

Planning and Development Committee

Agenda

Date: Wednesday 3 November 2021

Time: 6pm

**Venue: Councillors – Civic Centre (Council Meeting Room)
13 Mair Street, Benalla**

Council Staff – Meeting to be held virtually via Zoom

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically. This measure is intended to ensure the safety of members of the public, Councillors and Council staff.

Members of the public will not be able to attend in person. Accordingly, the meeting will be broadcast live at www.benalla.vic.gov.au

Any person wishing to participate in Question Time in accordance with Rule 7.2 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning Governance Coordinator Jessica Beaton on (03) 5760 2600.

In accordance with the Governance Rule 6.4 an audio recording will be made of the proceedings of the meeting.

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Agenda

Chair	Councillor Bernie Hearn	
Councillors	Councillor Danny Claridge Councillor Peter Davis Councillor Don Firth Councillor Punarji Hewa Gunaratne Councillor Justin King Councillor Gail O'Brien	
In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Nilesh Singh	Manager Development
	Joel Ingham	Planning Coordinator
	Wayne Rich	Compliance Coordinator
	Jessica Beaton	Governance Coordinator

Acknowledgement of Country

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

Apologies

Recommendation:

That the apology/ies be accepted and a leave of absence granted.

Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

That the Minutes of the Planning and Development Committee meeting held on Wednesday 29 September 2021 be confirmed as a true and accurate record of the meeting.

Governance Matters

This Committee Meeting is conducted in accordance with the *Local Government Act 2020* and the Benalla Rural City Council *Governance Rules 2020*.

a) Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

b) Behaviour at meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the meeting.

c) Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

Business

1. Public Question Time

A person wishing to address the Committee on a matter not listed on the agenda must submit a 'Request to be heard' form by 10am on the day of the meeting. At the time of registering to speak persons must provide a summary of the matter on which they will be speaking. It must not be in contravention of the *Governance Rules 2020*.

Requests to speak will be registered strictly in the order of receipt of the request at the Customer Service Centre.

A total of 12 minutes will be allocated for public submissions with a maximum of three minutes to each speaker.

<p>Recommendation:</p>

<p>That the question(s) and answer(s) be noted.</p>
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2. Draft *Domestic Animal Management Plan 2021-2025*

SF/2564

Wayne Rich – Compliance Coordinator
Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents for consideration the draft *Domestic Animal Management Plan 2021-2025*.

BACKGROUND

Under Section 68A of the *Domestic Animals Act 1994*, the Council must, in consultation with the Secretary, prepare a *Domestic Animal Management Plan* on 4 December 2021 and at the end of each period of four years after that day. The Council has sought and received an extension to this deadline. The plan must now be submitted by 1 April 2022.

The *Domestic Animal Management Plan* prepared by the Council must:

- set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - i. to promote and encourage the responsible ownership of dogs and cats; and
 - ii. to ensure that people comply with this Act, the regulations and any related legislation; and
 - iii. to minimise the risk of attacks by dogs on people and animals; and
 - iv. to address any over-population and high euthanasia rates for dogs and cats; and
 - v. to encourage the registration and identification of dogs and cats; and
 - vi. to minimise the potential for dogs and cats to create a nuisance; and
 - vii. to 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; and
- 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; and

- 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; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

In addition, every Council must:

- review its domestic animal management plan annually and, if appropriate, amend the plan
- provide the Secretary with a copy of the plan and any amendments to the plan
- publish an evaluation of its implementation of the plan in its annual report.

DISCUSSION

The draft *Domestic Animal Management Plan 2021-2025* (DAMP) has been compiled to address all subjects listed by the *Domestic Animals Act 1994* and is presented in the standardised format (refer **Appendix 1**).

The standardised format will be used for the submission of the *Domestic Animal Management Plan 2021-2025*.

An additional summary document that is easier to understand has been prepared in a brochure style format (refer **Appendix 2**) to use as part of the community engagement process.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A healthy, safe and resilient community.*

Liveability

- *Vibrant public spaces and places.*

Leadership

- *Good governance.*

FINANCIAL IMPLICATIONS

Costs associated with the development of the draft *Domestic Animal Management Plan 2021-2025* have been met from existing budget allocations.

Community engagement costs will also be met from existing operating budget allocations.

LEGISLATIVE/STATUTORY IMPLICATIONS

The adoption of the *Domestic Animal Management Plan 2021-2025* will result in the Council complying with its responsibilities under the *Domestic Animals Act 1994*.

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006*.

Gender Equality Act

Under the *Gender Equality Act 2020* the Council is required to undertake a gender impact assessment when developing or reviewing any policy, program or service that has a direct and significant impact on the public.

A gender equity assessment found the policy as having an overall neutral gender impact.

COMMUNITY ENGAGEMENT

In line with the *Community Engagement Strategy*, it is recommended that the draft *Domestic Animal Management Plan 2021-2025* be placed on public exhibition for at least 28 days with formal submissions called for to be considered by the Council.

Community consultation on the draft *Domestic Animal Management Plan 2021-2025* will start 4 November 2021 and close 2 December 2021.

Community feedback will be invited via the Council's website and social media channels and through a formal public notice in the *Benalla Ensign*.

Public listening post will be conducted at the Lakeside Community Market, Lake Benalla Walking Path and in the central business district.

Key stakeholders will be invited to provide feedback on the Plan via email.

Level of public participation	Promise to community/Stakeholders	Tool/Techniques
Inform	Promote DAMP	Advertise DAMP, public exhibition, including DAMP available at Council offices, on website; public notice in local paper and on website; and promoted via social media.
Consult	Request for comments and submissions	Submissions invited.
Involve	Listening posts Hearing and consideration of submissions	Feedback incorporated into final DAMP, submissions heard and considered by the Council.
Collaborate	Not applicable	Not applicable
Empower	Not applicable	Not applicable

CONCLUSION

Submissions relating to the draft *Domestic Animal Management Plan 2021-2025* are scheduled to be heard at the Planning and Development Committee on 8 December 2021.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the Planning and Development Committee, acting under its delegated authority of the Council, resolve:

- 1. That the draft *Domestic Animal Management Plan 2021-2025* be endorsed for community consultation.**
- 2. That the draft *Domestic Animal Management Plan 2021-2025* be placed on public exhibition for a period of at least 28 days.**

BENALLA

RURAL CITY COUNCIL

BENALLA RURAL CITY

DOMESTIC ANIMAL MANAGEMENT PLAN

2021 – 2025

Version Control table

Version number	Date of issue	Author(s)	Brief Comments
V1	23/07/2021	W. Rich	Draft new plan

Draft

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1. INTRODUCTION AND CONTEXT

1.1 Purpose of Domestic Animal Management Plan

Under Section 68A of the *Domestic Animals Act 1994* (the Act), Council is required to prepare and implement a Domestic Animal Management Plan (the Plan) every four years.

The purpose of the Plan is to evaluate and monitor if Council's animal management strategies and services are meeting community needs and adequately addressing the requirements of the Act and the Domestic Animal Regulations 2015.

A Domestic Animal Management Plan prepared by a Council must:

- a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- c) outline programs, services and strategies which the Council intends to pursue in its municipal district -
 - i. to promote and encourage the responsible ownership of dogs and cats;
 - ii. to ensure that people comply with this Act, the regulations and any related legislation;
 - iii. to minimise the risk of attacks by dogs on people and animals;
 - iv. to address any over-population and high euthanasia rates for dogs and cats;
 - v. to encourage the registration and identification of dogs and cats;
 - vi. to minimise the potential for dogs and cats to create a nuisance;
 - vii. to 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 the Act and the regulations;
- d) 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;
- e) 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; and
- f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Every Council must:

- a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
- b) provide the Secretary with a copy of the plan and any amendments to the plan; and
- c) publish an evaluation of its implementation of the plan in its annual report.

1.2 Process applied in developing the Plan

The Benalla Rural City Council Domestic Animal Management Plan was developed as an operational document by Authorised Officers of the Compliance team, over-viewed by the Manager Development, utilising current data and statistic available through Council and publicly accessible research and reporting.

The draft document was subject to a community consultation process and Council review for further evaluation and adjustment before presentation to Council for approval and adoption before submission to the Minister.

1.3 Demographic and profile of Benalla Rural City Council

Benalla Rural City is located approximately 214 kilometres north east of Melbourne, Victoria's capital, making it easily accessible by road or rail in about two hours. Benalla Rural City Council comprises 235,059 hectares covering 41 localities, in whole or in part. It has a population of approximately 14,000 with an average median age of 49 years, and approximately 9,000 people living in the Benalla urban area (2016 census data).

Benalla Rural City Council includes the towns and rural districts of:

- Archerton
- Baddaginnie (part)
- Barjarg (part)
- Benalla
- Boho South (part)
- Boweya (part)
- Boxwood (part)
- Bridge Creek (part)
- Broken Creek
- Bungeet and Bungeet West
- Chesney Vale
- Creek Junction (part)
- Devenish
- Glenrowan (part) and Glenrowan West
- Goomalibee
- Goorambat
- Lima, Lima East and Lima South
- Lurg
- Major Plains (part)
- Molyullah
- Moorngag
- Mount Bruno
- Myrree (part)

- Samaria
- Stewarton (part)
- Strathbogie (part)
- Swanpool
- Taminick
- Tarnook
- Tatong
- Thoona
- Tolmie (part)
- Upper Lurg (part)
- Upper Ryans Creek
- Warrenbayne
- Winton and Winton North.

Benalla Rural City Council was formed in 2002, following the de-amalgamation of Delatite Shire into Benalla Rural City Council and Mansfield Shire. Benalla Rural City Council is predominantly a rural area but has substantial residential areas in and around the city of Benalla.

Most of the City's retail space is in shopping strips in central Benalla. There is some industrial land use to the north-east and east of the city. Most of the rural area is used for agricultural purposes, including wool and meat production, dairying and cropping.

1.4 Context and current situation

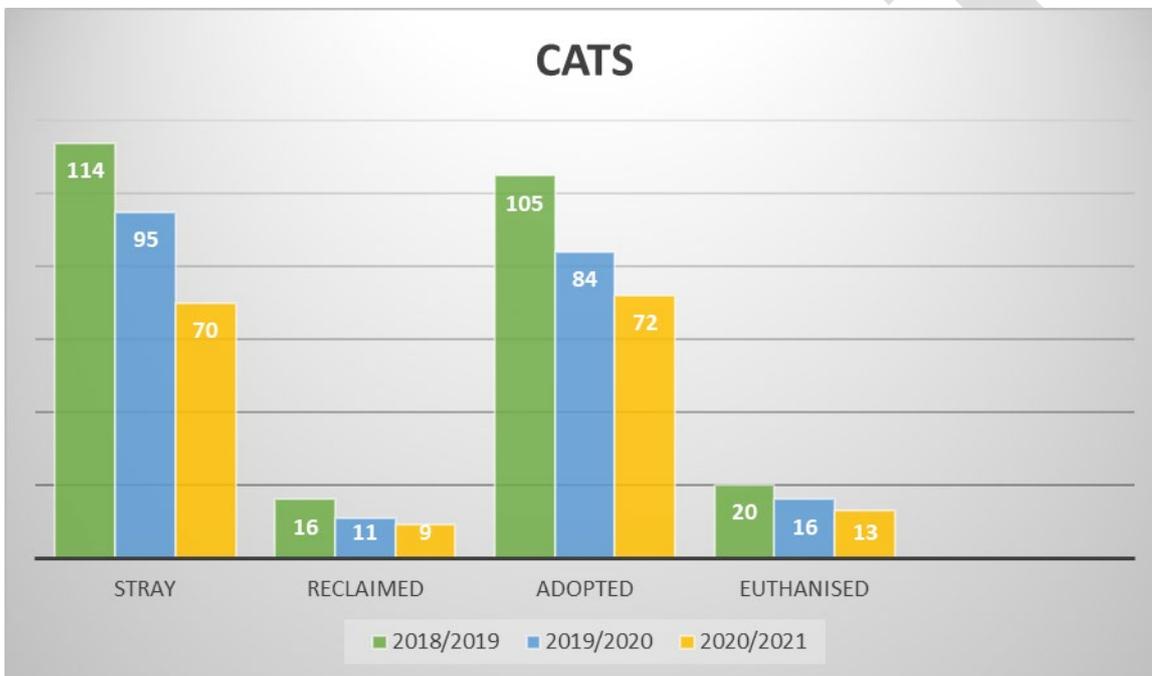
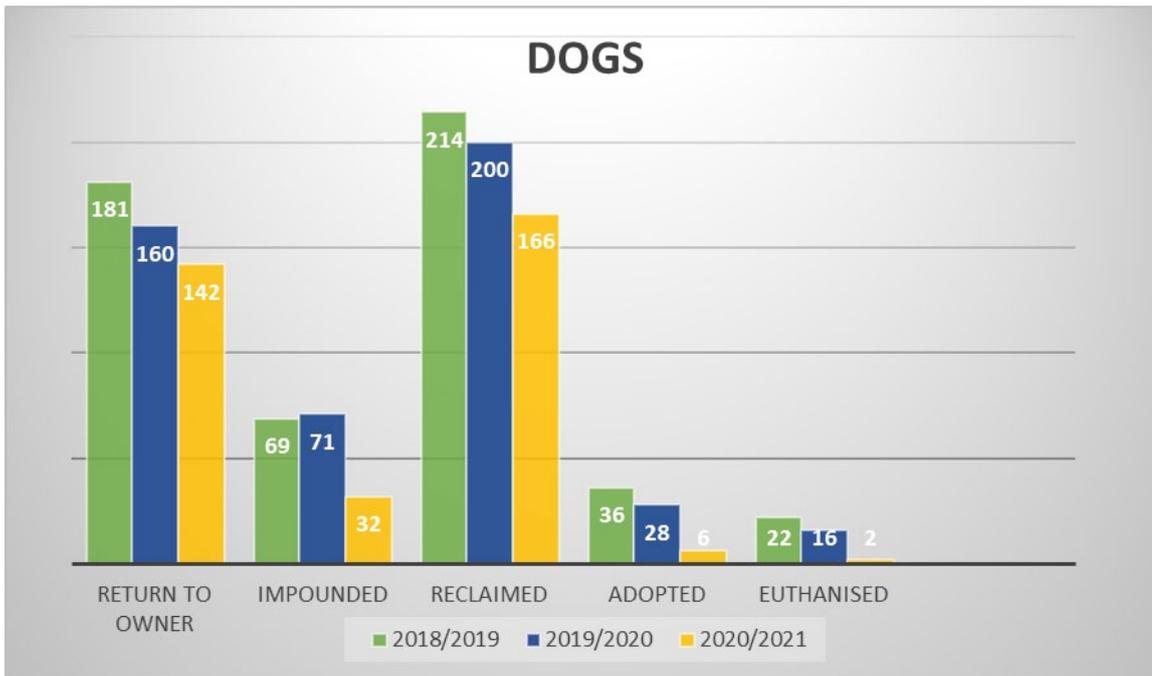
Program / Service	Service Level
Education programs by means of media releases, community notices, mailing of renewal notices and placement of A-frame signs in high risk areas.	Number of dogs and cats per year.
Monitor registration renewals and follow up enquiries for previously registered animals	Desktop audit and follow up (phone or visit) commencing in June.
Enforcement activities for unregistered animals when located via complaint or impounded strays	All impounded animals must be registered prior to reclaim. Enforcement action taken upon receipt of reclaim reports
Dog attack complaints	Procedures manual requires response to dog attack complaint within 30 minutes.
Routine street patrols	Dedicated "dog truck" vehicle for regular daily patrols during business hours and in response to after-hours callouts.
Pound	Contracted Municipal Pound facility (RSPCA Wangaratta) open for public between 8:00am and 5:00pm Weekdays. Officers have access for after hours impounds.

