

Proposed number of dogs:

25 dogs maximum at any one time

Drumgavney  
The Realm - for dogs  
194 Board Rd Parryville 6333

Breakdown of numbers:

- \* 6 dogs owned by the proponent
- \* Maximum of 19 dogs boarding at the premises when no puppies over 3 months old.
- \* Number of boarding dogs reduced depending on number of puppies over 3 months of age, to a total of 25.

**The Concept – Open Boarding/Kennels**

The ideal place for a dog when its owners go away is at home with a live in carer who it knows and trusts.

This keeps the dog in a familiar and safe environment and reduces stress on the dog.

However finding a person to move in to look after your dog is not always an option and so dogs are booked into kennels where the live in runs, some have facilities to allow the dogs to play at set times, some take the dog for a 1/2 hour walk but regardless at the end of the day the dog is locked down alone in a strange and unsettling environment.

As the dogs can't mix it only takes one barker, or a dog with separation anxiety, to upset all the inmates; and some dogs are so traumatised by the experience they remain fearful of their owner's absence and develop separation anxiety where it previously didn't exist.

The Realm offers the next best thing to staying at home – a home away from home.

**Layout**

As shown in the attached plan, our house is small but we only use it to sleep, cook and bathe, the rest of the time we spend outside or in our 'dog' area.

The place I am writing this is at the table in the 'dog' area, we eat our meals in the 'dog' area; at night we either read, watch movies or in my case train people with dog issues via the internet, in our 'dog' area.

The area is heated in winter and air conditioned on our few very hot days.

The dogs sleep on raised beds, curled up or sprawled out with their friends. We also have 3 large crates in the same area, which some dogs prefer to use and can also be used as time out rooms.

The dog area is a closed in veranda, 2.8m x 12m. It is lined and insulated.

The front door is a stable door wherein the bottom can be kept closed whilst the top can be opened; another stable door opens to the front yard. At the other end of the veranda is a full length door and a dog door which is large enough for a Great Dane. The dog door opens into a fully enclosed night yard, constructed to keep out any roaming entire male dogs when my girls come into season; and provides an outside access for dogs to toilet through the night. It has two self closing gates, one to the back yard and one to the front.

The back yard is fenced in dog wire; is grassed, with a gazebo and table setting. It has two vehicle access gates at each end, which are self closing and a walking gate into the front yard.

The front yard also has vehicle access gates which are self closing and vehicle access gates to the dam paddock.

### **Health and Hygiene-**

All dogs must be fully vaccinated including kennel cough; dogs from the north of Denmark must also be receiving heartworm prevention.

All dogs must be on flea and worm treatment; if treatment is not current it is given at pick up.

Floors are vacuumed and washed daily as are food and water bowls.

Bedding is vacuumed daily and changed every second or third day; or daily if it becomes wet or soiled.

The area is flea bombed if we see fleas on any of the dogs.

Waste is picked up daily from the yards, or more frequently if required and is placed in compost bins with a mix of paper or cardboard, horse manure, leafy greens and worms. Once one bin is full it is treated with enzymes and left to rest. There are four bins in total. Once three bins are full they are emptied into a large worm farm where we add lime, molasses and mulch and turn with our tractor bucket. This soil is then used to plant trees and shrubs.

### **Noise-**

The Realm for Dogs is a NO BARKING zone; whilst a few playful yapps are tolerated, ongoing or excessive barking ends play for the barker; it is brought inside for a time out period.

Whilst dogs do alert to vehicles or the occasional kangaroo it is discouraged and dogs will be brought inside for time out.

### **Traffic –**

All dogs staying with us are picked up from home; or for people outside of Denmark, near the vets and are arranged to be dropped off to the same.

We found dogs being dropped off on site became upset as their owners drove away and it unsettled all the other dogs too.

We do not allow people on the property without appointment apart from family and our stand in dog minder.

We do not permit inspections by potential clients as it unsettles the dogs. People are either recommended by previous clients or the vets, as such they must either trust us or book their dog in elsewhere.

## **Behaviour and Training –**

We have very strict rules of behavior at the Realm for Dogs which is why it is possible to manage large numbers of dogs without cages and why we can live and eat in the same space they occupy, without issues of begging, stealing, or annoying.

All dogs are introduced via the back yard and we allow one dog at a time to enter and greet them. This reduces the excitement levels and avoids pack behavior; it allows time for the 'new' dog to get their bearings and discover they are in a safe environment.

The dogs are then brought into the 'dog' area where they will sleep; the dogs are made to settle on their beds. Once the dogs are calm they are let out into the front yard for supervised play.

The dogs are called into dinner between 4.20 – 5pm and are only allowed through the door when their name is called. The dogs are all fed in shifts with meals (and if required medications) to suit their needs.

The dogs are corralled in the night yard and must quietly wait their turn. Dogs that bark are sprayed with a water bottle and go to the back of the line.

The four oldest Bloodhounds are fed first at their feed stations and must sit and wait whilst their food is prepared and may not eat until given permission. When finished their bowls are picked up and dumped into a tub of near boiling water.

This process is repeated for the Bloodhound pups and then for boarders one at a time or in 'family groups' (if they don't try to eat each other's food).

Again, the dogs are called in by name – no pushing or shoving – and once finished are put into the front yard until all the meals are finished.

Play is supervised and whilst often rambunctious we do not allow teething, barking or dominant behaviors. Dogs which do not play nicely are brought in and crated for 5 minutes before being allowed back out, this is repeated until the dog modifies its own behavior.

Play is not allowed inside. Inside, the dogs eat or sleep.

No dogs are allowed to approach the table when there is food on it and all dogs must sit and ask for cuddles inside (but not during human meal times).

Dogs with thunder or separation anxiety are dressed in thunder shirts and if required we sleep in shifts to alleviate anxiety and ensure other dogs do not become stressed or unsettled.

The dogs have 24 hour a day access to their beds and 24 hour a day access to the outside (between 7pm – 7am only to the night yard) The dogs are allowed to play in any weather conditions including rain as we dry them off as they come in and put down towels over their beds to absorb any excess moisture.

Dogs are taken into the dam paddock to swim and play, chase sticks or water toys.

If walked round the property outside of the dog areas all dogs are kept on leads to ensure they do not chase kangaroos, disturb neighboring stock, or woe betide come across a snake.

