

# minutes



CORANGAMITE  
SHIRE

## CORANGAMITE SHIRE

### **COUNCIL MEETING TUESDAY 23 NOVEMBER 2021**

Held at the Theatre Royal  
Manifold Street, Camperdown  
at 7.00 pm

#### **COUNCIL:**

Cr Ruth Gstrein (Central Ward)  
MAYOR

Cr Jo Beard (South Central Ward)  
DEPUTY MAYOR

Cr Geraldine Conheady (Central Ward)

Cr Laurie Hickey (Central Ward)

Cr Kate Makin (South West Ward)

Cr Jamie Vogels (Coastal Ward)

Cr Nick Cole (North Ward)

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# Table of Contents

---

Item No.	Page No.
<b>PRESENT .....</b>	<b>4</b>
<b>1. PRAYER.....</b>	<b>4</b>
<b>2. ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>4</b>
<b>3. APOLOGIES.....</b>	<b>4</b>
<b>4. DECLARATIONS OF CONFLICT OF INTEREST.....</b>	<b>4</b>
<b>5. CONFIRMATION OF MINUTES.....</b>	<b>5</b>
<b>6. ELECTION OF MAYOR &amp; DEPUTY MAYOR .....</b>	<b>6</b>
6.1 ELECTION OF MAYOR - TERM OF OFFICE.....	6
6.2 ELECTION OF MAYOR.....	8
6.3 ELECTION OF DEPUTY MAYOR .....	11
<b>7. DEPUTATIONS &amp; PRESENTATIONS.....</b>	<b>13</b>
<b>8. COMMITTEE REPORTS.....</b>	<b>14</b>
8.1 COUNCILLOR APPOINTMENT TO COMMITTEES 2022 .....	14
<b>9. PLANNING REPORTS .....</b>	<b>20</b>
9.1 PLANNING PERMIT APPLICATION PP2021/007 - USE AND DEVELOPMENT OF LAND FOR DOMESTIC ANIMAL HUSBANDRY (DOG BREEDING) - 22 PETT STREET, SKIPTON.....	20
9.2 VICTORIA'S BIG HOUSING BUILD - PROPOSED RESIDENTIAL DEVELOPMENT 80 CAMPERDOWN-COBDEN ROAD, CAMPERDOWN - CORANGAMITE SHIRE SUBMISSION .....	33
<b>10. OFFICERS' REPORTS.....</b>	<b>45</b>
10.1 DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025 .....	45
10.2 ANIMALS POLICY NOVEMBER 2021 .....	81
10.3 OPEN AIR BURNING POLICY NOVEMBER 2021 .....	89
10.4 USE OF COUNCIL LAND POLICY NOVEMBER 2021 .....	96
10.5 SLURRY SEALING CONTRACT 2021-2022 .....	107
10.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUNDING PHASE 3 .....	112
10.7 QUICK RESPONSE GRANTS ALLOCATION NOVEMBER 2021 .....	117
<b>11. OTHER BUSINESS .....</b>	<b>121</b>

---

# Table of Contents

---

<b>12. OPEN FORUM .....</b>	<b>122</b>
<b>13. CONFIDENTIAL ITEMS .....</b>	<b>124</b>
13.1 LEASE AGREEMENT - 15 HAMILTON STREET, TIMBOON .....	124

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**MINUTES OF THE MEETING OF THE CORANGAMITE SHIRE  
COUNCIL HELD AT THEATRE ROYAL, MANIFOLD STREET,  
CAMPERDOWN 7.00 PM ON  
23 NOVEMBER 2021**

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**PRESENT**

Councillors R. Gstrein (Chairperson), J. Beard, N. Cole, G. Conheady,  
L. Hickey, K Makin, J Vogels

Officers Andrew Mason, Chief Executive Officer  
Justine Linley, Director Sustainable Development  
Brooke Love, Director Works and Services  
David Rae, Director Corporate and Community Services

**1. PRAYER**

The prayer was read by Chief Executive Officer, Andrew Mason.

“We ask for guidance and blessing on this Council. May the true needs and wellbeing of our communities be our concern. Help us, who serve as leaders, to remember that all our decisions are made in the best interests of the people, culture and the environment of the Corangamite Shire.

Amen.”

**2. ACKNOWLEDGEMENT OF COUNTRY**

An Acknowledgement of Country was made by Chief Executive Officer, Andrew Mason.

“We acknowledge the Traditional Owners of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people.

We pay our respects to all Aboriginal Elders and peoples past and present.”

**3. APOLOGIES**

Nil.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

Nil.

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**5. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the Corangamite Shire Council meeting held on Tuesday 26 October 2021 be confirmed.

**COUNCIL RESOLUTION**

*MOVED: Cr Makin*  
*SECONDED: Cr Hickey*

That the recommendation be adopted.

**CARRIED**

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## 6. ELECTION OF MAYOR & DEPUTY MAYOR

### 6.1 Election of Mayor - Term of Office

**Author:** Andrew Mason, Chief Executive Officer

**File No:** D17/674

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

#### **Summary**

The purpose of this report is to determine the term of office for the Mayor of Corangamite Shire.

#### **Introduction**

The *Local Government Act 2020* (the Act) requires Council to determine the length of the Mayoral term prior to the election of Mayor. The term decided will apply to the Deputy Mayor, if one is also elected.

#### **Issues**

Council has historically elected a Mayor for a term of one year, however the term of office may be for one or two years.

Under the Act, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term. Should Council continue to hold its scheduled meetings on the fourth Tuesday of the month, the next Mayoral election would be held on 22 November 2022 or 28 November 2023, depending on the length of the term of office.

#### **Policy and Legislative Context**

Section 26(3) of the *Local Government Act 2020* (the Act) requires that before a Mayor is elected, the Council must by resolution resolve whether the Mayoral term is a period of one or two years.

Section 26(4) and 26(5) of the Act governs when the next election of the Mayor is to be held.

Determination of the Mayoral term prior to the election of Mayor demonstrates good governance and is consistent with the following commitment and objective in the 2021-2025 Council Plan:

Having strong governance practices.

#### **Options**

Council may resolve to set the Mayoral term as a period of one or two years and determine when the next Mayoral election should subsequently be held.

### **Conclusion**

Council is required to determine the length of the mayoral term before the Mayor is elected. The term of office for the Mayor may be one or two years. The term decided will also apply to the Deputy Mayor, if one is also elected.

Under the Act, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term, which may be at the scheduled meeting of Council in November 2022 or 2023, depending on the length of the Mayoral term of office.

### **COUNCIL RESOLUTION**

***MOVED:***            *Cr Beard*

***SECONDED:***     *Cr Makin*

### **RECOMMENDATION**

**That Council:**

- 1.     Determines the length of the Mayoral term be a period of 1 year(s).**
- 2.     Determines the next Mayoral election be held at the scheduled meeting of Council in November 2022.**

**CARRIED**

## 6.2 Election of Mayor

**Author:** Andrew Mason, Chief Executive Officer

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

### Summary

This report provides advice on the process for the election of Mayor of Corangamite Shire.

### Introduction

The *Local Government Act 2020* (the Act) requires Council to elect a Councillor to be Mayor at a meeting open to the public, by an absolute majority of all Councillors elected to the Council. The Act also requires the Chief Executive Officer to chair the election of the Mayor.

### Issues

The role of Mayor and specific powers of the Mayor are set out in the Act and includes:

- Chairing all meetings of the Corangamite Shire Council.
- Being principal spokesperson of the Council.
- Leading engagement with the community on the development of the Council Plan and reporting annually on the implementation of the plan.
- Promoting behaviour amongst Councillors that meet the standards in the Code of Conduct.
- Assisting Councillors to understand their role.
- Leading the regular review of the Chief Executive Officer's performance.
- Taking precedence at all municipal proceedings within the Shire.

In accordance with Council's Governance Rules, the election of Mayor must be by a show of hands at a meeting open to the public.

Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is only one nominee, they must be declared elected as Mayor in accordance with the Act.

If there are two nominees, Council will vote by show of hands and the candidate with an absolute majority of all Councillors (at least four votes) will be declared elected.

If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until there is a final vote between two remaining candidates.



If there is a tied vote or an absolute majority of at least four votes cannot be achieved, a second vote will be undertaken.

The successful Councillor will be Mayor of Corangamite Shire until the time and on the day the next Mayor is to be elected, as previously determined by Council.

Once the Mayor is elected, he or she will assume the Chair for the remainder of the Council meeting and may briefly address the meeting prior to chairing the election of Deputy Mayor.

#### **Policy and Legislative Context**

Sections 25 and 26 of the *Local Government Act 2020* governs the election of Mayor and when a Mayor is to be elected. Section 20 of the Act provides for when the office of the Mayor becomes vacant.

The process for electing the Mayor is to be conducted in accordance with Corangamite Shire's Governance Rules.

#### **Internal / External Consultation**

No consultation is required for the election of Mayor.

#### **Financial and Resource Implications**

The Councillor elected as Mayor will receive a mayoral allowance and the use of a vehicle within existing budget allocations.

#### **Options**

Council is required to elect a mayor.

#### **Conclusion**

Council is required to elect a mayor at a meeting open to the public. The successful Councillor will be Mayor of Corangamite Shire until the conclusion of the term of office, as previously determined by Council. After the Mayor is elected they will assume the Chair for the remainder of the meeting, including the election of Deputy Mayor.

#### **COUNCIL RESOLUTION**

***MOVED:***                *Cr Beard*  
***SECONDED:***        *Cr Conheady*

#### **RECOMMENDATION**

**That Council proceeds to elect a mayor.**

**CARRIED**

- 
- The temporary chairperson, Mr Andrew Mason. Chief Executive Officer, invited nominations for the position of Mayor.
  - Cr J. Beard nominated Cr R. Gstrein as Mayor of Corangamite Shire. Cr G. Conheady seconded the nominated. Cr R. Gstrein accepted the nomination. No other nominations were received. Cr R. Gstrein was duly elected Mayor of Corangamite Shire for a term of one year, with Councillors unanimously indicating their support by a show of hands.
  - The Chief Executive Officer vacated the Chair at 7.05pm and Mayor R. Gstrein assumed the Chair, thanking Councillors for the opportunity.

## 6.3 Election of Deputy Mayor

**Author:** Andrew Mason, Chief Executive Officer

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

### Summary

This report provides advice on the process for the election of Deputy Mayor of Corangamite Shire.

### Introduction

The *Local Government Act 2020* (the Act) states Council may establish an office of Deputy Mayor. Council's Governance Rules outlines the process for the election of a deputy mayor.

### Issues

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

In accordance with Governance Rules, the election of Deputy Mayor must be by a show of hands at a meeting open to the public.

The process for the election of a deputy mayor is the same as the process for the election of Mayor. Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is one nominee, they are to be declared elected in accordance with the Act. If there are two nominees, Council will vote by show of hands and the candidate with the absolute majority of all Councillors (at least four votes) will be declared elected. If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until a final vote between two remaining candidates. If there is a tied vote or an absolute majority of at least four votes cannot be obtained, a second vote may be taken.

The successful Councillor will hold the position of Deputy Mayor until the term of office for the Mayor concludes, as previously determined by Council.

### Policy and Legislative Context

Section 20A of the Act provides for an office of Deputy Mayor, section 21 outlines the role and powers of the Deputy Mayor (as previously outlined in this report), and section 22 provides for when the position becomes vacant. The election of Deputy Mayor is governed by section 27 of the Act and Council's Governance Rules.

### Internal / External Consultation

No consultation is required for the election of Deputy Mayor.

### Financial and Resource Implications

There are no financial implications for the election of a deputy mayor. At present, the Deputy Mayor does not receive an additional allowance, above the usual Councillor allowance.

### Options

Council may proceed to elect a deputy mayor or resolve not to elect a deputy mayor.

### Conclusion

The *Local Government Act 2020* and Council's Governance Rules provides for the position of Deputy Mayor and governs the process for the election. At its meeting on 27 November 2018, Council resolved to establish the office of a deputy mayor. Should Council proceed to elect a deputy mayor, the successful Councillor would hold the position of Deputy Mayor until the Mayoral term of office concludes, as previously determined by Council.

### COUNCIL RESOLUTION

**MOVED:** *Cr Hickey*

**SECONDED:** *Cr Beard*

### RECOMMENDATION

**That Council proceeds to elect a deputy mayor.**

**CARRIED**

- The Mayor, Cr R. Gstrein, invited nominations for the position of Deputy Mayor.
- Cr L. Hickey nominated Cr G. Conheady as Deputy Mayor of Corangamite Shire. Cr J. Beard seconded the nomination. No other nominations were received. Cr G. Conheady was duly elected Deputy Mayor of Corangamite Shire for a term of one year, with Councillors unanimously indicating their support by a show of hands.
- Cr Conheady thanked Councillors for the opportunity.

## **7. DEPUTATIONS & PRESENTATIONS**

Nil.

## 8. COMMITTEE REPORTS

### 8.1 Councillor Appointment to Committees 2022

**Author:** Andrew Mason, Chief Executive Officer

**File No:**

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

#### **Summary**

The purpose of this report is to determine the appointment of Councillors to various internal and external committees for 2022.

#### **Introduction**

Council is required to appoint Councillor representatives to a number of internal and external committees. Appointments are usually revised each year, providing Councillors with an opportunity to gain experience working with a diverse range of committees.

#### **Issues**

Councillors are appointed to a range of committees to represent the interests of Council when working with the committees.

#### ***Types of Committees***

##### Community Asset Committees

Community Asset Committees are established by Council under Section 65 of the *Local Government Act 2020* to perform duties and make decisions on Council's behalf in relation to the management of a Council facility or asset. Community Asset Committees exercise powers, duties and functions in accordance with an Instrument of Delegation from the Chief Executive Officer, as well as any terms of reference, guidelines or policies which Council may adopt.

Council may be represented on a Community Asset Committee by appointing a Councillor as its representative. Cobden Aerodrome Committee of Management is an example of a Community Asset Committee with one Councillor as representative.

##### Advisory Committees

Advisory committees are established by Council to provide advice on particular matters involving Council activities. Advisory committees have no delegated powers to make decisions on Council's behalf. An examples of an advisory committee is the Corangamite Youth Council.

### Statutory Committee

A Statutory Committee is a committee that is required by legislation to be established with prescribed responsibilities. Council's Audit Committee was previously an Advisory Committee under the *Local Government Act 1989*, however with the commencement of the *Local Government Act 2020*, the new Audit and Risk Committee is considered to be a Statutory Committee.

### External Committees

External committees have various roles and responsibilities depending upon their purpose. Council recognises the importance of it to be represented on a number of external committees to ensure the interests of the community are considered.

### ***Committees Requiring Councillor Representatives***

A summary of committees is provided below, with previous representatives noted where relevant.

### Community Asset Committees

#### *Cobden Aerodrome Committee of Management*

Council membership:	One Councillor and one substitute.
Purpose of committee:	To manage the Cobden Airstrip.
Recommended membership:	One Councillor and one substitute.

### Advisory Committees

#### *Central Pools Committee*

Council membership:	One Councillor.
Purpose of committee:	The development of policies and procedures for Corangamite's swimming pools.
Recommended membership:	One Councillor.

#### *Chief Executive Officer Performance Review Committee*

Councillor membership:	Two Councillors and the Mayor.
Purpose of committee:	To conduct regular performance reviews of the Chief Executive Officer.
Recommended membership:	Two Councillors and the Mayor.

#### *Cobden Racecourse Reserve Reference Group*

Council membership:	One Councillor.
Purpose of committee:	To provide advice on the management of Cobden Racecourse Reserve.
Recommended membership:	One Councillor.

#### *Corangamite Youth Council*

Councillor membership:	Two Councillors
Purpose of committee:	To provide advice and recommendations to Council on issues pertaining to youth in Corangamite, educate young people about local government and initiate programs in support of young people in the Shire.
Recommended membership:	Two Councillors.

*Elm Tree Reference Group*

Council membership: One Councillor.  
Purpose of committee: To provide advice on the management of Camperdown's Finlay Avenue Elm trees.  
Recommended membership: One Councillor.

*Environmental Monitoring Committee (Corangamite Regional Landfill)*

Council membership: One Councillor.  
Purpose of committee: To monitor the environmental implications of the Corangamite Landfill.  
Recommended membership: One Councillor.

*Municipal Emergency Management Committee*

Council membership: One Councillor.  
Purpose of committee: To provide advice on issues that impact emergency management within the municipality and prepare Council's Municipal Emergency Management Plan.  
Recommended membership: One Councillor.

*Access and Inclusion Group*

Council membership: One Councillor.  
Purpose of committee: Provide Council with advice on issues that impact access and inclusion within the municipality and the implementation of actions outlined in the Disability Inclusion Access Plan.  
Recommended membership: One Councillor.

Statutory Committee

*Audit and Risk Committee*

Council membership: Two Councillors.  
Purpose of committee: Oversight and review of Council's financial operations and internal systems.  
Recommended membership: Two Councillors.

External Committees

*Barwon South West Waste and Resource Recovery Group*

Council membership: One Councillor.  
Purpose of committee: For the development of a Regional Waste Management Plan and other Regional Waste Management responsibilities.  
Recommended membership: One Councillor.

*Beach Energy Otway Gas Plant Community Reference Group*

Council membership: One Councillor.  
Purpose of committee: Review of the environmental impacts of the development.  
Recommended membership: One Councillor.

*Cooper Energy Athena Gas Plant Community Reference Group*

Council membership: One Councillor.  
Purpose of committee: Review of the environmental impacts of the development.  
Recommended membership: One Councillor.



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*Corangamite Regional Library Corporation Board*

Council membership: One Councillor.  
Purpose of committee: For the management of the Corangamite Regional Library Service.  
Recommended membership: One Councillor and one substitute.

*Great Ocean Road Regional Tourism Board*

Council membership: One Councillor or Council officer.  
Purpose of committee: To lead the development, marketing, advocacy and management of tourism for the Great Ocean Road region.  
Recommended membership: One Councillor or Council officer.

*Great South Coast Group Board*

Council membership: The Mayor and Chief Executive Officer.  
Purpose of committee: To provide input into Great South Coast Regional initiatives and advocacy.  
Recommended membership: The Mayor and Chief Executive Officer.

*Lochard Energy Iona Gas Plant Community Liaison Group*

Council membership: One Councillor.  
Purpose of committee: Review of the environmental impacts of the development.  
Recommended membership: One Councillor.

*Municipal Association of Victoria*

Council membership: One Councillor and two substitutes.  
Purpose of committee: For representation to the Municipal Association of Victoria.  
Recommended membership: One Councillor and one substitute.

**Policy and Legislative Context**

Councillor appointment to committees is consistent with the following objectives in the 2021-2025 Council Plan:

Having strong governance practices.

Potential conflicts of interests should be considered when appointing Councillors to committees, as all committee members are subject to conflict of interest provisions in the *Local Government Act 2020*.

**Internal / External Consultation**

Councillors discussed the committees during a briefing on 9 November. During the briefing, expressions of interest for committee appointments was sought from all Councillors. As the preferences received from Councillors did not exceed the number of vacancies, a detailed recommendation has been prepared for Council adoption.

**Financial and Resource Implications**

Councillors may claim travel expenses in accordance with the Council Expenses Policy for travel undertaken to attend committee meetings.

### Options

Council may appoint representatives to the committees as designated, or seek alternative Councillor nominations for election to the committees by way of voting.

### Conclusion

Council is required to appoint representatives to a number of internal and external committees, with the positions reviewed annually. Councillors have been consulted regarding their preferences for appointment to the committees, which is reflected in the recommendation.

## RECOMMENDATION

**That Council elects the designated Councillors to the following committees:**

Committee	Committee Type	Councillor Representative Nominations
Cobden Aerodrome Committee of Management	Community Asset	1. Cr. Beard Substitute: Cr. Makin
Central Pools Committee	Advisory	1. Cr. Makin
Chief Executive Officer Performance Review Committee	Advisory	Mayor: 1. Cr. Conheady 2. Cr. Beard
Cobden Racecourse Reserve Reference Group	Advisory	1. Cr. Beard
Corangamite Youth Council	Advisory	1. Cr. Makin 2. Cr. Cole
Elm Tree Reference Group	Advisory	1. Cr Cole
Environmental Monitoring Committee	Advisory	1. Cr Hickey
Municipal Emergency Management Committee	Advisory	1. Cr. Beard
Access and Inclusion Group	Advisory	1. Cr. Beard
Audit and Risk Committee	Statutory	1. Cr Hickey 2. Cr. Conheady
Barwon South West Local Government Waste Forum	External	1. Cr. Vogels
Beach Energy Otway Gas Plant Community Reference Group	External	1. Cr. Vogels
Cooper Energy Athena Gas Plant Community Reference Group	External	1. Cr. Vogels
Corangamite Regional Library Corporation Board	External	1. Cr. Gstrein Substitute: Cr. Conheady

Great Ocean Road Regional Tourism Board	External	1. Cr. Makin
Great South Coast Group Board	External	1. Mayor: 2. CEO: Andrew Mason
Lochard Energy Iona Gas Plant Community Liaison Group	External	1. Cr. Vogels
Municipal Association of Victoria	External	1. Cr Gstrein Substitute: Cr Beard

**COUNCIL RESOLUTION**

***MOVED:***            *Cr Cole*  
***SECONDED:***    *Cr Makin*

**That the recommendation be adopted.**

**CARRIED**

## **9. PLANNING REPORTS**

### **9.1 Planning Permit Application PP2021/007 - Use and Development of Land for Domestic Animal Husbandry (Dog Breeding) - 22 Pett Street, Skipton**

**Author:** Melanie Osborne, Planning Officer

**File No:**

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Melanie Osborne

In providing this advice to Council as the Planning Officer, I have no interests to disclose in this report.