Program / Service	Service Level
Advertise located animals on social media and hold locally for up to 24 hours before transport to pound facility	All animals found at large are posted on Council social media pages to try and identify owner and kept in holding pens locally for reclaim for up to 24 hours if not registered or owner unable to be identified through microchip.
Policy of one "free" return per year for any registered animal located at large without penalty	Currently registered pets returned to owner without release fee and warning only once per year if located at large.
After hours emergency service	Officers on rotational roster for on call duties between 5:00pm and 8:00am Monday to Friday and 24 hours over weekend.

1.5 Domestic animal statistics

Dogs	2018/19	2019/20	2020/21
Number Registered	3489	3687	3069
Declared Dogs (dangerous, menacing, restricted)			Dangerous - 0 Menacing - 3 Restricted - 0
Stray returned to owner (not impounded)	181	160	142
Impounded by Compliance Officers	69	71	31
Collected by public (Stray)	0	0	1
Collected by Public (Surrender)	25	15	2
TOTAL	275	246	176
Adopted for the year	36 (13%)	28 (11%)	6 (3%)
Euthanized for the year	22 (8%)	16 (7%)	2 (1%)
Reclaimed for the year	214 (78%)	200 (81%)	166 (95%)

Cats	2018/19	2019/20	2020/21
Number Registered			
Impounded by Compliance Officers	113	95	70
Collected by public (Stray)	1	0	0
Collected by Public (Surrender)	34	23	33
TOTAL	148	118	103
Adopted	105 (71%)	84 (71%)	72 (70%)
Euthanized	20 (13%)	16 (14%)	13 (13%)
Reclaimed	16 (11%)	11 (9%)	9 (9%)
Domestic Animal Businesses			6



- Return to owner – Owner identified and dog returned without impound
- Stray – Animal unregistered or unidentified and impounded at RSPCA Wangaratta
- Reclaimed – Animal reclaimed by owner (includes dogs returned to owner)
- Adopted – Animal adopted after 8 days impound and not reclaimed
- Euthanised – Animal assessed as feral, suffering untreatable illness or injury.

Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting Council’s ability to publicise the registration renewal period or make follow up enquiries by doorknock to chase up renewals.

There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or

unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well. The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.

Draft

2. TRAINING OF AUTHORISED OFFICERS

2.1 Context and current situation

The Benalla Rural City Council's Compliance team consists of a Compliance Coordinator (CC), two full-time Compliance Officers (CO), one combination Compliance Officer/Administration Officer and three casual animal emergency after hours Officers.

As well as Animal Management, the Compliance team are responsible for investigation and enforcement in several areas, including EPA complaints, Litter Enforcement, Planning Enforcement, Building Enforcement, Local Laws, and prosecutions for the Development Department. Officers work on a weekly rotational roster, supplemented by selected trained depot staff, to cover Council's animal after hours call out service.

The Compliance team is responsible for providing an animal management service, for the Council, which includes:

- Seizure and impounding of domestic animals and livestock
- Managing of complaints relating to domestic animals and livestock
- Promoting responsible pet ownership in the community
- Investigating dog attacks and nuisance complaints
- Enforcement and ensuring compliance with legislation and various codes of practice relevant to domestic animals and livestock
- Domestic animal registration process
- Investigating animal welfare issues
- Management and inspection of domestic animal businesses
- Providing advice to owners and the general community in relation to domestic animals
- After hours animal emergencies.

2.2 Our planned training for Authorised Officers

A variety of training is available for all authorised Officers. Training options are annually reviewed to ensure relevant and up to date material is provided.

Training options include:

- Animal handling and behaviour
- Dog and cat management
- Investigation and statement taking
- Enforcement and prosecution
- Conflict management
- Information technology.

Officers are also eligible to attend industry related seminars, conferences and briefings from Animal Welfare Victoria (DEDJTR), Municipal Association of Victoria (MAV), Australian Institute of Animal Management (AIAM) and other relevant associations.

2.3 Our Plan

Objective 1: Develop and maintain a training register for Compliance Officers to enhance skills and knowledge.

Activity	When	Evaluation
a) Record each officers name, completed training along with proposed additional training opportunities.	Ongoing	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each Officer.
b) Staff attendance at industry related seminars such as RSPCA training, Animal Welfare Victoria training and animal specific training as opportunities present.	As available	Annually review to see if training objectives are being met
c) Membership of professional bodies within the animal industry, such as Australian Institute of Animal Management and attendance at conferences and discussion groups as they become available.	Ongoing	Annually review to see if training objectives are being met

Objective 2: Develop existing authorised officers to multi-skill to ensure adequate backfilling or additional staffing when necessary.

Activity	When	Evaluation
a) Identify minimum level of experience and training required to build skill set.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field.
b) Allocate a “buddy” to the Officer being developed and to ensure accurate information and training is being provided whilst on the job.	Ongoing	Review feedback from both Officers regularly to ensure effective development.
c) Allocate a variety of tasks for the Officer to have completed during the development period.	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.
d) Officers to follow up complaints and provide feedback to improve skills and systems.	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.

3. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION

3.1 Context and current situation

Council use several methods to promote and encourage responsible pet ownership and compliance with legislation within the Benalla Rural City.

These methods include, but are not limited to:

- Provision of an internally resourced after hours emergency animal service
- Installation and stocking of poo bag dispensers at strategic locations within the township
- Regular media releases regarding benefits and requirements for dog and cat registration
- Use of Facebook and social media to advertise unidentified impounded animals to assist with speedy return to owners.

3.2 Our orders, local laws, Council policies and procedures

Current Orders

Benalla Rural City does not currently have any orders under Section 25 or 26 of the *Domestic Animals Act*.

Current local laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An **owner** or **occupier** of **land** must not, without a **permit**, keep, allow to be kept or remain on any **land**, any more **animals** or birds than is stated in the following table:

Type of animal	Maximum allowed in residential areas
Dog	2
Cat	2

- 2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- 3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- 4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 53 – Accommodation for Animals

An owner or occupier of land must ensure that all animals on that land are housed:

- 1) in a clean, inoffensive and sanitary condition;
- 2) so as not to cause nuisance; and
- 3) in an adequate and appropriate manner for the type of animal being housed.

Local Law No. 55 – Animal Noise

An owner or occupier of land must take all steps necessary to prevent any animal noise being emitted from the land which is:

- 1) unreasonable; or
- 2) objectionable to or adversely affecting the amenity of a person on other premises.

Local Law No. 56 – Wandering Animals

The owner or person in charge of any animal must not allow that animal to wander from the land where it is normally kept.

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- 1) five (5) dogs; or
- 2) three (3) cats.

Local Law No. 60 – Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- 1) not allow the excrement of the dog to remain on that road or in that municipal place;
- 2) carry a device suitable for the removal of any excrement that may be deposited by the dog; and
- 3) produce the device on demand by an Authorised Officer.

Current policies and procedures

Dogs and cats at large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding

infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

After hours service

Council provides a 24 after hour's call out service to respond to urgent calls for service outside of normal business hours. The service is monitored and controlled by the Customer Relations Coordinator. Officers are rostered for after-hours call out duties on a one week rotational basis. The on call officer will have custody of the compliance animal collection vehicle during their time rostered for after-hours call out and will ensure they remain physically and legally able to respond to calls for service during their roster period.

The officer on call must utilise the Council compliance vehicle, supplied PPE and take all reasonable steps to ensure the safety of themselves and others when attending to out of hours calls for service. The on call officer must call for assistance from other officers and/or authorities where, in the opinion of that officer, the situation warrants assistance.

The officer is to acknowledge all calls received through the after-hours paging service, contacting the customer to advise what action is to be taken and/or by turning out within 15 minutes of the phone call.

The officer on duty must act upon the following after-hours situations reported on the emergency paging service:

- Any Victoria Police call requesting an Officers assistance
- Dog attack
- Where a dog is at large
- A dog is causing an immediate danger to the safety of people or other animals
- Stray dog that has been securely confined for collection
- Injured animals
- Livestock at large and/on the road
- Any other situation(s) that the Compliance Coordinator, Manager Development, General Manager Corporate or the Chief Executive Officer instructs the officer to attend to.

3.3 Our Plan

Objective 1: Reduce the number of compliance actions and complaints by educating the community about their legislative obligations.

Activity	When	Evaluation
a) Develop engaging fact sheets and web content regarding legislative obligations.	Ongoing	Monitor complaints and enforcement actions quarterly
b) Interchangeable magnetic signs project for Council vehicle for targeted campaigns.	2022	Assess if number of registrations and renewals increase

Activity	When	Evaluation
c) Explore opportunities for educational “pop up” stalls at community events and expo’s to deliver responsible pet ownership and educational material to pet owners.	As opportunities present	Community engagement and material distributed

Objective 2: Encourage dog owners to clean up after their pets and maintain effective control when in public areas.

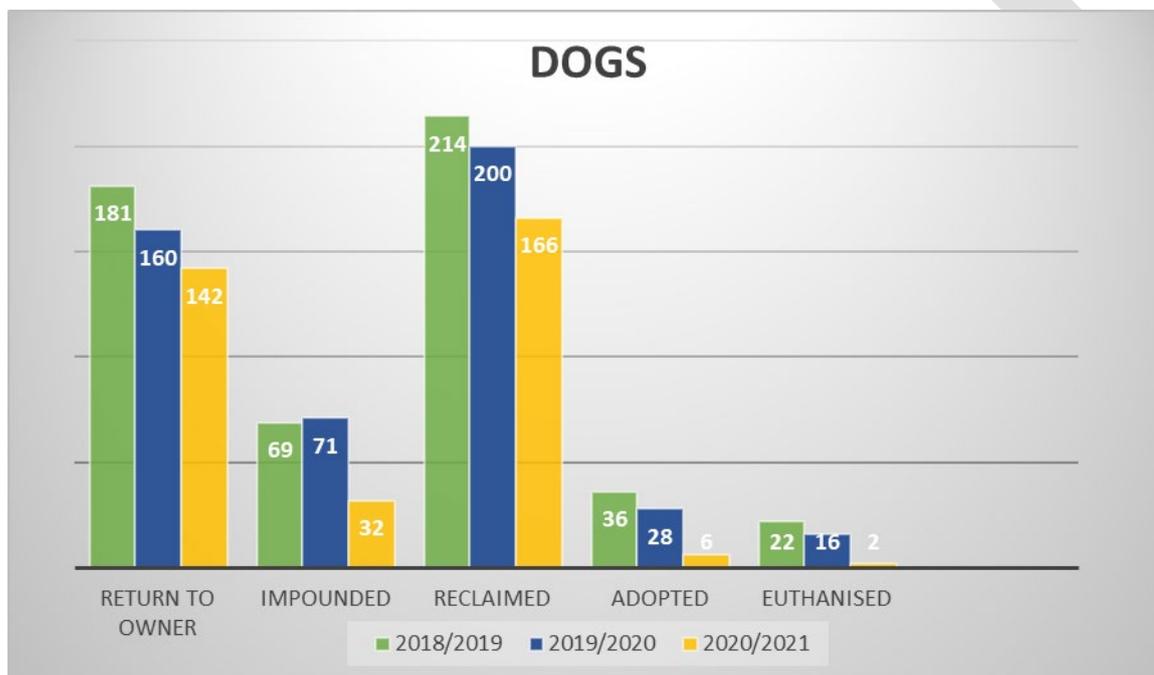
Activity	When	Evaluation
a) Continue to maintain poo bag dispensers in areas with high dog walker presence.	Ongoing	Amount of dispensers requiring change weekly.
b) Continue to identify changing demographics for areas where new dispensers and patrols may be required.	Quarterly	Monitor complaints regarding failing to pick up after animals and patrol observations.
c) Explore options for branded poo bag holders to go out with registration packs.	2022	Public satisfaction.
d) Education campaign on meaning of effective control in public areas via webpage and social media.	2023	Monitor complaints regarding dog behaviour in public places.

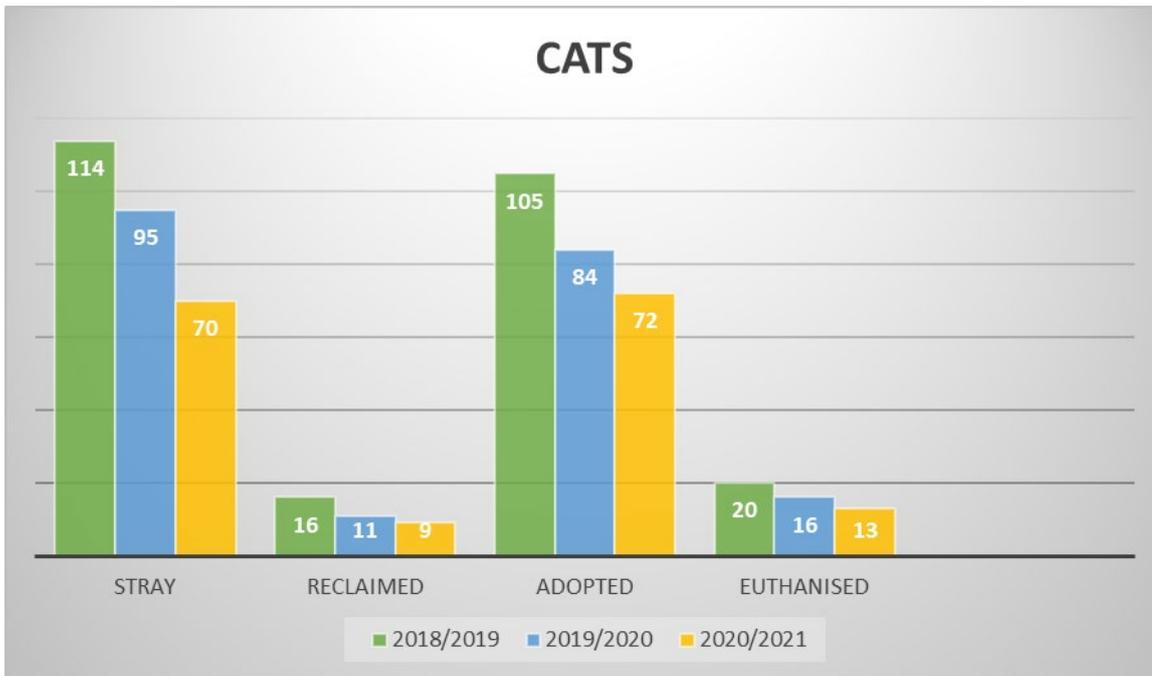
4. PROGRAMS TO ADDRESS OVER-POPULATION RATES AND ANY HIGH EUTHANASIA RATES

4.1 Context and current situation

There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well. The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.