### **First Aid and Nursing.**

Some of the dogs in my care have treatment issues.

Sam's training in animal technology, our K9 1<sup>st</sup> aid for Search Dogs, many years working with abandoned, neglected or abused dogs, as well as being included in Veterinary surgical teams, and extensive long term nursing of post operative animals combined with a well stocked 1<sup>st</sup> aid cabinet for K9s, along with an emergency veterinary protocol allows us to deal with most emergency situations that might occur.

### **Fire mitigation and evacuation –**

We have on site a fire fighting unit, a fast fill pump set up on a dam, 133,620 litres of tanked water and a generator in case of power failure.

Following the recent harvest of our Blue Gum plantation we have selected areas surrounding our house and yards which we will clear of trees in order to establish pasture (x acres) to reduce the risk of spread of fire, and have created a buffer zone where the dogs can be held and protected in a green zone. The area can be protected directly via the fast fill pump, from tank pumps powered by either mains power or a generator or by the tractor and tow behind fire fighting unit.

In the event that evacuation would be required, all dogs would be loaded into our caravan and Toyota 4x4 and taken to safety

As experienced fire fighters and animal handlers we have had to deal with animals in fire previously and have rehearsed evacuation protocols here so it can be managed by one person if required.




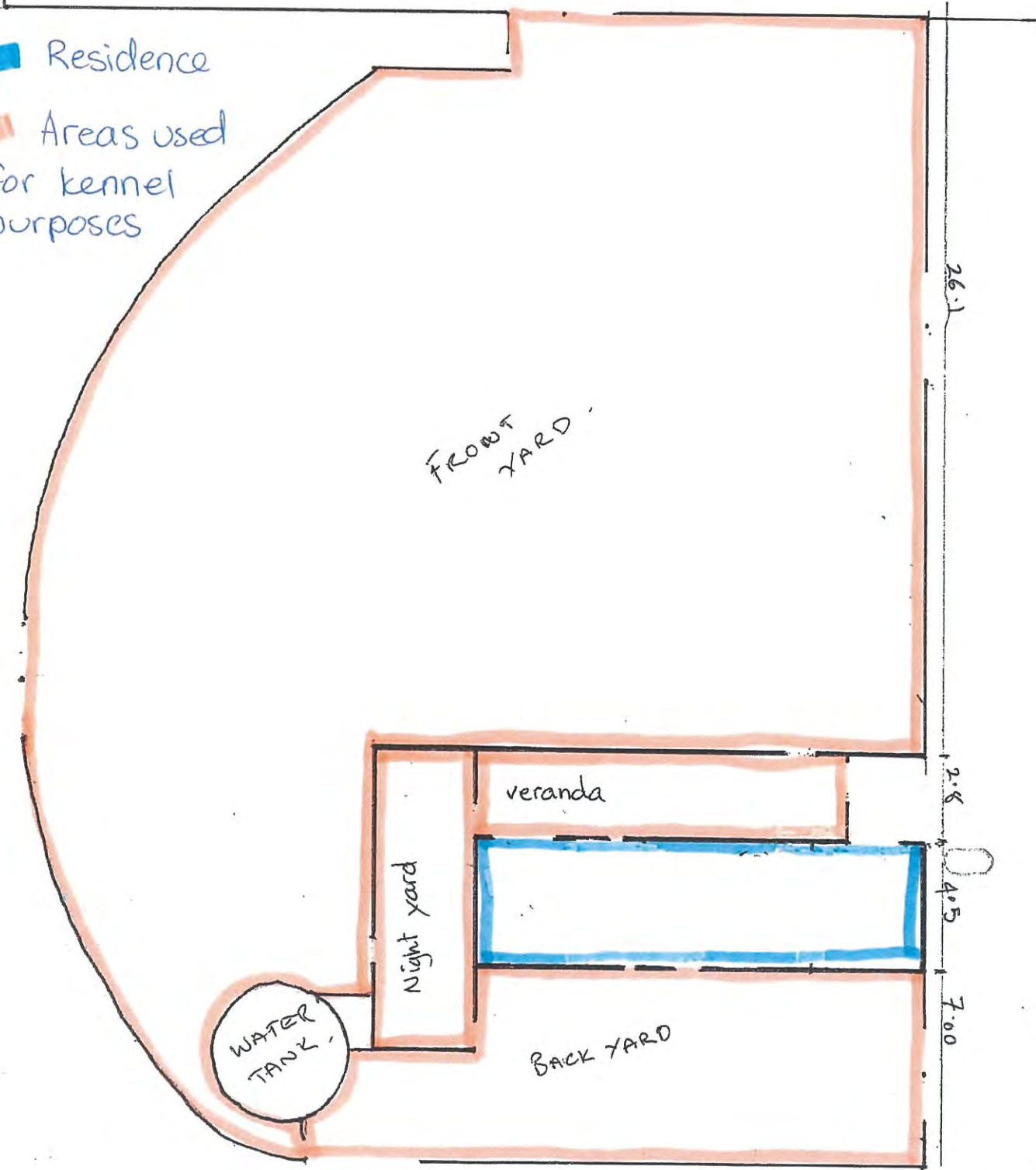
DAM PROPOCK

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 Residence

 Areas used for kennel purposes



FRONT YARD

veranda

Night yard

WATER TANK

BACK YARD

26.1

2.8

4.5

7.00

20

16

## David Keel

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**From:** Sam Blythe [drumgavney@gmail.com]  
**Sent:** Thursday, 16 July 2015 11:44 PM  
**To:** David Keel  
**Subject:** Fw: Dear Mr Thornton,

----- Original Message -----

**From:** [REDACTED]  
**To:** <drumgavney@gmail.com>  
**Sent:** Thursday, July 16, 2015 1:51 PM  
**Subject:** Dear Mr Thornton,

Dear Mr Thornton,

I am contacting you as a member of the Denmark town ward to express my support for Sam Blythe and my concern that Shire's interpretation of regulations, regarding her license to keep her 6 search and rescue dogs as well as her boarding facility, threaten her vital contribution to our community.

I am strongly in support of Sam Blythe's ability to comply with the kennel act's requirements within the Denmark shire, without supplying her property with further facilities. She and her family provide an extremely high standard of care for their dogs and those who visit and board at their property. As well as supervision, control, restraint, hygiene and nutrition, Sam invests her time and resources training all dogs that board at Drumgavney. Sam and David work tirelessly with each and every dog to produce healthier, happier dogs that are controllable both at home and in the community.