#### **Summary**

Council must consider Planning Permit Application PP2021/007 which seeks approval for the use and development of land associated with dog breeding at 22 Pett Street, Skipton.

Public notice of the application was given and eight (8) submissions objecting to the proposal were received.

The application has been assessed against the Corangamite Planning Scheme and consideration also given to the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 Revised January 2019 (Animal Welfare) (Code of Practice). The assessment concludes that the application does not provide an acceptable response to the relevant planning provisions of the Planning Scheme and does not satisfy the requirements of the Code of Practice.

It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit.

#### **Introduction**

Council received planning permit application PP2021/007 on 19 January 2021, which is seeking retrospective planning approval for the use and development of land for domestic animal husbandry (dog breeding).

The owner already keeps and breeds in excess of five (5) bulldogs at the property and has done so since moving to the Shire in approximately in 2014.

The planning application was completed and submitted by the landowner, following extensive consultation with Council officers in seeking to obtain compliance with the relevant planning legislation and the Code of Practice.

Public notice of the application was given and eight (8) objections were received. The key issues raised in the objections can be summarised as:

- Site management
- Amenity impacts, including noise and odour
- Environmental impacts
- Public safety.

This report provides a planning assessment of the application.

### ***History***

The applicant moved to the Shire in 2014 and sought an excess animal permit from Council. At the time, Council was informed that the applicant was a member of Dogs Victoria and had an applicable breeding and rearing registration with the organisation. Under the new State Government Puppy Farm legislation, this meant that the applicant was exempt from requiring to register with Council as a Domestic Animal Business.

The applicant is no longer a member of an applicable organisation and will need to register with Council.

Even if the applicant is exempt from registering with Council as a Domestic Animal Business, a planning permit is required for use and development of land associated with domestic animal husbandry, when there are more than five (5) animals being kept on the property. The applicant has never previously sought to obtain a planning permit for the land use.

Council local laws and planning officers have been seeking compliance with the *Planning and Environment Act 1987* and *Domestic Animals Act 1994* for an extended period of time. The matter has continued to be delayed for a number of reasons. At the start of 2021, the applicant was given a deadline to submit a planning permit application for processing in an attempt to gain the appropriate planning approval, otherwise, Council would have no other option than to proceed with enforcement action.

### ***Subject Land***

The subject site has a total area of 2.93 ha and currently contains:

- Single dwelling with established garden
- Multiple sheds
- Grape vines.

The subject site is a large rectangular block located at the northern entrance of Pett Street, with the Mount Emu Creek running adjacent to the eastern boundary.

The topography of the land provides a gradual slope from Pett Street (west) down towards the Mount Emu Creek (east).

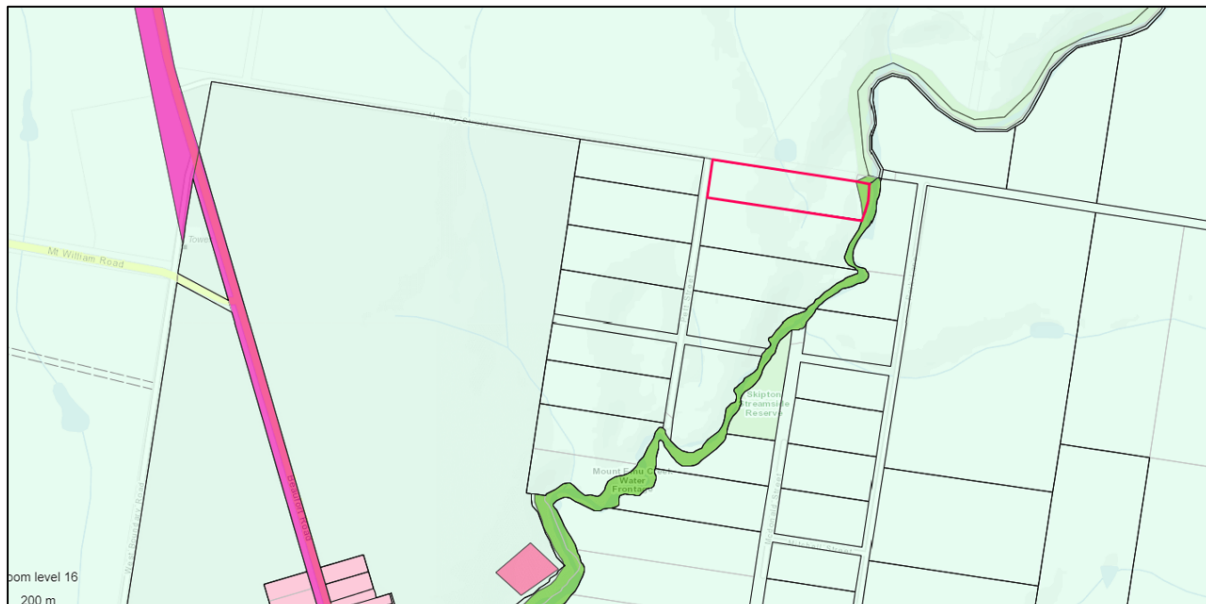
### ***Surrounding Area***

The main land use characteristics within the surrounding area include:

- The subject site is located approximately 1.5km north of the Skipton township centre.
- Vehicle access to Pett Street is only from Beaufort Road via Murray Street.
- The subject site and surrounding land are in the Farming Zone.
- Properties north of Murray Street and Mount Emu Creek are located in the Pyrenees Shire. Murray Street is included on Council's road register.
- North of the site is a large pastoral property.

- Pett Street consists of rural lifestyle properties ranging between 2.1ha to 4.2ha. Each property consists of a single dwelling, except one at the south end of the road.
- The rear of the property and along Mount Emu Creek the land is affected by Environmental Significance Overlay – Schedule 1 and Floodway Overlay – Schedule 1.

See Figures 1 and 2 for a planning zone map and aerial of the subject site.



**Figure 1: Planning Zone Map**



**Figure 2: Aerial of Subject Site and Surrounding Area (Source: Google Earth)**



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***Proposal***

The applicant is seeking approval to keep up to 20 British and Australian Bulldogs at the property. This includes up to six breeding females. Puppies are not included in the total number of dogs to be kept at the property and will be in addition to the 20 dogs.

Each fertile female can have up to one (1) litter per year. On average, each litter may consist of six to eight puppies. Puppies are usually sold by the time they are 12 weeks old.

The applicant is seeking to keep a greater number of dogs, as the dogs will be homed at the property once they are retired from breeding and suitable accommodation cannot be found elsewhere.

The applicant resides at the property and uses the dwelling and existing shed to keep and breed bulldogs.

The proposed use and development will be contained to the western part of the property, covering approximately a one (1) hectare area. This will include:

- Extension and conversion of the existing shed into kennels.
- Puppy nursery within the dwelling.
- Bathing facility on the south side of the dwelling.
- Exercise yards, including a swimming area.
- A new septic tank to capture waste. It is proposed the tank will be pumped out by an appropriate operator.
- External boundary fencing and internal fences.

A copy of the application is provided under separate cover.

**Policy and Legislative Context**

***Zoning***

The subject site is in the Farming Zone – Schedule 1.

Dog breeding is a land use term specified but not defined in the Corangamite Planning Scheme. However, it is included within the land use term domestic animal husbandry. Domestic animal husbandry is defined as land used to keep, breed, board or train domestic animals. It is also noted that domestic animal husbandry and dog breeding is nested within the Agriculture group of land use terms.

Under the Farming Zone, a permit is required to use and develop land for domestic animal husbandry when more than five (5) animals are to be kept at the property.

The purpose and decision guidelines of the zone will be considered in the assessment of this application.

***Overlays***

The subject site is partially affected by the Environmental Significance Overlay – Schedule 1 (ESO1) and Floodway Overlay – Schedule 1 (FO1).

The proposed use and development is to be contained to the western part of the property and outside the area affected by each of the overlays. Therefore, the ESO1 and FO1 do not need to be considered in the assessment of the application.

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***Municipal Planning Strategy and the Planning Policy Framework***

The following clauses are considered relevant to this permit application:

Clause 02 Municipal Planning Strategy

Clause 02.01 Context

Clause 02.02 Vision

Clause 02.03-1 Strategic Directions – Settlement

Clause 02.03-1 Strategic Directions – Settlement (Skipton); recognises that Skipton has potential to become a commuter town for rural lifestyle living given its proximity to Ballarat and that Mt Emu Creek is a key environmental feature in the area.

Clause 02.03-4 Strategic Directions - Natural resource management (Agriculture); seeks to manage the competing demands for agricultural land, avoid land use conflict and support the diversification of agriculture.

Clause 02.03-4 Strategic Directions - Natural resource management (Catchments); seeks to protect waterway health.

Clause 11 Settlement

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Great South Coast

Clause 11.03-6L Regional and local places (Skipton); the subject site is outside the town boundary identified in the current Skipton Township Structure Plan

Clause 12 Environmental and Landscape Values

Clause 12.03-1S Water Bodies and Wetlands – River corridors, waterways, lakes and wetlands

Clause 13 Environmental Risks and Amenity

Clause 13.03-1L Floodplains – Floodplain management in the Corangamite Shire

Clause 13.05-1S Noise – Noise abatement

Clause 13.07-1S Amenity and Safety – Land use compatibility

Clause 14 Natural Resource Management

Clause 14.01-1S Agriculture - Protection of agricultural land

Clause 14.01-1L Agriculture - Protection of agricultural land

Clause 15 Built Environment and Heritage

Clause 15.01-6S Built Environment - Design for rural areas

***Particular Provisions***

There are no particular provisions under the Corangamite Planning Scheme that are relevant to this application.

***Clause 65 Decision Guidelines***

Must be considered in the assessment of the application. This includes matters set out in Section 60 of the Planning and Environment Act 1987 (Act).

Under Section 60 of the Act, the responsible authority, if it considers relevant to the application, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council before making a decision.



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Domestic Animals Act 1994 and Code of Practice for the Operation of Breeding and Rearing Businesses 2014 Revised January 2019 (Animal Welfare Victoria)

The Domestic Animals Act 1994 applies to the proposed use and development and requires that a breeding operation meet the requirements of the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 Revised January 2019 (Animal Welfare Victoria) (the Code of Practice).

The Code of Practice sets out minimum requirements and standards for:

- Staffing
- Facility operations
- Record keeping
- Sale of animals
- Management of dogs, including housing, breeding and exercise requirements.

Council is responsible for the implementation of the Code of Practice and ensuring applicable operators are registered as a Domestic Animal Business (DAB). If an owner is a member of an applicable organisation and registered as a breeder with that organisation, they can be exempt from the requirements of the code and registering as a DAB.

The applicant has provided evidence that they are a member of Master Dog Breeders & Associates (MDBA). However, the registration provided is for a companion dog owner and does not include registration as a breeder with the MDBA. Therefore, the applicant will be required to comply with the Code of Practice and register as a DAB with Council's Local Laws Unit should a planning permit be issued.

While Council's Local Laws Unit are responsible for administering and enforcing requirements under the Code of Practice, matters set out in the code are relevant to the planning decision and will be considered in the assessment of this application.

Corangamite Rural Living Strategy

Planning Scheme Amendment C51CORA seeks to implement Stage 1 recommendations of the Corangamite Rural Living Strategy (April 2019) by introducing policy directions and strategies for rural residential development throughout the Shire and updates Framework Plans for the townships including Skipton. The amendment has been exhibited and is expected to be approved into the Corangamite Planning Scheme imminently.

In the updated Skipton Township Framework Plan, the subject site is part of a larger area north of Skipton which has been identified as having potential to provide rural-residential living over the long term. Any changes to the zoning of the land in this area will be subject to further investigations, but it is recommended that the land may be rezoned to Rural Living.

Under the Rural Living Zone, the use and development of land for domestic animal husbandry may be permitted subject to planning permit application being submitted and approved.

The recommendations under the Rural Living Strategy do not directly affect the decision making for this application.

## Internal / External Consultation

### *Referrals*

No statutory referrals were required to external authorities under Section 55 of the Planning and Environment Act 1987.

Department of Environment, Land, Water and Planning (DELWP) were given notice of the application under Section 52 of the Act, as Crown land (Mount Emu Creek) abuts the eastern property boundary. DELWP did not comment on the application.

The following internal referrals were carried out for this application.

Internal Department	Response
Environmental Health	<p>Provided comments in relation to onsite waste management.</p> <p>A separate storage facility will be required to capture all waste generated by the animal husbandry practices, including wastes, faeces and drainage points. At a minimum a 5000L pump out tank, fitted with an alarm will be required should a permit be issued.</p>
Local Laws	<p>Provided comments and not supportive of the application.</p> <p>The owner will need to register as a Domestic Animal Business and comply with the Code of Practice. Based on the information submitted to date, the proposal does not comply with the requirements of the code.</p>

### *Advertising*

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act 1987, including:

- Letters to landowners and occupiers of property adjoining the subject site.
- Notice of Council's website.

Eight (8) objections were received in relation to the proposal. Key issues can be summarised as:

- Site management
- Amenity impacts, including noise and smells
- Environmental impacts
- Public safety.

A copy of the objections is provided under separate cover. The applicant has provided a written response to each objection and this is also provided under separate cover.

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***Consultation***

Consultation was undertaken and included:

- Planning staff have provided pre-application advice to the applicant, including emails, phone calls and meetings to discuss planning permit application requirements.
- The applicant has made repeated requests for assistance to understand legislative requirements for dog breeding facilities.
- Following the notice and referral process, planning officers raised concerns with the applicant for the planning application, including waste management, compliance with the Code of Practice and concerns raised by objectors. An email was sent on the 23 September 2021 requesting the applicant respond to the issues raised. Planning officers met with the applicant to discuss issues raised and the applicant was given to the 5 November to provide a response.
- The applicant was advised that if they could provide evidence that they have the relevant breeders registration with an applicable organisation that it would not be necessary to comply with the Code of Practice.
- On the 5 November, the applicant submitted individual responses to each objection and responded to issues raised by the planning officer.

***Assessment***

The assessment of this application is complicated as the applicant has already been breeding dogs from the property for several years and there have been ongoing compliance issues, whilst the Farming Zone is one of few suitable use zones for this type of activity.

The assessment of the planning permit application must consider how the proposal responds to the purpose and decision guidelines of the Farming Zone and the policy direction outlined within Municipal Planning Strategy and the Planning Policy Framework. Consideration also needs to be given to whether the proposal meets the requirements of the Code of Practice for the Operation of Breeding and Rearing Businesses (Animal Welfare 2014) in order to achieve orderly and good planning outcome.

***Municipal Planning Strategy and the Planning Policy Framework***

The objectives and strategies of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) recognise the importance of agricultural land and seeks to manage competing demands, while reducing land use conflict and ensuring sustainable land management practices are put in place to protect environmental assets, including waterways and native flora and fauna.

The application is seeking retrospective planning approval for the use and development of land for domestic animal husbandry (dog breeding). The application seeks permission to keep up to 20 bulldogs at the subject site.

The subject site is a small lot in the Farming Zone and has not been productively farmed for an extended period of time – the site and adjoining land along Pett Street have limited capacity for productive agriculture. The proposed use and development does provide an opportunity to diversify activities in the area. However, Pett Street consists of multiple small lots with dwellings and even though the property is located away from residential land in the Skipton township, consideration must be given to whether or not the use and development as proposed in the application can be managed to meet appropriate standards in order to mitigate unacceptable amenity impacts leading to land use conflict.

As identified in the Corangamite Rural Living Strategy, properties along Pett Street are rural-residential in nature and whilst a permit may be obtained for domestic animal husbandry, the

application as it's currently proposed has the potential to entrench conflicting land uses due to the intensity of the use. The keeping of 20 dogs in area close to neighbouring dwellings without proper management has the potential to increase adverse amenity impacts such as noise and odours and is likely to be an ongoing issue, leading to a poor planning outcome.

Additionally, given the large number of dogs and the location of the site adjoining Mount Emu Creek, waste management is a vital component of this application and it must be clearly demonstrated that there will be no adverse impacts on waterway health.

The proposed use and development is to be confined to an area located at the western end of the property, away from the Mount Emu Creek and outside the Floodway Overlay. The applicant has stated a new pump out tank of 5000L with an alarm will be installed to capture waste generated by the use and development and to prevent polluted runoff from entering the water system. However, failure to have a registered operator empty the tank regularly may lead to spills and adverse environmental issues.

As discussed further in this assessment, the application does not comply with statutory requirements for breeding establishments and fails to show that the use and development will be managed appropriately into the future. Therefore, the application does not satisfactorily address the MPS and PPF.

### ***Farming Zone***

The primary purpose of the zone is to provide for and support agricultural land uses. It also seeks to support rural communities through the retention of employment and population, while ensuring use and development is based on sustainable land management practices.

In principle, the proposed use and development associated with keeping up to 20 dogs, including six breeding females, is an activity that is suitable within the Farming Zone and separated from township and residential land. However, consideration must be given to:

- The capability of the land to accommodate the proposed use and development, including the disposal of effluent.
- How the use and development relates to sustainable land management
- Whether the proposal is compatible with adjoining and nearby land uses.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways.

The subject site and neighbouring properties in Pett Street consist of small rural-residential lots with dwellings surrounded by larger agricultural properties. The locality and established character has become a de facto rural-residential area, requiring that the proposed use and development be managed so potential amenity impacts on adjoining properties are managed to an acceptable level.

It is accepted that in farming areas that dwellings are not afforded the same amenity protections as dwellings located in residential zones. However, the proposed use and development still needs to be managed in a way to avoid unnecessary land use conflict with neighbouring properties and have regard to land use compatibility.

The applicant has sought to address concerns regarding site management to limit impacts from noise and smells on neighbouring properties through the provision of a waste management plan, including the installation of a new pump out tank and new kennels to be insulated. While the actions proposed to be undertaken by the applicant should address these issues, given the site history there are concerns with ongoing compliance. In addition, the information provided with the application to date does not address and satisfy the requirements of the relevant Code of Practice.

The subject site can manage the proposed use and development, capturing waste generated by the dog breeding facility. The applicant proposes to install a new pump out tank adjacent to the kennels to capture wastewater and other animal waste including faeces. If managed appropriately, this should prevent polluted runoff from potentially entering the Mount Emu Creek either directly or indirectly.

***Code of Practice for the Operation of Breeding and Rearing Businesses 2014 revised January 2019 (Animal Welfare Victoria)***

The application has been reviewed in conjunction with the Local Laws Unit and it has been determined that the proposed use and development must meet the requirements of the Code of Practice.

The applicant was given the opportunity to provide evidence that they were a registered member through an applicable dog breeding organisation, which would exempt them from needing to meet the Code of Practice and register as a Domestic Animal Business with Council. The applicant has not provided the relevant evidence and has failed to adequately address the requirements of the code in time for Council's decision on the application.

Under the Code of Practice, the proposed use would be considered a large business as there will be six or more fertile dogs. Therefore, suitable housing separate to the dwelling must be provided for the animals. This includes:

- Only four (4) animals at a time can be housed together, requiring five (5) individual pens. Depending on the size of dogs each pen may require to be 40m<sup>2</sup> in area.
- Areas separate from the main kennels must be provided for whelping animals or those that are in season or sick must also be provided.

In addition to these structural requirements, the Code of Practice requires a range of management plans to be developed, including Health Management Plan and record keeping requirements. There are also environmental concerns as the applicant has stated fortnightly cleaning on exercise areas which does not meet the requirements of the code.

The plans and information provided with the application do not address housing requirements and fail to comply with the code. While a permit may be granted subject to conditions requiring amended plans and further information to address the Code of Practice, following extensive consultation with the applicant who has repeatedly failed to address these issues, this approach is not considered appropriate.

The application does not provide an acceptable response to the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 revised January 2019 (Animal Welfare Victoria)*.

**Response to Objections**

The key issues raised in the objection and an officer response are provided below.

Objection	Officer response
Site Management	<p><u>Objection supported in part</u></p> <p>If the proposed use and development is not properly implemented (i.e. kennels, fencing, waste management systems installed), ongoing management of the site is likely to be unsustainable for such a large number of dogs.</p> <p>Appropriate management of the site will be critical to ensuring that risk of land use conflict is minimised should a permit be issued. This has not been adequately addressed by the permit application.</p>
Noise	<p><u>Objection supported in part</u></p> <p>Noise generated from dogs constantly barking can be a nuisance and detract from the amenity of the area.</p> <p>The applicant states they are on site for most of the time to manage the dogs' behaviour and have also provided Council with an independent Noise Assessment. Additional kennels are proposed to be located on the northern side of the existing dwelling to offer an additional buffer between the use and development and the neighbouring properties.</p> <p>Given the established rural-residential character of the area, it is likely that noise from the land use will lead to land use conflict and adverse amenity impact on adjoining properties.</p>
Odour	<p><u>Objection supported in part</u></p> <p>If regular cleaning of dog pens and areas associated with the animal husbandry use, including waste management are not treated appropriately, given the large number of dogs, there is potential for an increased risk of smell impacting adjoining landowners.</p> <p>Odour is an issue that is subjective. Unpleasant smells in farming areas do occur from time to time. However, offensive odours that impact on amenity of neighbouring properties would not be acceptable. Should a permit be issued, Council needs to be confident that the site will be managed to an acceptable standard. This has not been adequately demonstrated within the application.</p>
Environmental impacts	<p><u>Objection supported in part</u></p> <p>Dogs have high protein diets and if waste from the animals is not captured and treated appropriately, there is potential for the increase nutrient loads to impact waterway health as a result from runoff.</p>

Objection	Officer response
	The applicant has stated a new pump out tank will be installed to capture waste from the animal husbandry use. These would be requirements of any permit granted.
Public safety	<p><u>Objections supported in part</u></p> <p>Should a large number of dogs escape from the property and be allowed to roam outside the property boundaries, it is understood that this may be intimidating or even frightening to neighbours.</p> <p>Given the subject site is located at the entrance to the dead end road, the subject site must be secured so that dogs cannot escape from the property. The applicant has installed two layers of fencing around the subject area in attempt to prevent this from occurring.</p>

### Options

Council has the following options:

1. Issue a Notice of Decision to Refuse to Grant a Permit based on the grounds set out within the recommendation. (**Recommended option**)
2. Issue a Notice of Decision to Grant a Permit subject to conditions.

