

Understanding Permits & Council Requirements



Understanding your obligations as a dog owner can be very confusing. Most people are aware that they need to register their dogs and cats with their local council, but when it comes to the various types of permits, there is often a lot of misunderstanding as to what is required.

The rules relating to the keeping of dogs fall under several different pieces of legislation that are overseen and administered by different departments within local council. With 79 different councils across the state of Victoria, the interpretation and enforcement of the rules can vary widely from area to area.

Registering your pets

All dogs and cats over the age of 3 months are required, by law, to be registered with their local council.

Registration runs from the 10th April each year, and you will need to pay a fee each year to keep your pet's registration current.

The rules relating to the registration of dogs and cats form Part 2 of the **Domestic Animals Act 1994**.

This piece of legislation outlines the process for registration, the setting of fees, and requirements for microchipping and identification. It also gives individual councils the right to impose mandatory de-sexing requirements and outlines those animals that may be exempt from this requirement.

The **Domestic Animals Act** gives councils the powers to impound animals, have them declared Dangerous or Menacing, and to register Domestic Animal Businesses within their municipality. Council Authorised Officers are also entitled to enter your property for the purposes of enforcing the **Act** and can impose fines for people who fail to comply with any of the registration requirements.

Your local council is also obliged to develop a 'Domestic Animal Management Plan' every four years that outlines how they plan to manage domestic animals, encourage responsible pet ownership, and how they plan to enforce the laws.

Information about registration requirements for your council, and a copy of your council's Domestic Animal Management Plan will be available on their website.

So how many dogs can I have?

Dogs Victoria members live all over the state of Victoria, from inner-city apartments to large farming properties in rural areas, making this an almost impossible question to answer.

A large proportion of our members live on small acreage, hobby-farm type properties located around the metropolitan fringe. The appeal of this type of property is having a bit more space and being able to have a few more dogs. This makes it ideal for members who want to breed and raise a litter or keep several dogs to train and compete with.

Unfortunately, you need to do your homework before moving, as some zonings in these areas are no better than living in suburbia with regards to permitted numbers of pets.

Planning schemes and zoning of properties

The 'Victorian Planning Scheme', which forms part of the **Planning and Environment (Planning Schemes) Act 1996**, is a comprehensive statewide guide to different 'zones' and what activities can and cannot be undertaken on land within those zones.

Depending on the zoning of your property, there will be things you are 'allowed to do', things that you 'might be allowed to do with a permit', and things you are 'not permitted' to do.

Individual Councils can then have their own strategic 'planning overlay' that they apply within their municipal area that further restricts use or Local Laws that override specific uses, and there can be caveats or covenants over particular properties.

It can be very confusing....

An excellent first step is to find out what zoning applies to your property (or, if you are thinking of moving, the zoning of any property you plan to buy/lease).

This information can be freely accessed for any Victorian address via the www.planning.vic.gov.au website. You simply select 'Search for a Planning Report', and enter the address of the property of interest.

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It will then give you all of the information regarding the zoning and overlays that apply to that property, along with links through to more information about the rules that apply to that zoning type.

Council Information

The information provided on the planning.vic.gov.au site will also list the name of the council in which the property is located. So the next step is to visit that council's website for more information on Local Laws and pet ownership.

Most council websites will have very clear information about pet ownership. Most have a 'Pets and Animals' section, and this will list how many pets, of which type (cats, poultry, birds, rabbits, livestock etc.) you are allowed to keep without a permit.

For example:

Merri-bek (Moreland) City Council (Inner North) website states:

If you live in a flat, unit, apartment or townhouse you are allowed one dog, all other premises; you are allowed two dogs without a permit.

Casey City Council (South West) website states:

If your property is less than 1 acre, you are allowed two dogs, and if your property is over an acre, you are allowed four dogs without a permit.

Murrindindi Shire Council (Central Victoria) website states:

If you live on residential land, you are allowed two dogs, and on rural land, you may have up to 5 dogs without a permit.

Excess animal permits & Local Laws permits

If you want to keep more dogs (or other pets) than the baseline allowed for your property, you will need to apply for an excess animal permit. Applications for this type of permit involve completing a form and may trigger a visit from your Council's Local Laws Officer.