4.2 Our orders, local laws, Council policies and procedures

Current orders

There are currently no orders in place for Benalla Rural City.

Current local laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An **owner** or **occupier** of **land** must not, without a **permit**, keep, allow to be kept or remain on any **land**, any more **animals** or birds than is stated in the following table:

Type of animal	Maximum allowed in residential areas
Dog	2
Cat	2

- 2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- 3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- 4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- 1) five (5) dogs; or
- 2) three (3) cats

Current policies and procedures

Cats

The seizure of cats is regulated by the provisions of the DAA. There is no general offence of “at

large” for domestic cats, unless Council passes an order under Section 25 of the DAA to declare a “cat curfew” for the municipality or specific areas. There is currently no Section 25 order in place for Benalla.

Residents may use an approved cat trap, or hire a free cat trap from Council, in order to trap cats trespassing on their property. Authorised Officers may conduct trapping programs on behalf of residents if circumstances dictate or a problem area is identified.

When a cat is trapped or seized by a person on private property, the officer must check for Council tag and scan for microchip details. If an owner is identified and the cat is registered, it should be returned to the owner, who is advised to keep the cat contained and not allow it to trespass onto other person’s property. If the cat is not registered or has no microchip details, it should be impounded and transported to the Council pound facility. If the cat is injured, unwell or obviously feral, it should be taken to Council’s contracted vet for assessment.

Any unidentified cat should be photographed (not through cage wire or bars) and the photograph sent to the Compliance Coordinator along with the location time and date of seizure. The animal will be posted on Councils social media pages to try and identify an owner.

Owned cats trespassing on private property are to be handled as per the instructions for Notice of Objection as detailed below.

Owners of cats that are impounded without microchip or registration and are later claimed should be infringed for failing to apply to register.

Hire of cat cages

- 1) The Compliance team receive requests to hire cage.
- 2) File with other requests.
- 3) When cage becomes available, ring and offer cage to person waiting. There is no fee attached to the hiring of a cat cage.

When delivering cage:

- ensure you offer to show the person how to use the cage,
- have ‘Contract for use of Cat Cage’ form signed (ensure all details are provided on form),
- provide person with ‘Use of Cat Cage’ information.

After 7 days, the Compliance Officer should call the person and arrange pick up. An authorised officer may allow the cage to be kept for a longer period using their discretion after considering the circumstances.

After the pick-up of a cage, the Compliance Officer must fill in ‘Contract for use of Cat Cage’ form and ensure that the return date has been submitted. Remove the page from the ‘Signed’ section of the cat cage forms folder and file with ‘Returned’.

Officers may also be required to collect surrendered cats confined by their owner or injured cats (see above). In this case, officers should ensure that the surrendering owner fills out a surrender form and acknowledges that the ownership of the animal passes on to Council and that they cannot claim prior ownership if they later change their mind.

Officers should also ensure that they explain to a person surrendering a cat that if it is not adopted or assessed unsuitable for adoption, it may be euthanized. Cats must be assessed by the

Council's contracted veterinarian or RSPCA prior to being euthanized.

Excess animal permits

Benalla Rural City Council Community Local Law 2017 restricts the number and type of animal/s that may be kept in a residential area. Generally speaking, residential areas are limited to two dogs and/or two cats whilst rural areas are allowed five dogs or three cats. Refer to Clause 52 (1) of the Community Local Law 2017 for the complete table.

A person who wants to keep more than the permitted number of or type of animals on a property must apply for an excess animal permit. The form can be obtained from customer service or be posted to the applicant upon request.

When the completed application and fee are received, a survey should be conducted with neighbouring properties who might reasonably be affected by the keeping of excess animals. This can be done by door knock or the delivery of written survey forms for completion and return within a specified time frame. The officer must also undertake an inspection of the property to ensure the animals can be kept in accordance with the permit conditions, the requirements of POCTA and address any reasonable and verifiable issues raised by the neighbourhood survey. The officer shall advise the applicant of the result of the inspection as soon as reasonably practicable.

If granted, a permit remains valid for twelve months subject to compliance with conditions. A permit may be reviewed, suspended or revoked if the permit conditions are not adhered to. Each individual permit granted is subject to a separate fee and registration.

In the event the animals cannot be kept in accordance with Council's requirements, the officer must advise the applicant of the reasons and allow sufficient time for the applicant to make representation or remove the animal/s if they are already housed on the property.

Follow-up inspections may be required to ensure compliance with permit conditions. If a permit holder is found in default of any conditions, an officer may issue a Notice to Comply directing the permit holder to remedy a situation.

Where the officer believes the permit has been breached beyond remedy and should be withdrawn, the officer should prepare a report and make recommendations to the Compliance Coordinator.

4.3 Our Plan

Objective 1: Encourage desexing of animals and facilitate affordable desexing programs.

Activity	When	Evaluation
a) discount registration fees for cats and dogs that are de-sexed to encourage registration of animals over 3 months of age.	2023	Promotes compliance and the importance of registration.
b) Discount initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age.	2023	Promotes compliance and the importance of registration.

Activity	When	Evaluation
c) Report to Council in relation to conducting a cost/benefit analysis regarding; free initial registration fees for cats that participate in the AVA subsidised de-sexing voucher scheme	2023	Number of new cat registrations per year
d) Explore grant opportunities to provide free or discounted microchipping and desexing for pets of disadvantaged or low income members of municipality	2023	Number of public feedback

Objective 2: Reduce number of impounded unregistered cats and reports of wild/unowned cats.

Activity	When	Evaluation
a) Education campaign regarding semi-owned and wild cats.	2022	Public feedback
b) Conduct targeted trapping operations in areas identified as cat nesting areas, particularly in areas of high biodiversity.	Ongoing	Impound statistics (quarterly)
c) Promote health and safety benefits for containing cats to property.	Ongoing	Impound statistics (quarterly)
d) Explore options for education on building or installation of low cost cat containment systems.	Ongoing	Impound statistics (quarterly)
e) Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Ongoing	Public feedback

*The Victorian Government allocated a further \$7.5 million boost to animal welfare grants in the 2020–21 State Budget. This targeted funding commitment includes \$1.5 million over three years to enable delivery of free or low-cost desexing programs for cats and dogs owned by vulnerable and disadvantaged Victorians. Councils are eligible to apply.

For more information, visit: <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/community-and-education/animal-welfare-fund-grants-program>

- *Cat containment (whether through curfews and associated legislation or as part of responsible pet ownership) can be supported through providing cat owners with resources and information to assist with transitioning their cat to a stay at home lifestyle. Many cat owners don't believe they are able to provide their cats with what they need at home (or know what those needs might be), presenting a large barrier to undertaking the behaviour and meaning that enforcement alone is unlikely to result in the desired change.
- Safe Cat, Safe Wildlife is a campaign run by Zoos Victoria and RSPCA Victoria that provides cat owners with these resources, helping them give their cat the safest and happiest life. The website safecat.org.au contains information articles and short tips and tricks for an indoor lifestyle, as well as helping highlight the benefits to cats staying at home (welfare and safety for the cat and a safer neighbourhood for local wildlife). Individuals can join a Safe Cat community,

with quarterly emails that contain new engaging content and offers/discounts for cat enrichment items, supporting cat owners and helping to build a social norm of pet cats staying at home rather than being left to roam the streets.

- Councils, breeders, vets and other organisations can register and receive free resources (such as physical postcards and brochures as well as digital resources) to share with their audiences as required, such as with renewal notices, after de-sexing, shelter pick-ups, nuisance calls). Find out more: www.safecat.org.au

Draft

5. REGISTRATION AND IDENTIFICATION

5.1 Context and current situation

All dogs and cats over the age of 3 months must be registered with the Benalla Rural City Council as per Section 10 (1) of the Act; newly registered animals must also be micro-chipped before registration can be accepted.

	2018/19	2019/20	2020/21
Dogs and cats registered	3,489	3,687	3,069
Fail to register infringements	30	32	20
Fail to renew infringements	9	7	2



Summary

Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting enquiries by doorknock to chase up renewals. Infringements for failing to register or renew have remained constant.

The Australian Companion Animal Council, in their report (7th Edition), found that the overall pet population (including all pets such as birds and fish etc) in Australia was approximately 33 million. The report showed that there are 3.41 million dogs, or 36% of households owning a dog and 2.35 million cats, or 23% of households. With an estimated population of 14,000 people, Benalla has 3,069 dogs and cats registered within the municipality, a percentage of 22% registered pets per population. This would indicate that registrations are slightly below the average number of dogs and cats currently kept in Australia.

5.2 Our orders, local laws, Council policies and procedures

Current orders

There are no current local laws for registration in Benalla Rural City. We rely on Section 10(1) of the Domestic Animals Act for enforcement of registration.

Current local laws

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An **owner** or **occupier** of **land** must not, without a **permit**, keep, allow to be kept or remain on any **land**, any more **animals** or birds than is stated in the following table:

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- 3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.
- 4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 – Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- 1) five (5) dogs; or
- 2) three (3) cats

Current policies and procedures

Current education/promotion of registration and identification activities includes:

- Publicising the requirement to register pets over the age of three months in the Benalla Ensign, Benalla Rural City Community Connect, Benalla Rural City website and the Council's on hold phone messages
- A-frame signs placed at high traffic intersections and areas reminding pet owners of requirement to register and renew.
- Animal registration renewal notices are mailed out in late February or early March each year for currently registered animals
- Lifetime registration tags are issued to pet owners upon registration of dogs or cats.
- Brochures included in newly registered animal notices to provide information regarding the importance and requirements of registration.

Our current compliance activities

Current compliance activities for registration and identification include:

- A door knock or telephone audit conducted each year for animal registrations that have lapsed
- Enforcement through infringement or prosecution where animals kept within the municipality are not registered or renewed.
- Ensuring impounded and unregistered animals are micro-chipped and registered prior to release
- Investigating Domestic Animal Business (DAB) notifications of animals being sold or given away to residents in the municipality

- Monitoring advertisements relating to animals for sale to ensure microchip numbers or DAB numbers are provided
- Proactive and reactive park and street patrols to follow up registration and ensure identification tags are being worn.

Animals found unsecured or 'at large' from their property and are identifiable by means of an allocated Benalla Rural City Council identification tag have a higher chance of being reunited with their owners and therefore not impounded. When dogs and cats are outside of the owner's premises, Council identification tags must be worn as outlined in section 20 of the Act.

The registration of animals provides the Benalla Rural City Council with an understanding of the level of pet ownership in the community and in turn this helps Council plan for services, information and programs associated with pets in particular areas of the community.

Registration fees help fund the services provided by the Council in relation to animal management and the BAW's responsible pet ownership campaigns and programs provided within the municipality.

5.3 Our plan

Objective 1: To minimise the number of properties required for the desktop and door knock audit and increase numbers of registrations and renewals in the municipality.

Activity	When	Evaluation
a) Educate residents of the animal registration renewal period by means of advertising/media releases, mailing of renewal notices and by placing A Frame signs in areas where high levels of un-registered animals are kept.	March – May annually	Demonstrate increase or decrease in numbers of pets registered with council following annual registration and renewal period.
b) Ensure each property is audited and issued infringements where animals found to be unregistered.	July – August annually	Infringements issued
c) Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to each release	Registrations
d) Proactive door knocking in areas believed to have high number of unregistered animals via impound stats, to check for unregistered and un-identified dogs and cats. Effective advertising prior audit commencing.	Annually	Enforcement actions
e) Utilise Council social media to promote benefits of registration, microchipping and desexing.	Ongoing	Registrations

Objective 2: Facilitate registration for lower socio-economic areas and increase awareness among culturally and linguistically diverse communities of pet registration requirements.