### Conclusion

The application for the use and development of land for domestic animal husbandry (dog breeding) is not supported.

While, in principle, the proposed use and development for domestic animal husbandry may be a suitable activity in the Farming Zone, the continued failure of the applicant to address statutory requirements demonstrates a lack of confidence that the proposed use and development will be managed appropriately and surrounding rural-residential amenity maintained. The proposed land use is not compatible or appropriate having regard to the character and nature of the area.

The application has not adequately addressed the objectives and aims of the Corangamite Planning Scheme or the requirements of the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 revised January 2019* (Animal Welfare Victoria) and should not be supported.

Overall, the proposal does not provide an acceptable response to the relevant provisions of the Corangamite Planning Scheme.

It is therefore recommended that Council issues a Notice of Decision to Refuse to Grant a Permit.



## RECOMMENDATION

That Council having caused notice of Planning Permit Application No. PP2021/007 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as Crown Allotment 1 Section 1A Township of Skipton Parish of Skipton, 22 Pett Street, Skipton for Use and Development of Land for Domestic Animal Husbandry (Dog Breeding) based on the following grounds:

1. The use and development does not provide an acceptable outcome or net community benefit in terms of the Planning Policy Framework.
2. The use and development does not provide an acceptable response to the Farming Zone.
3. The use and development fails to satisfactorily address the requirements of the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014 revised January 2019* (Animal Welfare Victoria).
4. The use and development does not result in the proper and orderly planning of the area.

## COUNCIL RESOLUTION

**MOVED:** *Cr Conheady*  
**SECONDED:** *Cr Hickey*

That the item be deferred at the request of the applicant.

**CARRIED**

## Attachments

1. Copy of planning permit application PP2021/007 - Under Separate Cover
2. Copy of objections PP2021/007 - Under Separate Cover
3. Updated documentation received following notice PP2021/007 - Under Separate Cover
4. Applicant response to objections PP2021/007 - Under Separate Cover



## **9.2 Victoria's Big Housing Build - Proposed Residential Development 80 Camperdown-Cobden Road, Camperdown - Corangamite Shire Submission**

**Author:** Aaron Moyne, Manager Planning and Building Services

**File No:**

**Previous Council Reference:** Nil

### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Aaron Moyne

In providing this advice to Council as the Manager Planning and Building Services, I have no interests to disclose in this report.

### **Summary**

Public consultation has recently been undertaken for a proposed residential development of twenty-six (26) dwellings being funded through Victoria's Big Housing Building (BHB).

This report presents a draft Council submission in response to the proposal for Council to submit before a decision is made by the Minister for Energy, Environment and Climate Change.

### **Introduction**

Urbis Pty Ltd on behalf of Plan A Project Management (the applicant) have prepared an application for a residential development at 80 Camperdown-Cobden Road, Camperdown as part of the BHB program.

The proposal seeks to develop the site with 26 dwellings over two stages. Stage A will consist of thirteen (13) single storey dwellings and Stage B (yet to be funded) will consist of the remaining 13 single storey dwelling. The subject land is located within the General Residential Zone (GRZ) and not subject to any planning overlays.

The development will have direct frontage and access to Fenton Street instead of Camperdown-Cobden Road.

The development includes:

- 26 dwellings, including 4 three-bedroom dwellings and 22 two-bedroom dwellings.
- Each dwelling will consist of open plan living areas with direct access to private open space.
- Each dwelling will be allocated one car parking space consisting of a single car garage, except for dwellings 7 and 20 at the rear (south) of the site which will have an allocated space adjacent to the internal driveway.
- Two new vehicle crossovers to Fenton Street will be constructed and an internal U-shaped driveway to provide access for passenger and service vehicles.
- Extensive landscaping is proposed throughout the site along with perimeter fencing.
- No front fence is proposed.

A copy of the development plans and supporting reports are provided under separate cover.

The proposal is being processed under Clause 52.20 Victoria's Big Housing Build of the Corangamite Planning Scheme. This clause was approved and introduced through Amendment VC190 in December 2020 and seeks to facilitate the use and development of land for housing projects funded by the BHB.

Applications for development under this clause are exempt from the standard planning permit application VCAT appeal process, with approval of the application to be decided by the Minister for Energy, Environment and Climate Change (the Minister) instead of the Council or the Minister for Planning.

A requirement of the BHB process is for the application to consult with Council and the community before seeking planning approval from the Minister.

Public advertising of the application commenced on 25 October 2021 and will run for three (3) weeks, with the consultation period concluding on 15 November 2021. Council may lodge a submission following conclusion of the public consultation period.

A report summarising the consultation outcomes must be prepared by the applicant and provided to the Minister for consideration with the application.

An application for the development must be lodged with the Department of Environment, Land, Water and Planning (DELWP) for the Minister's approval. It is expected that development will start before the end of the year as a requirement of the funding agreement.

### **Issues**

A review of the application has been undertaken, including a Council briefing, and a draft Council submission has been prepared.

The submission identifies that, in principle, Council supports and seeks to encourage new residential developments within its townships, including Camperdown. However, outstanding concerns remain regarding the appropriateness of the design and layout of the proposed development having regard to the established neighbourhood character of the area and residential amenity.

On this basis, the submission confirms that Council does not support the development as proposed and requests that the proposal be reviewed and amended to provide an outcome that is site responsive and delivers overall net community benefit.

A copy of the draft Council submission is provided under separate cover, with a summary of key themes and issues outlined as follows:

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***Residential Strategic Context***

The submission identifies that Council places a high priority on new residential development and it forms a primary strategic objective in the Council Plan 2021-2025 by supporting more housing and subdivision to cater for population growth and to retain and grow our population.

In addition, these strategic objectives are advanced by the Camperdown, Cobden and Terang Residential Land Review 2021 (RLR) and the Great South Coast Key Worker Housing Action Plan 2020 (KWHAP) which both highlight the need of facilitating the development of market-ready residential land for new housing, to support a variety of needs.

The current strategic context and priority focus of facilitating new residential development does not preclude the need for well-planned and site responsive design outcomes that respect and enhance the neighbourhood character of existing towns. Development proposals must consider their surrounding residential context and provide a sympathetic design outcome which maintains residential amenity.

The submission notes that the residential development is supported on a strategic basis but fails to provide an appropriate design response which will subsequently have an adverse impact on neighbourhood character and residential amenity.

***Design, Density and Character***

The submission provides context around the site's prominent location and surrounding residential and physical context, where the development is likely to be visually dominant.

The subject land is located within an existing residential area of Camperdown which primarily consists of single dwellings on mixed lot sizes ranging from 800m<sup>2</sup> and above. Most dwellings are typically single storey and contain outbuildings and landscaping, offering a low-density residential character.

More broadly, Camperdown is a regional town known for its valued heritage buildings and well-preserved landscape setting. Infill development which increases housing diversity is encouraged but must be compatible with existing built form.

The submission highlights that it is apparent from the proposal that the developer is seeking to maximise the overall development yield in pursuit of the delivery of compact and low-maintenance dwellings to suit their occupancy needs. This has resulted in a dense and highly concentrated proposal that is uncharacteristic to surrounding land and neighbourhood character. Whilst this may assist in reducing both construction and operation costs for the development, this must be balanced with the overall impact within the surrounding area and good urban design.

The submission states that the developer should reconsider the proposal to look at option to either spread the development out across the site or remove further dwellings to reduce overall development density and deliver an outcome that is more appropriate for the site. The developer has purchased that whole site and an opportunity exists to meaningfully redesign the development to make best use of the site and provide an optimal design outcome.

The submission highlights that the BHB and Clause 52.20 seeks to ensure that development does not unreasonably impact on the amenity of adjoining dwellings, whereby this will not be achieved by the proposal and, therefore, the development should not be supported in its current form.

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***Access and Traffic***

Overall, the proposal seeks to deliver a development which provides for 26 dwellings each with a single car parking space and for vehicle access to be provided through an internal one-way driveway with two crossovers at Fenton Street.

Through staging of the development this design is flawed, and the proposal for 13 dwellings within Stage A excludes provision of an internal turning area for a waste collection truck, which means that waste collection for the 13 dwellings must occur on-street. In any given week, this will be an additional 26 kerbside bins on Fenton Street, all of which are located together.

The submission suggests that this outcome is inadequate and will further result in a detrimental outcome and amenity impact on adjoining residential properties. Council maintains that standalone access must be provided which includes on-site car parking and waste collection, with the ability for all vehicles to enter and exit the site in a forward movement.

The submission requests that that, at a minimum, the developer must be required to deliver the full internal road construction as part of Stage A, to ensure that waste collection services can occur on-site. This infrastructure is critical to the development and ensuring any detrimental impact on adjoining properties is minimised.

Additionally, the submission notes that the provision of a single car parking space to each dwelling is inadequate and does not reflect the reality of transport needs within the country, with it not uncommon for a residential property with two adults to have two (2) or more vehicles.

State car parking standards are not suitable to be relied upon and any additional vehicles that cannot be catered on-site and will need to park within Fenton Street. This has the potential to result in a large amount of overflow car parking on-street, which will not be a desirable outcome and highlights the need for the development plans to be reviewed and amended to provide for on-site visitor car parking.

***Pedestrian Access***

The submission addresses the omission of the provision of an integrated pedestrian connection with the existing footpath network on Fenton Street and Camperdown-Cobden Road and requests that this should be reviewed before any approval.

On-street vehicle congestion resulting from the current design of the development is also likely to increase risks to pedestrian safety.

Pedestrian infrastructure for the 26 dwellings must be designed and provided to Council's satisfaction, delivered at the cost of the developer.

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### ***Landscaping***

Review of the development plans indicates that a proposed 1.8m high timber paling fence is proposed around the development, whilst detailed landscaping plans have been prepared for the site.

To further assist in reducing the dominance and visual scale of the development, the submission requests that consideration be given to further landscaping screening along the eastern side of the internal boundary fence (adjoining the residual vacant land), along with the frontage of the Camperdown-Cobden Road. Whilst this will not reduce the density of the development, these are measures which will assist in softening the impact of the development, if approved.

In addition, the landscaping plans should be amended to provide for the use of native and indigenous plant species, instead of non-native species which Council discourages.

### ***Community Consultation***

In progressing with the proposal to public consultation stage, Council notes that the developer has sought to comply with the minimum consultation requirements, as directed, which has included a notice on-site and letters to adjoining landowners.

Given the scale, density and location of the development within a rural context, an opportunity has been missed for the developer to undertake targeted and genuine community engagement with landowners, both at the pre-application and public consultation state, to help inform the design of the development and achieve greater community acceptance. This would be a best practice standard for any development of this nature and an opportunity for the developer to directly provide an overview of the proposal and seek community comments and feedback.

The submission highlights Council's awareness of concerns associated with the proposal from adjoining landowners and community members, and through this submission has sought to elevate these issues. Overall, there are significant concerns with the development, and it does not achieve community support as proposed.

Whilst the intent of the BHB program by State Government to facilitate the delivery of new housing is acknowledged, the approach by developers in only adhering to the minimum prescribed public consultation requirements, such as this proposal, is a significant shortfall and will lead to adverse community outcomes for future developments.

### ***Policy and Legislative Context***

The proposed development is being processed and assessed under Clause 52.20 Victoria's Big Housing Build. While the clause seeks to facilitate the delivery of projects funded under the BHB program, it also seeks to ensure that development does not unreasonably impact on the amenity of adjoining dwellings.

In accordance with Clause 52.20, the Minister is the responsible authority for this proposal instead of Council.

Corangamite Shire Council Plan 2021-2025 commits to:

Infrastructure and services that deliver population growth and new housing.

More housing and subdivision to cater for population growth.

We retain and we grow our population.

Access and inclusion is improved.

### **Internal / External Consultation**

Public consultation is currently being undertaken for the development. A request has been made for any Council submission to be accepted following its 23 November Ordinary Council Meeting.

Urbis Pty Ltd sought 'pre-application advice' comments from Council to consider construction requirements, service and infrastructure provision and inform final plans for the development.

Council officers reviewed original plans presented for a proposed 30 dwelling development and provided comments which relate to:

- Provision of access and internal road design.
- Drainage design.
- Waste collection services.
- Density of development not typical of surrounding residential area.
- Limited public transport options, residents likely to need own cars.
- Potential for amenity impacts on existing residential properties from overflow parking.

This process resulted in an amended development proposal for 26 dwellings.

### **Financial and Resource Implications**

There are no financial or resource implications in Council making a submission on the development.

As WHL is a not-for-profit housing association, they may be exempt from any Council rates payment for the property. A Public Open Space (POS) payment to Council may still be obtained if the land is subdivided in the future.

### **Options**

Council has the following options in relation to the proposal:

1. Resolve to adopt the draft submission as prepared and authorise the Chief Executive Officer to complete its submission. **(Recommended option)**
2. Amend the draft submission before adoption and authorise the Chief Executive Officer to complete its submission.
3. Not proceed in making a submission.

### **Conclusion**

Public consultation has been undertaken for the proposed residential development of 26 dwellings funded through the BHB at 80 Camperdown-Cobden Road, Camperdown.

This report presents Council with a draft submission for adoption to submit in response to the proposal.

The draft submission notes that whilst Council has a strategic focus on new residential development, the proposal cannot be supported in its current form, based on design and density issues and the impact the development will have on neighbourhood character and residential amenity. The proposal should be reviewed and amended based upon Council's submission.

## RECOMMENDATION

**That Council authorises the Chief Executive Officer to make a submission on the proposed residential development at 80 Camperdown-Cobden Road, Camperdown, through Victoria's Big Housing Build, in accordance with the draft submission attached to this report.**

### COUNCIL RESOLUTION

***MOVED:***            *Cr Makin*  
***SECONDED:***    *Cr Hickey*

**That the item be deferred at the request of the proponent.**

**CARRIED**

### Attachments

1. Attachment 1 Planning Report Oct 2021 - Under Separate Cover
2. Draft Submission Urbis Big Housing Build Not Supported 4265P
3. Attachment 2 Architectural plans - Under Separate Cover
4. Attachment 3 ESD report - Under Separate Cover
5. Attachment 4 Traffic report - Under Separate Cover
6. Attachment 5 Waste report - Under Separate Cover
7. Attachment 6 Storm Water Management Plan - Under Separate Cover
8. Attachment 7 Landscape plans - Part A - Under Separate Cover
9. Attachment 8 Landscape plans - Part B - Under Separate Cover





xx November 2021

Big Housing Build (Plan A)  
Urbis Pty Ltd  
Level 10, 477 Collins Street  
MELBOURNE VIC 3000

**Sent by email:** [BHBsubmissions@urbis.com.au](mailto:BHBsubmissions@urbis.com.au)

Dear Alison

**Re: Victoria's Big Housing Build  
80 Camperdown-Cobden Road, Camperdown**

Corangamite Shire Council (Council) provides this submission in relation to the proposed construction of twenty-six (26) single dwellings on vacant residential land at 80 Camperdown-Cobden Road, Camperdown (subject land).

The subject land has a total area of 12,770m<sup>2</sup> and the development proposal is planned to be delivered over an area of 7,727m<sup>2</sup>. This represents approximately 61% of the site and Council understands that the balance of the site will remain vacant at least in the short-term.

Stage A of the proposal will consist of thirteen (13) dwellings funded through the Victoria's Big Housing Build Program (BHB) program. The remainder of the development is currently unfunded, and no details have been provided on when it may be delivered.

Council has been briefed and reviewed the package of development plans and supporting reports prepared for the proposal.

Whilst Council supports and seeks to encourage residential development on the subject land and within its townships, there are outstanding concerns regarding the appropriateness of the design and layout of the proposed development having regard to the established neighbourhood character of the area. Council believes that the proposed development does not provide an acceptable or site responsive design outcome.

Council does not support the development as proposed. This submission is made following a review of the proposed development plans and having regard to concerns raised directly by community members.

Before the development progresses and is approved, Council requests that this submission be reviewed and the development plans amended to provide an outcome that delivers net community benefit and has a lasting positive impact.

#### Residential Strategic Context

Council places a high priority on new residential development and it forms a primary strategic objective. The Corangamite Shire Council Plan 2021-2025 aims to support more housing and subdivision to cater for population growth, and retain and grow our population.

---

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Tel 03 5593 7100 Email [shire@corangamite.vic.gov.au](mailto:shire@corangamite.vic.gov.au)  
[corangamite.vic.gov.au](http://corangamite.vic.gov.au)    





In support of these strategic objectives, Council has undertaken a Residential Land Review 2021 (RLR) for Camperdown, Cobden and Terang, and is currently working through an actions and implementation process. The RLR analyses existing land supply, identifies constraints and barriers to new residential development and highlights the importance of delivering market-ready land to support a broad range of new residential development.

The subject land is identified as an infill residential development site within the RLR, subject to addressing servicing and infrastructure constraints.

In addition, Council is working in partnership with south-west councils to implement the actions arising from the Key Worker Housing Action Plan 2020 (KWHAP). The KWHAP broadly identifies that there are currently almost 4,000 key worker jobs being imported from outside the region and projects that a further 2,610 jobs will be created by 2024, which will significantly add to housing demand in the short-term future.

The current strategic context and priority focus in facilitating new residential development does not preclude the need for well-planned and site responsive design outcomes that respect and enhance the neighbourhood character of existing towns. Any new development proposal must consider its surrounding residential context and provide a sympathetic design outcome which maintains residential amenity.

On a strategic basis, Council supports residential development of the subject land, but the proposal fails to provide an acceptable design response, which will have an adverse impact on neighbourhood character and residential amenity. The proposal must be reconsidered in this context to consider and respond to its surrounding urban environment.

#### Design, Density and Character

The subject land is located on a gateway entrance into Camperdown and is a prominent site. While the proposal will have frontage to Fenton Street and is setback from Camperdown-Cobden Road, given the site's location and physical context, the development is likely to be visually dominant.

The subject land is located within an established residential area of Camperdown which primarily consists of single dwellings on mixed lot sizes ranging from 800m<sup>2</sup> and above. Most dwellings are typically single storey and contain outbuildings and associated landscaping, offering a low-density residential character.

More broadly, Camperdown is a regional town known for its valued heritage buildings and well-preserved landscape setting. Infill development which increases housing diversity is encouraged but must be compatible with existing built form.

The proposal to construct twenty-six (26) single storey dwellings on-site within an area of approximately 7,727m<sup>2</sup> will result in a significantly high-density development. Given the location of the site and surrounding residential character, the development does not provide an acceptable design response that is compatible with or sympathetic to adjoining land.

Council acknowledges that four (4) dwellings have been removed from the proposal between the concept and development plan stage, however, this still does not adequately address concerns regarding the overall density and design of the development.

It is apparent from the proposal that the developer is seeking to maximise the overall development yield on-site in pursuit of the delivery of compact and low-maintenance dwellings to suit their occupancy needs. This has resulted in a dense and highly concentrated proposal that is uncharacteristic to surrounding land and neighbourhood character. Even whilst this may assist in reducing both construction and operational costs, this must be balanced with the affect the development will have within the area.

Council submits that the developer should reconsider the proposal to look at options to either spread the development out across a larger area of the site, or to remove further dwellings, to reduce the overall development density and deliver an outcome that is more appropriate for the site. The developer has purchased the whole of the site and a present opportunity exists to meaningfully redesign the development to make best use of the site and provide an optimal design outcome.

Council highlights that the BHB program and Clause 52.20 of the Planning Policy Framework seeks to ensure that development does not unreasonably impact on the amenity of adjoining dwellings. Based on the development plans for the proposal, Council does not believe this purpose can or will be achieved, and therefore the development should not be supported in its current form.

#### Access and Traffic

Overall, the proposal is to deliver a development which provides for twenty-six (26) dwellings each with a single car parking space and for vehicle access to be provided through an internal, one-way driveway with two crossovers at Fenton Street.

With Stage A progressing independently first, the resultant outcome as proposed will be for single vehicle access to be provided to the site to service the dwellings. Stage A internal access excludes provision of an internal turning area for a waste collection truck, which will mean that waste collection for the thirteen (13) Stage A dwellings must occur on-street. In any given week, this will be an additional 26 kerbside bins on Fenton Street, all which are located together.

Council submits that this outcome is inadequate and will further result in a detrimental outcome and amenity impact to adjoining residential properties. Council has maintained throughout review of the development that standalone access must be provided which includes on-site car parking and waste collection, with the ability for all vehicles to enter and exit the site in a forward movement.

Should the development be approved and proceed to delivery, Council submits that at a minimum the developer must be required to deliver the full internal road construction as part of Stage A, to ensure that waste collection services can occur on-site. This infrastructure is critical to the development and ensuring detrimental impact on adjoining residential properties is minimised.

In addition, Council also raises that the provision of a single car parking space to each dwelling is inadequate and does not reflect the reality of transport needs within the country, in which it is not uncommon for a residential property with two adults to have more than two (2) vehicles. In this case, any additional vehicles cannot be catered for on-site and will need to park within Fenton Street. This has the potential to result in a large amount of overflow car parking on-street, which will not be a desirable outcome and highlights the need for development plans to be reviewed and amended to provide for on-site visitor car parking.

