

Ranger Services

Application for Kennel Establishment Licence Schedule 2 – Form 2

I/we:
(Full name)

Of:
(Postal address)

Telephone number: Mobile number:

Facsimile: Email:

Apply for a licence for an approved kennel establishment at:

.....
(Address of premises)

For
(Number and breed/s of dogs)

* will be residing at the premises
(Insert name)

On and from:
(Insert date/s)

* will be residing at
(Insert name)

.....
(Sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare)

On and from:
(Insert date/s)

*** delete where not applicable.**

Where the applicant is not the property owner:

I/we:
 (Property owner full name)

Of:
 (Residential address)

Grant permission for this application to be approved.

Signature of property owner/s:

Date:/...../.....

Attached are –

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) two (2) copies of plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper, if applicable
- (d) copy of notice of proposed use to be given to adjoining premises, if applicable;
- (e) written evidence that a person will reside –
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and
 (insert name)
 agreed to comply with the Code of Practice known as '**Conditions of a Licence for an Approved Kennel Establishment**' in the keeping of dogs at the proposed Kennel Establishment.

Signature of applicant/s:

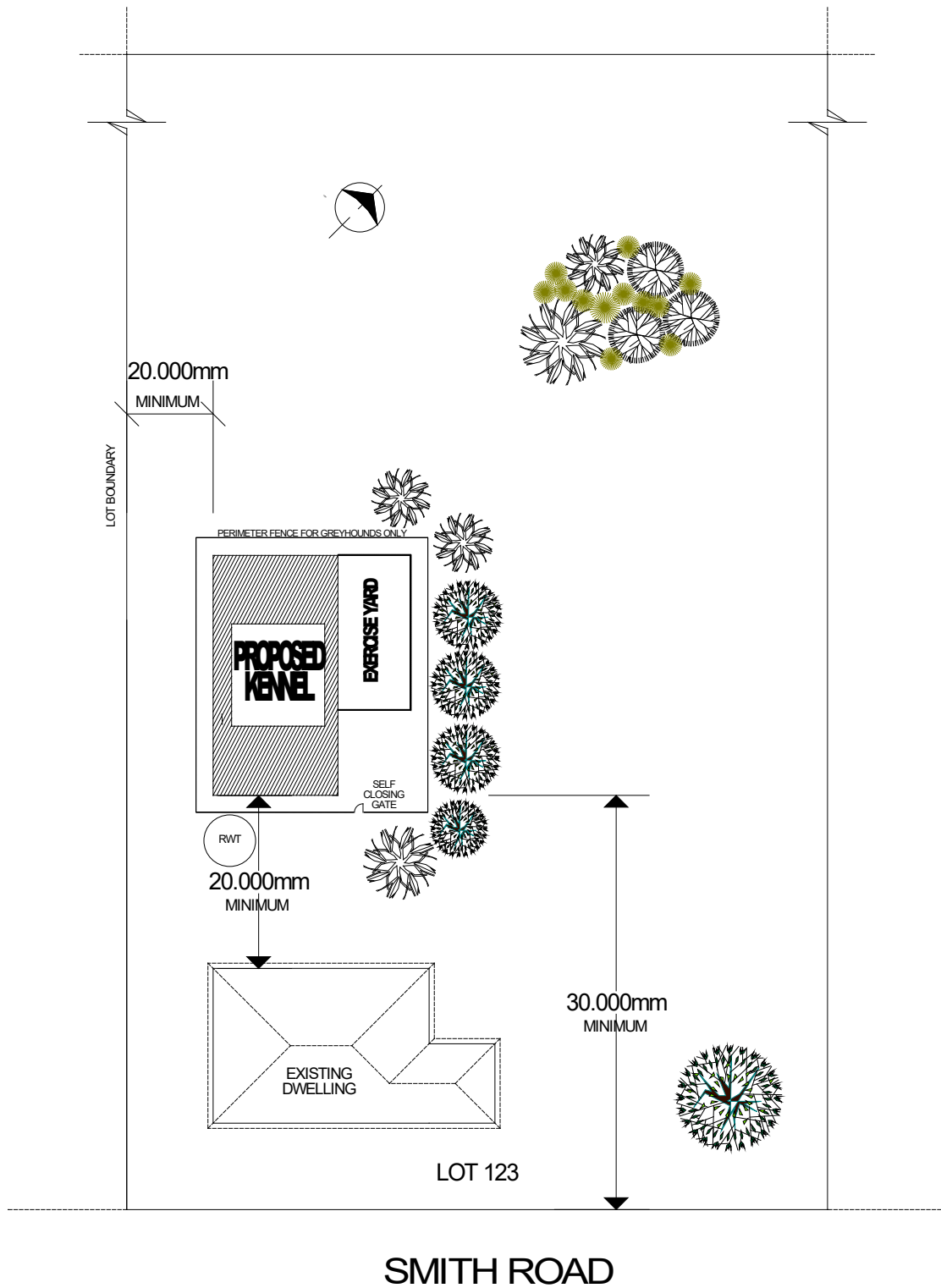
Date:/...../.....