I met Sam recently when I brought home my young collie cross, Haku. I called her, after countless recommendations, seeking advice on raising a puppy and training an assistance dog. I have muscular dystrophy, and when she discovered I was on a pension, Sam waived her fees. The warmth and generosity with which she has given her support are extremely humbling. She assessed my situation with a great deal of sensitivity and compassion, fully understanding the implications and importance of having a well trained dog in my life. Sam's support will make every difference to my chances of successfully training an assistance dog. Even if my dog is "only" a companion, her support at the very least enables a disabled person to enjoy and care for a pet; one of many lifestyle choices compromised by disability. I could not be responsible for a dog without rigorous training (for me and the dog!). Part of my need for a dog is to provide respite (through companionship and leisure) to my 6 year old daughter, who is a young carer. Sam understood this immediately and has involved my daughter, who loves dogs, in search and rescue training, giving her opportunities to exercise, play and learn in ways that are impossible for a disabled mother, such as I am, to provide. I cannot place a value on how much it means to me to receive this level of kindness and support.

Sam provides an invaluable service to our community. I am among a great number of locals who have benefitted from the generosity of her work ethic, highly specialised knowledge and experience. You don't get the kind of

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support she and her family offer from any other boarding facility and, I don't know about you, but I am immensely reassured by the knowledge that there are 6 bloodhounds capable of locating missing persons with an astonishing rate of efficiency residing in my locality. Instead of regulation creating an impediment to Sam's valuable work, she must be supported and encouraged by our community and council to continue working as she does.

I hope you will offer your full support to find a resolution that will ensure this.

Yours Sincerely,

Sent from my iPad=



June 23, 2015

Denmark Shire Council  
Denmark, Australia

Dear Council members,

I am writing to you in support of Sam Blythe and her efforts to be allowed to keep her Search and Rescue (SAR) dogs and maintain the work she is doing with regard to boarding and providing kennel services.

I know Sam through Facebook and our shared love for bloodhounds. We met approximately two years ago and corresponded through Facebook posts and via chat. At that time, I had recently rescued an adult bloodhound, and was in need of advice on training the dog as it was quickly apparent that this breed was unlike other dog breeds I had owned. Bloodhounds are rare where I live, and the online group was my only connection to others who knew the breed. She helped me to understand some of the breed behaviours which made training my dog much easier.

Last fall, I acquired a bloodhound puppy, and knew that I could find help with training through Sam again, and I have. Sam has also helped me to recognize the drive in my puppy to do trailing. Where I live, our SAR groups do not use dogs because there are no volunteers with dogs able to do the work. I had no where to turn to understand some of the searching behaviours that my pup was exhibiting, but Sam helped me understand, through her advice to me and to others seeking similar advice. There is a lot of information online, but nothing is better than the personalized advice of an experienced, professional handler like Sam.

Over the past 22 years, I have owned Rottweilers and many mixed breed dogs, and have utilized various dog trainers and methods to train them. I have gained experience in handling my own dogs, and felt quite confident that I could work with my rescue dog and puppy, but none of those methods worked on the bloodhounds. Sam is the only person who helped me make any progress. She encouraged me to use only gentle methods - no choke collars, shock collars or pinch collars - and was, and still is, there to answer any questions and help me solve new issues.

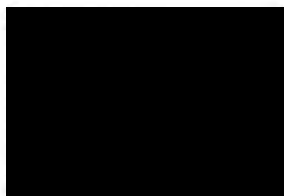
I also board my dogs on occasion, and after having used regular kennel service, I chose to use one that offered a home environment, much like what Sam operates. I can tell you that the dogs are happy in such an environment, and the owners can relax knowing their dogs are well cared for.

Sometimes we have to go far from home to appreciate what we have. I am far away from you, but I appreciate who you have right in your backyard. It is clear to me that Sam is a capable and competent dog trainer and handler. Her work with SAR tells me how dedicated she is to helping her community. A SAR hound is a valuable tool, and brings hope to the searcher, and the one who needs the search. I can only wonder how

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many people may have had happier endings here where I live if such a person like Sam was here with her SAR dogs.

Sincerely,



6-21-15

Denmark Shire Council

C/o Sam Blythe

194 Board Road

Parryville, Western Australia

6333

Attention: Denmark Shire Council:

This letter is in support of Sam Blythe, who has made a WORLD of difference in our bloodhound. My husband and I have been in bloodhounds since 1969/1970. We have bred and showed our hounds up until 1987, when my husband had a serious industrial accident and at that time our SloPoke kennels, gradually died off. During the time of our kennels, we sold and showed many of our hounds, making them champions, rescue bloodhound hounds with police departments and obedience bloodhounds. We also had one we made number one female bloodhound in the United States, owner handled by my husband. We have always had a bloodhound as an indoor family pet, all of them being females.

This letter of support started about a year ago when I asked Sam Blythe for some help with our male bloodhound puppy, who was living in our home with our female and was always, quite good. Our puppy was born on 4/13/13 and started to show at about eight months, no longer by my husband. We were noticing some odd behavior out of him including growling at the food dish, which is unacceptable! Since Sam and I had become Facebook friends and knew she trained dogs, I asked her about his behaviors. She was kind enough to give me some information about what I could do with him and these were tried. For a period of time he did great and then returned with some other odd behaviors at the food bowl and again, I messaged Sam and again, she gave me some new things to try of which I did and so far they have worked.


This young bloodhound is a show dog and travels with us extensively to shows. Since starting to show him, this hound has never been out of the Top Twenty Bloodhounds. So again we begin to notice he was becoming nasty going into his crate, of which he rides in, anytime he is in a vehicle. A crate is also used within our house when company comes or we must leave over a long period of time. So again, I message Sam; she again gave me some pointers to work on and for some reason they were not working. Again, messaged Sam and she helped me realize what I was doing and what I SHOULD be doing.

This young hound, whom is now just over two years old, is loved by many people he gathers where ever he goes. His love of the young and the elderly is fantastic and to be able to let him meet these people is due in part to what Sam has taught me. Yes, BLOODHOUNDS, have been our life, BUT never have we had a male in the house or showed for any length of time, everything was new to us "old timers."