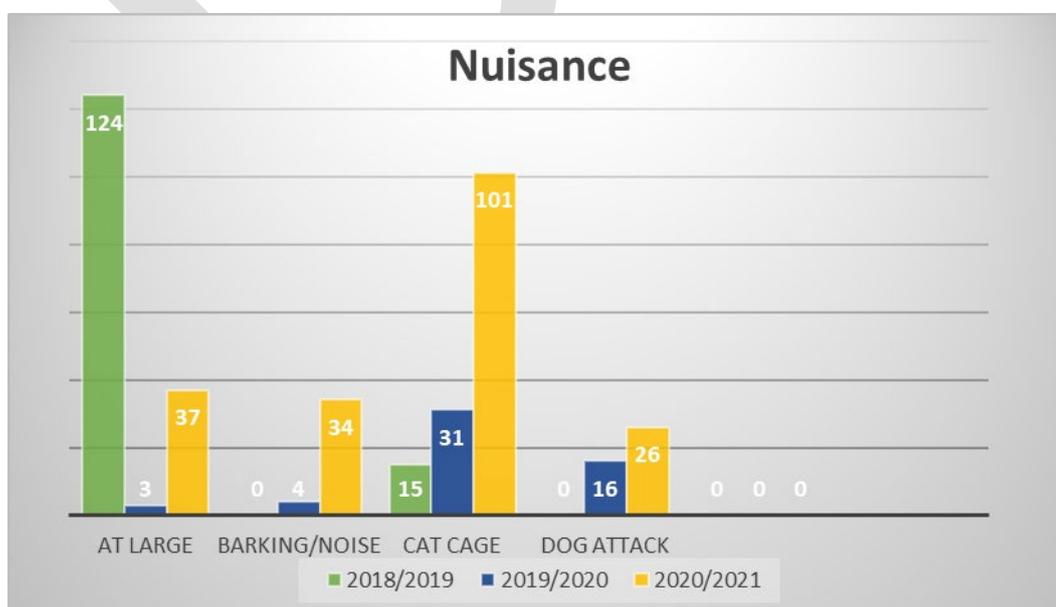
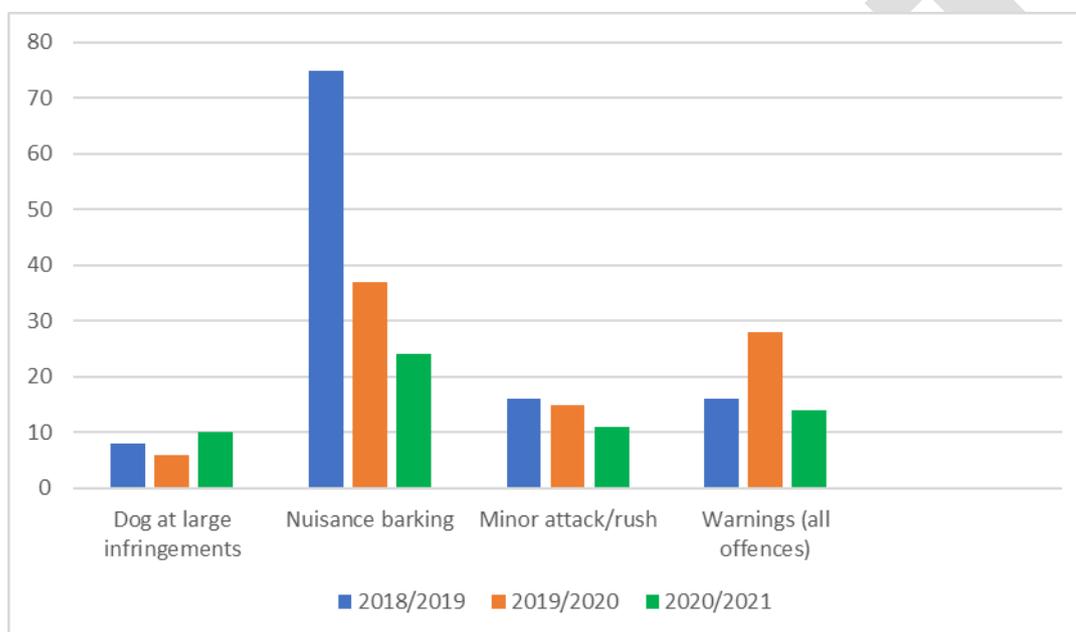
Activity	When	Evaluation
a) Brochures and articles explaining registration requirements and benefits in languages other than English for the CALD community.	February – April annually	Annual registrations and renewals
b) Offer responsible pet ownership rewards to pet owners found doing the right thing.	Ongoing	Public feedback
c) Explore options for grants and subsidies for discounted microchipping and desexing programs for pension card holders.	As opportunities arise	Annual registrations
d) Consider engaging local Vet clinics to act as agents for registrations on behalf of Council under section 12 of the Act.	2023	Annual registrations

6. NUISANCE

6.1 Context and current situation

Council's current policies and procedures regarding nuisance animals are positively weighted encouraging a community based resolution before involving Council enforcement. To this end, nuisance barking complaints are required to discuss the issue with neighbours or utilise a dispute settlement service, prior to reporting the matter to Council. Council offer a 24/7 call out service for collection of lost and wandering dogs and will return registered dogs and cats to their owners without penalty once a year, in order to encourage prompt registration and renewal.

	2018/19	2019/20	2020/21
Dogs/cats at large infringements	8	6	10
Nuisance barking complaints	75	37	24
Minor attack/rush offence	16	15	11
Official warnings	16	28	14



6.2 Our orders, local laws, Council policies and procedures

Current orders

There are currently no orders issued under the *Domestic Animals Act* 1994 for Benalla Rural City.

Current local laws

Section 60. Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- 1) Not allow the excrement of the dog to remain on that road or in that municipal place;
- 2) Carry a device suitable for the removal of any excrement that may be deposited by the dog;
and
- 3) Produce the device on demand by an authorised officer.

Current policies and procedures

Nuisance Barking

The Council has a standard operating procedure for barking dog complaints to ensure all complaints received are handled in the same consistent matter by all authorised Officers. The procedure steps out the required processes involved to investigate the complaint, including neighbourhood mediation, noise logs, statements and an approach to encourage compliance at the earliest stage possible.

Where nuisances is found to exist pursuant to section 32 of the Act, Council will take enforcement action that may include negotiation, warnings, infringements, notice to comply and prosecution to obtain orders from the Magistrates Court as a last resort.

This procedure is regularly reviewed and updated as legislation and community expectations evolve over time.

Dogs and cats at large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act* 1994, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

6.3 Our plan

Objective 1: Explore the option of implementing a Council Order relating to the control of dogs in public places pursuant to Section 26 of the Act.

Activity	When	Evaluation
a) Submit a draft Council Order relating to restraint and control of dogs in public places for public comment and consultation. Identify and nominate possible off leash areas	2024	Review public feedback and comments to ascertain requirements and inclusions for order
b) Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation
c) Educate dog owners in public areas and include brochures in animal registration renewal notices	Ongoing	Ensure appropriate time and level of education has been provided before enforcement of order
d) Update signs in parks, reserves and municipal places identifying dogs off and on leash areas	Ongoing	Regular audits to be conducted of parks, reserves and municipal places to monitor placement and effectiveness of signs

Objective 2: Consider the appropriateness of cat containment orders or initiatives (e.g. cat curfews, specified areas) pursuant to Section 26 of The Act.

Activity	When	Evaluation
a) Submit a report relating to restraint and control of cats in public places for public comment and consultation.	2024	Review public feedback and comments to ascertain requirements and inclusions for order
b) Submit a draft order to Council dependant upon community support for a Council Order	2024	Review public feedback and comments to ascertain requirements and inclusions for order
c) Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation
d) Educate cat owners and include brochures in animal registration packs and renewal notices	Ongoing	Impounded cats

Activity	When	Evaluation
e) Explore grants and subsidies available to assist residents to have cats desexed to prevent wandering and spraying nuisance.	Ongoing	Grants awarded
f) Provide education material about cat enclosures and provide a DIY cat enclosure workshop	2024	Grants awarded
g) Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au)	Ongoing	Impounded cats

*Council, either directly or in partnership with an eligible organisation (e.g. landcare, conservation, education organisations), may be able to apply for grant funding to support cat containment initiatives within their municipality. Regularly check this Department of Land, Water and Planning's biodiversity funding page to determine if suitable streams of funding become available: <https://www.environment.vic.gov.au/grants>

7. DOG ATTACKS

7.1 Context and current situation

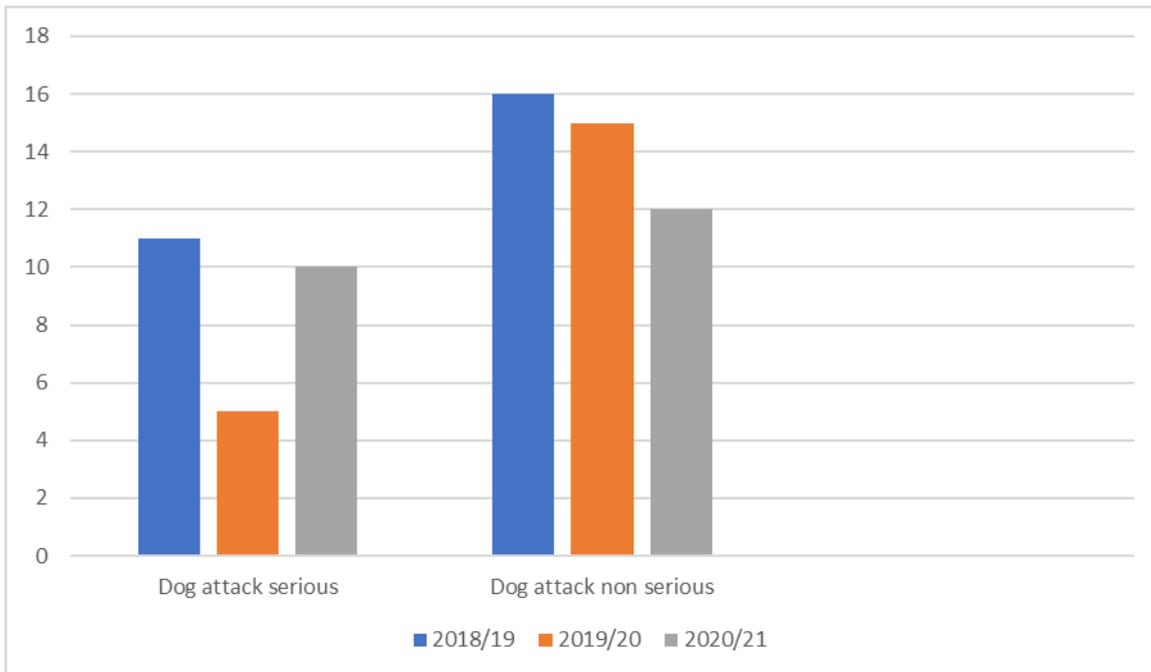
Incidents of dog attacks in Benalla Rural City are at the lower end statistically and have remained constant, declining slightly, over the last 3 years. It is important to note that only attacks reported to Council are recorded, which tend toward attacks by dogs at large and not those that occur in the home by dogs known to or owned by the victim. This is explained in the report, “Dangerous dogs, a sensible solution” published by the Australian Veterinary Association in 2012, which states;

“Dog bite incidents generally occur either in domestic settings where the animal is known to the victim, or by dogs at large ... unknown to the victim. While dogs at large are responsible for a minority of dog bites, they attract disproportionate media and political interest. They are the public face of the dog bite problem, and most legislation is designed to control this part of the problem. However, most bites occurred in the dog’s own home and involve victims bitten by their own dog (Kizer 1979 cited in Overall and Love 2001). In Australia, 73% to 81% of attacks occur in the domestic environment (Ashby K 1996 quoted in Ozanne-Smith et al 2001)”

“Not surprisingly, Council data report that 62% of dog attacks occurred in public places (Anon 2012) because few people will report bites by their own dog to council. Research has shown that owned dogs delivered more bites, were larger, bit more victims on the head and neck, delivered more bites needing medical treatment, and, in short, were more dangerous than strays (Harris et al 1974 cited in Overall and Love 2001).”

Dog attacks in Benalla are generally directed at other animals, dogs and cats, and particularly attacks on farming stock, such as sheep, cattle, poultry and alpaca. Attacks on livestock can be particularly brutal, often resulting in the death or euthanising of valuable stock animals. Attacks on livestock are not just restricted to large or packs of animals, as even a smaller dog can cause terrified sheep or horses to run into fencing, causing injuries resulting in the animal being put down.

	2018/19	2019/20	2020/21
Dog attack serious	11	5	10
Dog attack non serious (including rush)	16	15	12



7.2 Our orders, local laws, Council policies and procedures

Current orders

Benalla Rural City does not have any current orders in place under the *Domestic Animals Act 1994*.

Current local laws

Wandering animals

The owner or person in charge of any animal must not allow that animal to wander from the land where it is normally kept.

Keeping of dogs and cats on rural land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- 1) five (5) dogs; or
- 2) three (3) cats.

Adequate fencing

- 1) An owner or occupier of land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the animal's escape from the land.
- 2) An owner or occupier of land must remove any animal/s from that land if an Authorised Officer forms the opinion and advises the owner or occupier that sub clause (1) is being contravened and that any fencing cannot be effectively repaired as a temporary measure to secure the animal/s prior to full repair or replacement of the fence as deemed by the Authorised Officer.
- 3) Where an owner or occupier of land does not remove an animal in accordance with sub clause (2) the Authorised Officer may, without first serving a written notice, impound the animal in accordance with the provisions of clause 73(1).

Current policies and procedures

A report of a dog attack is regarded as a priority job and should receive an immediate response with an officer attending at the scene to assess, take details and seize the attacking dog if warranted. Dog attacks are entered onto the CRMS system by the officer taking the initial report.

Upon arrival, officers should take details of all persons involved, including dog owners, victims and witnesses, including best contact numbers. If possible, a basic statement should be taken from the victim or witnesses at the time, or at least a brief description of the incident, where and when it took place. Photographs should be taken of the scene, any injuries and dogs involved (there is no such thing as too many photographs).

When deciding if the offending dog should be seized, an officer should consider the following:

- The seriousness of the attack. Were there serious injuries (as defined in the Act) involved or an element of intentionally setting the dog to attack or reckless indifference.
- Is the dog still at the scene and acting aggressively or not under control
- Is the dog registered or does it have a history of attacks or aggressive behaviour.
- Is the dog able to be securely contained at the owners residence and is the owner responsible to keep the dog securely contained.
- Any other details relevant to public safety or community expectations.

If the dog is to be seized, the officer should follow the instructions for impounding, and a Notice of Seizure must be issued to the dog owner within 4 days after the dog is seized.

The officer should obtain signed statements from the victim, complainant, witnesses and a veterinary or medical report as soon as possible after the attack. It is often advisable to wait until after any necessary medical or veterinary attention is completed before taking a statement so that all relevant details are able to be included. The officer should note on the file if the owner of the offending dog has reimbursed or offered to reimburse the victim for expenses as a result of the attack.

When all the preliminary information is obtained and signed, the officer should offer the owner or person in charge of the offending dog, the opportunity to take part in an electronically recorded formal interview. This offer should be made in writing and recorded on the CRMS. If the owner accepts the offer, they should be interviewed as per the interview procedure. If the owner declines the offer, then the officer should proceed with the information at hand.

When the file is completed, the officer should make a decision to proceed with prosecution or take no further action. The investigating officer must be able to justify their decision with reference to the facts obtained in the investigation and the likelihood of a successful prosecution.

Non serious attack or rush offences may be dealt with by way of infringement or prosecution, depending on the circumstances as per Section 85 of the DAA.

If an attack involving serious injury or death is to be prosecuted, it must be heard and determined by a Magistrate and is not able to be dealt with by infringement.

Our current compliance activities

- Investigating dog attacks promptly upon report
- Seizing and holding dogs responsible for serious injury attack

- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Act
- Issuing infringements for wandering dogs
- Issuing infringements for rush and attacks where non serious injury sustained
- Declarations for Menacing or Dangerous Dogs
- Seeking destruction Orders from Magistrates' Court where necessary
- Seeking confinement Orders from Magistrates' Court for dogs continually found wandering or not confined to property
- Proactive patrols of parks and streets for wandering dogs
- Proactive patrols for guard dogs on non residential premises
- Recording data of reported dog attacks in the municipality

7.3 Our plan

Objective 1: Provide targeted education and compliance campaigns in areas where data reporting shows incidents of dog attack against stock and other animals.