#### Pedestrian Access

Council has identified that the proposal omits provision of integrated pedestrian connection with the existing footpath network on Fenton Street and Camperdown-Cobden Road.

The development should be reviewed before its approval, or a condition be included, to ensure that pedestrian infrastructure is provided, which will be at the cost of the developer, and must be designed to Council's satisfaction.

#### Landscaping

Review of the development plans indicates that a proposed 1.8m high timber paling fencing is proposed around the development, whilst a detailed landscaping plan has been prepared for the site which, once established, will assist in softening and reducing the scale of the development.

To further assist in reducing the dominance and visual scale of the development, Council suggests that consideration should be given to further landscaping screening along the eastern side of the internal boundary fence (adjoining the residual vacant land), along with the frontage of Camperdown-Cobden Road. Whilst this will not reduce the overall density of the development, which Council does not support as proposed, these are measures which will go some way in softening the impact of the development.

In addition, review of the landscaping plans indicates that the developer has omitted use of native and indigenous plant species and Council discourages the use of non-native species, as proposed. It is requested that any landscaping plans be amended to provide further inclusion of native species.

#### Community Consultation

In progressing the proposal to a public consultation stage, Council notes that the developer has sought to comply with the minimum consultation requirements as directed by Homes Victoria, which has included a notice on-site and letters to adjoining landowners.

Given the scale, density and the location of the development within a rural context, Council believes that an opportunity has been missed for the developer to undertake targeted and genuine community engagement with landowners, both at the pre-application and public consultation stage, to help inform the design of the development to achieve greater community acceptance. This would be a best practice standard for any development of this nature and an opportunity for the developer to directly provide an overview of the proposal and seek community comments and feedback.

Council is directly aware of concerns associated with the proposal by adjoining landowners and members of the broader community, and through this submission has sought to elevate these issues. On the whole, there are significant concerns with the development and it does not achieve community support as currently proposed.

Whilst the intent of the BHB program by State Government to facilitate the delivery of housing is acknowledged, the approach by developers only adhering to the minimum prescribed public consultation requirements, such as the case for this proposal, is a significant shortfall and will lead to adverse community outcomes for future developments.

We trust this submission will be given due consideration in review and any decision on the proposed residential development.

Council reinforces that it does not support the proposed development in its current form, based primarily on design and density issues, and encourages the developer to reconsider the plans based on this submission.

Please contact Aaron Moyne, Manager Planning and Building Services, on (03) 5593 7144 or by email [aaron.moyne@corangamite.vic.gov.au](mailto:aaron.moyne@corangamite.vic.gov.au) should you have any questions or require further information.

Yours faithfully

Andrew Mason  
**Chief Executive Officer**

## 10. OFFICERS' REPORTS

### 10.1 DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025

**Author:** Belinda Bennett, Community Safety and Resilience Coordinator

**File No:**

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Belinda Bennett

In providing this advice to Council as the Community Safety and Resilience Coordinator, I have no interests to disclose in this report.

#### **Summary**

The purpose of this report is for Council to consider the Domestic Animal Management Plan 2021-2025.

#### **Introduction**

The *Domestic Animals Act 1994* requires that Council prepare a Domestic Animal Management Plan (DAMP) every four years. The DAMP outlines Council's approach to supporting responsible pet ownership and compliance with the domestic animal regulations and laws.

Under the Act, the DAMP must detail Council's programs, services and strategies to:

- Ensure that people comply with the Act and regulations.
- Encourage the registration and identification of dogs and cats.
- Minimise the risk of dog attacks on people and animals.
- Address any over-population and high euthanasia rates for dogs and cats.
- Minimise the potential for dogs and cats to create a nuisance.
- Effectively identify all dangerous, menacing and restricted breed dogs to ensure that these dogs are kept in compliance with the Act and the regulations.
- Provide for the review of existing orders made under the Act and local laws dealing with the management of dogs and cats.
- Provide for the review of any other matters related to the management of dogs and cats in the council's municipal district that it thinks necessary.
- Provide for the periodic evaluation of any program, service or strategy outlined under the plan.
- Provide for the training of authorised officers.

The DAMP must also set out a method for evaluating whether the animal management services provided by Council are adequate to give effect to the requirements of the Act and regulation.

Council's current DAMP expires on 1 December 2021. A new Plan has been prepared in consultation with the community.

### **Issues**

The Domestic Animal Management Plan 2021-2025 (attached under separate cover) outlines Council's local laws, objectives and activities relating to the management of domestic animals for the next four years. The DAMP seeks to balance the promotion of responsible pet ownership and the welfare of dogs and cats, while also protecting the community and the environment from nuisance dogs and cats.

Development of the DAMP has been informed by a review of the previous DAMP and Council's animal management data for the past three years such as customer requests, impoundments and registrations. It has also been informed by extensive consultation with the community which is outlined in the below section.

The DAMP includes several ongoing activities that are already being delivered by Council plus several new actions to address community feedback and provide service improvements. Some of the key new actions in the DAMP include:

- Developing and distributing responsible pet ownership kits to pet owners through new registrations and renewals.
- Investigating options to offer discounted desexing of cats and dogs.
- Investigating the development of a new pound facility.
- Targeted door knocking and regular patrolling to check for unregistered animals.
- Investigating an amendment of Local Laws to require all dogs to be on lead in public areas within a township unless in a designated off leash area.
- Investigating designated dog off leash walking areas.
- Investigating opportunities for the provision of dog poo bags, such as community managed dispensers in public areas and/or compostable bags for sale in the Civic Centre.

### **Policy and Legislative Context**

The Domestic Animal Management Plan 2021-2025 has been prepared in accordance with the requirements of the *Domestic Animals Act 1994*. Council is required to submit the final DAMP to Animal Welfare Victoria by 4 December 2021.

Development of the DAMP aligns with the following Council Plan 2021-2025 objectives:

Improving the health and wellbeing of our residents.

Having strong governance practices.



### Internal / External Consultation

Council drafted the DAMP based on feedback from a community survey that was undertaken in June 2021. This survey sought community feedback on domestic animal issues and Council's services, receiving a total of 60 responses. Key issues raised through the survey included:

- Concerns about dogs at large, dogs not being controlled in a public place (accompanied by their owner), aggressive dogs and dog faeces not being picked up.
- Concerns about roaming cats and feral cats.
- Low awareness of the need to contain cats to the owner's property.
- Low awareness of on-lead areas for dogs across the Shire.
- Limited understanding of what registration fees are used for.
- The need for increased enforcement on domestic animal issues.

These issues were considered in the development of the draft DAMP.

The draft DAMP was then released for public consultation over four weeks in October, with six submissions received. The following table summarises the key issues raised in these submissions and how they have been considered in the development of the final DAMP.

Submission Comment	Officer Response
Barking dogs: issues raised with Council's investigation process (barking dog diaries and letter template for complainants to use).	Minor amendment made to the DAMP to clarify the process.
Dog poo in public areas: support for enforcement of local laws and the provision of dog poo bag dispensers.	Noted. Action 7.9 includes education and enforcement of local laws relating to dog poo. Action 7.10 of the DAMP includes the investigation of dog poo bag dispensers.
Dogs at large: general concerns about dogs roaming.	Noted. Addressed through enforcing the local laws for dogs at large (Action 7.5) and investigating options to require all dogs to be on a lead in public areas within townships unless in a designated off leash area (Action 7.8).
Roaming cats: general concerns about roaming cats.	Noted. Addressed by the various actions in the DAMP relating to roaming cats such as Council's cat trap service, education on responsible pet ownership, and enforcement of local laws.
Roaming cats: Only permit indoor cats within the Shire.	No change to the DAMP recommended. Under the Act Council cannot require that cats are kept indoors only.
Roaming cats: Introduce a cat curfew.	No change to the DAMP recommended. Significant Council resources would be required to introduce and enforce.

Impounded animals: animals should be registered/microchipped before being released to owners.	No change to the DAMP recommended. Under the Act, Council cannot hold animals at the pound until they are registered. Development of a microchipping policy (Action 6.9) will consider microchipping prior to release.
Impounded animals: acknowledgement of Council's efforts to rehome animals.	Noted.
Identification: Needs to be more focus on unregistered and feral cats on farming properties.	Amendment to Action 5.2 and Action 5.5 of the DAMP to focus on feral cats on farming properties. Action 6.14 of the DAMP promotes registration and microchipping of farm dogs/cats through a media campaign.
Identification: concerns about animals not being microchipped/registered/desexed and excess animals.	Noted. Addressed through the actions relating to excess animals, desexing and animal identification under section 5 and 6 of the DAMP.
Identification: concerns about providing registrations to irresponsible owners.	No change to the DAMP recommended. Under the Act, all domestic animals need to be registered. The DAMP includes education about pet ownership responsibilities (Action 4.1) and raising awareness about the costs and considerations of owning a pet (Action 5.6).
Identification: All animals should be desexed unless the owner is a registered breeder.	No change to the DAMP recommended. Under the Act, any person can become a micro breeder and be registered. There are no Domestic Animal Businesses registered for breeding in the shire.
Concerns about other animals in townships (i.e. roosters).	Outside of the scope of the DAMP.

### Financial and Resource Implications

Most activities outlined in the DAMP can be delivered within existing resources. Some of the new activities identified in the DAMP may have additional budgetary implications such as planning for the development of a new pound. These activities will need to be considered through Council's annual budgetary processes.

### Options

Council may decide to adopt the DAMP with or without amendments.

Alternatively, Council may determine not to adopt the DAMP. Council would then need to write to the minister to request more time to develop a new DAMP as required under legislation.

### Conclusion

The DAMP outlines Council's approach to supporting responsible pet ownership and compliance with the domestic animal regulations and laws. Development of the new DAMP will meet Council's legislative requirements under the *Domestic Animals Act 1994*.



**RECOMMENDATION**

**That Council adopt the Domestic Animal Management Plan 2021-2025.**

**COUNCIL RESOLUTION**

***MOVED:** Cr Vogels*

***SECONDED:** Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Domestic Animal Management Plan 2021 - 2025



# Domestic Animal Management Plan

2021-2025



Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**Acknowledgement of Country**

We acknowledge the traditional custodians of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people. We pay our respects to all Aboriginal Elders and peoples past, present and emerging.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**Table of Contents**

1. Summary.....	4
2. Introduction & Context.....	5
3. Training of Authorised Officers.....	10
4. Responsible Pet Ownership .....	11
5. Over-population and high euthanasia rates .....	13
6. Registration and Identification .....	16
7. Nuisance .....	20
8. Dog Attacks.....	24
9. Dangerous, Menacing and Restricted Breed Dogs .....	25
10. Domestic Animal Businesses .....	27
11. Other Matters- Animals in Emergencies.....	28
12. Annual Review of Plan and Annual Reporting .....	29

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**1. Summary**

The *Domestic Animals Act 1994* (the Act) requires Council to prepare a Domestic Animal Management Plan (DAMP) every four years. The Draft Corangamite Shire DAMP 2021-2025 has been prepared in accordance with the requirements of the Act.

The Corangamite Shire DAMP aims to provide Council with a clear direction on how it will support residents to be responsible pet owners and abide by the domestic animal Local Laws for the benefit of the wider community.

The focus of this Plan is on:

- Educating our community on responsible pet ownership and responsibilities.
- Promoting registration of all domestic animals.
- Ensuring the effective control of dogs in public areas.
- Managing nuisance animals issues such as feral animals.
- Promoting the benefits of microchipping and desexing.
- Encouraging pet owners to clean up after dogs.

The DAMP presents information on registered domestic animal statistics, the Local Laws team, local laws and policies, and current programs and services.

The DAMP outlines the planned programs and initiatives of the Local Laws team including training and development, community education to improve responsible pet ownership, identification and registration of animals, compliance and enforcement of Local Laws associated with pet ownership, domestic animal businesses and declared dogs.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**2. Introduction & Context**

**2.1. Purpose of the Domestic Animal Management Plan**

The *Domestic Animals Act 1994* (the Act) requires Council to prepare a Domestic Animal Management Plan every four years.

The plan must set out a method for evaluating whether the animal management services provided by Council are adequate to give effect to requirements of the Act and the *Domestic Animal Regulations 2015*.

The plan must also outline programs for the training of authorised officers along with programs, services and strategies to:

- Ensure that people comply with the Act, the regulations and any related legislation.
- Minimise the risk of attacks by dogs on people and animals.
- Address any over-population and high euthanasia rates for domestic dogs and cats.
- Encourage the registration and identification of dogs and cats.
- Minimise the potential for dogs and cats to create a nuisance.
- Effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations.
- Provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable.
- Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.
- Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

The Corangamite Shire Domestic Animal Management Plan 2021-2025 (the DAMP) aims to provide Council with a clear direction on how it will support residents to be responsible pet owners to abide by the domestic animal Local Laws for the benefit of the wider community.

This will be achieved by:

- providing the community with a clear understanding of Council's expectations for pet owners;
- reinforcing to the community Council's commitment to improving standards associated with pet ownership; and
- clearly describing to the community the role and actions Council will take to improve the level of responsible pet ownership throughout Corangamite Shire.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Key outcomes that will be achieved through the DAMP include:

1. Council officers will have the necessary skills and resources to implement the DAMP.
2. The community will have increased awareness of domestic animal laws and their pet ownership responsibilities.
3. Dog and cat registration levels will increase.
4. Incidences of dogs at large and nuisance behaviour will decrease.
5. Dangerous, restricted breed and menacing dogs will be actively managed.
6. Dog attack incidences will decrease.
7. Issues associated with overpopulation of cats, feral cats and roaming cats will decrease.
8. All suitable animals will be re-homed (not including feral cats and animals with behavioural or health issues).
9. All Domestic Animal Businesses will be managed in accordance with the applicable laws and Codes of Practice.

**2.2. Process applied in developing the plan**

This DAMP has been developed with extensive consultation from the community and internal Council staff. Council sought community feedback on domestic animal issues and services via a survey in June 2021. Council received 60 responses to this survey. The main issues raised by respondents were:

- Low awareness of on-lead areas for dogs across the Shire.
- Concerns about dogs at large, dogs not being controlled in a public place (accompanied by their owner), aggressive dogs and dog faeces not being picked up.
- Low awareness of the need to contain cats to the owner's property.
- Concerns about roaming cats and feral cats.
- Limited understanding of what registration fees are used for, with many respondents feeling that they do not get value for money for their registration.
- The need for increased enforcement on domestic animal issues.

Community feedback on a draft DAMP was sought over a four-week period during October 2021. Six submissions were received on the draft DAMP covering a range of issues such as barking dog processes, registration and microchipping of impounded animals, desexing, roaming cats and dogs and dog faeces in public areas. This feedback has been incorporated into the development of the final DAMP.



Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

### 2.3. Demographic and profile of Corangamite Shire

Corangamite Shire is located 190 kilometres south-west of Melbourne on the Great South Coast. The municipality covers 4600 square kilometres stretching from the Great Ocean Road in the south to the pastoral area of Skipton in the north. Corangamite takes its name from the huge inland lake on the Shire's eastern boundary. It is a renowned farming region, producing milk, wool, beef and prime lamb. For residents and visitors alike, Corangamite offers beautiful beaches, rugged coastline, volcanic lakes and craters and pastoral country.

Corangamite Shire is home to an estimated 16,051 people. The median age of Corangamite Shire residents is 46. Most Corangamite residents speak English only at home, whilst a small percentage of residents speak Dutch and German at home (both 0.2%). Farming and healthcare are the Shire's main employers and the median household weekly income is \$1,388 per week.

Corangamite's communities include Camperdown, Terang, Port Campbell, Cobden, Lismore, Derrinallum, Skipton, Princetown, Simpson, Noorat, Darlington and Timboon. Neighbouring municipalities include Colac-Otway, Golden Plains, Pyrenees, Ararat and Moyne Shires.

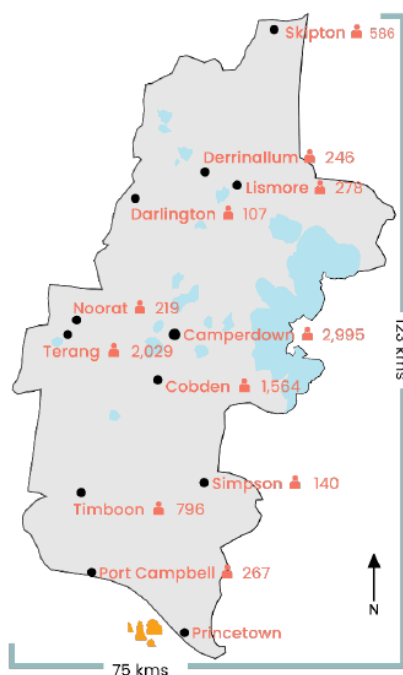


Figure 1: Corangamite Shire Map



Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

## 2.4. Context and Current Situation

A summary of Council's domestic animal services is outlined in the table below.

**Table 1: Summary of Council's current domestic animal services**

Program/Service	Service Level
Identification & Registration	1883 dogs and 1026 cats registered
Door knocking campaigns	All year
Domestic animal complaints	Average response time – 1.07 days
Dog Attack reports	Response time - within 2 hours
Routine street patrols	Approx. 5 per week
Pound	Council manages a pound for the impoundment of animals. This facility is not open to the public.
Micro-chipping and/or desexing programs	<ul style="list-style-type: none"> <li>• Annual microchipping week</li> <li>• Promotion of the benefits of microchipping and desexing</li> <li>• Reduced registration fees for desexed animals</li> </ul>
After hours emergency service	On call emergency service available 24/7
Impounded animals reclaimed – 2021-2022	29% (excluding feral cats)
Impounded animals rehomed – 2021-2022	63% (excluding feral cats)
Successful Animal Prosecutions (%)– 2021-2022	100%
Cost of animal management services per population – 2021-2022	\$10.48
Authorised Local Law Officers	Two (2) Full time officers

## 2.5. Domestic Animal Statistics

The following table provides statistics on Council's Domestic Animal services.

**Table 2 Corangamite Shire Council Domestic Animal Data**

Year	2018-2019	2019-2020	2020-2021
<b>Registered dogs</b>	<b>2976</b>	<b>2912</b>	<b>2801</b>
Desexed Dogs			1883
Dogs impounded	47	63	79
• Dogs returned to owner	28	43	41

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Year	2018-2019	2019-2020	2020-2021
• Dogs rehoused	3	2	30
• Dogs euthanised	16	10	8
• Dogs surrendered to Council	8	9	30
Declared Dogs	7	7	7
• Dogs declared menacing	3	3	4
• Dogs declared dangerous	5	5	2
• Restricted breed dogs	1	1	1
<b>Registered cats</b>	<b>1049</b>	<b>1009</b>	<b>1026</b>
Desexed Cats			1011
Cats impounded	73	181	170
• Feral cats	40	112	60
• Cats surrendered to Council	2	12	24
• Cats returned to owner	11	13	11
• Cats rehoused	2	24	84
• Cats euthanised*	59	142	73
<b>Dog Attacks</b>			
• Reported attacks on dogs	2	4	6
• Reported attacks on person	1	3	3
• Reported attacks on livestock	1	1	4
• Reported attacks on cat/ other attacks	4	1	3
<b>Domestic Animal Complaints &amp; Requests</b>	561	724	739
<b>Domestic Animal Businesses</b>	0	0	1

\*includes feral cats not suitable for rehoming

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

### 3. Training of Authorised Officers

#### 3.1. Context and Current Situation

Council currently employs two full time Local Law Officers. These officers are authorised under the *Domestic Animals Act 1994*.

It is important that all authorised officers have the appropriate training and skills to carry out daily activities safely and effectively. Council's authorised officers hold or are currently obtaining a Certificate IV Animal Control and Regulation and a Certificate IV in Government. Other training completed by officers include Occupational Health and Safety and microchip implanting training. Authorised officers currently hold firearm licences, construction white cards and traffic control accreditation.

#### 3.2. Our Planned Training for Authorised Officers

Council develops annual training programs for each staff member to ensure they receive the required and desirable training. The following table outlines the key training requirements for authorised officer over the next four years.

**Table 3: Authorised Officer Planned Training 2021-2025**

<b>Authorised Officer Training - Basic</b>	<b>Frequency</b>	<b>Planned</b>
Cert IV Animal Control and Regulation	One-off for staff that require training	2021-2023
Cert IV Government	One-off for staff that require training	2021-2023
Refresher training in compliance procedures	Annually	Aug-Sep as part of annual review
Infringement Training	Every 3-4 years	2022
OH&S training-dealing with aggressive customers.	Annually	June
Customer service training-conflict resolution, telephone protocols	Annually	June
Animal Welfare Victoria-training and information days	When offered	
<b>Authorised Officer Training - Additional</b>	<b>Frequency</b>	<b>Planned</b>
Firearm Safety	Annually	January
Animal Handling/Control	Every 2-3 years	2021

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

### 3.3. Our Plan

**Objective 1: Develop a training plan that identifies minimum training requirements and any additional training needs that should be undertaken by Authorised Officers.**

No.	Activity	When	Evaluation
3.1	Identify training requirements during Council's annual review system.	Annually	Training requirements identified and relevant training completed.

**Objective 2: Develop and maintain an annual training register for individual officers detailing completed and proposed training.**

No.	Activity	When	Evaluation
3.2	Create a spreadsheet listing each officer's name and their completed training, along with proposed training.	Annually	Register maintained.

**Objective 3: Ensure all new Authorised Officers have completed their minimum training requirements within 18 months of appointment.**

No.	Activity	When	Evaluation
3.3	Identify minimum training for officers (e.g. OH&S, animal handling) and ensure it is completed.	Within 24 months of appointment.	All new Officers have completed initial training and any refresher training requirements.