Feel that I must add that I have worked with and talked with Sam over email, about writing a book on Training Dogs. Anyone can write a book about dogs there are many BUT only someone who lives within a dog by training, working and playing with a dog can write a GOOD book. My hope is Sam will write the book and it will be a BEST SELLER in the United States!

Thank you for listening to me and if you need to speak to me, my number and address will follow. Thank you.

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14/07/2015

Subject- Ms S. Blythe

194 Board Road,  
Parryville, W.A.

To Whom it May Concern,

Recently information has reached me that issues have arisen against Ms. Blythe and her establishment, known to me as Drumgavney.

I have known Ms. Blythe for only a short time but in this time I have learnt a great deal from her. Her establishment, which I believe should be registered as a kennel and boarding facility, is more of a sanctuary and holiday home for pets while owners go away on their own adventures. Ms. Blythe cares for each individual as her own and welcomes them in to a family atmosphere, which helps relieve domestic animals of stress when left by their owners. Ms. Blythe has a grand range of animal behaviour knowledge and is watchful of her charges. As a pet owner, I can think of no one better than Ms. S. Blythe and no place better than Drumgavney for my beloved pets to stay.

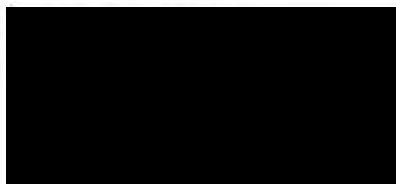
Ms. S. Blythe is also a breeder of Bloodhounds, a breed I have been studying for the past six years and now happily have 3 in my life, one of which was bred by Ms. Blythe. Ms. Blythe breeds with knowledge of the breed, of lineage and of health. She will only do what is best for her beloved bloodhounds. The Bloodhound I co-own with Ms. Blythe, Petunia, is a wonderful girl, calm and gentle in nature and has been remarked upon by many Breed Judges within Conformation Showing as the image of her breed standard.

Ms. Blythe has trained her personal Bloodhounds as SAR dogs, and this as you will know has had great success in USA as the Bloodhound is known mostly for its excellent tracking ability. Personally supporting a noble cause of search and rescuing is admirable, to know the time and effort it takes to continuously train and be ready for any situation that arises is a quality in people we rarely see and Ms. Blythe possesses this quality. Her Bloodhounds are the best trained in SAR within Australia that I know and it is my belief this team should be expanded further across the continent. Again for the expansion of Bloodhound SAR teams I can think of no one better to path the way than Ms. S. Blythe with her wisdom and wonderful Bloodhounds.

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Ms. S. Blythe has opened me up to a new wondrous world, taught me so very much and has included me in her friends from all over the globe. She has always been there to guide if I ever needed assistance and opens her home to any animal in need. To limit Ms. S. Blythe would detrimentally affect not only your community but the continent at large, she is one of so few I know with the knowledge and wisdom to lead people and their animal companions together into a brighter future.

Yours sincerely,



Denmark Shire Council  
South Coast Highway  
Denmark WA 6333

June 26, 2015

To the Denmark Shire Council,

I have recently become aware of the pressure being brought to bear on Sam Blythe and her business Drumgavney Realm.

I find it unbelievable that with all the rampant discontent in our community at present, that the shire would find the time to pursue this campaign against her dogs and her dog boarding possibilities at a property of 130 acres, 28 km out of town?

Right now, while everyone in the community is up in arms over proposed caravan overflow on public facilities, boat ramps and feasibility studies, questionable sackings and pool debates, and offensive holiday renters, it is inconceivable that you have the time to devote to disrupt a business that provides a needed service and offends no one. There is a great deal of dissatisfaction growing daily and I cannot believe that the Shire Council is unaware of it. Local popularity and approval is at an all-time low.

Has this council and community seriously lost their sense of priority to the extent that they are going to be petty over dogs that are properly registered and boarded on a property that impinges on no one ?

Sam and David have contributed greatly with their involvement with the Fire Brigade...is this how you repay people who volunteer for their community?

In the nearly 5 years that I have known them, I have always been impressed with how they are conscious of doing things in a proper fashion. Sam always emphasises to dog owners the need to properly register and appropriately sterilise their dogs. She reinforces the need for dogs to be socialised in the community for the safety of all, and she counsels owners to be responsible and to obey all relevant signposts in

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To Whom It May Concern,

I am a regular and very happy client of Sam Blythe's Dog Boarding Service which I have been using for the past three years. In my opinion Drumgavney Realm for dogs provides a unique and essential service for my dog. The environment he is in whilst in Sam's care fosters the aim of keeping dogs socialized, happy, and tolerant of one another through being kept together; As opposed to being stressed, and unsocialable through being kept apart and isolated. I have had personal experience of the latter, and found it most distressing to see my beloved pet in that state. This is why I was so relieved when I discovered this special boarding service. It has played a bit part in keeping my dog well socialized. I'm the proud owner of a tiny chihuahua whom I can take anywhere because he is so good with other dogs. To me this is the essence of being a responsible dog owner. For these reasons I give Sam my full support and hope that this service which has become so valuable to myself, and especially for "My best Friend" will be able to continue; I respectfully urge whomever reads this letter to take these considerations into account. Yours Sincerely,

5-7-15

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[REDACTED]

June 25<sup>th</sup> 2015

The Shire President  
Denmark Shire  
953 South Coast Highway  
Denmark 6333

Dear Sir

Re: Sam Blythe and Drumgavney

I write to you with great concern about your handling of the above matters  
I have attended dog training with Sam Blythe and have also used her accommodation  
for my dog

Sam is a highly skilled dog trainer providing a valuable community service  
The training emphasises well behaved, well socialised dogs as well as underlining the  
responsibility of dog ownership as outlined in State Dog Law and local shire  
regulation e.g. where dogs can and cannot go and cleaning up after one's dog in  
public places

I would think this would be of immense importance for shire officials

My pet is still quite young (not yet 2 years), very active and it was an enormous relief  
to find accommodation where she is not confined to a caged boarding facility

After all Drumgavney is not situated in the confines of the township anyway

I am also appalled that she is not able to register her search and rescue dogs

Surely these animals provide a valuable community service and should therefore be in  
a special category

In putting a stop to her ability accommodate dogs you are also stopping a source of  
income for her and jeopardising not only the holiday plans of her clients (which have  
been organised well in advance) but there are occasions when finding somewhere  
appropriate to leave your pet is an emergency such as with medical issues

This was the case for me just recently when I had to travel to Perth for surgery

My hope is that common sense will prevail

Yours faithfully  
[REDACTED]

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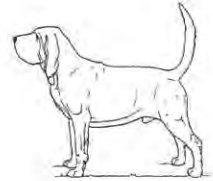




## Trackscent Bloodhounds

Po Box 87  
Springsure,  
Queensland , 4722

Phone: 0437963002  
E-mail: trackscent@hotmail.com.