Activity	When	Evaluation
a) Collate and record data for dog attacks reported including, date/time, suburb, animal type, stock attacked, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed.	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities.
b) Initiate education and compliance activities in targeted areas to encourage reduction of roaming or uncontrolled dogs to prevent attacks occurring.	Annually	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign.

Objective 2: To minimise the incidence of dog attacks in the community.

Activity	When	Evaluation
<p>a) Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents. Educating key dog attack prevention messages (e.g. confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> ▪ Compare number of reported dog attack incidents pre and post campaign. ▪ Consider a community survey pre and post campaign, to measure any changes in knowledge about dog attack prevention. ▪ Record type and number of education materials distributed. ▪ Numbers of campaign patrols conducted. ▪ Number of media articles published.
<p>b) Inform the community of outcomes of dog attacks prosecuted in Court.</p>	<p>Ongoing</p>	<p>As occurs.</p>
<p>c) Set key performance indicators for Officers to complete dog attack investigations within a 6 week timeframe.</p>	<p>2022</p>	<p>Review complaints annually to evaluate percentage completed within timeframe.</p>

8. DANGEROUS, MENACING AND RESTRICTED BREED DOGS

8.1 Context and current situation

Benalla Rural City Council has the following declared dogs currently registered within the municipality:

Registered restricted breed dogs	0
Registered declared dangerous dogs	0
Registered declared menacing dogs	2

The Act defines restricted breed dogs as any one of the following breeds:

- American Pit Bull Terrier (or Pit Bull Terrier)
- Perro de Prasa Canario (or Presa Canario)
- Japanese Tosa
- Fila Brasileiro

Benalla Rural City Council has no restricted breed dogs registered. Owners of declared dangerous dogs must abide conditions specified in the Act, including;

- Must not consent to, arrange or recklessly allow the dog to breed
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council has no declared dangerous dogs. A dangerous dog is one that has been declared dangerous by Council or the Courts, a guard dog kept for the purpose of guarding non-residential property or a dog that has been trained to attack or bite any person or thing worn or attached to a person. Owners of declared dangerous dogs must abide conditions specified in the Act, including;

- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council currently has 2 declared menacing dogs within the municipality. A menacing dog is one that has been declared menacing by Council or the Courts. Owners of menacing dogs must abide by conditions specified by the Act, including;

- Must notify Council if dog rushes or chases a person
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must always be muzzled and on leash outside the premises.

Council must register all dangerous/menacing/restricted breed dogs with the Victorian Dangerous Dog Register (VDDR). This is a database that records all declared dogs for all relevant parties to see. Any dangerous, menacing and restricted breed dog entered into the VDDR is declared for the life of the animal and cannot be revoked by the Council. Microchip registries are also updated.

8.2 Our policies and procedures

Current policies and procedures

Council may declare a dog to be dangerous under Section 34 or menacing under Section 41A of the DAA. If a dog meets the criteria specified in the Act and the officer is of the opinion that a declaration is in the public interest, they may apply for a declaration to be made through the Compliance Coordinator. If a dangerous or menacing declaration is to be made, the process as listed in Sections 35 and 36 of the Act must be strictly followed using the documentation approved by Council for this purpose.

Note: care must be exercised to ensure all provisions of the legislation are complied with in the declaration and only the facts of the case are quoted as being reason for making a declaration.

Current compliance activities

- Ensuring all declared dogs are registered on the VDDR
- Regularly conducting inspections on premises housing declared dogs to ensure compliance
- Seizing dogs suspected of being Restricted Breed Dogs
- Dog declarations made where applicable
- Prosecution/Infringements issued for any determined breach
- Assessing suspected restricted breed dogs via the gazetted standard
- Flagging certain breeds from registration database for assessment.
- Conduct proactive patrols after hours for unregistered guard dogs (dangerous dogs)

8.3 Our plan

Objective 1: Developing a policy to assist in decision to declare a dog dangerous, menacing provides assurance to local residents the decision making is fair and nonbiased.

Activity	When	Evaluation
a) Develop procedure to standardise dangerous and menacing dog declarations in order to make equitable decisions.	2022	Number of declarations made and appeals received
b) Review all dog attack investigations upon completion to assess if order is required.	2022	Successful enforcement action
c) Maintain dangerous and menacing dog register both locally and at a State level by maintaining the Victorian Declared Dog Registry.	Ongoing	Data consistency

Objective 2: Ensure declared dogs are compliant to relevant legislation and regulations.

Activity	When	Evaluation
a) Random property inspections of declared dogs to ensure compliance.	Ongoing	Review actions as offences detected.
b) Prosecute repeat offenders or serious breaches detected.	As occurs	Monitor offences and prosecutions.
c) Patrols for unregistered guard dogs in industrial areas.	As occurs	Review actions as offences detected.
d) Educate the community about what is a declared dog.	Ongoing	Review complaints raised as result of heightened awareness.

9. DOMESTIC ANIMAL BUSINESS

9.1 Context and current situation

There are 6 registered domestic animal businesses within the Benalla Rural City Council. These include 1 pet shop, 2 boarding establishments, 2 breeding establishments and 1 training facility.

Council has a short term animal holding facility located at the rear of the works depot and RSPCA Wangaratta is contracted to provide pound services for Council. This contract expires in December 2021 and has recently been put out for tender.

Registered domestic animal businesses are audited both randomly and on receipt of complaints. Council also proactively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

9.1 Our policies and procedures

In accordance with the provisions under Part 4 of the DAA, domestic animal business must be registered with Council. Currently there are five types of domestic animal businesses that must be registered, which are:

- Pet shops
- Boarding establishments
- Breeding and rearing establishments
- Dog training establishments
- Dog and cat shelters and pounds.

Council must refuse to register renew or revoke a Domestic Animal Business registration if any of the conditions under Part 4, Division 3 of the Act are met. Domestic Animal Businesses are subject to Council inspection prior to registration, and at least annually thereafter, to ensure they are complying with the Code of Practice applicable to that Business. Current Codes of Practice are available on the Agriculture Victoria website or via Animal Welfare Victoria, along with audit checklists and factsheets to assist DAB operators to remain compliant.

Codes of Practice for the operation various DAB are made under the provisions of Section 59 of Division 4 of the DAA. The purpose of the Codes is to specify the minimum standards of accommodation, management, breeding and care that are appropriate to the physical and behavioural needs of dogs and cats affected by businesses operating as domestic animal businesses. The Council is responsible for inspection, audit and ensuring compliance with the Code.

Where an inspection has revealed that the domestic animal business is not operating in accordance with the Code of Practice, the officer must notify the proprietor of the breaches and issue a Notice to Comply directing the proprietor to undertake all work necessary to meet compliance of the Code within a given time.

In the event the proprietor does not comply with the Notice to Comply, the Compliance Officer shall prepare a report for consideration by the Compliance Coordinator who will determine if Council should take legal or further action.

Planning requirements may exist for an animal business. These are in addition to the requirements of the DAA and Benalla Planning Scheme. The application should be forwarded to the Planning Department for comment prior to proceeding.

9.3 Our plan

Objective 1: Ensure Domestic Animal Businesses are compliant with relevant legislation and codes of practice.

Activity	When	Evaluation
a) Identify all businesses that should be registered DABs in the municipality, including businesses selling pets, products or services. Follow up to determine if they should be registered with Council.	Ongoing	Compare number of registered DABs before and after activity.
b) Monitor the Council's registration database for owners with more than 3 fertile females.	Annually	Enforcement actions
c) Conduct searches for unregistered Domestic Animal Businesses via internet, social media and newspapers.	Ongoing	Enforcement actions

Objective 2: Annually inspect and audit all registered DAB's.

Activity	When	Evaluation
a) Media campaigns to raise awareness of DAB definition, Council responsibilities and code of practices that must be adhered to.	Annually	Number of complaints received
b) Investigate advertisements of pets for sale.	Ongoing	Number of complaints received
c) Audit DAB's randomly to ensure compliance.	Annually	Enforcement actions

10. ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

Under section 68A(3) of the DA Act, Council must review its DAMP annually and, if appropriate, amend the plan. Council must provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan, including any amendments, and publish an evaluation of the plan's implementation in its annual report.

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



BENALLA

RURAL CITY COUNCIL

Draft

Benalla Rural City Council
2021 – 2025

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DOMESTIC ANIMAL MANAGEMENT PLAN

2021-25

Draft





craft



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1. INTRODUCTION AND CONTEXT



1.1

PURPOSE OF DOMESTIC ANIMAL MANAGEMENT PLAN

Under Section 68A of the *Domestic Animals Act 1994* (the Act), Council is required to prepare and implement a Domestic Animal Management Plan (The Plan) every four years.

The purpose of The Plan is to evaluate and monitor if Council animal management strategies and services are meeting community needs and adequately addressing the requirements of the Act and the Domestic Animal Regulations 2015.

A domestic animal management plan prepared by a Council must—

- a. set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations
- b. outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district
- c. outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - i. to promote and encourage the responsible ownership of dogs and cats
 - ii. to ensure that people comply with this Act, the regulations and any related legislation
 - iii. to minimise the risk of attacks by dogs on people and animals;
 - iv. to address any over-population and high euthanasia rates for dogs and cats
 - v. to encourage the registration and identification of dogs and cats
 - vi. to minimise the potential for dogs and cats to create a nuisance
 - vii. to 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 the Act and the regulations.

- d. 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
- e. 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
- f. provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Every Council must—

- a. review its domestic animal management plan annually and, if appropriate, amend the plan
- b. provide the Secretary with a copy of the plan and any amendments to the plan
- c. publish an evaluation of its implementation of the plan in its annual report.

1.2

PROCESS APPLIED IN DEVELOPING THE PLAN

The Benalla Rural City Domestic Animal Management Plan was developed as an operational document by Authorised Officers of the compliance team, over-viewed by the Manager Development, utilising current data and statistic available through Council and publicly accessible research and reporting.

The draft document was subject to a community consultation process and Council review for further evaluation and adjustment before presentation to Council for approval and adoption before submission to the Minister.

1.3 DEMOGRAPHIC AND PROFILE OF COUNCIL

Benalla Rural City is located approximately 214 kilometres north east of the city of Melbourne, Victoria’s capital, making it easily accessible by road or rail in about two hours. Benalla Rural City Council comprises 235,059 hectares covering 41 localities, in whole or in part. It has a population of approximately 14,000 with an average median age of 49 years, and approximately 9,000 people living in the Benalla urban area (2016 census data).

Benalla Rural City includes the towns and rural districts of Archerton, Baddaginnie (part), Barjarg (part), Benalla, Boho South (part), Boweya (part), Boxwood (part), Bridge Creek (part), Broken Creek, Bungeet, Bungeet West, Chesney Vale, Creek Junction (part), Devenish,

Glenrowan (part), Glenrowan West, Goomalibee, Goorambat, Lima, Lima East, Lima South, Lurg, Major Plains (part), Molyullah, Moorngag, Mount Bruno, Myrree (part), Samaria, Stewarton (part), Strathbogie (part), Swanpool, Taminick, Tarnook, Tatong, Thoona, Tolmie (part), Upper Lurg (part), Upper Ryans Creek, Warrenbayne, Winton and Winton North.

Benalla Rural City was formed in 2002, following the de-amalgamation of Delatite Shire into Benalla Rural City and Mansfield Shire. Benalla Rural City is predominantly a rural area but has substantial residential areas in and around the city of Benalla.

Most of the City’s retail space is in shopping strips in central Benalla. There is some industrial land use to the north-east and east of the city. Most of the rural area is used for agricultural purposes, including wool and meat production, dairying and cropping.

1.4 CONTEXT AND CURRENT SITUATION

PROGRAM/SERVICE	SERVICE LEVEL
Education programs by means of media releases, community notices, mailing of renewal notices and placement of A-frame signs in high-risk areas.	Number of dogs and cats per year.
Monitor registration renewals and follow up enquiries for previously registered animals.	Desktop audit and follow up (phone or visit) commencing in June.
Enforcement activities for unregistered animals when located via complaint or impounded strays.	All impounded animals must be registered prior to reclaim and enforcement action taken upon receipt of reclaim reports.
Dog attack complaints.	Procedures manual requires response to dog attack complaint within 30 minutes.
Routine street patrols.	Dedicated “dog truck” vehicle for regular daily patrols during business hours and in response to after-hours callouts.
Pound.	Contracted Municipal Pound facility (RSPCA Wangaratta) open for public between 8:00am and 5:00pm Weekdays. Officers have access for after hours impounds.
Advertise located animals on social media and hold locally for up to 24 hours before transport to pound facility.	All animals found at large are posted on Council social media pages to try and identify owner and kept in holding pens locally for reclaim for up to 24 hours if not registered or owner unable to be identified through microchip.
Policy of one free return per year for any registered animal located at large without penalty.	Currently registered pets returned to owner without release fee and warning only once per year if located at large.
After hours emergency service.	Officers on rotational roster for on call duties between 5.00pm and 8.00am Monday to Friday and 24 hours over weekend.