## 4. Responsible Pet Ownership

### 4.1. Context and Current Situation

Pets can bring much joy to people's lives. For the benefit of both the pet and the owner, Council encourages responsible pet ownership. Responsible pet ownership means taking on all responsibilities of owning a pet and ensuring that you are aware of and comply with the relevant laws. It includes registering and microchipping your animal, desexing, containing your pet to your property, and keeping your dog on a lead where required.

Council currently promotes responsible pet ownership through its website and media articles. Local Law Rangers regularly patrol in townships and rural areas across the

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Shire, educating on and enforcing Local Laws. In 2020-2021, Council issued 77 infringements and warnings relating to domestic animals.

**4.2. Our Orders, Local Laws, Council Policies and Procedures**

Current Orders:

- Government Gazette - on-lead areas located throughout the municipality

Current Local Laws:

- Local Law regulating the number of animals permitted without a permit.
- Local Law regulating confinement of animals to the owner's property.
- Local Law regulating that dogs need to be under owner's control in public areas.
- Local Law regulating nuisance issues relating to cats and dogs (i.e. barking, roaming cats).
- Local Law regulating the picking up and disposal of dog faeces in public township areas.
- Local Law regulating carrying a bag or scooping device for the removal of dog faeces.

Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017
- Council policy – Animals 2017

**4.3. Our Plan**

**Objective 1: Pet owners are aware of their responsible pet ownership responsibilities**

No.	Activity	When	Evaluation
4.1*	Promote responsible pet ownership through website, media, and provide responsible pet owner kits to pet owners and new registrations which contain information on local laws, pet owner responsibilities, and pet poo bags/dispensers.	Ongoing  Kit developed by June 2023	No. of infringements  No. media articles/posts per year  Kits provided with new registrations and renewals
4.2*	Provide information on Council's website about domestic animal Local Laws and legislative requirements.	June 2022	Website updated

\*Indicates new action.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

## 5. Over-population and high euthanasia rates

### 5.1. Context and Current Situation

Over-population of cats within the Corangamite Shire continues to be an issue. In 2020-2021, Council impounded 170 cats. Of these, only 5% were returned to their owner. This low rate is due to most impounded cats not being registered or identifiable (i.e. microchipped) and many of them being feral cats or semi-feral cats. Often these cats are being fed by people who are not accepting responsibility for their care and ownership. Due to the rural nature of Corangamite Shire, many of the feral cat issues are associated with farming and rural properties.

In 2020-2021, Council impounded 79 dogs with 52% of these dogs returned to their owner. The majority of the impounded dogs who were not returned to their owner had been surrendered to Council. Most of these were able to be rehomed.

Currently Council has an agreement with the RSPCA for the rehoming of cats and dogs. This includes animals who have been surrendered or impounded animals who have not been claimed by an owner. Surrenders of cats and dogs has increased ten-fold over the past year due to more people utilising Council's service because it is currently free and allows animals to be rehomed where possible. Unfortunately, not all animals are suitable for rehoming such as feral cats and animals with health or behavioural issues. These animals are humanely euthanised by a qualified vet.

Through its agreement with the RSPCA, Council has significantly reduced its euthanasia rate in recent years. In 2020-2021, Council euthanised 43% of impounded cats with over three-quarters of these cats being feral. In the same year, Council euthanised 10% of impounded dogs. These were all dogs who had been voluntarily surrendered by the owner and were unsuitable for rehoming due to behavioural or health issues.

The euthanasia rate for cats could be further reduced by addressing the feral cat issue.

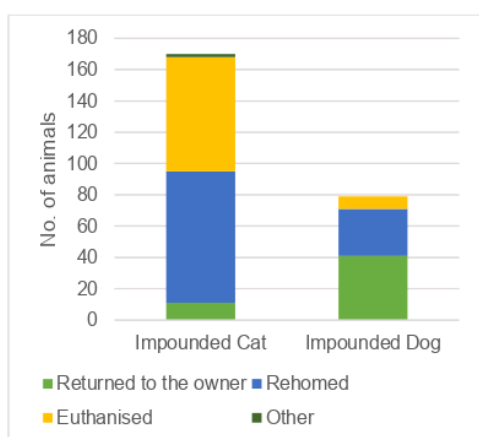


Figure 2: Fate of impounded animals 2020-2021

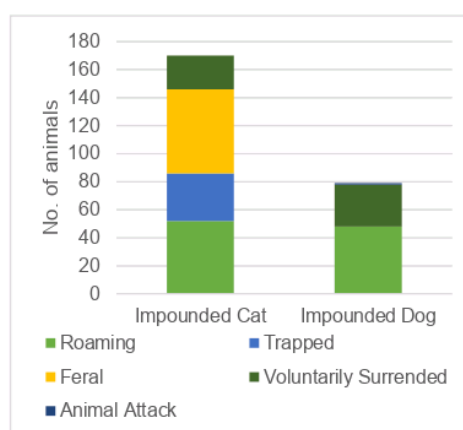


Figure 3: Reason for impoundment 2020-2021

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Council is currently addressing over-population and euthanasia issues through the following initiatives:

- Enforcing Council's Local Law on the number of animals permitted by residents without a permit. Currently Council's Local Laws allow residents to have two cats and two dogs if they live in a township and five cats and five dogs if they live in a rural area. Residents can apply to Council for an excess animal permit if they want to have additional animals. This Local Law assists to minimise nuisance issues arising from excess domestic animals and helps to control animal hoarding issues. At the time of writing Council had issued 21 current excess animal permits.
- Offering a discounted registration rate for desexed animals to encourage desexing.
- Providing residents with free hire of cat traps to safely and humanely catch roaming and feral cats. In 2020, Council hired cat traps to residents on 142 occasions.
- Promoting registration and microchipping to ensure that animals can be reunited with owners, including running an annual microchipping week in partnership with local veterinary clinics.
- Posting pictures of impounded animals on Council's Facebook page to reunite them with their owners.
- Returning registered impounded animals to owners with a warning only for a first offence if no issues have been caused by the animal.
- Requiring that all impounded animals are microchipped prior to release and registered within seven days of release. Fines may apply if dogs are not registered after this time.
- Operating a pound for the receipt and care of impounded animals prior to being reunited with their owner or rehomed. This facility is nearing the end of its operational life and a new facility is required to meet current standards.

**5.2. Our Orders, Local Laws, Council Policies and Procedures**

Current Local Laws:

- Local Law regulating the number of animals permitted without a permit

Current policies and procedures:

- Provide cat cages to local residents for trapping nuisance cats trespassing on their property
- 84Y agreement with the RSPCA for rehoming of animals.
- 84Y agreement with local veterinary clinic for services, including euthanasia.
- Council policy – Animals 2017



## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

## 5.3. Our Plan

## Objective 1: Minimise overpopulation of domestic animals

No.	Activity	When	Evaluation
5.1	Educate residents on the importance of registering all cats, including the discounted registration for desexed cats.	March to May each year	Increase the number of registered cats
5.2	Provide a cat trap hire service for residents with cat trespass issues, including providing information on trapping cats humanely and ensuring the cat's welfare and promotion of the trap service to farms with feral cat issues.	Ongoing	<p>Keep records on the number of traps hired out.</p> <p>Keep updated records of the number of cats impounded.</p> <p>Maintain a record of cat trap usage and numbers caught.</p> <p>Information included on Council website.</p>
5.3*	Investigate funding options for discounted desexing of cats and dogs for residents	June 2023	Investigation of discounted desexing program
5.4	Educate residents on domestic animal limits and advise on excess animal permits using the website and information with new registrations.	Ongoing	<p>Information with registrations</p> <p>Information on website.</p>
5.5*	Educate residents (with a focus on farms) that they are responsible for the care and ownership of any feral or stray cat that they feed.	Ongoing	Information on website and social media.
5.6*	Educate residents on the pet ownership responsibilities, costs and considerations prior to buying a pet.	Ongoing	Information on website and social media.
5.7*	Raise awareness that domestic animals can be surrendered to Council for re-homing if they are suitable.	Ongoing	Information on website and social media.
5.8*	Investigate introducing a cost-recovery fee for service for the surrender of animals to Council.	December 2024	Decision made by council
5.9*	Investigate the development of a new pound facility to meet current standards.	December 2022	Investigation and planning for new pound facility for Council to consider



## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

5.10*	Educate residents who are selling animals on recreational and microbreeder requirements and the need to supply source and microchipping numbers.	June 2025	Fact sheet produced/supplied to residents advertising sale of animals
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\*Indicates new action.

**Objective 2: Reduce euthanasia rates of impounded animals by 5% (excluding feral cats)**

	Activity	When	Evaluation
5.11	Maintain and renew 84Y agreements with the RSPCA for the rehoming of all suitable animals and with local veterinary clinic.	Ongoing. Renewal due November 2021 and January 2022	Reduced no. of euthanised animals
5.12	Continue to utilise social media to reunite animals with owners.	Ongoing	Impounded animals which are unregistered and not microchipped are posted on social media to locate the owners.

**6. Registration and Identification**
**6.1. Context and Current Situation**

All dogs and cats over the age of 3 months must be registered with Council as per the *Domestic Animals Act 1994*. Newly registered animals must be microchipped before registration can be accepted.

Registration and microchipping helps Council to reunite animals with their owners should they be found unsecured or wandering outside of their property, reducing the likelihood that they will be impounded. Council encourages pet owners to ensure that their pet is wearing their registration tags to assist the Local Laws rangers to reunite pets with their owners quicker. Registration also provides Council with an understanding of the level of pet ownership in the community and helps Council to plan for services, information and programs associated with pets.

Registration numbers of both dogs and cats in the Corangamite Shire have continued to decline slightly in recent years. Whilst there has been a slight decline in Corangamite Shire's population over this time, unregistered animals are still detected on a regular basis and are therefore considered an issue for the community.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

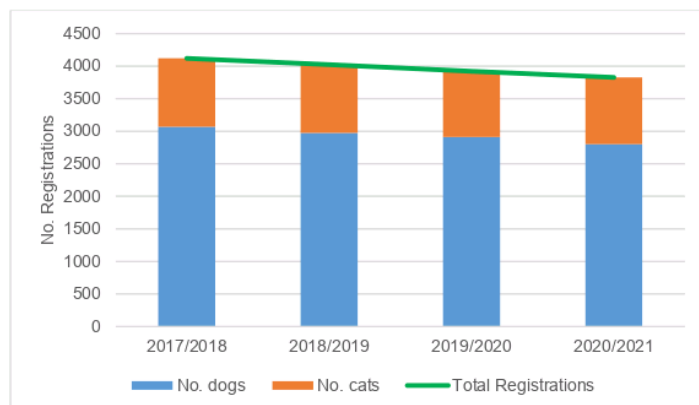


Figure 4: Annual Animal Registrations 2017-2021

Current program and initiatives to support registration and microchipping include:

- Providing easy access to registration forms on Council's website and at Council's Civic Centre.
- Maintaining low registration fees, including discounted fees for desexed animals.
- Auditing the annual registration renewals to follow-up and enforce lapsed registrations.
- Utilising a lifetime tag system where each registered animal is issued a registration tag number when first registered which is retained for the life of the animal. Council can replace any lost tags.
- Organising an annual micro-chipping week, with discounted micro-chipping fees offered through participating veterinary clinics and registration forms provided to participants.
- Promoting registration and micro-chipping through local media and Council's newsletter, social media and website.
- Using Council's social media to reunite pets with owners.
- Identifying and enforcing unregistered animals through patrolling, door knocking and responding to complaints.
- Requiring that all impounded animals are microchipped prior to release and registered within seven days of release.

## 6.2. Our Orders, Local Laws, Council Policies and Procedures

Current Local Laws:

- Local Law regulating the number of animals permitted without a permit
- Local Law regulating confinement of animals to the owner's property

### Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017
- Council policy – Animals 2017

### **6.3. Our Plan**

**Objective 1: Increase the relative number of dog and cat registration numbers each year.**

<b>No.</b>	<b>Activity</b>	<b>When</b>	<b>Evaluation</b>
6.1	Promote registration and microchipping through a Shire-wide education campaign. Promote the benefits of wearing identification tags and that replacement tags are available from Council.	Annually	No. media articles per annum
6.2*	Improve the accessibility of registration through the development of online registration forms and payment options on Council's website.	Jun 2022	Online forms available on website
6.3	Organise and promote an annual microchipping week in partnership with local veterinary clinics	Annually April	No. of event participants.
6.4	Provide registration and microchipping information in new resident packs.	Ongoing	Information provided in new resident packs.
6.5*	Investigate providing registration and microchipping information to veterinary clinics, domestic animal businesses and dog trainers.	June 2023	Engagement with businesses completed.
6.6*	Communicate to the community on what registration fees are used for and promote Council's animal management services.	Annually	Media article and social media posts completed.

## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

6.7	Improve the accuracy of Council's pet registration database by contacting Central Animal Records and obtaining details of all pets microchipped in the municipality. Check that all animals are listed on Council's pet registration database and follow up non-compliance.	Annually July-August	<p>Council's pet registration database can be accurately cross referenced with Central Animal Records and other provider data.</p> <p>Increase in the accuracy of the numbers of pet registrations following micro-chipping data analysis.</p>
6.8	Ensure all seized and impounded animals are microchipped and registered to their owner prior to release.	Prior to release for seized and 7 days for impounded pets. Microchipping must be booked in prior to release.	<p>Review registration numbers annually.</p> <p>Review the numbers of dogs and cats being seized and impounded that are not registered to an owner.</p>
6.9*	Develop a microchipping policy and offer microchipping services for impounded animals (fee for service).	Jan 2022	Policy developed. No. microchipping completed by Council
6.10*	Targeted door knocking and regular patrolling to check for unregistered and un-identified dogs and cats.	Ongoing	<p>Review and record annual registration numbers.</p> <p>Review the number of dogs and cats being seized and impounded that are not registered to an owner.</p>
6.11	Ensure animal registration is checked as part of any pet related complaint or compliance process.	Ongoing	Review the number of dogs and cats being seized and impounded that are not registered to an owner.

## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

6.12	Undertake enforcement on residents identified as owning unregistered pets or identified as not renewing their annual registration.	Ongoing	No. notices to comply issued. Unpaid fines referred to court.
6.13*	Check for a microchip on deceased animals removed from roads by Council and notify the owner.	Ongoing	Owners notified where microchipped
6.14*	Promote registration and microchipping of farm dogs/cats through media campaign.	June 2024	Review and record annual registration numbers.

\*Indicates new action.

## 7. Nuisance

### 7.1. Context and Current Situation

Council receives and responds to complaints about domestic animals providing a nuisance including dog droppings, barking dogs, dogs at large, and roaming cats.

#### Dog Droppings

The failure of some dog owners to pick up after their dog is an issue that is regularly being raised with Council. Dog droppings are not only unsightly, but they can potentially spread diseases that are harmful to humans and other pets.

Council's Local Laws require that owners carry a bag to clean up after their dogs at all times when in public.

Currently Council undertakes regular patrols and where pet owners are found not complying, officers will speak with the owner to educate them on responsible pet ownership.

#### Barking Dogs

Excessive dog barking can be a source of irritation for neighbours.

As a first step, Council encourages residents to politely talk with the dog owner to let them know about the problem. In many cases, the dog owner may not be aware that the dog is barking or being a nuisance to neighbours. Where residents are not comfortable talking with the dog owner or if communication with the dog owner fails to rectify the issue, residents can lodge a complaint with Council.

Council provides complainants with a barking dog kit which includes an anonymous letter to provide to their neighbour (optional for the complainant to send) and a diary to record how often the dog is barking over two weeks. Local Law rangers will then contact the dog owner to provide them with an information booklet and discuss potential reasons why the dog may be barking and potential strategies to manage it. A second barking dog diary is then sent to the complainant to determine if there has been any improvement in the barking behaviour once the owner has introduced

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

strategies to manage it. The barking dog diary helps Council to work with the dog owner to identify the triggers for barking. If this approach fails to rectify the issue, Council may issue a warning to the dog's owner or a Notice to Comply to stop the barking.

In 2020-2021, Council received 24 complaints about barking dogs

**Dogs at large and uncontrolled dogs**

Dog owners are required to securely confine their dog to the property. This prevents dogs from wandering and becoming lost, keeps them safe from hazards such as traffic and other animals and minimises the potential for dog attacks.

In 2020-2021, Council received 82 complaints about roaming dogs and impounded 79 dogs. A total of 14 warnings and 2 infringements were issued for roaming dogs.

Council's 2021 domestic animal survey identified roaming dogs as an issue for many respondents. Likewise, there was concerns raised about off lead dogs that were accompanied but not controlled by their owner, such as dogs rushing or chasing.

Council has several designated on-lead areas which are located in the CBD areas of townships. Outside of these areas, dogs can be off lead but they must be under the control of their owner at all times. Currently there are no designated dog parks within the Corangamite Shire.

**Cats trespassing**

Trespassing cats are a common issue within the Corangamite Shire. The *Domestic Animals Act 1994* requires that cats are securely confined to their owner's property at all times. Council's 2021 domestic animal survey identified roaming and feral cats as an issue for many residents.

Residents that are experiencing problems with cat trespass are encouraged to talk with the cat owner (if known) to rectify the issue. Council can provide complainants with an anonymous letter to provide to their neighbours about the issue. If the cat owner is unknown or the issue is not resolved after speaking with the cat owner, residents can talk with Council to help identify strategies. Education on responsible pet ownership is often the first step to addressing the issue. Council offers free hire of traps to safely and humanely catch roaming and feral cats. Council may also issue compliance notices and infringements to those who allow their cat to be at large.

**7.2. Our Orders, Local Laws, Council Policies and Procedures**

Current Orders:

- Government Gazette - on-lead areas located throughout the municipality



## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

### Current Local Laws:

- Local Law regulating confinement of animals to the owner's property.
- Local Law regulating that dogs need to be under owner's control in public areas.
- Local Law regulating nuisance issues relating to cats and dogs (i.e. barking, roaming cats).
- Local Law regulating the picking up and disposal of dog faeces in public township areas.
- Local Law regulating carrying a bag or scooping device for the removal of dog faeces.

### Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017
- Council policy – Animals 2017

### 7.3. Our Plan

#### Objective 1: Reduce cat nuisance complaints per year by 2%.

No.	Activity	When	Evaluation
7.1*	Educate cat owners about responsible pet ownership, containment of cats to properties and nuisance issues.	Ongoing	Information supplied with new registrations  Information included on Council website.
7.2	Assist residents and community groups to deal with cat trespass/nuisance issues by advising that Council has cat traps available for hire	Ongoing	No. of traps hired out No. of cats impounded
7.3*	Provide information to residents on what they do if they have a feral cat issue.	Ongoing	No of complaints  Information included on Council website.

\*Indicates new action.

#### Objective 2: Reduce dog nuisance complaints each year by 2%.

No.	Activity	When	Evaluation
7.4	Educate dog owners about responsible pet ownership, containment of dogs to properties, picking up your dog's waste, control of dogs in public areas and on-lead areas.	Ongoing	Information supplied with new registrations  Information included on Council website

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

7.5	Enforce local laws for dogs at large.	Ongoing	Number of dogs impounded Number of complaints about dogs at large
7.6	Review dog on-lead signage throughout the shire.	December each year	Location and condition of signs reviewed and maintained as necessary
7.7*	Investigate the establishment of designated off leash areas within the Shire.	December 2023	Results of the investigation identify if this could be established within the Shire
7.8*	Investigate options to require all dogs to be on a lead in public areas within a township unless in a designated off leash area.	December 2023	Investigation completed
7.9	Enforce local laws regarding picking up and disposing of your dog's waste.	Ongoing	Continue to advertise and monitor known trouble areas
7.10*	Investigate opportunities for the provision of dog poo bags, such as community managed dispensers in public areas and/or compostable bags for sale in the Civic Centre.	June 2025	Investigation for the provision of dog poo bags completed
7.11*	Raise awareness about what to do for barking dog issues, provide barking dog diaries and investigate complaints.	Ongoing	Council will continue to provide information to all parties  Website updated
7.12	Communicate with dog owners during patrols to educate them on the requirements to control dogs in public places	Ongoing	No. of infringements reduced
7.13*	Undertake patrolling on weekends and outside of business hours to identify ongoing dog issues (i.e. dogs at large, uncontrolled dogs, dog poo bags not being carried).	Ongoing	No. of patrols undertaken outside of business hours.

\*Indicates new action.



Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

## **8. Dog Attacks**

### **8.1. Context and Current Situation**

Council treats dog attacks very seriously. Dog attacks can cause serious and even fatal harm to people and other animals.

Currently very few dog attacks are reported to Council. In 2020-2021, Council received 16 dog attack reports. There may be a low level of reporting due to the minor nature of some attacks or because the victim is known to the animal owner. It is however important for all attacks to be reported to Council regardless of the level of injury to ensure further, more serious attacks do not occur in the future.

Council has a 24/7 on-call ranger service and will provide an urgent response to dog attack reports. When a report is received, Council will investigate and take appropriate action which may include seizing a dog if it is deemed dangerous and potential infringement or prosecution of the dog owner.

Most dog attacks occur when dogs are wandering outside of their owner's property. To prevent the incidence of dog attacks Council currently:

- Undertake regular patrols and response to wandering dog complaints.
- Impound wandering dogs and issue an infringement where required.
- Enforce the requirements for menacing, dangerous and restricted breed dogs.
- Promote media articles confining dogs to the owners property.
- Maintain signed on-lead areas in township CBDs.