Office Use Only

Application fee of \$ was paid on / /

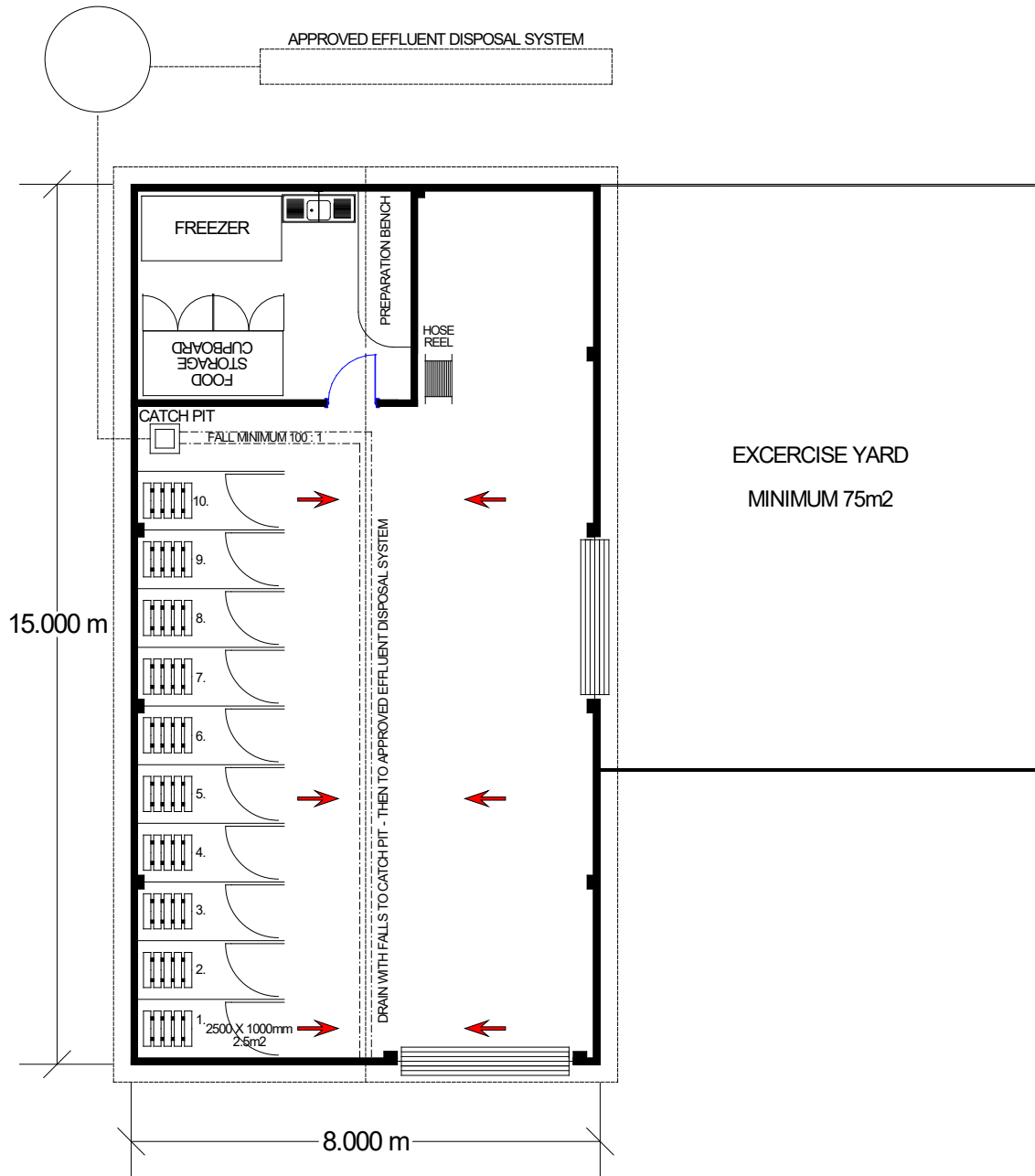
Receipt Number: Officer:

SHIRE OF MURRAY
 EXAMPLE SITE PLAN - DOG KENNEL

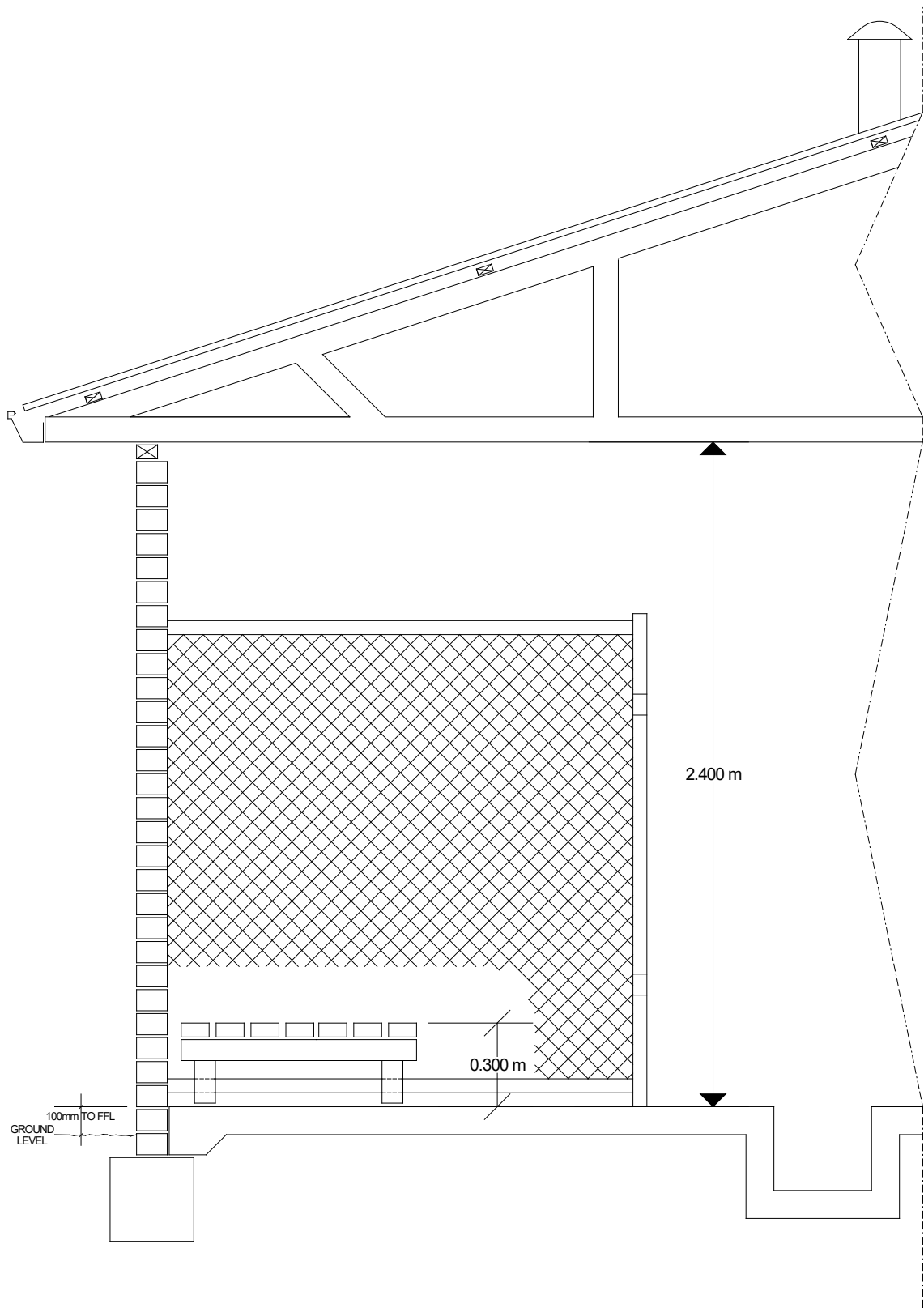


SHIRE OF MURRAY

EXAMPLE FLOOR PLAN - DOG KENNEL



EXAMPLE SECTION - DOG KENNEL



Extract Shire of Murray Local Law Relating To Dogs Amended September 2011 Part 4 - Approved Kennel Establishments

4.1 Interpretation

In this Part and in the Fifth Schedule:

“exercise yards” means a fenced enclosure that is used for exercising dogs. “Day runs” and “puppy runs” have the same meaning.