Denmark Shire Council  
WA 6333.

Dear Shire President,

I am writing you this letter as a recommendation for a kennel licence for Samantha Blythe of Drumgavney Bloodhounds whom is one of only eight ANKC registered Bloodhound breeders in Australia and currently the only registered Bloodhound breeder in W.A.

Firstly I would like to introduce myself, my name is Katrina Cutting and I have owned Bloodhounds for over 8 years and am a registered Bloodhound breeder in Queensland for the last 6 years. During my eight years of Bloodhound ownership I have dealt with and also purchased hounds from many other Bloodhound breeders some of which are registered kennels, but none of these were trained and socialised to the standard of one of my current hounds that was bred and trained by Samantha Blythe, I have found Samantha to be very professional in every aspect of her breeding right down to the training of her dogs and that of the litters that she breeds; she has always kept in contact ensuring the welfare of any dog that leaves her care. In my 25 years of dog ownership I have come in contact with, and even owned dogs that have been bred or have grown up in traditional kennel situations, I could go on to tell you about those encounters but this is not what this letter is about and for me to write about them upsets me greatly. My own dogs are well trained and housed at night in a kennel but during the day are let out together in 5 acres with secure fencing of which includes my home, This makes for some very happy hounds.

During my eight years of bloodhound ownership I have helped re home several Bloodhounds, this is not always an easy task as most times they are in other states in Australia. It is very beneficial to have Bloodhound breeders in every state as re homing usually entails accessing the dog and most times re-training is needed. We are very fortunate to have a breeder/ trainer of the standard that Samantha Blythe is, she is always very helpful with training advice even for those of us that live on the other side of the country.

Bloodhounds are widely used throughout the world as man trailers with great success but currently not widely used for this purpose in Australia, I keep asking the question 'Why' when so many people go missing in Australia every day! Samantha has an amazing team of Bloodhounds and through her hard work and training she has a fully operational recognised team of Bloodhounds; this is wonderful news for Australia and Denmark for that matter, and with the help of the Denmark Shire Council in allowing her a Kennel Licence she will be one step closer with promoting her amazing team.

Thank you for taking the time to read this letter and I urge you if you haven't already done so to join her on one of her practice days so you can see first hand the amazing abilities of this truly remarkable breed.

Sincerely

Katrina Cutting  
Trackscent Bloodhounds



[REDACTED]  
23 June 2015

Dear Sam and David

Thank you for looking after Sam and Kyra so well. After having previously boarded them at the usual concrete and caged kennels, it is such a relief to know that with you they are living in an uncaged, family environment with the room and freedom to play at will and socialise with other dogs, and at the same time be disciplined and taught good manners and behaviour.

They are always happy to go with you as you can tell by the way they leap so readily from our car to yours, and they always come back relaxed, happy and well behaved. We never worry about them while we are away as we know they are well looked after, content and in good hands.

It was the Denmark Vet that put us onto you, saying Drumgavney Realm are the kennels they recommend to clients, and we can see why.

Thank you also for the invaluable advice you have given us with training. As rescue dogs they have had their issues, but with your help they have improved enormously in the time they have been boarding with you. Thank you also with the dietary advice.

We hope to continue with your services in the future.

Sincerely

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**SCHEDULE OF SUBMISSIONS: PROPOSED KENNEL ESTABLISHMENT – NO. 194 (LOT 2) BOARD ROAD, PARRYVILLE (A9; 2015/131)**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is a nearby landowner</p>	<p>We are writing to you on the Proposed Development of Boarding and Dog Breeding Kennels on Board Road, Parryville.</p> <ol style="list-style-type: none"> <li>1. We object to this proposal.</li> <li>2. We have had dog issues in the past with dogs chasing our cattle and they have made them very jittery and hard to handle.</li> <li>3. We have heard dogs barking in the day and evening and have checked our cattle with concern dogs are chasing our stock.</li> <li>4. 25 dogs we feel are way too many to control and when taking dogs for a walk or a swim in her dam even though it may be a few at a time can become uncontrollable and roam away unnoticed.</li> <li>5. We have been to [name removed] on occasions and heard a considerable amount of noise of barking from [address removed] which upsets [name removed].</li> <li>6. Why hasn't she been prosecuted for operating an illegal dog pound without approval.</li> </ol>	<ul style="list-style-type: none"> <li>• The areas proposed to be utilised by the dogs are fenced and the proponent has advised that when leaving the fenced area dogs will be on a leash/supervised at all times. In the instance that dogs do leave the property, the Shire's Rangers can be contacted in the first instance. Should the kennel establishment not be managed appropriately and issues are made known to the Shire, there is the option to cancel the Kennel Licence.</li> <li>• In relation to barking, from a file review it is noted that there are no complaints listed against the property regarding noise issues in the past. It is considered that barking can be managed in this instance due to the owners living in close proximity to the dogs, whereby barking issues can be dealt with immediately. In the instance where excessive barking does become a nuisance, neighbours should notify the Shire whereby the Shire's Rangers Services will attend the matter in the first instance, and, as above, should it be deemed that the kennel establishment is not being appropriately managed/non-compliant with relevant legislation, there is the option to cancel the Kennel Licence.</li> <li>• In accordance with the Planning &amp; Development Act 2005, commencement of a development prior to obtaining approval is an offence. When an offence is committed, the Shire has the option of pursuing such offence either by the issuance of a Penalty Infringement Notice (modified penalty – maximum \$500) or via court proceedings (maximum penalty of \$200,000 and \$25,000 for each day the offence continues), or alternatively request the landowner to seek retrospective Development Approval (at which time the application fee is 3 x times the normal fee that would apply if the application was lodged prior to development commencing). In this instance Planning Services considered the most appropriate</li> </ul>