### **8.2. Our Orders, Local Laws, Council Policies and Procedures**

Current Orders:

- Government Gazette - on-lead areas located throughout the municipality

Current Local Laws:

- Local Law regulating confinement of animals to the owner's property
- Local Law regulating that dogs need to be under owner's control in public areas

Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017

## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**8.3. Our Plan****Objective 1: Improve reporting of dog attacks.**

No.	Activity	When	Evaluation
8.1*	Educate residents on dog attacks and encourage reporting of attacks as soon as it occurs.	Ongoing	Website Updated No. of reported dog attacks
8.2*	Engage with local vet clinics to encourage reporting of dog attacks.	Ongoing	No. of reported dog attacks

\*Indicates new action.

**Objective 2: Decrease the incidence of dog attacks**

No.	Activity	When	Evaluation
8.3	Promote prevention of dog attacks (i.e. confinement of dogs to property, keeping dogs on-lead) through media articles, website updates, social media, targeted patrols and other engagement methods.	Peak times Nov-April	Compare the number of reported dog attack incidents pre and post campaign
8.4*	Engage with farmers to raise awareness about the responsibilities of owning working dogs.	Ongoing	No. media articles
8.5*	Review and update Council processes for investigating and responding to dog attacks.	June 2022	Dog attack processes reviewed and documented
8.6*	Review and update Council's procedure for seizure of dogs.	June 2023	Procedure updated

\*Indicates new action.

**9. Dangerous, Menacing and Restricted Breed Dogs****9.1. Context and Current Situation**

Dangerous, menacing and restricted breed dogs are controlled by the *Domestic Animal Act 1994*.

At the time of writing, there is two declared dangerous dogs, four menacing dogs and no restricted breed dogs within the Corangamite Shire. These animals are required to be housed in a way that reduces the risk to the community and must be easily identified (i.e. dangerous dog collar), muzzled and on a lead at all times if being walked in a public place. Council officers work with the owners to ensure that these requirements are met, including annual inspection of properties to confirm that they are compliant with the conditions and door knocking.

## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

All dangerous, menacing and restricted breed dogs are reported to the Dangerous Dog Register.

Council undertakes regular patrolling and responds to all complaints relating to dangerous, menacing and restricted breed dog issues. Infringements and prosecutions are issued for offences to Local Laws and the Act. Council currently provides information to residents on dangerous, menacing and restricted breed dogs through the annual microchipping week and social media.

### **9.2. Our Orders, Local Laws, Council Policies and Procedures**

Dangerous, menacing and restricted breed dogs are regulated through the *Domestic Animals Act 1994*.

Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017

### **9.3. Our Plan**

**Objective 1: Identify and register all Declared Dogs in the municipality.**

No.	Activity	When	Evaluation
9.1	Utilise the declared dog flow chart to determine when to declare a dog.	Ongoing	No. declared dogs
9.2	Identify declared dogs through patrolling and complaint response.	Ongoing	No. declared dogs
9.3	Educate the community about declared dogs.	Ongoing	Website updated regarding dog attacks and the need to report.

**Objective 2: Effectively inspect and audit all declared dog premises annually to ensure they are following requirements.**

No.	Activity	When	Evaluation
9.4	Inspect and audit declared dog premises annually to ensure compliance with legislation.	Annually	100% declared dog premises inspected

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

## 10. Domestic Animal Businesses

### 10.1. Context and Current Situation

Domestic Animal Businesses (DAB) include animal breeding and rearing establishments, boarding establishments, shelters/pounds and pet shops. DABs are controlled by the *Domestic Animals Act 1994* and must be registered with Council. There are approved Codes of Practice for the operation of these businesses. Council provides information and guidance to DABs on their legislative requirements and undertakes annual auditing to ensure that each establishment complies with the relevant Code of Practice. Any non-compliance issues must be addressed by the operator immediately.

Currently there is one DAB registered in the municipality.

Council gives advice to DABs on the need to register and requirements of the Act. Council investigates all reports of domestic animal breeding businesses operating without the required registration. This includes door knocks and property inspections when alerted to suspected unregistered DABs.

### 10.2. Our Orders, Local Laws, Council Policies and Procedures

DABs are regulated through the *Domestic Animals Act 1994*.

Current Local Laws:

- Local Law regulating the number of animals allowed at a premise without a permit

Current policies and procedures:

- Council policy – Enforcement – Infringements and Prosecutions 2017
- Council policy – Animals 2017

### 10.3. Our Plans

**Objective 1: Annually inspect and audit all registered domestic animal businesses.**

No.	Activity	When	Evaluation
10.1	Audit all operating DABs at least annually to ensure they comply with the relevant Code of Practice.	Annually prior to re-registration.	100% DABs audited for compliance and detailed records maintained
10.2*	Develop a template for the consistent assessment of DABs.	Dec 2023	Template developed and utilised

\*Indicates new action.

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

**Objective 2: Identify and work with unregistered and non-compliant Domestic Animal Breeding establishments (DAB) in the municipality to ensure they achieve compliance.**

No.	Activity	When	Evaluation
10.3*	Work with Animal Welfare Victoria and monitor pet advertisements to identify unregistered DABs.	Ongoing	No. registered DABs
10.4*	Raise awareness about the registration and compliance requirements for DABs via Council's website	Ongoing	Website updated
10.5	Check all operating and proposed DABs have necessary planning, building and other permits in place.	Ongoing	All DABs checked with planning and building department for permit compliance.

\*Indicates new action.

## **11. Other Matters- Animals in Emergencies**

### **11.1. Context and Current Situation**

Emergencies such as flood and fires can have a significant impact on domestic animals. During an emergency it is important to consider and plan for:

- Identification of affected animals
- Management of evacuated animals at Emergency Relief Centres
- Management of stray, roaming and displaced animals
- Animal welfare assessment
- Veterinary treatment and triage
- Provision of emergency pet food
- Coordination of donations and offers of assistance

Council currently has a Municipal Emergency Animal Welfare Plan and procedures in place for the management of domestic animals at Emergency Relief Centres.

### **11.2. Our Orders, Local Laws, Council Policies and Procedures**

Current policies and procedures:

- Municipal Emergency Animal Welfare Plan 2017

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

### 11.3. Our Plan

#### Objective 1: Ensure Domestic Animals are considered during emergencies

No.	Activity	When	Evaluation
11.1	Review and Update the Emergency Animal Management Plan.	June 2022	Plan updated
11.2	Ensure Council Relief Centres have procedures and the capacity to cater for domestic animals.	Ongoing	Procedures updated and tested
11.3*	Provide residents with access to a 'pets in emergencies' information kits.	Ongoing	Kit available on council website

\*Indicates new action.

## 12. Annual Review of Plan and Annual Reporting

### 12.1. Evaluation of Implementation of the Domestic Animal Management Plan

Performance in domestic animal management should be a regular focus for Council. Appropriate performance statistics will be completed and reported annually to Council's Executive Management Team. A review of performance under the DAMP is required to be included in Council's Annual Report (section 68A (3) (c) of the *Domestic Animal Act 1994*) and the DAMP will be reviewed and updated annually.

The annual review will focus on measures that relate to activities and targets listed in this plan and will include educational programs, registrations of domestic animals, numbers of animals at large, dog attacks, compliance activities and levels of community satisfaction.

Objective	Targets
Develop a training plan that identifies minimum training requirements and any additional training needs that should be undertaken by Authorised Officers.	Training Plan Developed Annually.
Develop and maintain an annual training register for individual officers detailing completed and proposed training.	Training Register Maintained.
Ensure all new Authorised Officers have completed their minimum training requirements within 24 months of appointment.	All new Officers have completed initial training and any refresher training requirements.



## Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

Objective	Targets
Pet owners are aware of their responsible pet ownership responsibilities.	Decrease in compliance actions relative to compliance effort
Minimise overpopulation of domestic animals	Increase in no. animals registered comparative to Corangamite population.  Desexing rates increase by 5% by 2025.
Reduce euthanasia rates of impounded animals by 5% excluding feral cats	Euthanasia rates of impounded animals decreases by 5% annually excluding feral cats
Increase the relative number of dog and cat registration numbers each year.	Increase in no. animals registered comparative to Corangamite population
Reduce cat nuisance complaints per year by 2%.	Numbers of cat complaints decreases by 2% annually.
Reduce dog nuisance complaints each year by 2%.	Numbers of cat complaints decreases by 2% annually.
Improve reporting of dog attacks.	100% of reported dog attacks investigated and actioned.
Decrease the incidence of dog attacks	100% of reported dog attacks investigated and actioned.
Identify and register all Declared Dogs in the municipality.	100% of declared dogs identified and registered.
Improve the accuracy of Council's Registration database.	Animals collected and identified match the owner's details in the registration and microchipping database.
Effectively inspect and audit all declared dog premises annual to ensure they are following requirements.	100% declared dog premises inspected annually.
Annually inspect and audit all registered domestic animal businesses.	100% DABs audited for compliance annually.
Ensure Domestic Animals are considered during emergencies	Specific Domestic Animal plans developed and maintained for emergency management

The following table provides a proposed template for evaluating the success of this plan.

Complete for each activity	
Was each activity completed?	Yes/No
Describe any changes you will make if you do that activity again.	
Was an activity not done or is now not planned to be done?	If so, why?

Corangamite Shire Council – Domestic Animal Management Plan 2021-2025

If an activity was unsuccessful and you don't plan to do it again, outline insights you have into why it didn't work.	
<b>Complete for each objective</b>	
Did you meet your objective by carrying out the planned activities?	Yes/No
Describe your level of success/progress in meeting the objective.	



## 10.2 Animals Policy November 2021

**Author:** Lyall Bond, Manager Environment and Emergency

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Lyall Bond

In providing this advice to Council as the Manager Environment and Emergency, I have no interests to disclose in this report.

### Summary

This report recommends Council adopt the Animals Policy dated November 2021 as attached and revoke the Animals Policy dated February 2017.

### Introduction

The Animals Policy supports Council's Local Laws 2015 and outlines to the community the restrictions that will be placed on the ownership of animals to protect animal welfare and the amenity of urban and rural areas. This will be achieved by limiting the number and type of animals that can be kept (including poultry), while allowing for fair and reasonable use of land. This policy also protects the welfare of animals by setting the standard of housing used for animal confinement.

Common issues associated with the keeping of animals include:

- excessive numbers on a single property
- odour from animal housing
- noise
- vermin attracted to the storage of food
- types of animal being kept on a property.

Council may provide written consent for a person to own animals outside this policy after a permit application has been provided and is considered by Council.

## Issues

Council recognises the many benefits for individuals of owning animals. The ownership of animals also comes with responsibilities to ensure other community members are not impacted and rules governing the keeping of those animals are complied with. Council therefore has a responsibility to limit the impact of animal ownership on the community. To assist in providing direction for the management of animals within the Shire, Council has developed policies based on common issues.

The following changes are proposed for the Animals Policy:

- Include the ability to limit the roaming areas for roosters through permit conditions.
- Identify the ability for Council to consider neighbour agreements when considering permits.
- Administrative changes in accordance with the Council Policy development framework including gender equity assessment.

## Policy and Legislative Context

The policy aligns with the objectives and strategies in the Council Plan 2021 – 2025:

Improving the health and wellbeing of our residents.

We listen to and engage with our community.

Having strong governance practices.

The Animals Policy is an existing policy that has been reviewed internally. This policy is consistent with the provisions of the *Local Government Act 2020*, related legislation and Council policies and procedures.

## Internal / External Consultation

The recommended changes to this policy have been developed in response to feedback from staff and the community in regard to issues observed during the operation of the existing policy.

Consultation has also been completed internally with Council's Senior Officer Group and managers.

## Financial and Resource Implications

There are no financial or resource implications for Council by adopting the revised Animals Policy.

## Options

Council may adopt the revised Animals Policy 2021 as presented or with amendment.

## Conclusion

The Animals Policy 2021 provides clear and consistent guidance to the community about the restrictions that will be placed on the ownership of animals including poultry within the Corangamite Shire. This will ensure that animal welfare standards are maintained, and the ownership of animals does not adversely impact on the wider community.

The revised Animals Policy is attached for Council's consideration and approval.

## RECOMMENDATION

That Council:

1. Revoke the Animals Policy dated February 2017.
2. Adopt the Animals Policy dated November 2021.

## COUNCIL RESOLUTION

*MOVED: Cr Hickey*

*SECONDED: Cr Vogels*

That the recommendation be adopted.

**CARRIED**

## Attachments

1. Council Policy Animals November 2021
2. Council Policy Animals November 2021 Markup - Under Separate Cover

# Animals

Corangamite Shire

November 2021

Corangamite Shire Council Policy – Animals

# Council Policy



## Animals

### Introduction

The number of animals kept at a property and the conditions they are kept in, has the potential to impact on animal welfare, neighbourhood character and/or adjoining landowners.

### Purpose

To ensure appropriate animal keeping and to protect the amenity of urban and rural areas by limiting animal numbers (including poultry), while allowing for fair and reasonable use of land. This policy also protects the welfare of animals by setting the standard of housing used for animal confinement.

### Scope

Applies to owners and occupiers of land, animal owners and/or animal carers within the Corangamite Shire urban and rural areas, as defined in Council's General Local Law No 1.

This policy specifically applies to dogs, cats, poultry, horses, donkeys, mules, cattle, sheep, alpacas and other animals as identified in either this policy or Council's Local Laws.

### References

*Council Local Laws No.1 and No.2 2015*

### Policy Detail

Restrictions will be placed on the number of animals including dogs, cats, horses, donkeys, mules, cattle, sheep, pigs, alpacas and poultry that are able to be kept within both urban and rural areas.

These restrictions, including the type of animals, number of animals and the conditions for housing of animals, will be identified and enforced through Council's Local Laws to ensure appropriate animal keeping and to protect the amenity of land.

### Poultry

Specific issues can arise with the ownership and keeping of poultry and therefore the below requirements contained in this policy and any additional requirements within Council's Local Laws must be adhered to for the keeping of all poultry.

#### 1. Urban areas:

- a) No person shall keep more than 15 head of poultry without a permit.
- b) A rooster must not be kept within an urban area or within 100 meters of an urban area without a permit (limits on numbers and roaming areas will apply).

#### 2. Urban and Rural areas:

- a) All poultry must be kept within the poultry owner's property boundary.
- b) All poultry shall be maintained and housed so that it does not cause, or is likely to

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47878  
Page Number: 2

Corangamite Shire Council Policy – Animals

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cause a nuisance or offensive condition.

- c) No person shall keep or cause or permit to be kept any live poultry on any property except in a fowl-house or a structure made for the purpose of housing live poultry (which may have an enclosed fowl-pen attached) or similar structure or in a mobile cage.
- d) The construction or placement of a fowl-house or similar structure or mobile cage, must be:
  - Greater than 10 metres from any dwellings on the said property or adjoining or adjacent properties.
  - Greater than 3 metres from any property boundary or dividing fence and not attached to a dividing fence or property boundary.
  - Roofed with the surface level of the floor at least 100mm above the level of the surrounding ground.
  - Constructed to hold 75mm in depth of litter on the floor
  - Rendered and maintained rat proof.
- e) The occupier of any property on which any poultry are kept or housed, must have the fowl-house, mobile cage or similar structure and any attached enclosed fowl run, thoroughly cleansed from time to time to ensure it is kept in a clean, wholesome and sanitary condition at all times.
- f) No person shall keep or store or cause or permit to be kept or stored on any property where poultry are kept, any food for consumption by poultry, unless such food is kept or stored in rat-proof receptacles.
- g) No occupier of any property on which poultry is kept shall leave or cause or permit to be left or to remain thereon for a longer period than is absolutely necessary, any waste food or other matter likely to become offensive or injurious to health or attract or harbour rodents or other vermin.

**Permits**

Permits may be issued for the keeping of poultry and animals that do not meet the Local Law and policy conditions.

A Permit Fee will apply.

Applications for permits are required to be in writing on the prescribed form contained within Council's General Local Law No 1.

In determining whether to grant a permit for the keeping of animals where the number exceeds that determined by Council or does not meet the conditions established in this policy, the Officer must take into account the:

- reason for requiring the permit;
- type and number of additional animals to be kept;
- proximity to adjoining properties;
- if neighbour agreements need to be obtained;
- amenity of the area;

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47878  
Page Number: 3

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Corangamite Shire Council Policy – Animals

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- likely effects on adjoining owners;
- zoning and overlays applied to the land;
- topography of the land, including flood risk;
- adequacy of animal shelters including:
  - height of the shelter
  - distance from the street frontage of the property
  - distance from any other street or road
  - distance from the boundary of any adjoining property
  - the distance from any dwelling.
  - adequacy of fencing and gates and
  - any other matter relevant to the circumstances associated with the application.

*Excess Animal Permit Requirements*

The number of dogs, cats, poultry, horses, donkeys, mules, cattle, sheep, alpacas and other animals able to be kept in an urban or rural area is regulated by Council's General Local Law No 1.

An Excess Animal Permit is required by owners and occupiers of land to keep a number of dogs, cats, poultry, horses, donkeys, mules, cattle, sheep, alpacas and other animals, greater than the number of animals specified in this policy or Council's General Local Law No1.

If an Excess Animal Permit is granted, the permit holder must meet all of the policy requirements indicated above and ensure that animal shelters and surrounding areas are maintained at all times so that:

- All manure and other wastes are removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition.
- The ground surrounding the shelter is adequately drained.
- The area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin.

**Exemptions**

Animal owners that are regulated by State Government Regulations or Codes of Practice.

**Penalty**

See Local Law.

**Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

**Review Date**

This Policy is to be reviewed by November 2025 or earlier if required.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47878  
Page Number: 4

Corangamite Shire Council Policy – Animals

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47878  
Page Number: 5



## 10.3 Open Air Burning Policy November 2021

**Author:** Lyall Bond, Manager Environment and Emergency

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Lyall Bond

In providing this advice to Council as the Manager Environment and Emergency, I have no interests to disclose in this report.

### Summary

This report recommends Council adopt the Open Air Burning Policy dated November 2021 as attached and revoke the Open Air Burning Policy dated February 2017.

### Introduction

This policy informs Council's Local Laws 2015 and outlines to the community the types of issues and considerations that may be associated with open air burning.

Open air burning has the potential to impact on both residents and the environment within Corangamite Shire. Council has a responsibility to reduce the potential for open air burning to negatively affect residents and the environment by limiting the generation of offensive or injurious odour or smoke, through regulating the timing and size of fires and restricting the type of materials that may be burnt.

### Issues

Burning of certain materials, especially vegetative matter, has long been regarded as a valid method of disposal of unwanted material. It is accepted that in certain circumstances this method can be safe, effective, and have a relatively minor impact on the general amenity of an area. The potentially detrimental effects of open air burning, however, needs to be acknowledged, and for this reason Council will, through its Local Laws, control and place restrictions around the use of fires within the municipality.

The policy allows residents in urban areas to burn material without a permit, if the fire is 1m<sup>3</sup> or less and there is no CFA declared Fire Danger Period.

The policy restricts fires in urban areas during the CFA declared Fire Danger Period and does not allow residents to burn offensive material.

The following changes are proposed in the Open Air Burning Policy November 2021:

- Update to reflect the new *Local Government Act 2020*.
- Clarified the exemption of solid wood BBQs and fire pits used for heating or cooking with approved fuels and only when the operation complies with the CFA guidelines.
- Updates the Prohibited Material section to specify damp/green materials.
- Administrative changes in accordance with the Council Policy development framework including gender equity assessment.

### **Policy and Legislative Context**

The policy aligns with the objectives and strategies in the Council Plan 2021-2025:

Improving the health and wellbeing of our residents.

Protecting and improving our built and natural environment.

Having strong governance practices.

The Open Air Burning Policy is an existing policy that has been reviewed internally. This policy is consistent with the provisions of the *Local Government Act 2020*, related legislation and Council policies and procedures.

### **Internal / External Consultation**

The recommended changes to this policy have been developed in response to feedback from staff and the community in regard to issues observed during the operation of the existing policy.

Consultation has also been completed internally with Council's Senior Officer Group and managers.

### **Financial and Resource Implications**

The implementation of this policy will be through existing Local Laws and other related Council budget resources.

### **Options**

Council may adopt the Open Air Burning Policy November 2021 as presented or with amendment.

### **Conclusion**

The revised Open Air Burning Policy November 2021 provides guidance to the community about the impacts of open air burning and the potential for fires to cause nuisance and damage across the community. The Policy places specific controls and restrictions around the use of fires within the municipality.

The revised Open Air Burning Policy is attached for Council's consideration and approval.

## RECOMMENDATION

That Council:

1. Revokes the Open Air Burning Policy dated February 2017.
2. Adopts the Open Air Burning Policy dated November 2021.

## COUNCIL RESOLUTION

*MOVED: Cr Conheady*

*SECONDED: Cr Cole*

That the recommendation be adopted.

**CARRIED**

## Attachments

1. Open Air Burning Policy November 2021
2. Open Air Burning Policy November 2021 Markup - Under Separate Cover

# Open Air Burning Corangamite Shire

November 2021

# Council Policy



## Open Air Burning

### Introduction

Open air burning has the potential to impact on both residents and the environment within Corangamite Shire.

### Purpose

1. To prevent open air burning negatively affecting residents and the environment by limiting the generation of offensive or injurious odour or smoke, through regulating the size of fires and restricting the type of materials that may be burnt.
2. To reduce the likelihood of open air burning causing dangerous and destructive fires within Corangamite Shire.

### Scope

Applies to all persons within Corangamite Shire. This policy does not apply to CFA brigades undertaking fuel reduction works and/or other emergency related organisations, implementing their duties to either reduce risk or manage an emergency.

