

Application to apply for a Licence for the purpose of keeping more than 2 dogs (or more than 4 working dogs)

Section 51

To:

Address

Suburb/postcode

Form 1

Applicant details:

Applicant Name: Contact person:

Postal Address: Phone No:

Mobile:

Email address:

I / We

Hereby apply for a Licence for the purpose of keeping (no of dogs) to be kept

at:

to which the application relates.

Animal described as details:

No	Name	Breed/Kind	Sex M/F	Desexed Y/N	Age / DOB	Council Registration Tag Number

Please attach additional details if required.

Documents and certificates provided:

Document or certificate description

1. A site plan to an acceptable scale showing details of existing building and any proposed new building on the land;
2. Copy of current certificate of title for the land showing the owner details;

The Licence and keeping the dogs described will be in accordance with the Dog Control Act 2000, Public Health Act and Councils Dog Management Policy 2016.

Owner

Owner

Information **What is the Dog Control 2000?**

The Act and the regulations made under the Act contain a number of procedures that must be followed by an applicant prior to, and when lodging their application. Similarly the Act also prescribes the manner in which Council will process the application.

When is a Licence Required?

Division 7 of the Dog Control Act 2000, states that where a person keeps more than two (2) dogs (or, in the case of working dogs, four dogs) over the age of six months on any property they must apply to the General Manager for a Licence.

How to Apply for a Licence

1. Complete the attached “**Application Licence**” Form.
2. Lodge the application together with the prescribed fees and documents to Council.

What happens next!

1. Councils Animal Management Officer will arrange an inspection with the applicant(s), once satisfied, with the application and details provided.
2. The intention to apply for a licence must be publicly notified by the applicant in accordance with Section 51 sub Sect 3. Council will arrange for the notification to be placed in the Public Notices section of the newspaper (Mercury).

eg:

NOTICE OF INTENTION TO APPLY FOR A LICENCE DOG CONTROL ACT 2000
Notice is hereby given that the following application has been received for a licence: Applicant: Premises: Dogs: Any persons residing or owning land within 200 metres of the boundary of the above premises may, within 14 days after the publication of this notice, object in writing to the General Manager of the Southern Midlands Council PO Box 21 Oatlands, Tasmania 7120, stating their reasons of objection to the grant of the licence.

Sec 52 Objection to a Licence (1) Any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the general manager against the granting of the licence within 14 days after a notice is published under section 51(3) . (2) An objection is to – (a) be in writing; and (b) set out the reasons for the objection.	Sec 53 Consideration of application (1) A general manager is not to consider an application for a licence until 28 days after a notice is published under section 51 . (2) A general manager is to take into account any objections received.
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59. Appeals in respect of licence (1) [Section 59 Subsection (1) amended by No. 55 of 2017, s. 29, Applied:20 Dec 2017] [Section 59 Subsection (1) amended by No. 73 of 2001, Sched. 1, Applied:01 Jul 2002] The applicant or the holder of a licence may apply to the Magistrates Court (Administrative Appeals Division) within 14 days after being notified of a refusal, cancellation or decision for a review of – (a) the refusal of a general manager to grant an application for a licence; or (b) the refusal of a general manager to renew a licence; or (c) the cancellation of a licence; or (d) the decision of the general manager to cancel the licence.

Other legislation requirements:

Land Use Planning Approvals Act 1993 – Southern Midlans Interim Planning Scheme 2015

- If you are intending to have Kennel's for commercial purposes etc it may require approval under Councils Planning Scheme. The owner is responsible for obtaining all the necessary approvals under the law. Please contact Councils Planning Officer to see whether a Planning Permit is required, phone 62545050 or email mail@southernmidlands.tas.gov.au.

Building Act 2016

All building work is permit building work unless the work is

- a) Low risk building work or low risk demolition work; or
- b) Notifiable building work or notifiable demolition work or
- c) Emergency Work

Schedule of Fees 2019-2020	
Application for a Licence	120.00
Advertising charge	280.00
Application Total	\$400.00
Please Note:	
Annual Licence (payable each year after 1 st year)	\$50.00

PO Box 21 Oatlands 7120
Phone Oatlands Office (03)6254 5000
Kempton Office (03) 6254 5050
Email: mail@southernmidlands.tas.gov.au

Who May Object to the Granting of a Licence?

Any person residing or owning land within two hundred (200) metres of the boundary of the premises to which the licence relates may submit a written objection to the Council within fourteen (14) days of publication of the “**Notice of Intention to Apply for Kennel Licence**”. The reasons for the objection must be clearly set out.

53. Consideration of application

(1) A general manager is not to consider an application for a licence until 28 days after a notice is published under [section 51](#) .

(2) A general manager is to take into account any objections received.

How will Council Reach a Decision?

Consideration will be given to the following:

- Are the kennels for breeding boarding or training dogs?
- Does a Planning Permit need to be lodged first.
- All dogs on the premises must be registered and micro-chipped.
- A site inspection report will be considered together with any other matters that relate to public health and environmental laws (including waste disposal and hygiene).
- Any objections lodged to the General Manager.
- The likelihood of the dogs creating a nuisance by barking or otherwise will be taken into consideration.

Where the application is successful the Licence will be issued together with a covering letter drawing the Licence holder’s attention to the conditions that *may* apply to the Licence, and notification of the date on which the Licence expires.

Where a licence is refused the applicant will receive written notification. This notification will be sent by registered mail.

Can Council Refuse to Grant, Renew or Cancel a Licence?

Council may refuse to grant a licence if it is of the opinion that:

- the requirements of the Dog Control Act and the Public Health Act are not being complied with;
- the condition of the premises is creating a nuisance;
- the requirements of the Dog Control Regulations are not being complied with; or
- it is in the public interest that the licence not be issued or renewed;

A licence may be cancelled at any time if Council is satisfied that:

- the premises do not comply with the Dog Control Regulations; or
- laws relating to public health and environmental protection are not being complied with.

Notification in writing will be given in this instance allowing 1 months notice of cancellation.

What if Council Refuses to Grant, Renew or Intends to Cancel a Licence?

You may appeal to a magistrate. An appeal shall:

- be instituted by giving written notice to the Clerk of Petty Sessions on the prescribed form;
- be accompanied by the prescribed fee;
- be made within the prescribed time (21 days of the date of Council notification); and
- otherwise be instituted in the prescribed manner.

At the hearing of an appeal the magistrate may:

- dismiss the appeal;
- direct the Council to grant or renew the licence; or
- quash the Council’s decision to cancel the licence, subject to any conditions the magistrate thinks fit.

Council must comply with any directions given to it by a magistrate. The magistrate’s decision is final.

Conditions:

Council may grant a licence that is subject to one or more conditions.

Licence holders should be aware that failure to comply with the conditions listed on the licence might result in the cancellation or non-renewal of the licence.

Renewal of a Licence

Kennel licences expire on the 30th day of June each year.

Licences may be renewed for a further twelve months upon payment of the prescribed renewal fee and a satisfactory inspection of the premises by an authorised Council Officer. Failing to renew your licence will automatically result in the revoking of the licence.

Can the Licence be Transferred to Another Person or Property?

Licences are not transferable from person to person, nor are they transferable from property to property, therefore if:

- You sell your property and the new owner requires a kennel licence, or
- You move to another property and wish to retain your licence
- a new application will need to be submitted