1.5

DOMESTIC ANIMAL STATISTICS

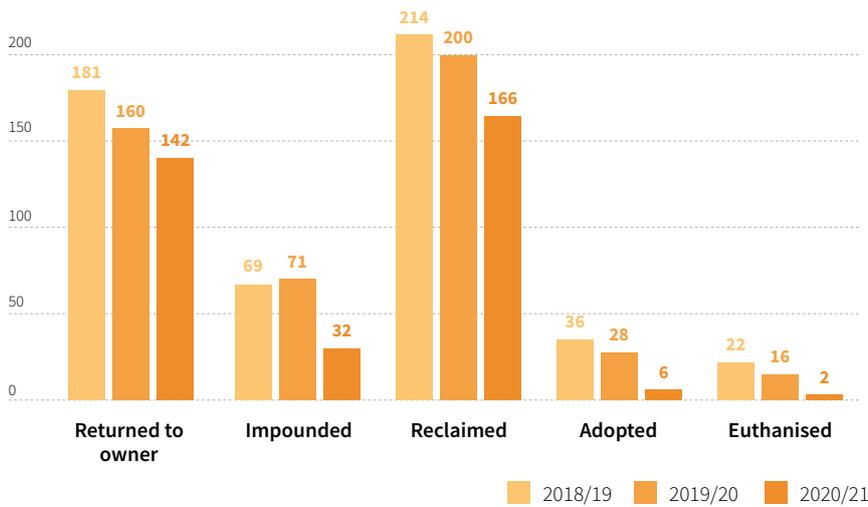
DOGS

	2018/19	2019/20	2020/21
Number registered	3,489	3,687	3,069
Declared dogs (dangerous, menacing, restricted)			3 (menacing)
Stray returned to owner (not impounded)	181	160	142
Impounded by Compliance Officers	69	71	31
Collected by public (stray)	0	0	1
Collected by public (surrender)	25	15	2
Total	275	246	176
Adopted	36 (13%)	28 (11%)	6 (3%)
Euthanised	22 (8%)	16 (7%)	2 (1%)
Reclaimed	214 (78%)	200 (81%)	166 (95%)

CATS

	2018/19	2019/20	2020/21
Number registered			
Impounded by Compliance Officers	113	95	70
Collected by public (stray)	1	0	0
Collected by public (surrender)	34	23	33
Total	148	118	103
Adopted	105 (71%)	84 (71%)	72 (70%)
Euthanised	20 (13%)	16 (14%)	13 (13%)
Reclaimed	16 (11%)	11 (9%)	9 (9%)
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DOGS



Return to owner

Owner identified and dog returned without impound

Stray

Animal unregistered or unidentified and impounded at RSPCA Wangaratta

Reclaimed

Animal reclaimed by owner (includes dogs returned to owner)

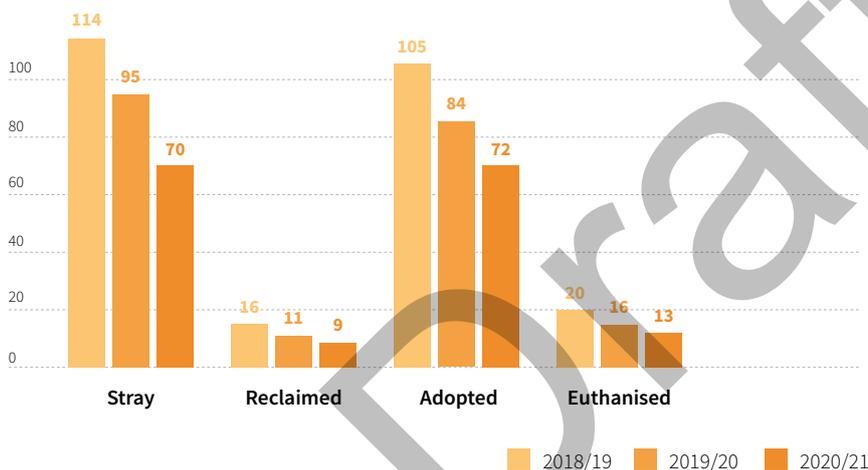
Adopted

Animal adopted after 8 days impound and not reclaimed

Euthanised

Animal assessed as feral, suffering untreatable illness or injury

CATS



Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting Council's ability to publicise the registration renewal period or make follow up enquiries by doorknock to chase up renewals.

There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well.

The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.

2. TRAINING OF AUTHORISED OFFICERS



2.1

CONTEXT AND CURRENT SITUATION

The Benalla Rural City Council's Compliance Department consists of a Compliance Coordinator, two full-time Compliance Officers (CO), one combination Compliance officer/Administration Officer and three casual animal emergency after hours Officers.

As well as Animal Management, the compliance team are responsible for investigation and enforcement in several areas, including EPA complaints, Litter Enforcement, Planning Enforcement, Building Enforcement, Local Laws, and prosecutions for the Development Department. Officers work on a weekly rotational roster, supplemented by selected trained depot staff, to cover Council's animal after hours call out service.

The Compliance department is responsible for providing an animal management service, for the Council, which includes:

- Seizure and impounding of domestic animals and livestock
- Managing of complaints relating to domestic animals and livestock
- Promoting responsible pet ownership in the community
- Investigating dog attacks and nuisance complaints
- Enforcement and ensuring compliance with legislation and various codes of practice relevant to domestic animals and livestock
- Domestic animal registration process
- Investigating animal welfare issues
- Management and inspection of domestic animal businesses
- Providing advice to owners and the general community in relation to domestic animals
- After hours animal emergencies.

2.2

OUR PLANNED TRAINING FOR AUTHORISED OFFICERS

A variety of training is available for all authorised Officers. Training options are annually reviewed to ensure relevant and up to date material is provided.

Training options include:

- Animal handling and behaviour
- Dog and cat management
- Investigation and statement taking
- Enforcement and prosecution
- Conflict management
- Information technology

Officers are also eligible to attend industry related seminars, conferences and briefings from Animal Welfare Victoria (DEDJTR), Municipal Association of Victoria MAV, Australian Institute of Animal Management (AIAM) and other relevant Associations.

2.3

OUR PLAN

OBJECTIVE 1

Develop and maintain a training register for Compliance Officers to enhance skills and knowledge.

ACTIVITY	WHEN	EVALUATION
a. Record each officers name, completed training along with proposed additional training opportunities.	Ongoing	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each Officer.
b. Staff attendance at industry related seminars such as RSPCA training, Animal Welfare Victoria training and animal specific training as opportunities present.	As available	Annually review to see if training objectives are being met.
c. Membership of professional bodies within the animal industry, such as Australian Institute of Animal Management and attendance at conferences and discussion groups as they become available.	Ongoing	Annually review to see if training objectives are being met.

OBJECTIVE 2

Develop existing authorised officers to multi-skill to ensure adequate backfilling or additional staffing when necessary.

ACTIVITY	WHEN	EVALUATION
a. Identify minimum level of experience and training required to build skill set.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field.
b. Allocate a “buddy” to the Officer being developed and to ensure accurate information and training is being provided whilst on the job.	Ongoing	Review feedback from both Officers regularly to ensure effective development.
c. Allocate a variety of tasks for the Officer to have completed during the development period.	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.
d. Officers to follow up complaints and provide feedback to improve skills and systems.	Ongoing	Review on a Monthly basis at Compliance team meetings.

3. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION



3.1

CONTEXT AND CURRENT SITUATION

Council use several methods to promote and encourage responsible pet ownership and compliance with legislation within the Benalla Rural City.

These methods include, but are not limited to:

- Provision of an internally resourced after hours emergency animal service
- Installation and stocking of poo bag dispensers at strategic locations within the township
- Regular media releases regarding benefits and requirements for dog and cat registration
- Use of Facebook and social media to advertise unidentified impounded animals to assist with speedy return to owners

3.2

OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS

Benalla Rural City does not currently have any orders under Section 25 or 26 of the *Domestic Animals Act*.

CURRENT LOCAL LAWS

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

TYPE OF ANIMAL	MAXIMUM ALLOWED IN RESIDENTIAL AREAS
Dogs	2
Cats	2

**Actual list contains other animals and birds but has been edited for this document to improve clarity*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding;
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.; and
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 53 - Accommodation for Animals

An owner or occupier of land must ensure that all animals on that land are housed:

- (1) in a clean, inoffensive and sanitary condition;
- (2) so as not to cause nuisance; and
- (3) in an adequate and appropriate manner for the type of animal being housed.

Local Law No. 58 - Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

Local Law No. 60 - Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- (1) not allow the excrement of the dog to remain on that road or in that municipal place;
- (2) carry a device suitable for the removal of any excrement that may be deposited by the dog; and
- (3) produce the device on demand by an Authorised Officer.

CURRENT POLICIES AND PROCEDURES

Cats and Dogs at Large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

After Hours Service

Council provides a 24 after hour's call out service to respond to urgent calls for service outside of normal business hours. The service is monitored and controlled by the Customer Relations Coordinator. Officers are rostered for after-hours call out duties on a one week rotational basis. The on-call officer will have custody of the compliance animal collection vehicle during their time rostered for after-hours call out and will ensure they remain physically and legally able to respond to calls for service during their roster period.

The officer on call must utilise the Council compliance vehicle, supplied PPE and take all reasonable steps to ensure the safety of themselves and others when attending to out of hours calls for service. The on-call officer must call for assistance from other officers and/or authorities where, in the opinion of that officer, the situation warrants assistance.

The officer is to acknowledge all calls received through the after-hours paging service, contacting the customer to advise what action is to be taken and/or by turning out within 15 minutes of the phone call.

The officer on duty must act upon the following after-hours situations reported on the emergency paging service:

- Any Victoria Police call requesting an Officers assistance
- Dog attack
- Where a dog is at large
- A dog is causing an immediate danger to the safety of people or other animals
- Stray dog that has been securely confined for collection
- Injured animals
- Livestock at large and/on the road
- Any other situation(s) that the Compliance Coordinator, Manager Development, General Manager Corporate or the Chief Executive Officer instructs the officer to attend to.

3.3

OUR PLAN

OBJECTIVE 1

Reduce the number of compliance actions and complaints by educating the community about their legislative obligations.

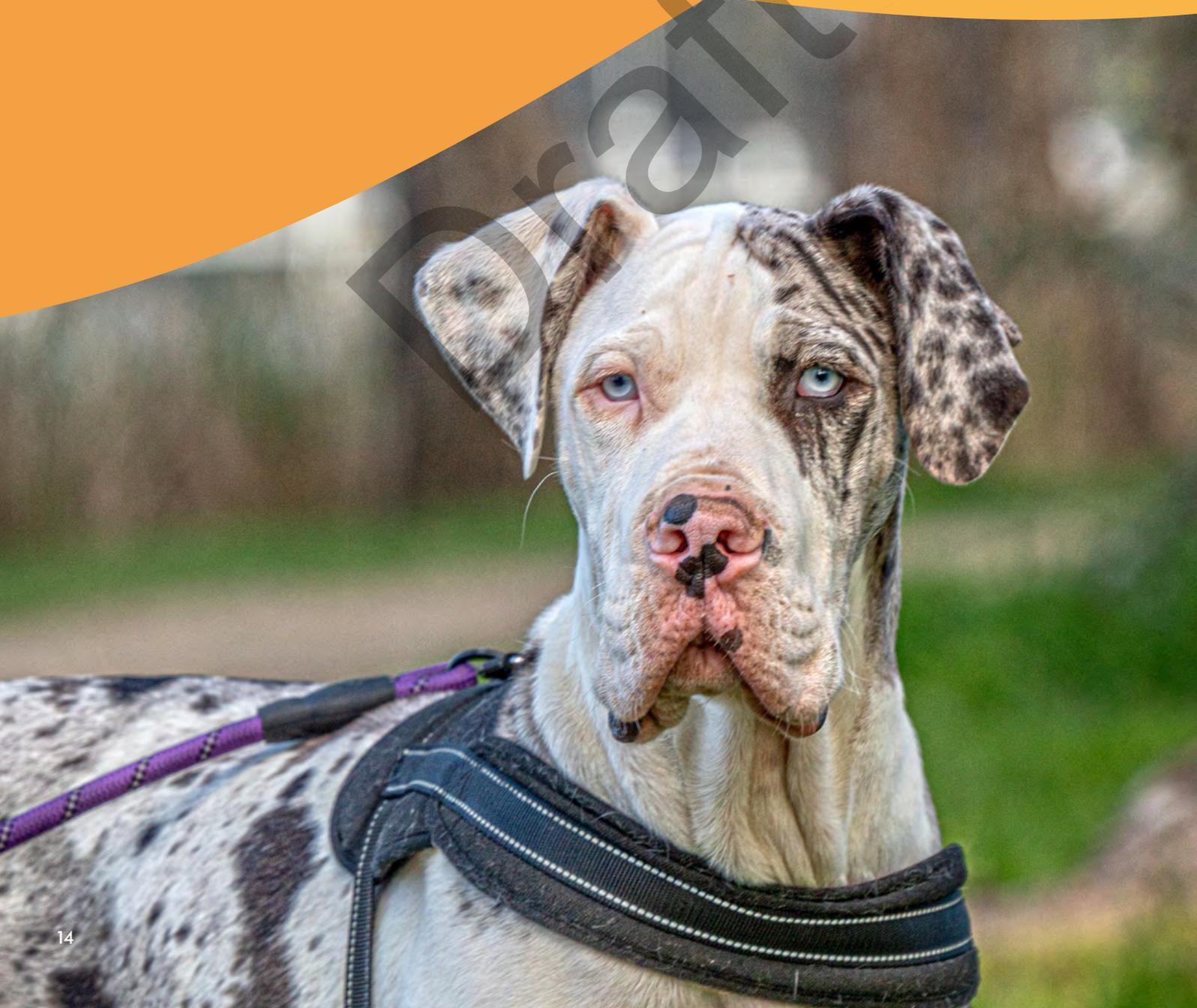
ACTIVITY	WHEN	EVALUATION
a. Develop engaging fact sheets and web content regarding legislative obligations.	Ongoing	Monitor complaints and enforcement actions quarterly.
b. Interchangeable magnetic signs project for Council vehicle for targeted campaigns.	2022	Assess if number of registrations and renewals increase.
c. Explore opportunities for educational “pop up” stalls at community events and expo’s to deliver responsible pet ownership and educational material to pet owners.	As opportunities present	Community engagement and material distributed.

OBJECTIVE 2

Encourage dog owners to clean up after their pets and maintain effective control when in public areas.

ACTIVITY	WHEN	EVALUATION
a. Continue to maintain poo bag dispensers in areas with high dog walker presence.	Ongoing	Amount of dispensers requiring change weekly.
b. Continue to identify changing demographics for areas where new dispensers and patrols may be required.	Quarterly	Monitor complaints regarding failing to pick up after animals and patrol observations.
c. Explore options for branded poo bag holders to go out with registration packs.	2022	Public satisfaction.
d. Education campaign on meaning of effective control in public areas via webpage and social media.	2023	Monitor complaints regarding dog behaviour in public places.