“kennel” means an individual enclosure of a specified size, where one dog is kept, in the case of a whelping dog where that dog’s progeny may be kept with that dog for a specified period.

“kennel establishment” means a building, structure, kennel or area approved by the local government under this local law for the keeping of dogs on a temporary or permanent basis. (Inserted by s14 of No.173 of 2011)

“kennel building” means a building used to house individual kennels.

“licence” means a licence to keep an approved kennel establishment on premises.

“licensee” means the holder of a licence.

“premises” in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence;

“transferee” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Form 1 of the Second Schedule, and must be lodged with the local government, together with:

- (a) Two copies of the plans and specifications of the kennel establishment, including a site plan;
- (b) Copies of the notices to be given under clause 4.3.
- (c) Written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.
- (d) A written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government.
- (e) The fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged:

- (a) Once in a newspaper circulating in the district; and
- (b) To the owners and occupiers of any land adjoining the proposed kennel premises.

(2) The notices in subclause (1) must specify that:

- (a) Any written submissions as to the proposed use are to be lodged with the CEO within fourteen (14) days of the date the notice is given; and
- (b) The application and plans and specifications may be inspected at the offices of the local government.

(3) Where:

- (a) The notices given under subclause (1) do not clearly identify the premises or
- (b) A notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises, then the local government may refuse to determine the application for a licence until the notices or notice, as the case maybe, is given in accordance with its directions.

4.4 Exemption from notice requirements

(1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a:

- (a) Permitted use or
- (b) Use which the local government may approve subject to compliance with specified notice requirements, under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until:

- (a) The applicant has complied with clause 4.2.
- (b) The applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) The local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to:

- (a) The matters referred to in clause 4.7.
- (b) Any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.
- (c) Any economic or social benefits which may be derived by any person in the district if the application for a licence is approved.
- (d) The effect which the kennel establishment may have on the environment or amenity of the neighbourhood.
- (e) Whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and

(f) Whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where:

- (a) An approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) An applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in the Schedule 5 and to such other conditions as the local government considers appropriate. (Amended by s15 of No.173 of 2011)
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in the Schedule 5. (Amended by s15 of No.173 of 2011)

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence. Penalty: Where the dog is a dangerous dog, \$2000 and a daily penalty of \$200, otherwise \$1000". (Amended by s16 of No.173 of 2011)

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay to the local government an application fee and the registration fee prescribed by the Regulations.
- (2) On the renewal of a licence, the licensee is to pay to the local government the registration fee prescribed in the Regulations.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a transfer fee to the local government. (Clause 4.10 amended by s17 of No.173 of 2011)

4.11 Form of licence

The licence is to be in the form provided in Schedule 6.
(Clause 4.11 amended by s18 of No.173 of 2011)

4.12 Period of licence

- (1) The period of effect of a kennel establishment licence is that provided in the Act.

- (2) An application for a kennel establishment licence may be lodged with the local government in the form prescribed in Schedule 2, accompanied by the fee required under clause 4.10.
- (3) On the renewal of a licence the conditions of the licence at the time of its issue continue to have effect, unless the conditions are varied by the local government in accordance with clause 4.13 of this local law.
- (4) A licence not renewed within twenty-one (21) calendar days after expiry will not be renewed upon payment of the kennel establishment licence fee, and a new application for a kennel establishment licence must be submitted to the local government in accordance with this local law. (Clause 4.12 amended by s19 of No.173 of 2011)

4.13 Variation of licence conditions

- (1) The local government may vary the conditions of a licence:
 - (a) During the renewal process for an kennel establishment licence, or;
 - (b) During the transfer process of a kennel licence.
- (2) The local government may cancel a licence:
 - (a) On the request of the licensee;
 - (b) Following a breach of the Act, the Regulations or this local law; or
 - (c) If the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of:
 - (a) Paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) Paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be:
 - (a) Made in the form determined by the local government;
 - (b) Made by the transferee;
 - (c) Made with the written consent of the licensee; and
 - (d) Lodged with the local government together with –

written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and the fee for the application for the transfer of a licence referred to in clause 4.10(3).

- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions, as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to:

- An applicant for a licence of the local government's decision on her or his application;
- A transferee of the local government's decision on her or his application for the transfer of a valid licence;
- A licensee of any variation made under clause 4.13(1);
- A licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- A licensee when her or his licence is renewed;
- A licensee of the cancellation of a licence under clause 4.13(2)(a); and
- A licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person:

- (a) May inspect an approved kennel establishment at any time;
- (b) May inspect the premises prior to the renewal of a kennel establishment licence.

4.17 Appeals

(Deleted by s10 of No.173 of 2011)

Conditions of a Licence for an Approved Kennel Establishment Schedule 5

An application for a licence for an approved kennel establishment shall be approved subject to the following conditions:

- (1) Each dog shall have its own kennel, and each dog shall be kept confined in the kennel, other than in the case of a whelping dog where the offspring of that dog may reside in that dog's kennel for a period of up to 12 weeks;
- (2) Kennels must be constructed inside a kennel building;
- (3) All external gates or doors into a kennel building or an exercise yard must be fitted with self closing and latching mechanisms;
- (4) The external walls of a kennel building must be constructed of opaque durable material;
- (5) The upper surface of the kennel building floor must be kept clean and free of animal waste;
- (6) The roof of each kennel building must be constructed of impervious material;
- (7) The minimum setbacks for a kennel building and yards shall comply with the requirements of the Town Planning Scheme, if setbacks are not specified in the Town Planning Scheme the following applies:
 - (a) Kennel building—
 - (i) Thirty (30) metres from the front boundary of the land;
 - (ii) Ten (10) metres from the rear or a side boundary of the land.
 - (b) Exercise yards shall be—
 - (i) Five (5) metres from any external boundary of the land;
 - (ii) The setbacks for a dwelling and kennel building may be altered by the local government, except the distance determined by clause (b), if the shape of the land, the topography or the water table level makes it desirable to approved a lesser distance.
- (8) A kennel building or exercise yard shall be at least ten (10) metres from any residential dwelling, church, school, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (9) From the floor of the kennel building the lowest internal fixed height of an individual kennel shall be two (2) metres. A removable partition to reduce the fixed height of an individual kennel is permitted, however the minimum height of the partition shall be 1.2 metres from the floor;
- (10) The walls of each kennel must be constructed of durable material;
- (11) Bedding for dogs shall be maintained at a minimum 200 mm above the floor level;
- (12) The minimum size for a kennel for an individual dog is 2.5 square metres;
- (13) All kennel building and kennel floor washings must be drained via pipes to an apparatus approved for the treatment of waste by an authorised environmental health officer;
- (14) All faeces, rubbish, and other waste material shall be disposed of in accordance with the directions of an authorised environmental health officer;

- (15) Each kennel building shall have at least one exercise yard attached that is at least twice the floor area of the kennel building to which it is attached;
- (16) Exercise yards shall be kept securely fenced with wire link mesh, netting or other similar materials;
- (17) All gates into an exercise yard shall be fitted with self closing mechanisms;
- (18) Where a yard is to be paved, the paving surface shall be capable of being maintained consistent with that of the floor inside the kennel building; and
- (19) No permanent structures may be built within an exercise yard;
- (20) Where greyhounds are kept:
 - (a) a perimeter fence with self-locking gates shall be constructed around the kennel building and yards of link mesh or wire netting or other materials approved by the local government;
 - (b) The minimum height of the fence shall be 1.6 metres;
- (21) All external surfaces of kennel building shall be kept in good condition;
- (22) All kennels, yards and drinking vessels shall be maintained in a clean condition;
- (23) Noise, odours, fleas, flies and other vectors of disease shall be effectively controlled;
- (24) Reticulated water shall be available at the kennel building via a securely supported standpipe and hose;
- (25) All food for the kennelled dogs shall be stored in a room within the kennels. The food shall be stored in metal cabinets or refrigerators the underside of which is at least 50 mm above the floor level;
- (26) the licensee or the person nominated in the application for a licence, must, continue to reside—
 - (a) at the premises; or
 - (b) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.