepared to conditionally approve the keeping of more than the maximum number of Dogs and Cats permitted under Shire of Northampton Local Laws; and
- ii) To outline the procedure to be followed by Shire employees in assessing such applications.

1.2 Background

The Shire of Northampton Local Laws prescribe the following numbers for dogs and cats that may be registered at a property without further approval:

- i) The Shire of Northampton's *Dog Local Law 2017* permits:
 - a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated in a town-site; or*
 - b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside of a townsite; and*
- ii) The Shire of Northampton's Health Local Laws specifies the maximum number of cats without an exemption in writing is 3 cats over the age of 3 months.

1.3 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, the associated regulations and relevant Shire of Northampton Local Laws.

1.4 Policy Application

The provisions of this Policy do not apply to the following premises:

- a) Premises where an exemption has been granted pursuant to Section 26(3) of the Dog Act 1976.
- b) under the relevant Shire of Northampton Local Law;
- c) licensed Kennel or Veterinarian;
- d) premises approved as an "Animal Establishment" under the provisions of the Shire of Northampton's Local Planning Scheme No 10 – Northampton District and No 11 – Kalbarri Townsite. The Policy applies to all other land within the Shire of Northampton.

2.0 Policy Provisions

2.1 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 balance of section 26, local government may through the making of a local law, limit the maximum number of dogs that may be permitted. Pursuant to this, Part 3.2 of the Shire of Northampton's *Dogs Local Law 2017* states:

- (2) *The limit on the number of dogs which may be kept on any premises ism for the purpose of section 26(4) of the Act –*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situation within a townsite; or*
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated out of a Townsite.*

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 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.*

Applications for an exemption are to be assessed against the criteria specified in clause XX of this policy.

2.2 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. While are no Cat Local Laws applicable to the Shire of Northampton clause 5.2.4 of the Shire's *Health Local Law 2007* states that without an exemption in writing the maximum number of cats to be kept at a premises is 3 cats over the age of 3 months.

Applications for an exemption under clause 5.2.4 of the *Health Local Law 2007* shall be assessed against the requirements set out in the Local Law and provisions of this policy. Where a conflict exists between provisions of this policy and the Health Local Law, provisions of the *Health Local Law 2007* shall prevail.

2.3 Application Process

Where an application is to be made to keep more dogs/cats than permitted by Shire of Northampton 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 Northampton's Schedule of Fees and Charges adopted as part of the annual budget.

2.4 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 Northampton Local Laws shall be determined by 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 Northampton 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;
 - 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.
 - ff) The property has been inspected and deemed suitable by Shire Officer's 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 (i.e. a boarder) and bringing a dog/cat with them;
 - f) Wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born.
 - g) For breeding purposes, unless the owner is a registered breeder and the premises is already licensed as a Kennel, or approved as an Animal Establishment in accordance with the provisions of the Shire of Northampton's Local Planning Scheme No 10 – Northampton District or No 11 – Kalbarri Townsite;
 - h) Applications seeking to keep declared or restricted breeds.

2.5 Consultation

Neighbouring property owners shall be advised of the application for an exemption and provided a minimum of 14 days to comment on the proposal.

2.6 Conditions of Approval

Conditions of approval shall be recommended to Council as deemed necessary by the Chief Executive Officer. Without limiting the generality of the foregoing, recommendations for approval are contain to conditions addressing the following:

1. This approval relates the keeping of the following dogs/cats only:
 - Shire Officer to list each dog/cat by, 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 be managed so as not to create a nuisance as defined by the Dog Act 1976 in the case of Dogs or the clause 5.2.4 of the Shire of Northampton Health Local Laws 2007 in the case of cats;
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 10 – Northampton District or No 11 – Kalbarri Townsite as may be applicable; and
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 10 – Northampton District or No 11 – Kalbarri Townsite as may be applicable.

Advice to Applicant:

1. The applicant is advised that the Shire of Northampton 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 Northampton'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".