Many councils are reluctant to grant excess animal permits in built-up areas due to the risk of impacts on the rest of the community. As each application is reviewed, they will take into account your dog registration history, any barking or other complaints received from your neighbours, and any occurrences where your dogs have caused nuisance or escaped your premises.

If granted an excess animal permit, you will need to pay a fee, and the permit will need to be renewed each year. All animals covered by the permit will also have to be registered.

Planning permits and dog breeding

Planning permits are different from excess animal permits because they relate to the activities that can be conducted on a particular property. Within the *Victorian Planning Provisions (73.03)* there is a definition of land use terms including '**Domestic Animal Husbandry**' which is defined as 'Land used to keep, breed, board or train domestic animals'.

Unless 'Domestic Animal Husbandry' is listed explicitly in the permitted activities in your zoning rules, you will need to apply for a planning permit to undertake this activity. If it is a prohibited use, you will not be able to do it.

In the past, many councils did not stringently enforce this planning permission requirement unless the breeding was of a commercial scale.

With increasing legislation relating to the breeding of dogs and cats, it is becoming a requirement that our members are having to address with their councils, and in many cases, are finding difficult.

Applying for a planning permit is both complicated and costly. Some councils are reluctant to allow breeding of dogs given the media focus on puppy farms and the large amount of legislation they have to enforce.

They want to make sure they tick every box, and some are asking for independent environmental impact assessments, including sound/noise reports.

For a small scale, recreational breeder, this can make things seem all too hard and the cost of the applying for the permit more than they could ever hope to recover through breeding a few litters.

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Existing use rights

Over time the zoning, and hence the permitted use of each piece of land across the state, may change as the population expands and councils apply new planning strategies.

Within the planning rules is a clause that covers this type of change because an activity that might have previously been allowed to occur at a property may no longer be permitted under the new zoning.

An example is an inner-city factory that was initially in an Industrial Zone that, due to zoning changes, is now in a Residential Zone.

It is not fair to expect the factory owner to have to suddenly close their business or sell up and move to a new property because the rules have changed around them. The Victorian Planning Scheme has a provision that allows a business or activity to continue provided it was previously allowed and was taking place before the changes – this is called ‘Existing Use Rights’.

Existing Use Rights most commonly applies at the time of a zoning change, but also allows for lawful activity conducted at your premises for 15 years or longer to continue.

Many Dogs Victoria breeders have been breeding at their premises for 20-30 years, and some have moved to properties that have previously been owned by other ‘dog people’ who bred at the premises before them.

The ownership of the property can have changed in the 15 years, but if you can document that the activity of dog breeding has been undertaken at your property continuously (no more than a two-year break) across that time you may qualify for ‘Existing Use Rights’.

Documentation may include proof of Dogs Victoria membership, litter registrations, invoices for veterinary services relating to breeding etc.

Your council may still ask that you apply for a Planning Permit, but if appropriately documented, cannot refuse to grant the permit retrospectively if Existing Use Rights can be demonstrated.

Domestic Animals Business registration

If you provide a boarding kennel service, run a training establishment, or breed dogs or cats (other than as a Micro-breeder or Recreational Breeder) at your premises, you will need to register with your local council as a Domestic Animals Business.

The registration as a Domestic Animal Business is a requirement under the **Domestic Animals Act** and requires your operation to meet the requirements of the associated mandatory Code of Practice.

Domestic Animal Business registration requires yearly renewal and inspection by the Council Local Laws Officers.

Can Dogs Victoria assist members?

Dogs Victoria continually lobbies Government for fair, simple, and enforceable regulation of Dog Breeders across the state. Its members qualify for some exemptions due to its status as an Applicable Organisation as defined under the **Domestic Animals Act**.

The Dogs Victoria Compliance team can provide some simple advice, but given the complexity of the matter, every member’s situation may be different. Make sure you take the time to investigate the zoning of your property and have a thorough read of the council’s website before doing anything.

Because different Council departments are dealing with varying pieces of legislation, you may get conflicting advice or information depending on whether you speak to Local Laws or Planning Departments. If you call your council, the reception staff may not know who is best to answer your questions, so try to make sure that you ask to speak to the right department.

Our advice is to make sure that any contact you have with your Local Council is documented. Make a note of the date, the name of the person you spoke with, and the department in which they work. Where possible, ask them to send any information or advice in writing/by email. That way, if there is a staff change, or you are referred across to a different department, you have something solid to work off.