



# Local Council Requirements for Dog Breeders

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 in Victoria, all of which are overseen by various local council departments. With 79 different local councils across the state of Victoria, the interpretation and enforcement of the rules can vary widely from area to area.

If you plan on becoming a breeder, then some additional rules will apply to you – different from those that affect regular pet dog owners. The Victorian Government has relatively strict laws relating to dog breeding in the attempt to stamp out ‘puppy farms’ and those breeders who do not provide proper conditions for their breeding animals.

Luckily, breeders registered with Dogs Victoria are entitled to exemptions from certain sections of the state legislation due to their membership of an Applicable Organisation.

These exemptions come with the expectation that Dogs Victoria holds its members to a higher standard, and that members who fail to meet these standards will be held to account under Dogs Victoria’s disciplinary framework.

*Dogs Victoria members who hold a Breeder’s Prefix are classified as ‘Recreational Breeders’ by the State Government.*

*This sets them aside from ‘Microbreeders’ (those who only have one or two fertile females) and ‘Commercial Breeding Businesses’ (those that have 10 or more fertile females and breed dogs for a business).*

## Registering your animals

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 desexing requirements and outlines those animals that may be exempt from this requirement.

### **Important!**

*Dogs Victoria members and Dogs Victoria breeders are NOT exempt from this requirement. **You must register your dogs with your Local Council.***

*However, you may be eligible for reduced registration fees if your dog is not desexed, and you will be exempt from any mandatory desexing requirements your council may have imposed.*

*Each year as you renew your dog’s registration, you will have to provide proof of current membership, and also provide a copy of your dog’s pedigree papers to be eligible for the discounted fee.*

The **Domestic Animals Act** gives councils the powers to impound animals, have them declared Dangerous or Menacing, and 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.



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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 the pets or animals section of the Council website.

## How many dogs can I have?

If you are considering breeding, it is likely that you already have one or two dogs.

**Before** you make plans to have a litter and potentially keep a pup or two for yourself, you need to know what your permitted dog numbers are so you do not exceed your limit.

Dogs Victoria members live all over the state of Victoria – from inner city apartments to large farming properties in rural areas making it impossible to give a single answer to the question '*How many dogs can I have at my premises?*'.

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 hobby farm type areas are no better than living in suburbia with regards to permitted numbers of pets.

## Understanding Planning Schemes and Zoning of properties

The 'Victorian Planning Scheme' (which falls under the [Planning and Environment \(Planning Schemes\) Act 1996](#)) is a comprehensive state wide 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 a '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](http://www.planning.vic.gov.au) website. You simply '*Search for a Planning Report*', entering the address of the property of interest.

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

### **Important!**

*If you plan on breeding dogs, you will need to reside in an area that allows for '**Domestic Animal Husbandry**'.*

*There are some zones where '**Domestic Animal Keeping**' is permitted, but '**Domestic Animal Husbandry**' requires a permit, others where Domestic Animal Husbandry is a permitted activity.*



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## Council information

The information provided on the [planning.vic.gov.au](http://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.

Some examples of the variation between councils:

**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 an excess animal 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 an excess animal 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 an excess animal permit.*

## Excess animal permits and 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 need 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 applying for the permit more than they could ever hope to recover through breeding a few litters.



# Local Council Requirements for Dog Breeders

## Can Dogs Victoria assist members with their local council requirements?

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.

### **Important!**

*BEFORE you decide that dog breeding is something you want to undertake, you will need to make sure that your dog breeding plans are not going to place you in a position where you are breaking the law.*

*Offences under both the **Domestic Animals Act** and the **Planning and Environment Act** carry significant fines and may result in costly court proceedings.*



[www.dogsvictoria.org.au](http://www.dogsvictoria.org.au)