### References

*Corangamite Shire General Local Law No.1 2015*  
*Country Fire Authority Act 1958*  
*Summary Offences Act 1966*

### Policy Detail

Burning of certain materials, especially vegetative matter has long been regarded as a valid method of disposal of unwanted material, and it is accepted that in certain circumstances this method can be safe, effective, and have a relatively minor impact on the general amenity of an area. However, the potentially detrimental effects of open air burning needs to be acknowledged and for this reason Council will, through its Local Laws, control and place restrictions around the use of fires within the municipality.

In rural areas a permit under the CFA Act 1958 must be obtained prior to burning off during the Fire Danger Period (FDP).

*Open Air Burning in Urban Areas*  
*(Urban areas are defined in the General Local Law No.1)*

The impact to residents in urban areas of uncontrolled open air burning is unacceptable and therefore restrictions will be made around this activity including a limitation on the size of fires allowed in urban areas to 1m<sup>3</sup>. A permit for larger fires will generally not be issued for open air burning in urban areas. No fires will be allowed in the urban area during the Fire Danger Period (Fire Danger Period is determined by the CFA). A fire must not be lit in breach of these restrictions without first obtaining a permit. For the

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Adopted at Council on:  
Agenda Item: Responsibility: Manager Environment  
and Emergency

Department: Environment and Emergency  
Review Date: November 2025  
File Number: D/16/47891  
Page Number: 2

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Corangamite Shire Council Policy – Open Air Burning

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purposes of this restriction, solid fuel BBQs and fire pits used for heating or cooking are exempt if they use a designated/recognised fuel type and comply with CFA guidelines.

*Prohibited Material*

Offensive materials including damp/green materials which are liable to cause an unreasonable nuisance or be injurious to health may not be burned without first obtaining a permit.

**Permits**

A person may apply to Council to be issued with a permit to burn under the local law. Applications for permits are required to be in writing on the prescribed form contained within Councils General Local Law No.1.

No Permit fee will apply to permits.

*Open Air Burning in an Urban Area*

In determining if a permit should be issued for burning in an urban area, Council will take into account the following considerations:

- The reasons for wanting to burn outside the standard conditions.
- Other means of disposing of the material.
- The possible effects on the neighbourhood.
- Access by the permit applicant to adequate means of controlling the fire.
- Likely effects of weather on the fire.
- The duration of burning.

*Offensive Material*

In determining whether to grant a permit for the burning of offensive materials, Council will take into account the following consideration:

- Alternative means of disposal.
- The location of the proposed burn in proximity to adjoining land.
- The zoning of the land on which the burn is to take place.
- Whether there are adequate means of supervising the burn.
- Whether there are adequate means of controlling and extinguishing the spread of the fire.
- The degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke.
- Environment Protection Authority policies.

**Penalty**

See Local Law.

Additionally there are severe penalties under the *Country Fire Authority Act 1958* and the *Summary Offences Act 1966* for the lighting of fires and the non-compliance of conditions of a permit.

**Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

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Adopted at Council on:  
Agenda Item: Responsibility: Manager Environment  
and Emergency

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Department: Environment and Emergency  
Review Date: November 2025  
File Number: D/16/47891  
Page Number: 3

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Corangamite Shire Council Policy – Open Air Burning

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It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights Act (2006)*.

**Review Date**

This policy is to be reviewed by November 2025 unless updated earlier.

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Adopted at Council on:  
Agenda Item: Responsibility: Manager Environment  
and Emergency

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Department: Environment and Emergency  
Review Date: November 2025  
File Number: D/16/47891  
Page Number: 4

## 10.4 Use of Council Land Policy November 2021

**Author:** Lyall Bond, Manager Environment and Emergency

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Lyall Bond

In providing this advice to Council as the Manager Environment and Emergency, I have no interests to disclose in this report.

### Summary

This report recommends Council adopt the Use of Council Land Policy dated November 2021 as attached and revoke the Use of Council Land Policy dated March 2017.

### Introduction

This policy informs Council's Local Laws 2015 and outlines to the community the types of issues and considerations that may be associated with the use of Council land and what factors will be considered when an application is made to obtain a permit to use Council land.

The unauthorised use of Council land can pose a significant risk to Council and the community. The use of Council land (either authorised or unauthorised) tends to occur in locations where properties in private ownership adjoin Council land, are the subject of low maintenance regimes, and/or appear to be minimally used (such as road reserves and footpaths).

Some common forms of use include:

- Closing roads.
- Festivals, processions, community markets or trading activity.
- Unregistered vehicle parking and materials storage, including bulk rubbish containers and fodder.
- Fencing or otherwise enclosing land and road reserves as part of an adjoining property
- construction of courts, pools, sheds and extensions to dwellings or commercial properties that traverse the property boundary onto Council land.
- Planting of vegetation, grazing and cultivation of crops.
- Signs (including real estate, A-frame and tear drop), sale of goods, footpath trading, street stalls and outdoor dining.

Council may provide written consent for a person to use Council land after a permit application has been provided to Council.

### Issues

Council has a range of responsibilities to manage public land in the best interests of the community. To assist in providing direction for the management of Council land, Council has



developed the Use of Council Land Policy. The policy provides guidance to officers and the community relating to:

- Grazing and Fences on Council Land
- Use of footpaths and urban areas
- Street Parties/Festivals, Processions, Community Markets and Road Closures
- The process for obtaining permits and
- Requirements for consideration of leases and licences.

This policy recognises the important role the use of Council land plays for adjoining businesses and the community. These uses typically include A-frame advertising signs, outdoors dining, festivals and grazing on roadsides.

Grazing on roadsides has the ability to provide a reduction in fine fire fuels and for some landowners form an important extension to the farming enterprise. Council will promote the sustainable use of Council land and actively encourage an increase in roadside grazing to reduce fire fuels. This will be achieved through increased promotion of the roadside grazing permit system, continued reduced fees for permits and education about the benefits to the wider community of removing fine fire fuels from roadsides.

Through the Use of Council Land Policy, Council has developed conditions for the issuing of permits. These conditions provide clear guidance to permit holders and ensure the safety of road users, prevent damage to Council property and native vegetation and reduce the damage to other farming enterprises and businesses.

As part of the review process the following changes are proposed for the Use of Council Land Policy :

- Clarification that Council may erect directional signage at specific sites to limit certain activities such as the flying of drones.
- Updated references to the *Local Government Act 2020*.
- Administrative changes in accordance with the Council Policy development framework including gender equity assessment.

### **Policy and Legislative Context**

The policy aligns with the objectives and strategies in the Council Plan 2021-2025:

Protecting and improving our built and natural environment.

Having strong governance practices.

The Use of Council Land Policy is an existing policy that has been reviewed internally. This policy is consistent with the provisions of the *Local Government Act 2020*, related legislation and Council policies and procedures.

### **Internal / External Consultation**

The recommended changes to this policy have been developed in response to feedback from staff and the community in regard to issues observed during the operation of the existing policy.

Consultation has also been completed internally with Council's Senior Officer Group and managers.

### **Financial and Resource Implications**

The implementation of this policy will be through existing Local Laws and other related Council budget resources.

### **Options**

Council may adopt the Use of Council Land Policy as presented or with amendment.

### **Conclusion**

The revised Use of Council Land Policy will provide a clear and consistent approach to the use of Council land and the process required for the community to apply to use Council land.

## **RECOMMENDATION**

### **That Council:**

1. **Revokes the Use of Council Land Policy dated March 2017.**
2. **Adopts the Use of Council Land Policy dated November 2021.**

### **COUNCIL RESOLUTION**

***MOVED:***            *Cr Hickey*

***SECONDED:***      *Cr Makin*

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Use of Council Land Policy November 2021 Markup - Under Separate Cover
2. Use of Council Land Policy November 2021

# Use of Council Land

Corangamite Shire  
November 2021

# Council Policy



## Use of Council Land

### Introduction

Corangamite Shire Council is committed to creating a safe, liveable community that considers the socially disadvantaged. This will be achieved by implementing a fair, predictable and consistent approach to the use of Council land.

The unauthorised use of Council land can pose a significant risk to Council and the community. Unauthorised uses may:

- Compromise the integrity and appearance of the land;
- Alienate land from public access and use;
- Impede management of the land including fire management;
- Create a risk to public safety;
- Reduce vision at intersections;
- Cause social inequity; and
- Create legal liability issues.

The use of Council land (either authorised or unauthorised) tends to occur in locations where properties in private ownership adjoin Council land, are the subject of low maintenance regimes and/or appear to be minimally used such as, road reserves and footpaths.

Unauthorised use of Council land can also be a significant problem particularly where there are rear and side laneways, crossovers to private property and in localities where trading activities extend into the existing pedestrian area.

Some common forms of unauthorised uses include:

- Closing roads;
- Festivals, processions, community markets or trading activity;
- Unregistered vehicle parking and materials storage, including bulk rubbish containers and fodder;
- Fencing or otherwise enclosing land and road reserves as part of an adjoining property;
- Construction of courts, pools, sheds and extensions to dwellings or commercial properties that traverse the property boundary onto Council land;
- Planting of vegetation, grazing and cultivation of crops;
- Signs (including real-estate, a-frame and tear drop), sale of goods, footpath trading, street stalls and outdoor dining.

Unauthorised use of Council land can vary in significance from major incursions through annexation of land or erection of structures to minor cases such as the erection of a small sign on a road reserve.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47890  
Page Number: 1

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**Corangamite Shire Council Policy – Use of Council Land**

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While some unauthorised uses are innocent mistakes many are intentional with the purpose of gaining additional land or access rights.

**Purpose**

To provide a clear and transparent policy direction for the many and varied forms of use of Council land, in order to actively reduce the number of occurrences and risks associated with unauthorised uses.

**Scope**

This policy applies to all land and associated assets owned by or under the care and control of Council that occur on road reserves and/or in public areas. The policy establishes that Council is actively seeking to reduce the incidents of and to minimise the risk to Council arising from unauthorised uses of Council land.

This policy excludes all Council owned and occupied land and buildings and where Council acts as Committee of Management on Crown Land (refer to Council's Property Leasing Policy). Council will retain management responsibility for land owned and/or occupied by Council where third-party agreements have not been established.

Council has a responsibility under the *Local Government Act 2020 (as amended)* to ensure that community land under its ownership or care, control and management is set aside and managed appropriately. In addition to providing permits for some activities, Council may also install directional signage at specific sites to limit certain activities e.g. flying drones.

Council also has responsibility to ensure that public roads are kept clear and safe for use by the public.

**Definitions**

Camping: a person will be deemed to be camping if sleeping overnight within a parked vehicle or any tent, annexure, awning or other facility erected or attached to a parked vehicle on Council land.

**References**

*Local Government Act 2020*

*Corangamite Shire Local Laws No 1 and No 2 2015*

**Policy Detail**

No person may destroy, damage, or interfere with Council land and/or assets without the written consent of Council.

Council may provide written consent to:

- Alter a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, plants, trees or fence.
- Remove something.
- Place something on Council land (including fences, gates, hay bales, plants, tree limbs, bulk rubbish containers etc.).
- Allow trees or plants on land to cause damage to or interference with Council land.
- Use a recreation vehicle on Council land, if that land has been set aside for the purpose

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Adopted at Council on:

Agenda Item:

Responsibility: Manager Environment and Emergency

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Department: Environment and Emergency

To be reviewed by: November 2025

File Number: D/16/47890

Page Number: 3

---

**Corangamite Shire Council Policy – Use of Council Land**

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by Council. Consent will not be issued for this activity if the land has not been specifically set aside for that purpose.

- Camp on Council land, unless such Council land has been specifically set aside for camping purposes.
- Conduct a circus, carnival or other similar event on any Council owned or controlled land. Consent requirements do not apply where the Council's planning scheme allows a circus or other similar event to be held subject to a planning permit being obtained.
- Erect a temporary electric fence on a road / road reserve for the purposes of removing excess grass which may constitute a fire hazard.
- Erect any fence or gate on a road / road reserve.
- Use a rural roadside for a purpose other than grazing.
- Erect signage of any type.
- Provide outdoor eating.
- Display goods for sale or undertake a trading activity.
- Hold a street festival, procession, community market.
- Close any part of a road or area normally open to the public and
- Any other activity or use which is considered to be suitable for the area and in accordance with Council Policy, Local Laws and/or community wellbeing.

If unauthorised use of Council land is identified the person/s currently making use of the land will be required to immediately apply for Council consent, unless the use of Council land is on a rural roadside, requires long term tenure, for a purpose other than grazing and a lease would better suit the needs of the Council.

**Permits**

No person may destroy, damage or interfere with Council land and/or assets without the written consent of Council. Council consent will typically be in the form of a local law permit. If the use is determined to be unsuitable by an authorised officer a permit will not be issued or if the unsuitable use is already occurring Council will immediately provide direction for the use to stop.

Applications for permits are required to be in writing on the prescribed form contained within *Councils Local Law 2015* and a permit fee will apply.

The consent/local law permit period operates from 1 January to 31 December unless cancelled by the permit holder or revoked by Council. All permits must be renewed annually and there will be no refund of permit fees if the permit is cancelled.

The permit holder will be responsible for providing evidence that he/she is covered by adequate public liability insurance for the use and associated issues that may arise with that use.

A person may be required at any time to stop the permitted use and/or remove all associated items if requested by an authorised officer. If this request is related to road maintenance or construction works, consent may again be provided when the works are completed.

Although generally discouraged a permit may be issued to allow the use of Council land outside a premises that is not occupied by the applicant. This type of application must be accompanied by written permission from the owner of that land and the proprietor if the property is a business. In this instance the applicant's public liability insurance must be extended to include this area.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

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Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47890  
Page Number: 4

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**Corangamite Shire Council Policy – Use of Council Land**

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Permits are not transferred when property ownership or management changes. A new permit must be applied for by the new owner or manager.

Council may revoke a permit should the permit holder fail to comply with any or all of the conditions contained in this form.

Permit holders will be responsible for any damage caused to the area and for reimbursing Council if reinstatement works are required to Council assets as a result of the permitted use.

Conditions of use will apply as determined by an authorised officer and will then be included as part of the consent/permit that is issued. It is policy that the authorised officer will at a minimum apply the relevant Specific Conditions of Use below and ensure that safety of the community is not impacted from the use.

**Road Licencing/Leasing**

If a use requires long term tenure and is for a purpose other than grazing and a licence or lease would better suit the needs of the Council, the person/s currently making use of land will be required do the following:

1. Apply to take out a licence or lease which is issued by Council to permit the activity for a term of not more than 5 years.
2. Pay a licence/lease fee annually as set by Council.
3. Activities to be carried out in accordance with a Land Use Plan approved by Council.
4. Demonstrate that the following criteria are considered and will be applied to the land where appropriate:
  - amenity of the area
  - visual impact
  - road user safety
  - public liability
  - area re-establishment at licence expiration.

No new use of road reserves for purposes other than grazing will be permitted without Council consent prior to commencement.

**Specific Conditions of Use*****Grazing and Fences on Council Land***

Issuing a grazing permit for roadsides does not relieve the occupier of their statutory obligation to maintain at all times a stock-proof fence on the correct boundary of the property and to prevent stock from wandering at large on the road outside the permit area or grazing of stock outside the permitted grazing times. The following conditional also apply:

- The permit is granted for the purpose of fire hazard reduction only.
- Permit areas are to be fenced by a temporary electric fence, with a minimum of 2 wires and must be constructed to allow easy removal from the roadside when necessary.
- The temporary electric fence shall be kept stock-proof and shall be placed no closer than 5 metres from the centre of the carriageway (or as directed by an Authorised Officer).

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

---

Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47890  
Page Number: 5



Corangamite Shire Council Policy – Use of Council Land

- The fence is to be removed following a request to remove the fence from an Authorised Officer or Works Team Leader.
- The permit holder must ensure that the roadside specified in the permit be grazed to a height of 150mm or less to reduce the fire hazard during the fire restriction period.
- The area of road fenced in, as well as the strip between the temporary electric fence and the carriageways shall be kept free of noxious weeds, and the whole area must be maintained in a clean and tidy condition. No damage to native vegetation or to the roadside itself is permitted.
- Only dairy cattle, beef cattle, horses and sheep shall be permitted in the area enclosed by the temporary electric fence and such stock shall be removed from that area between sunset and sunrise.
- No bulls or pigs shall be permitted in the enclosed area at any time.
- Fences may be electrified between sunrise and sunset only. The permit holder must ensure that the fence is electrified and stock proof whenever stock are present on the area enclosed by the temporary electric fence and not electrified when no cattle are present.
- The applicant shall be responsible for any damage caused by the use to telecommunication or power transmission cables, whether above or below ground and if in doubt about the existence and position of such cables, should consult these authorities.
- The road shall not be over-grazed nor trampled into mud. All water channels and culverts enclosed by the temporary electric fence shall be kept, by the occupier, in good working order at all times.
- No silage, hay or other similar manner of feeding or storage shall be permitted on the road frontage.
- No fertiliser applications or cultivation is permitted.
- Any electric fence or portion thereof installed along a public road or highway, shall be identified by signs which shall be in the form of metal or plastic plates measuring not less than 150mm x 80mm having a bright yellow or red background on both sides and with the inscription "Electric Fence" on both sides using a block lettering not less than 20mm high, such signs to be placed at intervals of not less than one sign per 100 metres of fence.
- Grazing will only be permitted on roadsides from 1 September to 30 April. Special circumstances will be considered and may be permitted in writing by the Manager Environment and Emergency.

*Urban Areas*

The permit holder must ensure a Pedestrian Area along the footpath remains unobstructed for pedestrian movement which is at least 1.8 metres wide and 2.4 metres high. The Pedestrian Area is to ensure a continuous, accessible path of travel. No items of furniture including signs, planters, umbrellas and tables and chairs are permitted in this area.

In addition to maintaining the pedestrian area:

- Tables and chairs and any items associated with footpath dining must at all times be confined to the area adjacent to the kerb line unless approved by Council.
- All chairs should be positioned in a way that will prevent them from being backed into the pedestrian area.
- Permit holders are responsible for any litter generated by patrons of their footpath dining areas.

Adopted at Council on:

Agenda Item:

Responsibility: Manager Environment and Emergency

Department: Environment and Emergency

To be reviewed by: November 2025

File Number: D/16/47890

Page Number: 6

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Corangamite Shire Council Policy – Use of Council Land

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- Portable advertising signs (A- boards) should be located adjacent to the kerbside and be no greater than 900mm high by 600mm wide.
- Signs and goods for display must only be displayed during the businesses normal hours of operation.
- Signs and goods for display must not be affixed to any footpath, building, street furniture, pole or other structure.
- Inflatable signs, portable electric signs, illuminated and flashing signs are prohibited from the footpath.
- Goods for display should be kept to a minimum and preferably displayed against the kerbside.
- When goods are displayed against the building line, they should be kept as close as possible to the building, to ensure a clear pedestrian area.

*Street Party/Festival, Procession, Community Markets or Road Closure*

To assist with determining the impact on the community and amenity impact, applications must be on the prescribed form and at a minimum include:

- The name, address and phone number of a nominated person through whom arrangements can be made.
- The group of people or the organisation on whose behalf the application is being made.
- The name (and sections) of streets which are sought to be closed including maps.
- The date and times for the road closure.
- VicRoads consent if the road closure requires the closure of a VicRoads controlled highway.
- A copy of the current insurance policy that specifically covers the proposed activity.
- Any other matter relevant to the application.

In determining whether to grant a permit or written consent for a street party/festival, procession, community market or road closure, Council must take into account:

- Whether land or road can be closed to vehicular or pedestrian traffic, or partly closed with safe and effective separation of vehicular traffic and use, patrons and equipment;
- Whether the agreement of Victoria Police, VicRoads and as required Ambulance Victoria has been obtained and their requirements met, including an appropriate traffic management plan;
- Whether all owners or occupiers of properties with any vehicular access via the section of road to be closed have been advised by letter and given seven (7) days to comment or object; and
- Any other matter relevant to the circumstances of the application.

**Exemptions**

Council may maintain nature strips that are considered a fire risk within the township area to reduce fire hazards, with one treatment per fire season. No permit will be required by adjoining landowners for the management of private nature strips within townships on a more frequent basis than is provided by Council. Areas that are determined to be of community benefit may be maintained more frequently at the discretion of Council.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

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Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47890  
Page Number: 7

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Corangamite Shire Council Policy – Use of Council Land

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Council may exempt any person or class of person/s or an authority from the need for a permit or the payment of a permit fee.

**Review Date**

November 2025

**Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Environment and Emergency

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Department: Environment and Emergency  
To be reviewed by: November 2025  
File Number: D/16/47890  
Page Number: 8

## 10.5 Slurry Sealing Contract 2021-2022

**Author:** John Kelly, Manager Assets Planning

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - John Kelly

In providing this advice to Council as the Manager Assets Planning, I have no interests to disclose in this report.

### Summary

This report seeks to award the contract for slurry sealing of various local roads in Corangamite Shire in 2021-2022.

### Introduction

Bituminous slurry sealing, otherwise known as microsurfacing, is an alternative to sprayed sealing and thin layer asphaltting. It is a mixture of bitumen emulsion, aggregate and water spread over the road surface in thin 10 to 15mm layers without the need of heating or compaction. The road can be opened to traffic later that day once the treatment has been given time to cure.

More so than a regular sprayed seal, slurry sealing can provide minor road shape correction and as a result, improved rideability for vehicles. At an approximate cost of \$17/m<sup>2</sup> the slurry seal is a low-cost alternative to a thin asphalt layer which is approximately \$40/m<sup>2</sup>.