			<p>approach was for the landowners to seek retrospective Development Approval – with the applicable fees for such application being \$441. It should be noted that there is no obligation on Council to approve an application for retrospective Development Approval and/or applying appropriate conditions that would normally have applied should approval have been sought prior to the development commencing.</p>
S2	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>Thank you for your letter of 10 September 2015 concerning the above application and in reply we wish to advise that we have no objection to this proposal being approved.</p>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
S3	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>I am writing to you regarding the proposed development of boarding and dog kennels at Board Road, Parryville, kennels that have already been in existence for a number of years.</p> <p>I strongly object to this proposal, as I did last time, without any response from yourselves! I moved to Denmark for the beautiful peace and serenity of the area, not to have two dozen dogs barking and yapping only 100 metres from my boundary.</p> <p>Last year I received a letter from you regarding this issue and I responded in the negative. It appears to me that nothing was done about the situation then and it has been allowed to operate as a business for a long time now without Shire approval, why?</p> <p>There are already 6 permanent dogs on the property, plus any number of boarding dogs at various times – is this legal? I know of people who are paying for their dogs to be boarded there after responding to ads in the local newspaper for “Doggy Day Care”. Is this long term breach of Shire regulations to be ignored?</p> <p>The proposed request is for 25 dogs to be on the property at one time. If access to the property is not allowed by either potential clients, visitors (or shire Rangers??) who is going to police this kennel? I would like to ask you one question – would you approve this proposal if it was next door to your residence?</p> <p>The “Dog Area” – 2.8m x 12m seems very small for 25 dogs ..... and humans to eat in. Very crowded!</p>	<ul style="list-style-type: none"> <li>• The letter referenced in the submission related to the initial application to keep 6 dogs, noting that that applicant was advised at the time to lodge an application for a Kennel Establishment – refer Officer Report for background on this. It is acknowledged that the submitter was advised in writing that they would receive advice of the outcome of that application, however as the matter was ongoing, with the application rolling over to the current application, this has not occurred to date. The submitter will be advised of the outcome pending Council’s determination of this application.</li> <li>• See response to Submission 1 relating to the retrospective application process.</li> <li>• Whilst the applicants have detailed that clients and visitors are not permitted without a prearranged appointment, Shire Rangers are authorised to enter the property to deal with complaints should the need arise. It is further noted that inspections are generally undertaken for Kennel Licence renewals.</li> </ul>

		I quote "The Realm for Dogs is a NO BARKING zone", ...ha! No comment required here!! But I would appreciate some sort of comment or response from the Shire regarding the issues that I have addressed and your reasons for make the decision you arrive at.	
S4	<p>Details omitted as per Council Policy.</p> <p>Submitter is a nearby landowner</p>	<p>We have been overseas and just returned to find this request for comment so please accept this email for inclusion in your decision making process.</p> <p>We support this application as we have known the applicants for several years and have had no adverse impact whatsoever on their current operations. Sam and David are committed professionals in the running of this type of operation and I know they have many happy repeat customers who appreciate their unique approach to dog handling/boarding. They are also an invaluable asset to our community in their roles on the fire brigade.</p> <p>Please let me know if you should have any questions on the above submission.</p>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
S5	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>I write to express my opposition to the proposed kennel on Board Road, Parryville.</p> <p>Initially I am concerned that this application is retrospective. This evidently indicates that business activity in the aforementioned enterprise has already commenced, without Shire approval. The fact that four bloodhounds [plus pups] are already on the property is bewildering. Although the shire of Denmark Dogs Local Law 3.2.2 is somewhat ambiguous, this population would seemingly be an inordinate number of dogs in a typical rural dwelling.</p> <p>I believe that an appropriate business plan would involve attaining Shire authorisation prior to kennel operation. This lack of due diligence is disconcerting with respect to the proposed business structure and does not bode well for the actual implementation of the proposed plan.</p> <p>I have listed and described my other concerns subsequently.</p> <ol style="list-style-type: none"> <li>1. The proposed '25 dogs maximum' is ridiculous. No matter how well administered, such a large canine population would produce barking noise. Although the application suggests the kennel is a 'no barking zone', I am sceptical this assertion can be upheld. We purchased our holding on Board Rd in 1989. We were drawn to this property because of the tranquillity of the location. The Board Road / Saggars Road quietness would be adversely affected by dog noise with the advent of the proposed kennel.</li> <li>2. Although the proposal indicates that dogs would be 'picked up from home' or 'near the vets' [what does this actually mean?], how would this procedure be monitored and enforced. I believe that once established, the kennel would likely invite people to drop off/pick up their animals</li> </ol>	<ul style="list-style-type: none"> <li>• See response to Submission 1 above in relation to barking.</li> <li>• In relation to concerns relating to traffic, the proponents have made it clear that their business model is based on clients not dropping off dogs direct to the property. As per the application documentation clients may from time to time visit the property by appointment. It is not considered that the proposal/current operations will or currently have an impact on traffic out of keeping with normal use. Should the details of the business operations significantly change over time such that customers are regularly coming and going from the property, an amended Development Approval will be required due to the use being inconsistent with the proposal, with further consideration being given to the traffic/road impact should this occur.</li> <li>• In terms of impact on local wildlife it is considered that this can be managed by confining the dogs/appropriate management, noting that should issues arise/dogs not be properly confined there are mechanisms to ensure that this is not repeated (see comment against submission 1 above).</li> <li>• Property values are not a planning consideration.</li> <li>• Market supply/demand is not a planning consideration. It is noted however that the proposal is unique to other kennel operations in the Shire</li> </ul>

		<p>from the property. This would result in an increment in traffic on Board Road. Board Road typifies a country lane – a narrow, winding, gravel road, clearly not designed for an enlarged traffic load. Such a potential safety management issue concerns me greatly.</p> <ol style="list-style-type: none"><li>3. We have phascogales, quenda, chuditch, echidna, kangaroo and a variety of endemic birds, reptiles and amphibians around the wetlands and forests on our property. If dogs were to escape from the containment, I am concerned that these native animals would likely be harmed. The possible environmental implications of the proposed kennel are serious.</li><li>4. We run 20 breeding Angus cows and several sheep on our farm. If dogs were to escape from the containment, I am seriously concerned that our stock may be attacked.</li><li>5. Significantly, I am of the opinion that the establishment of a kennel would cause a serious devaluation of the value of our property. My research indicates that there are two pre-existing kennels in the Denmark region. Surely this provides adequate kennelling facility for our shire's needs.</li></ol> <p>As a long term Board Road landholder, I oppose the kennel proposal in any form. Like many, we moved to the Denmark Shire to enjoy a quiet country existence and the clean, serene environment. I am most concerned that a proximal kennel will detract from our long established lifestyle.</p>	<p>which may appeal to some dog owners.</p>
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Samantha Blythe and David Keel  
194 Board Road  
Parryville, 6333.  
Ph. [REDACTED]

**RE: PLANNING APPLICATION No.2015/131 – APPLICATION FOR KENNEL LICENCE (RETROSPECTIVE)**

Dear Councillors,

We are writing in response to the submissions made by adjoining and nearby landowners regarding our current application for a kennel license.