4. PROGRAMS TO ADDRESS OVER-POPULATION AND HIGH EUTHANASIA RATES



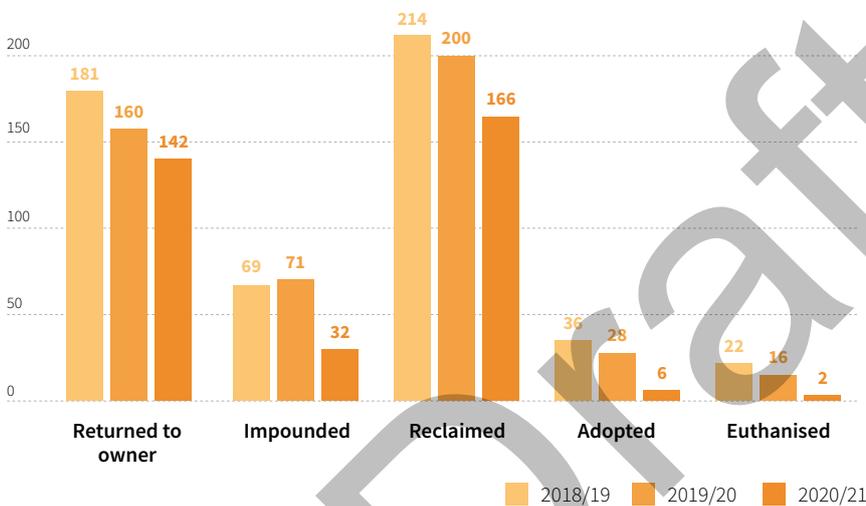
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CONTEXT AND CURRENT SITUATION

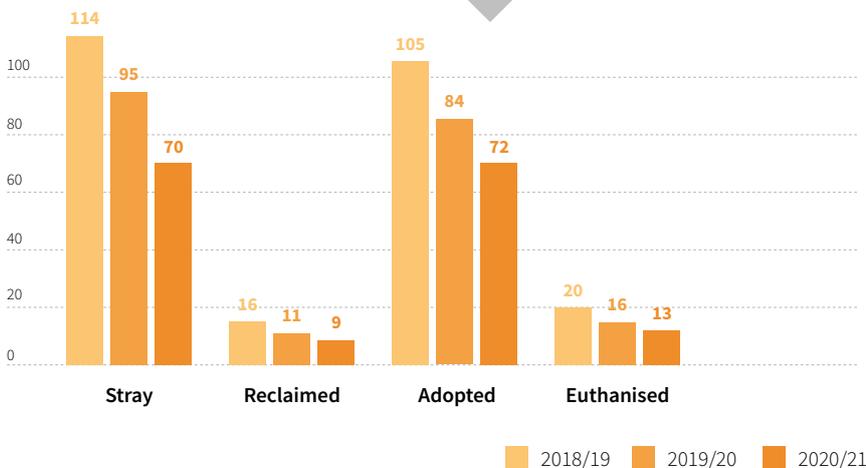
There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well. The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.

DOGS



CATS



4.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS

There are currently no orders in place for Benalla Rural City.

CURRENT LOCAL LAWS

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

TYPE OF ANIMAL	MAXIMUM ALLOWED IN RESIDENTIAL AREAS
Dogs	2
Cats	2

**Actual list contains other animals and birds but has been edited for this document to improve clarity*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding;
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth; and
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

Local Law No. 58 - Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

CURRENT POLICIES AND PROCEDURES

Cats

The seizure of cats is regulated by the provisions of the DAA. There is no general offence of “at large” for domestic cats, unless Council passes an order under Section 25 of the DAA to declare a “cat curfew” for the municipality or specific areas. There is currently no Section 25 order in place for Benalla.

Residents may use an approved cat trap, or hire a free cat trap from Council, in order to trap cats trespassing on their property. Authorised Officers may conduct trapping programs on behalf of residents if circumstances dictate or a problem area is identified.

When a cat is trapped or seized by a person on private property, the officer must check for Council tag and scan for microchip details. If an owner is identified and the cat is registered, it should be returned to the owner, who is advised to keep the cat contained and not allow it to trespass onto other person’s property. If the cat is not registered or has no microchip details, it should be impounded and transported to the Council pound facility. If the cat is injured, unwell or obviously feral, it should be taken to Council’s contracted vet for assessment.

Any unidentified cat should be photographed (not through cage wire or bars) and the photograph sent to the Compliance Coordinator along with the location time and date of seizure. The animal will be posted on Councils social media pages to try and identify an owner.

Owned cats trespassing on private property are to be handled as per the instructions for Notice of Objection as detailed below.

Owners of cats that are impounded without microchip or registration and are later claimed should be infringed for failing to apply to register.

Hire of Cat Cages

1. The Compliance Department receive requests to hire cage
2. File with other requests
3. When cage becomes available, ring and offer cage to person waiting. There is no fee attached to the hiring of a cat cage.

When delivering cage:

- ensure you offer to show the person how to use the cage
- have 'Contract for use of Cat Cage' form signed (ensure all details are provided on form)
- provide person with 'Use of Cat Cage' information.

After 7 days the Compliance Officer should call the person and arrange pick up. An authorised officer may allow the cage to be kept for a longer period using their discretion after considering the circumstances.

After the pick-up of a cage, the Compliance Officer must fill in 'Contract for use of Cat Cage' form and ensure that the return date has been submitted. Remove the page from the 'Signed' section of the cat cage forms folder and file with 'Returned'.

Officers may also be required to collect surrendered cats confined by their owner or injured cats (see above). In this case, officers should ensure that the surrendering owner fills out a surrender form and acknowledges that the ownership of the animal passes on to Council and that they cannot claim prior ownership if they later change their mind.

Officers should also ensure that they explain to a person surrendering a cat that if it is not adopted or assessed unsuitable for adoption, it may be euthanised. Cats must be assessed by the Council's contracted veterinarian or RSPCA prior to being euthanized.

Excess Animal Permits

Benalla Rural City Council Community Local Law 2017 restricts the number and type of animal/s that may be kept in a residential area. Generally speaking, residential areas are limited to two dogs and/or two cats whilst rural areas are allowed five dogs or three cats. Refer to Clause 52 (1) of the Community Local Law 2017 for the complete table.

A person who wants to keep more than the permitted number of or type of animals on a property must apply for an excess animal permit. The form can be obtained from customer service or be posted to the applicant upon request.

When the completed application and fee are received, a survey should be conducted with neighbouring properties who might reasonably be affected by the keeping of excess animals. This can be done by door knock or the delivery of written survey forms for completion and return within a specified time frame. The officer must also undertake an inspection of the property to ensure the animals can be kept in accordance with the permit conditions, the requirements of POCTA and address any reasonable and verifiable issues raised by the neighbourhood survey. The officer shall advise the applicant of the result of the inspection as soon as reasonably practicable.

If granted, a permit remains valid for twelve months subject to compliance with conditions. A permit may be reviewed, suspended or revoked if the permit conditions are not adhered to. Each individual permit granted is subject to a separate fee and registration.

In the event the animals cannot be kept in accordance with Council's requirements, the officer must advise the applicant of the reasons and allow sufficient time for the applicant to make representation or remove the animal/s if they are already housed on the property.

Follow-up inspections may be required to ensure compliance with permit conditions.

If a permit holder is found in default of any conditions, an officer may issue a Notice to Comply directing the permit holder to remedy a situation.

Where the officer believes the permit has been breached beyond remedy and should be withdrawn, the officer should prepare a report and make recommendations to the Compliance Coordinator.

4.3

OUR PLAN

OBJECTIVE 1

Encourage de-sexing of animals and facilitate affordable de-sexing programs.

ACTIVITY	WHEN	EVALUATION
a. Discount registration fees for cats and dogs that are de-sexed to encourage registration of animals over 3 months of age.	2023	Promotes compliance and the importance of registration.
b. Discount initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age.	2023	Promotes compliance and the importance of registration.
c. Report to Council in relation to conducting a cost/benefit analysis regarding; free initial registration fees for cats that participate in the AVA subsidised de-sexing voucher scheme.	2023	Number of new cat registrations per year.
d. Explore grant opportunities to provide free or discounted microchipping and desexing for pets of disadvantaged or low income members of municipality.	2023	Number of public feedback.

OBJECTIVE 2

Reduce number of impounded unregistered cats and reports of wild/unowned cats.

ACTIVITY	WHEN	EVALUATION
a. Education campaign regarding semi-owned and wild cats.	2022	Public feedback.
b. Conduct targeted trapping operations in areas identified as cat nesting areas, particularly in areas of high bio-diversity.	Ongoing	Impound statistics (quarterly).
c. Promote health and safety benefits for containing cats to property.	Ongoing	Impound statistics (quarterly).
d. Explore options for education on building or installation of low cost cat containment systems.	Ongoing	Impound statistics (quarterly).
e. Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: www.safecat.org.au).	Ongoing	Public feedback.

The Victorian Government allocated a further \$7.5 million boost to animal welfare grants in the 2020–21 State Budget. This targeted funding commitment includes \$1.5 million over three years to enable delivery of free or low-cost desexing programs for cats and dogs owned by vulnerable and disadvantaged Victorians. Councils are eligible to apply.

For more information visit:

www.agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/community-and-education/animal-welfare-fund-grants-program

Cat containment

Cat containment (whether through curfews and associated legislation or as part of responsible pet ownership) can be supported through providing cat owners with resources and information to assist with transitioning their cat to a stay at home lifestyle. Many cat owners don't believe they are able to provide their cats with what they need at home (or know what those needs might be), presenting a large barrier to undertaking the behaviour and meaning that enforcement alone is unlikely to result in the desired change.

Safe Cat, Safe Wildlife

Safe Cat, Safe Wildlife is a campaign run by Zoos Victoria and RSPCA Victoria that provides cat owners with these resources, helping them give their cat the safest and happiest life. The website safecat.org.au contains information articles and short tips and tricks for an indoor lifestyle, as well as helping highlight the benefits to cats staying at home (welfare and safety for the cat and a safer neighbourhood for local wildlife). Individuals can join a Safe Cat community, with quarterly emails that contain new engaging content and offers/discounts for cat enrichment items, supporting cat owners and helping to build a social norm of pet cats staying at home rather than being left to roam the streets.

Councils, breeders, vets and other organisations

Councils, breeders, vets and other organisations can register and receive free resources (such as physical postcards and brochures as well as digital resources) to share with their audiences as required, such as with renewal notices, after de-sexing, shelter pick-ups, nuisance calls). Find out more: www.safecat.org.au.

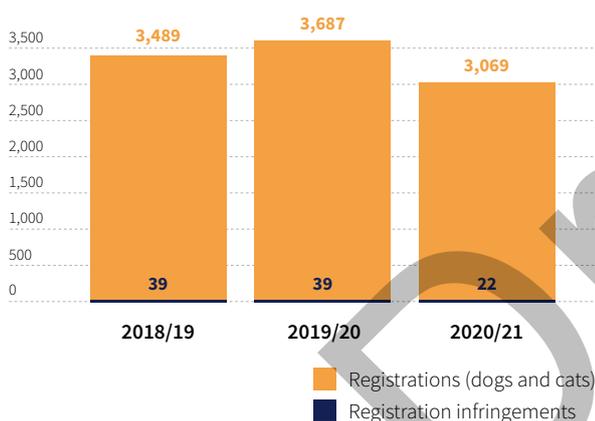
5. REGISTRATION AND IDENTIFICATION



5.1 CONTEXT AND CURRENT SITUATION

All dogs and cats over the age of 3 months must be registered with the Benalla Rural City Council as per Section 10 (1) of the Act; newly registered animals must also be micro-chipped before registration can be accepted.

	2018/19	2019/20	2020/21
Dogs and Cats registered	3,489	3,687	3,069
Fail to register infringements	30	32	20
Fail to renew infringements	9	7	2



Summary

Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting enquiries by doorknock to chase up renewals. Infringements for failing to register or renew have remained constant.

The Australian Companion Animal Council, in their report (7th Edition), found that the overall pet population (including all pets such as birds and fish etc) in Australia was approximately 33 million. The report showed that there are 3.41 million dogs, or 36% of households owning a dog and 2.35 million cats, or 23% of households. With an estimated population of 14,000 people, Benalla has 3,069 dogs and cats registered within the municipality, a percentage of 22% registered pets per population. This would indicate that registrations are slightly below the average number of dogs and cats currently kept in Australia.

5.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS

There are no current local laws for registration in Benalla Rural City. We rely on Section 10(1) of the Domestic Animals Act for enforcement of registration.

CURRENT LOCAL LAWS

Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

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- (1) five (5) dogs; or
- (2) three (3) cats

CURRENT POLICIES AND PROCEDURES

Current education/promotion of registration and identification activities includes:

- Publicising the requirement to register pets over the age of three months in the Benalla Ensign, Benalla Rural City Community Connect, Benalla Rural City website and the Council's on hold phone messages
- A-frame signs placed at high traffic intersections and areas reminding pet owners of requirement to register and renew
- Animal registration renewal notices are mailed out in late February or early March each year for currently registered animals
- Lifetime registration tags are issued to pet owners upon registration of dogs or cats
- Brochures included in newly registered animal notices to provide information regarding the importance and requirements of registration.

CURRENT COMPLIANCE ACTIVITIES

Current compliance activities for registration and identification include:

- A door knock or telephone audit conducted each year for animal registrations that have lapsed
- Enforcement through infringement or prosecution where animals kept within the municipality are not registered or renewed
- Ensuring impounded and unregistered animals are micro-chipped and registered prior to release
- Investigating Domestic Animal Business (DAB) notifications of animals being sold or given away to residents in the municipality
- Monitoring advertisements relating to animals for sale to ensure microchip numbers or DAB numbers are provided
- Proactive and reactive park and street patrols to follow up registration and ensure identification tags are being worn.

Animals found unsecured or 'at large' from their property and are identifiable by means of an allocated Benalla Rural City Council identification tag have a higher chance of being reunited with their owners and therefore not impounded. When dogs and cats are outside of the owner's premises, Council identification tags must be worn as outlined in section 20 of the Act.

The registration of animals provides the Benalla Rural City Council with an understanding of the level of pet ownership in the community and in turn this helps Council plan for services, information and programs associated with pets in particular areas of the community.

Registration fees help fund the services provided by the Council in relation to animal management and the BAW's responsible pet ownership campaigns and programs provided within the municipality.

5.3

OUR PLAN

OBJECTIVE 1

To minimise the number of properties required for the desktop and door knock audit and increase numbers of registrations and renewals in the municipality.

ACTIVITY	WHEN	EVALUATION
a. Educate residents of the animal registration renewal period by means of advertising/media releases, mailing of renewal notices and by placing A Frame signs in areas where high levels of un-registered animals are kept.	March – May annually	Demonstrate increase or decrease in numbers of pets registered with council following annual registration and renewal period.
b. Ensure each property is audited and issued infringements where animals found to be unregistered.	July – August annually	Infringements issued.
c. Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to each release	Registrations.
d. Proactive door knocking in areas believed to have high number of unregistered animals via impound stats, to check for unregistered and un-identified dogs and cats. Effective advertising prior audit commencing.	Annually	Enforcement actions.
e. Utilise Council social media to promote benefits of registration, microchipping and desexing.	Ongoing	Registrations.