### Issues

Rideability in a road can be expressed with the International Roughness Index (IRI) which represents the cumulative vertical movement in m/km of a single vehicle wheel on a road segment. The industry accepted intervention level for roads for improving ride quality is an IRI of 5.31. If the rideability is improved, the IRI value of a road will be lowered.

As part of condition assessments undertaken on Council's local sealed road network in May 2020, the surface profile of all roads was measured using vehicle mounted lasers.

The IRI results of the road segments treated with a slurry seal in February 2020 before the condition assessments are shown in the below Table 1.

Road Segment	IRI value average of wheel paths
Park Road, Camperdown Ch. 0 to 0.49km	4.83
Park Road, Camperdown Ch. 0.49 to 1.42km	3.66
Vite Vite Skipton Road, Vite Vite Ch. 12.58km to 13.55km	4.85
Vite Vite Skipton Road, Vite Vite Ch. 13.55km to 14.25km	4.83
Vite Vite Skipton Road, Vite Vite Ch. 14.25km to 14.95km	5.17
Vite Vite Skipton Road, Vite Vite Ch. 14.95km to 15.55km	4.57
Vite Vite Skipton Road, Vite Vite Ch. 15.55km to 16.29km	4.98

**Table 1: Roughness Index of Roads Treated in 2019-2020 Slurry Sealing Program**

It is considered that the rideability on these roads has been improved with the slurry seal treatments however there are no prior IRI values available to compare before and after results.

Similarly it is considered road segments treated in the 2020-2021 program have improved rideability. IRI value after results for these segments will be obtained for comparison in the next road condition assessments planned for 2023.

Following on from the 2019-2020 and 2020-2021 programs it is proposed that the slurry sealing treatment be trialled on the surfaces of further select local road segments in Corangamite Shire which have been identified as having minor rutting and/or shape loss but do not currently require pavement strengthening and/or rehabilitation. The expectation is that the condition of the treated roads would be preserved further and rideability of the road improved.

For the 2021-2022 slurry sealing program, the selected sections of road in the below Table 2 have recorded IRI values from the recent assessment greater than the intervention level figure of 5.31.

**Table 2**

Road Segment	IRI value average of wheel paths
Naroghid Road, Naroghid Ch. 6.13km to 6.81km	5.44
Naroghid Road, Naroghid Ch. 6.81km to 7.42km	5.58
Vite Vite Skipton Road, Vite Vite Ch. 7km to 7.8km	5.33
Calverts Road, Lismore Ch. 4.7km to 5.53km	6.04
Kurweeton Road, Bookaar Ch. 6.66km to 7.51km	5.4
Kurweeton Road, Bookaar Ch. 7.51km to 8.39km	5.42

**Table 2: Roughness Index of Proposed Roads in 2021-2022 Slurry Sealing Program**

Council has undertaken a competitive tender process to recruit a suitably qualified and experienced contractor to undertake slurry seal works on the roads listed in Table 2.

Two tenders have been submitted for the slurry sealing works on local roads in 2021-2022. All tenders were deemed compliant and the two tenderers are experienced contractors who are prequalified for road surfacing works with VicRoads.

There is a variance of 8% between lowest and highest tender prices. The lowest price submission from Colas Solutions is 11% less than the benchmark estimate.

Local content, defined as within the Corangamite municipality, was evident in all tender submissions with the contractors advising of their intentions of purchasing accommodation, meals and fuel locally for their crews during the period of works.

A panel comprising Council staff undertook an independent evaluation of the tender submissions in accordance with Council's Procurement Policy and with the specified criteria. A panel meeting was held to validate the evaluations, aggregate the scores and provide a recommendation of award for Council's resolution. An aggregate of the scores for each of the conforming tender submissions, against the criteria with applied weighting for the evaluation, is provided in Table 3 below.

	Tender Price (exc GST)	Financial Benefit	Experience, Past Performance	Quality Assurance	Local Content	WEIGHTED SCORE
<b>Weighting</b>		<b>55%</b>	<b>20%</b>	<b>20%</b>	<b>5%</b>	
<b>Contractor</b>	Scores					
<b>Colas Solutions</b>	\$278,248	5.5	1.6	2	0.1	9.2
<b>Tenderer 2</b>	\$300,308	5.12	1.6	2	0.05	8.77

**Table 3: Aggregated Tender Submission Assessment**

A Technical Evaluation Report which provides further detail on the assessment of tenderers is attached under separate cover.

It is considered that the best overall value for Council is provided from the tender submitted by Colas Solutions at a price of \$278,248.60 (plus GST).

### **Policy and Legislative Context**

The contract for the slurry sealing of various local roads in 2021-2022 was advertised for public tender, as required under the *Local Government Act* and Council policy, as it is a purchase greater than \$150,000.

Corangamite Shire's Council Plan 2021-2025 emphasises our commitment to maintaining our local roads. Relevant objectives in our Plan are:

Maintain the condition of our existing local road network.

Improve the standard of roads where it will support business retention and growth.

### **Internal / External Consultation**

Tenders were invited for these works by way of a newspaper advertisement in the Herald Sun in October 2021. A set of tender documents was sent to six prospective tenderers on request.

### **Financial and Resource Implications**

The current available budget for the sealing works in Corangamite Shire this financial year is \$300,000.

Based on the tender price from Colas Solutions, the cost to complete the 2021-2022 slurry sealing contract is \$278,248 which is a \$21,752 saving on the budget. Council can choose to allocate the \$21,752 saving as follows:

1. Increase the 2021-2022 slurry sealing program area with the next highest priorities, to bring the total cost up to the budget of \$300,000.
2. Maintain the 2021-2022 sealing program at the tendered amount and realise the saving on budget. The savings would be directed to general revenue and improve the organisation's financial position.

3. Maintain the 2021-2022 slurry sealing program at the tendered amount and put the savings to other road maintenance activities to be identified as a part of the December quarter budget review. A condition of the Federal Government's Roads to Recovery current funding allocation is the Council spends at least \$6m of its own expenditure on road construction and maintenance. This option is preferred by Council officers as it will enable the Road to Recovery requirement to be met.

The contract would be awarded on the basis of a two-year defect's liability period.

The lowest priced tenderer, Colas Solutions has undertaken extensive slurry sealing works in Queensland, NSW, SA and WA and is prequalified with Department of Transport to undertake surfacing works in Victoria. The company successfully delivered Council's 2020-2021 slurry sealing program.

### **Options**

Council has the option to award the tender to Colas Solutions as recommended, select an alternate tenderer or to not proceed with the tender at this time or at all.

Should Council opt to proceed with awarding the contract to Colas Solutions, Council can choose to allocate the \$21,752 saving on budget, as follows:

1. Increase the 2021-2022 slurry sealing program area to the \$300,000 budget
2. Maintain the 2021-2022 program and direct the saving to general revenue.
3. Maintain the 2021-2022 program and put the savings to other road maintenance activities as described above (Officer preferred).

### **Conclusion**

The slurry sealing contract has been tendered and evaluated in accordance with Council policy and the evaluation criteria. It is considered that the best overall value for Council is provided from the tender submitted by Colas Solutions. Based on the tender price from Colas Solutions, the cost to complete the proposed 2021-2022 works in Corangamite Shire is a \$21,752 saving on budget.



## RECOMMENDATION

That Council:

1. Awards Contract No. 2022018 – Slurry Sealing of Various Local Roads in 2021-2022 to Colas Solutions for the contract sum of \$278,248.60 plus GST.
2. Affixes the Common Seal of Council to the contract.
3. Uses a saving on budget of \$21,752 for road maintenance activities to ensure Roads to Recovery funding requirements are met.
4. Approves that any variations to the contract sum be approved under the delegation of the relevant Council officer up to Chief Executive Officer delegation level.

## COUNCIL RESOLUTION

**MOVED:** *Cr Conheady*

**SECONDED:** *Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

## Attachments

1. Tender Evaluation Report for 2021-2022 Slurry Sealing Contract - Under Separate Cover - Confidential
2. Tender Summaries and Evaluation Ratings for 2021-2022 Slurry Sealing Contract - Under Separate Cover - Confidential
3. Declaration of No Conflict of Interest Forms - Tender Evaluation Panel - Contract No. 2022018 - Under Separate Cover

## 10.6 Local Roads and Community Infrastructure Funding Phase 3

**Author:** Brooke Love, Director Works and Services

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Brooke Love

In providing this advice to Council as the Director Works and Services, I have no interests to disclose in this report.

### Summary

This report is for Council to endorse the proposed projects to be funded under the Federal Government's Local Roads and Community Infrastructure Program (LRCI) Phase 3.

### Introduction

Corangamite Shire will receive an additional \$4,571,110 under the Local Road and Community Infrastructure Program (LCRI) as a direct allocation from the Federal Government. Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Construction activity must be undertaken between 1 January 2022 and 30 June 2023.

### Issues

#### *Program Guidelines*

1. The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of the COVID-19; and
- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

2. Eligible Projects are:
  - *Local Road Projects* that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider how works can support improved road safety outcomes.
  - *Community Infrastructure Projects* that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public; and
  - *Other Public Land Projects* that involve the construction, maintenance and/or improvements to state/territory and crown owned land/assets and Commonwealth owned land/assets, where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the sites are accessible to the public (including natural assets).
3. Generally accessible to the public means that the project is generally accessible to the public at large. Projects will also be considered generally publicly accessible if they are in a location that is:
  - a. Generally publicly accessible to the wider public undertaking a specific activity (e.g. council operated sporting field).
  - b. Generally publicly accessible for a limited age group of the community (e.g. a kindergarten building).
  - c. Used for the provision of an essential service or community service as determined by the Department and the amenity of the asset is publicly accessible and benefits the community.
4. As an economic stimulus measure the intent is that projects are additional to projects planned to be undertaken using Council owned funds. Under LRCI Phase 3, Council is required to maintain the overall capital spending on roads and community infrastructure, funded by own revenue, at or above 2021-2022 capital spending levels.
5. Construction activity must be undertaken between 1 January 2022 and 30 June 2023.
6. Co-contributions – a project can be funded by a combination of LRCI Program funds, Council funds and other government program funds as long as the combined funding for the project does not exceed the estimated cost of a project.
7. Combined Projects – Council can nominate discrete later stages of projects that are already receiving funding under the LRCI Program. The Phase 3 project must be a new, separate and previously unfunded project stage.

### ***Proposed Projects***

There are 16 projects identified across the Shire. These projects have been nominated following an assessment of eligibility to meet the program guidelines, initiatives and direction identified in Council's Plan 2021-2025, and Council's forward capital and operating projects.

The list of proposed projects is as follows:

- Unlocking subdivision and enabling infrastructure.
- Terang Recreation Reserve FNC Changerooms.
- Camperdown-Timboon Rail Trail Bridge Replacement - Stage 5: Construction Bridge 11 and 12.
- Depot Road Seal Extension.
- Camperdown Drainage Stage 2.
- Cobden Streetscape Stage 2.

- Darlington Drainage Improvements.
- Neil Avenue, Terang Drainage Improvements.
- Footpaths across the Shire.
- Timboon Curdievale Road footpath.
- Bridge/Cause way upgrades.
- Shire-wide Flood Study Infrastructure Stage 1.
- Transfer Station Solar Panel Infrastructure.
- Camperdown Saleyards Roofing Upgrades.
- McNicol St Long Day Care.
- Cobden Shared Path Lighting.

These criteria are designed to meet the requirements of the LRCI Funding guidelines as well as Council's focus on economic growth and development. The list of proposed projects and the grant request is provided under separate cover.

### **Policy and Legislative Context**

All projects nominated have been assessed as being able to meet the program eligibility criteria and able to be delivered in the nominated timeframe.

Council's response to this program is in keeping with Council's Plan 2021-2025 strategies and objectives as follows:

Infrastructure that enables industry and business growth.

Infrastructure and services that deliver population growth and new housing.

Facilitating and supporting economic development.

Footpaths that provide access to key destinations in our towns.

Access to infrastructure that supports a healthy and active lifestyle for our community.

Corangamite's townships are attractive, accessible and appealing to visitors and are presented in a way in which our residents can be proud.

Reducing the carbon footprint of Council operations.

We provide a great work environment.

### **Internal / External Consultation**

The proposed projects have been discussed internally with the Senior Officer Group, Leadership Group and Councillors. Project management and administration capacity has been taken into consideration and appropriate allowances for these have been included in the total grant provision.

Following endorsement of the project list, a Works Schedule nominating the projects for funding under the program will be submitted to the Commonwealth for approval. Once approved, the Works Schedule will form part of the Grant Agreement. The approval of the Work Schedule is a condition for release of the first instalment of grant money and for construction to commence.

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**Financial and Resource Implications**

Council will be eligible to deliver funding up to the value of \$4,571,110. A total of \$4,338,000 has been identified for project construction and \$233,110 has been allocated to project management costs. Co-contributions where required have been confirmed.

**Options**

Councillors can endorse the projects as recommended or can choose to make amendments to the nominated projects.

**Conclusion**

The Australian Government has provided \$4,571,110 funding from 1 January 2022 for local roads and community infrastructure projects. The proposed list of projects addresses key projects that have been identified in Council's Plan 2021-2025 or as priority community infrastructure and are considered to provide economic stimulus and community benefit across the Shire.

**RECOMMENDATION****That Council**

1. Sign the Grant Agreement with Department of Infrastructure, Transport, Regional Development and Communications to receive funds of \$4,571,110 for Phase 3 of the Local Roads and Community Infrastructure Program (LRCI Program).
2. Endorses the list of projects for funding under the LRCI Program Phase 3 as follows:

Project	LRCI Funding Request
Unlocking subdivision and enabling Infrastructure	\$ 200,000
Terang Recreation Reserve FNC Changerooms	\$ 365,000
Camperdown-Timboon Rail Trail Bridge Replacement - Stage 5: Construction Bridge 11 and 12	\$ 111,000
Depot Road Seal Extension	\$ 400,000
Camperdown Drainage Stage 2	\$ 650,000
Cobden Streetscape Stage 2	\$ 500,000
Darlington Drainage Improvements	\$ 60,000
Neil Avenue, Terang Drainage Improvements	\$ 120,000
Footpaths across the Shire	\$ 150,000
Timboon Curdievale Road footpath	\$ 210,000
Bridge/Cause way upgrades	\$ 289,000
Shire-wide Flood Study Infrastructure Stage 1	\$ 150,000
Transfer Station Solar Panel Infrastructure	\$ 90,000
Camperdown Saleyards Roofing Upgrades	\$ 450,000
McNicol St Long Day Care	\$ 400,000
Cobden Shared Path Lighting	\$ 193,000
<i>Project management resources to deliver LRCI Phase 3</i>	\$ 233,110

3. Writes to the Hon. Dan Tehan, Minister for Education and Federal Member for Wannon, advising of the nominated projects and noting Council's appreciation for this funding from the Federal Government.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Beard*  
**SECONDED:** *Cr Cole*

That the recommendation be adopted.

**CARRIED**

**Attachments**

1. LRCI Phase 3 Nominated Project List - Under Separate Cover

## 10.7 Quick Response Grants Allocation November 2021

**Author:** Garry Moorfield, Community Development Officer

**File No:** D19/130

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – Garry Moorfield

In providing this advice to Council as the Community Development Officer, I have no interests to disclose in this report.

### Summary

The purpose of this report is to approve the November 2021 allocation of funds under the Quick Response Grants Program.

### Introduction

The Quick Response Grants Program is beneficial in supporting instances of community need that are not readily able to be considered under the Community, Events and Festivals, Facilities or Environmental Grants Programs. Applications for Quick Response Grants are considered by Council as they are received.

### Issues

The Quick Response Grants Program has a fixed budget that Council provides annually for the distribution of funds to Shire community groups. The Quick Response Grants Program has a rolling intake, and this flexible approach allows Council to allocate small amounts to various community groups which results in positive outcomes.

Applications received for this allocation are attached under separate cover. Each application has been assessed against the following criteria, as detailed in the Quick Response Grants Policy:

- a. Eligible recipient
- b. Council Plan alignment
- c. Community benefit
- d. Eligible expenditure.

The assessment is provided as a separate attachment to this report. Applications have been received from:

- Camperdown Horse Trials for replacement of entrance sign for \$500.
- Camperdown Theatre Company for Camperdown Community Carols event for \$500.
- Lions Club of Camperdown for skin check van visit for \$480.
- Timboon and District Hall Committee for security gate for hall generator for \$500.
- Leadership Great South Coast for Accessible Beach Day for \$500.
- Leslie Manor CFA for Annual community event for \$400.

### **Policy and Legislative Context**

Consideration of applications for the Quick Response Grants Program is in accordance with the Quick Response Grants Policy and the 2021-2025 Council Plan commitments and objectives, including the following:

Corangamite has great communities and we want to make sure they are economically and socially vibrant.

Encourage opportunities for residents to volunteer with the Shire to support community life.

Promote diversity and inclusion including gender, age and ability.

Our community groups are engaged and supported and facilities are fit for purpose.

Protecting and improving our built and natural environment.

Work with community groups to enhance local natural features.

### **Internal / External Consultation**

Applications for the Quick Response Grants Program are available from Council's website or by contacting Council's Community Relations team. Applicants are encouraged to discuss their application with the respective Ward Councillor prior to submission. Applicants can also contact Council's Community Development Officer for further information. Applicants will be advised of the outcome of their application following the Council meeting. Successful applicants are requested to provide a grant acquittal following completion of the event or project, including the return of any unexpended amounts.

### **Financial and Resource Implications**

The 2021-2022 Quick Response Grants Program budget allocation is \$17,500. Annual allocations for each Ward shall not exceed 1/7th of the fund's annual budget in the case of North, South West, Coastal and South Central Wards, and 3/7th of the fund's annual budget in the case of Central Ward. Should the allocations be approved as recommended in this report, the remaining allocation is outlined in the table below.



Ward	Annual Allocation \$	Previous Allocations \$	This Allocation \$	Remaining Allocation \$
Coastal	2,500.00	500.00	500.00	1,500.00
North	2,500.00	839.00	400.00	1,261.00
South Central	2,500.00	500.00	0.00	2,000.00
South West	2,500.00	0.00	500.00	2,000.00
Central	7,500.00	1,500.00	1,480.00	4,520.00
	<b>17,500.00</b>	<b>3,339.00</b>	<b>2,880.00</b>	<b>11,281.00</b>

### Options

Council can consider:

1. Allocating the funds as requested by the applicants.
2. Allocating the funds for a reduced amount.
3. Not allocating funds.

### Conclusion

The Quick Response Grants Program provides financial assistance to community groups to undertake beneficial projects and activities. The applications recommended for funding in this allocation are in accordance with the Quick Response Grants Policy and will result in positive outcomes for the community.

## RECOMMENDATION

### That Council:

1. Funds the application from Camperdown Horse Trials Incorporated for replacement of entrance sign for \$500.
2. Funds the application from the Camperdown Theatre Group for the Camperdown Community Carols event for \$500.
3. Funds the application from the Lions Club of Camperdown for a skin check van visit for \$480.
4. Funds the application from the Timboon and District Hall Committee for a security gate for the gall generator for \$500.
5. Funds the application from Leadership Great South Coast for Accessible Beach Day (at Port Campbell) for \$500.
6. Funds the application from the Leslie Manor CFA for its Annual Community Event for \$400.

## COUNCIL RESOLUTION

**MOVED:** *Cr Hickey*  
**SECONDED:** *Cr Conheady*

**That the recommendation be adopted.**

**CARRIED**

### Attachments

1. Quick Response Grants\_November Applications and Assessment - Under Separate Cover
2. Application Quick Response Grant\_ Camperdown Horse Trials - Under Separate Cover
3. Application Quick Response Grant\_Camperdown Theatre Group - Under Separate Cover
4. Application Quick response grant\_Leslie Manor CFA - Under Separate Cover
5. Application Quick Response Grant\_Leadership Great South Coast - Under Separate Cover
6. Application Quick Response Grant\_Timboon and District Hall Committee - Under Separate Cover
7. Application Quick response Grant\_Lions Club of Camperdown - Under Separate Cover

## **11. OTHER BUSINESS**

Cr L. Hickey spoke in support of Movember and in the promotion of mens health, including prostate cancer and suicide.

## **12. OPEN FORUM**

Nil

**COUNCIL RESOLUTION**

***MOVED:***            *Cr Makin*

***SECONDED:***      *Cr Beard*

**That standing orders be suspended.**

**CARRIED**

Standing orders were suspended at 7.31 pm.

Livestream and recording of meeting was terminated.

**COUNCIL RESOLUTION**

***MOVED:***            *Cr Beard*

***SECONDED:***      *Cr Cole*

**That standing orders be resumed.**

**CARRIED**

Standing orders were resumed at 7.32 pm.

## 9. CONFIDENTIAL ITEMS

### RECOMMENDATION

That pursuant to the provisions of Section 66(2)(a) of the *Local Government Act 2020* the meeting be closed to the public to enable consideration of the following reports as they relate to private commercial information.

#### COUNCIL RESOLUTION

**MOVED:** *Cr Makin*  
**SECONDED:** *Cr Conheady*

That the recommendation be adopted.

**CARRIED**

The meeting moved into confidential items at 7.33 pm.

## 13.1 Lease Agreement - 15 Hamilton Street, Timboon

#### COUNCIL RESOLUTION

**MOVED:** *Cr Makin*  
**SECONDED:** *Cr Conheady*

That the meeting move out of confidential items.

**CARRIED**

The meeting moved out of confidential items at 7.38 pm.

**Meeting Closed: 7.38 pm**

**I hereby certify that these minutes have been confirmed and are a true and correct record.**

**CONFIRMED:**

\_\_\_\_\_  
(Chairperson)

**DATE:**

\_\_\_\_\_