We note there are 3 objections to our application and 2 in support. We appreciate the neighbours who have no objections, so will only respond to those who have objected, and address our response to each individual submission by their submission number.

S1. – submitted by a nearby neighbour:

We appreciate that people in the area have had issues with dogs and stock, as we have also had concerns regarding this issue. We have on a number of occasions had stray dogs on our property. This has been of real concern, when entire males of dubious breeding have come to our dog fences in the hope to mix with our own dogs (2 breeding females; 2 spayed females; 2 female pups); we have picked up roaming dogs and returned them home on a number of occasions, requesting the owners to keep their dogs better contained, for the good of the entire neighbourhood. On one occasion when a repeat offender belonging to an adjoining neighbour was on our property the head ranger was contacted in the hope they would speak to the owners. The ranger insisted on confiscating the dog, leading to considerable cost to said neighbour.

The submission also notes dogs barking in the day and evening. It is a fact that a considerable number of the people on Board and Saggars Roads do have dogs of their own. On many occasions we too have heard a barking dog in the evening, and have concluded it belongs to an adjoining neighbour, and appears to bark when the owners go out at night. Another dog often barks at length of a late afternoon/early evening when the property owners are working with their sheep. We have no issue with this other than the risk (which seems justified) that other neighbours may mistakenly conclude the noise is coming from our property.

Regarding the hearing of barking noise directly from our property; there is only one time that barking is occasionally accepted at Drumgavney – that being when dogs are taken to the dam paddock for a swim. Dogs taken to the dam are supervised constantly, and these sessions occur for around about 1 hour, between the hours of around 11.00 am – 3.00 pm. We suggest that local cattle make more noise (both day and night) than our dogs, even in full play.

Finally, questioning why we have not been prosecuted for our operation? We submit that 2 factors are the sole reasons we have not been prosecuted;

1. There have been no known complaints about our dogs or our boarding operation
2. The rangers have been fully aware that we look after dogs for people in a safe and caring way, and also recognise Sam's skills as a handler and trainer of dogs.

S3. – submitted by an adjoining landowner

Unfortunately we do not have a particularly good relationship with this adjoining neighbour. These difficulties began long before we had bloodhounds or commenced looking after other people's dogs.

An example exists that has led to disharmony, and we suggest that if we had to put in an application to breathe it would also be strongly objected to by this individual. Example as follows;

- Their dogs used to continually come onto our property; go through our rubbish and spread rubbish around; chase our horses and did put them through fences more than once. They no longer have dogs to our knowledge. But the issues which arose around the time have led to the current situation, where we simply have nothing to do with this individual, and when they often appear at our nearest boundary, we call all dogs in to allow them to go about their business undisturbed.

We are also planting hedgerows on the adjoining boundary fence to cut sight lines, and reduce noise impacts from his activities at our nearest boundary.

We also assert that at no time have we advertised “doggy day care” in the local newspaper, as claimed by the individual in S3. We also note that neither have we advertised a boarding service in the local or any newspaper. The only Advertised dog service that has been advertised in the newspaper has been for fully authorised dog training classes held in Denmark Township.

S5. - Submitted by an adjoining landowner

This was a lengthy objection requiring some length in response;

This neighbour initially expresses “bewildering” concern about 4 bloodhounds (plus pups) on our property. We note the current application comes as a result of our initial application for a 6 dog license; unlike some others we believe in having our dogs registered, and after keeping 2 pups from a litter we sought to have all our dogs licensed (we already have 3 registered for life with Denmark Shire). All our bloodhounds are working Search dogs; trained to find missing or lost people. This is a free service available to this area of extensive bushland and high tourism. We take this responsibility seriously and put countless hours into the training and handling of our dogs – all for the time when they have been, and will be needed.

This submission appears to be comprised mostly of supposition on the part of the author, who suggests that our proposed maximum number of dogs as “ridiculous” and unlikely to be manageable without constant barking noise from dogs. We have a “NO BARKING” policy for a number of reasons; apart from not wanting to bother our neighbours, we absolutely can’t stand the noise of any dog barking repeatedly –it’s like fingernails down a blackboard to us both. To this end any dog that barks is brought in and contained separately from the other dogs for a short period to reinforce that barking is not acceptable. If it repeats the barking this process is repeated. Dogs in our care learn quickly that if they want to mix with other dogs, they can do so quietly.

Further, we do not expect or want to have 25 dogs on the premises on a constant basis; rather this number allows for the peak periods such as Christmas and Easter, when a large number of people have reason to travel and cannot take their dogs with them, as well as allowing for bloodhound pups who may be sold overseas. These pups cannot travel before 9 months of age, and therefore need approval to stay beyond 3 months of age. When the Shire officers attended for inspection they could see for themselves that with good management, which we provide, dogs of various size, shape, and breed could all interact well and with a minimum of noise or fuss.

With regard to the monitoring and enforcing of our stated pick up and drop off service, it is for our own sake and the dogs’ well being that we provide this service. Dogs do not cope well with watching their owners drive away without them. However, they are not stressed by having their owners hand them



over to someone competent from home or a pre-determined point, to be then taken back to Drumgavney where they are introduced with care to the other residents individually.

On this point, most dogs alert to any car entering its space. If a car pulls into the driveway, a dog will most likely alert (unless trained not to). At Drumgavney we do not encourage visitors of any sort, and refer anyone (in fact everyone) to the sign on our gate which states in no uncertain terms "NO ENTRY WITHOUT APPOINTMENT". To this end we maintain our privacy, the dogs' relaxed and comfortable surrounds, and quite selfishly our own sanity. As such we don't expect or plan to impact on the traffic flow on Board Road in any way more than the current flow. We also note we do not use dirt or quad bikes on the road; we do not use heavy equipment on the road, such as trucks, and tractors, etc. Many of our neighbours do use the road in these ways, and we have no great objections to them (except the dirt bikes making a racket and ripping up the road).

We too have all the wildlife described by the objector. We too, take great pride in the natural diversity of our area. More importantly to us, our own dogs are a rare and endangered breed which are of a similar value to anyone's prize bull. They are contained in yards from which they cannot escape. Similarly, any dog entrusted to our care is a responsibility which we take very seriously, and do not enable to simply wander, chase stock or wildlife. The dogs remain in our care and control for the duration of their stay. For our bloodhounds, that is for life. We treat all the dogs in our care as members of the family; and we raised our children to be upright, law abiding, rule following members of society. We also have had and do have responsibility and care for; cows, Free range chooks, geese, and horses. We also own 2 registered cats. No dog is allowed to bark, follow, chase, harass or interfere with any of this stock, which often walks right past the dog yards; because any stay at Drumgavney is also a non-stop training session.

With regard to the claim of a devaluing of property as a result of this application; this is inappropriate and unlikely. Because of the way Drumgavney operates, we will not be seeking signage from the highway; we will not be erecting a "bunker" to contain 25 dogs, and as seen by the shire officers on inspection, our yards and dog areas are landscaped to present to us (as the primary viewers) as lawn and garden areas which we too can enjoy in our time spent with dogs. It has also always been our intention to ensure that in the event we were to die, or leave the area, our property would never contain the infrastructure which would enable it to be sold as a "kennel". Our reasoning for this is to be certain that not just 'anybody' could purchase the property and operate a kennel, because dogs do deserve better than just anybody.

Finally, the objector notes there are 2 pre-existing kennels in the Denmark region and claims this is enough. However, these kennels are caged facilities where all dogs are separated for the majority of the time; they are locked down at night and left to their own devices. It takes only one anxious dog, crying or barking in the night to start a chain reaction of noise that by morning will and does result in a whole shed full of dogs that are distressed, fearful and uncertain. Dogs express these emotions through barking and whining; one of the main concerns raised by objectors. Those who have used, and want to keep using our facilities refuse outright to put their dogs under that degree of stress, placed in cages for some person's ease of management; and a number have stated that they simply could not go away if we did not provide the service as it is. Others have used the existing kennels and were not satisfied enough to want to use them again. People from Albany, Walpole, Katanning choose to use the service we provide, and on a number of occasions people from Perth have driven their dog to stay with us before driving back to catch a flight from Perth. One person recently flew their dog from Roebourne to Perth and hired a car to then drive the dog to stay with us, before driving back to catch a flight out of Australia. There appears to be a need for the service we provide.

In a concluding statement, we would like to assert that it was never our direct intention to operate a boarding facility for dogs; rather, the situation 'grew' from providing foster care for the Denmark Animal Carers; to assisting the Denmark Vet with long-term nursing and/or rehabilitation of dogs in their care. From there Sam Blythe was being approached by people who experienced medical or family emergencies seeking assistance to care for their dogs in a time of need. That she cared for their dogs so well that they told others of this "service", seems to have developed into an ongoing flow of dogs bringing variety, often joy, and sometimes a lot of day and night downright work, into our lives. We do not profit from the fees we charge, and have no expectation that we ever will. However, we believe the number of letters of support for our application is a real indicator that the service we provide to Denmark is valued and appreciated. It is for these residents and their canine family members that we operate, and seek approval now to do so.

### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been –
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act 2, dogs over the age of 3 months and the young of those dogs under that age.

## **PART 4 - APPROVED KENNEL ESTABLISHMENTS**

### **4.1 Interpretation**

In this Part and in Schedule 2 -

“**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; and

“**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 Schedule 1, and must be lodged with the local government together with -

- (a) 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; and
- (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 premises adjoining the 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 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 may be, is given in accordance with its directions.

#### **4.4 Exemption from notice requirements**

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 Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

#### **4.9 Compliance with conditions of approval**

A licensee who does not comply with the conditions of a licence commits an offence.

**Penalty:** Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

#### **4.10 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 - 6.19 of the *Local Government Act 1995*.

#### **4.11 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

#### **4.12 Period of licence**

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

#### **4.13 Variation or cancellation of licence**

- (1) The local government may vary the conditions of a 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 –
    - i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - ii) 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 –

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) 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 authorized person may inspect an approved kennel establishment at any time.

**7.6 Withdrawal of infringement notice**

- (1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.
- (2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

**7.7 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**SCHEDULE 1**

(clause 4.2)

**Local laws relating to dogs**

**APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

I/we (full name) \_\_\_\_\_

of (postal address) \_\_\_\_\_

(telephone number) \_\_\_\_\_

(facsimile number) \_\_\_\_\_

(email address) \_\_\_\_\_

Apply for a licence for an approved kennel establishment at (address of premises)

\_\_\_\_\_

For (number and breed of dogs) \_\_\_\_\_

\* (insert name of person) \_\_\_\_\_ will be residing at the premises on and from (insert date) \_\_\_\_\_

\* (insert name of person) \_\_\_\_\_ will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at \_\_\_\_\_ (insert address of residence) on and from \_\_\_\_\_ (insert 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) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice proposed use to be given to adjoining premises;
- (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 agree to comply with the Code of Practice known as \_\_\_\_\_, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_

\* delete where inapplicable

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

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OFFICE USE ONLY

Application fee paid on *[insert date]*.

**SCHEDULE 2**  
(clause 4.8(1))

**CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be –
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;



- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
- i) 2m; or
  - ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
- (i) at the premises; or
  - (ii) 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.

### SCHEDULE 3

(clause 7.2)

#### OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Attachment 8.1.1e – Site Photos



'backyard' area as marked on site plan



'verandah' as marked on site plan



Connection between backyard and 'night yard'



Laundry facilities connected to night yard



Some of the sleeping area in the night yard



**'front yard' fenced area, dam beyond fence line**

Additional Images provided by applicant