OBJECTIVE 2

Facilitate registration for lower socio-economic areas and increase awareness among culturally and linguistically diverse communities of pet registration requirements.

ACTIVITY	WHEN	EVALUATION
a. Brochures and articles explaining registration requirements and benefits in languages other than English for the CALD community.	February – April annually	Annual registrations and renewals.
b. Offer responsible pet ownership rewards to pet owners found doing the right thing.	Ongoing	Public feedback.
c. Explore options for grants and subsidies for discounted microchipping and desexing programs for pension card holders.	As opportunities arise	Annual registrations.
d. Consider engaging local Vet clinics to act as agents for registrations on behalf of Council under section 12 of the Act.	2023	Annual registrations.

6. NUISANCE

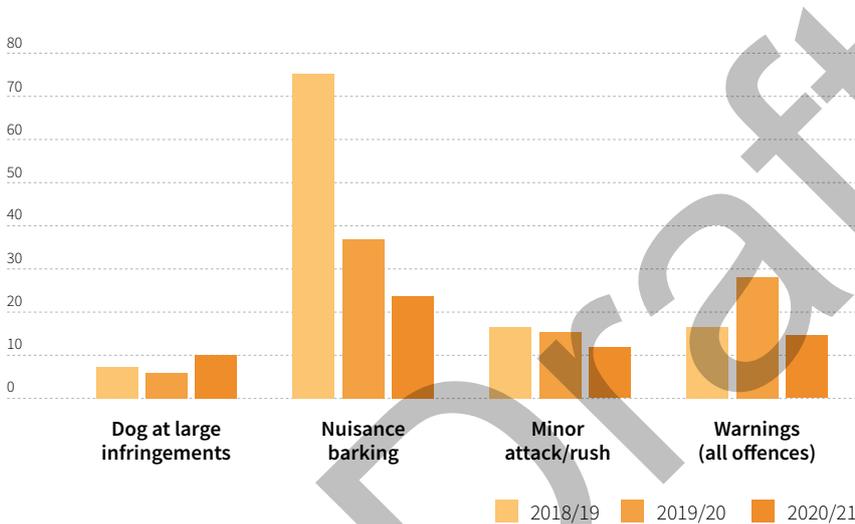


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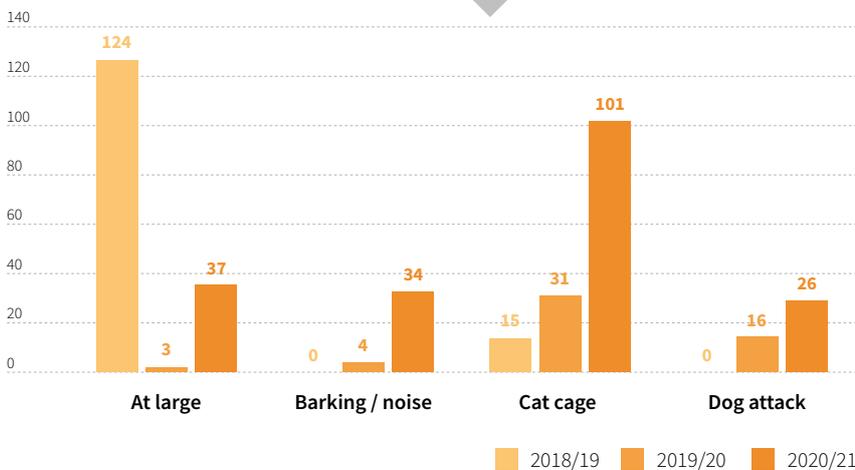
CONTEXT AND CURRENT SITUATION

Council's current policies and procedures regarding nuisance animals are positively weighted encouraging a community based resolution before involving Council enforcement. To this end, nuisance barking complaints are required to discuss the issue with neighbours or utilise a dispute settlement service, prior to reporting the matter to Council. Council offer a 24/7 call out service for collection of lost and wandering dogs and will return registered dogs and cats to their owners without penalty once a year, in order to encourage prompt registration and renewal.

	2018/19	2019/20	2020/21
Dog/Cat at large infringements	8	6	10
Nuisance barking complaints	75	37	24
Minor attack/rush offences	16	15	11
Official warnings	16	28	14



Nuisance



6.2

OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS

There are currently no orders issued under the *Domestic Animals Act 1994* for Benalla Rural City.

CURRENT LOCAL LAWS

Section 60. Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- (1) Not allow the excrement of the dog to remain on that road or in that municipal place;
- (2) Carry a device suitable for the removal of any excrement that may be deposited by the dog; and
- (3) Produce the device on demand by an authorised officer.

CURRENT POLICIES AND PROCEDURES

Nuisance Barking

The Council has a standard operating procedure for barking dog complaints to ensure all complaints received are handled in the same consistent manner by all authorised Officers. The procedure steps out the required processes involved to investigate the complaint, including neighbourhood mediation, noise logs, statements and an approach to encourage compliance at the earliest stage possible.

Where nuisances is found to exist pursuant to section 32 of the Act, Council will take enforcement action that may include negotiation, warnings, infringements, notice to comply and prosecution to obtain orders from the Magistrates Court as a last resort.

This procedure is regularly reviewed and updated as legislation and community expectations evolve over time.

Cats and Dogs at Large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

6.3 OUR PLAN

OBJECTIVE 1

Explore the option of implementing a Council Order relating to the control of dogs in public places pursuant to Section 26 of the Act.

ACTIVITY	WHEN	EVALUATION
a. Submit a draft Council Order relating to restraint and control of dogs in public places for public comment and consultation. Identify and nominate possible off leash areas.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
b. Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation.
c. Educate dog owners in public areas and include brochures in animal registration renewal notices.	Ongoing	Ensure appropriate time and level of education has been provided before enforcement of order.
d. Update signs in parks, reserves and municipal places identifying dogs off and on leash areas.	Ongoing	Regular audits to be conducted of parks, reserves and municipal places to monitor placement and effectiveness of signs.

OBJECTIVE 2

Consider the appropriateness of cat containment orders or initiatives (e.g. cat curfews, specified areas) pursuant to Section 26 of The Act.

ACTIVITY	WHEN	EVALUATION
a. Submit a report relating to restraint and control of cats in public places for public comment and consultation.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
b. Submit a draft order to Council dependant upon community support for a Council Order.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
c. Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation.
d. Educate cat owners and include brochures in animal registration packs and renewal notices.	Ongoing	Impounded cats.
e. Explore grants and subsidies available to assist residents to have cats desexed to prevent wandering and spraying nuisance.	Ongoing	Grants awarded.
f. Provide education material about cat enclosures and provide a DIY cat enclosure workshop.	2024	Grants awarded.
g. Circulate Safe Cat, Safe Wildlife education material throughout municipality (Find out more: safecat.org.au)	Ongoing	Impounded cats.

*Council, either directly or in partnership with an eligible organisation (e.g. landcare, conservation, education organisations), may be able to apply for grant funding to support cat containment initiatives within their municipality. Regularly check this Department of Land, Water and Planning's biodiversity funding page to determine if suitable streams of funding become available: www.environment.vic.gov.au/grants

7. DOG ATTACKS



7.1 CONTEXT AND CURRENT SITUATION

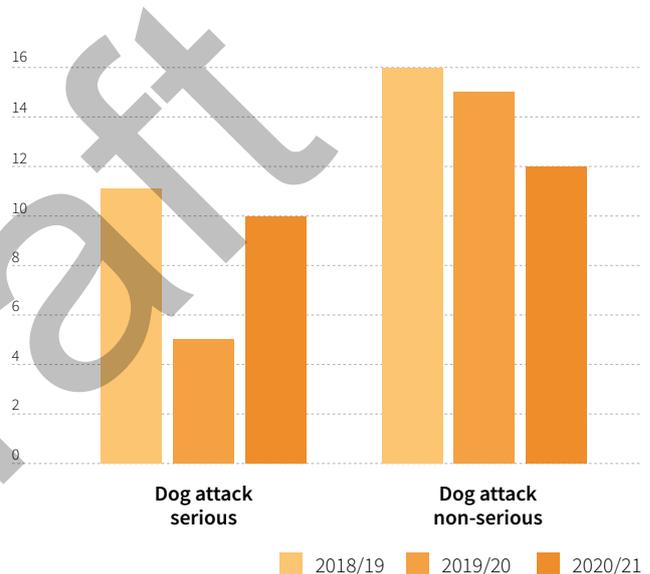
Incidents of dog attacks in Benalla Rural City are at the lower end statistically and have remained constant, declining slightly, over the last 3 years. It is important to note that only attacks reported to Council are recorded, which tend toward attacks by dogs at large and not those that occur in the home by dogs known to or owned by the victim. This is explained in the report, “Dangerous dogs, a sensible solution” published by the Australian Veterinary Association in 2012, which states:

“Dog bite incidents generally occur either in domestic settings where the animal is known to the victim, or by dogs at large . . . unknown to the victim. While dogs at large are responsible for a minority of dog bites, they attract disproportionate media and political interest. They are the public face of the dog bite problem, and most legislation is designed to control this part of the problem. However, most bites occurred in the dog’s own home and involve victims bitten by their own dog (Kizer 1979 cited in Overall and Love 2001). In Australia, 73% to 81% of attacks occur in the domestic environment (Ashby K 1996 quoted in Ozanne-Smith et al 2001)”

“Not surprisingly, Council data report that 62% of dog attacks occurred in public places (Anon 2012) because few people will report bites by their own dog to council. Research has shown that owned dogs delivered more bites, were larger, bit more victims on the head and neck, delivered more bites needing medical treatment, and, in short, were more dangerous than strays (Harris et al 1974 cited in Overall and Love 2001).”

Dog attacks in Benalla are generally directed at other animals, dogs and cats, and particularly attacks on farming stock, such as sheep, cattle, poultry and alpaca. Attacks on livestock can be particularly brutal, often resulting in the death or euthanising of valuable stock animals. Attacks on livestock are not just restricted to large or packs of animals, as even a smaller dog can cause terrified sheep or horses to run into fencing, causing injuries resulting in the animal being put down.

	2018/19	2019/20	2020/21
Dog attack serious	11	5	10
Dog attack non-serious	16	15	12



7.2

OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS

Benalla Rural City does not have any current orders in place under the *Domestic Animals Act 1994*.

CURRENT LOCAL LAWS

Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats.

Adequate Fencing

- (1) An owner or occupier of land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the animal's escape from the land.
- (2) An owner or occupier of land must remove any animal/s from that land if an Authorised Officer forms the opinion and advises the owner or occupier that sub clause (1) is being contravened and that any fencing cannot be effectively repaired as a temporary measure to secure the animal/s prior to full repair or replacement of the fence as deemed by the Authorised Officer.
- (3) Where an owner or occupier of land does not remove an animal in accordance with sub clause (2) the Authorised Officer may, without first serving a written notice, impound the animal in accordance with the provisions of clause 73(1).

CURRENT POLICIES AND PROCEDURES

A report of a dog attack is regarded as a priority job and should receive an immediate response with an officer attending at the scene to assess, take details and seize the attacking dog if warranted. Dog attacks are entered onto the CRMS system by the officer taking the initial report.

Upon arrival, officers should take details of all persons involved, including dog owners, victims and witnesses, including best contact numbers. If possible, a basic statement should be taken from the victim or witnesses at the time, or at least a brief description of the incident, where and when it took place. Photographs should be taken of the scene, any injuries and dogs involved (there is no such thing as too many photographs).

When deciding if the offending dog should be seized, an officer should consider the following:

- The seriousness of the attack. Were there serious injuries (as defined in the Act) involved or an element of intentionally setting the dog to attack or reckless indifference
- Is the dog still at the scene and acting aggressively or not under control
- Is the dog registered or does it have a history of attacks or aggressive behaviour
- Is the dog able to be securely contained at the owners residence and is the owner responsible to keep the dog securely contained
- Any other details relevant to public safety or community expectations.

If the dog is to be seized, the officer should follow the instructions for impounding, and a Notice of Seizure must be issued to the dog owner within 4 days after the dog is seized.

The officer should obtain signed statements from the victim, complainant, witnesses and a veterinary or medical report as soon as possible after the attack. It is often advisable to wait until after any necessary medical or veterinary attention is completed before taking a statement so that all relevant details are able to be included. The officer should note on the file if the owner of the offending dog has reimbursed or offered to reimburse the victim for expenses as a result of the attack.

When all the preliminary information is obtained and signed, the officer should offer the owner or person in charge of the offending dog, the opportunity to take part in an electronically recorded formal interview. This offer should be made in writing and recorded on the CRMS. If the owner accepts the offer, they should be interviewed as per the interview procedure. If the owner declines the offer, then the officer should proceed with the information at hand.

When the file is completed, the officer should make a decision to proceed with prosecution or take no further action. The investigating officer must be able to justify their decision with reference to the facts obtained in the investigation and the likelihood of a successful prosecution.

Non serious attack or rush offences may be dealt with by way of infringement or prosecution, depending on the circumstances as per Section 85 of the DAA.

If an attack involving serious injury or death is to be prosecuted, it must be heard and determined by a Magistrate and is not able to be dealt with by infringement.

CURRENT COMPLIANCE ACTIVITIES

- Investigating dog attacks promptly upon report
- Seizing and holding dogs responsible for serious injury attack
- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Act
- Issuing infringements for wandering dogs
- Issuing infringements for rush and attacks where non serious injury sustained
- Declarations for Menacing or Dangerous Dogs
- Seeking destruction Orders from Magistrates' Court where necessary
- Seeking confinement Orders from Magistrates' Court for dogs continually found wandering or not confined to property
- Proactive patrols of parks and streets for wandering dogs
- Proactive patrols for guard dogs on non residential premises
- Recording data of reported dog attacks in the municipality.

7.3

OUR PLAN

OBJECTIVE 1

Provide targeted education and compliance campaigns in areas where data reporting shows incidents of dog attack against stock and other animals.

ACTIVITY	WHEN	EVALUATION
a. Collate and record data for dog attacks reported including, date/time, suburb, animal type, stock attacked, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed.	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities.
b. Initiate education and compliance activities in targeted areas to encourage reduction of roaming or uncontrolled dogs to prevent attacks occurring.	Annually	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign.

OBJECTIVE 2

To minimise the incidence of dog attacks in the community.

ACTIVITY	WHEN	EVALUATION
a. Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents. Educating key dog attack prevention messages (e.g. confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.	Ongoing	<ul style="list-style-type: none"> • Compare number of reported dog attack incidents pre and post campaign • Consider a community survey pre and post campaign, to measure any changes in knowledge about dog attack prevention • Record type and number of education materials distributed • Numbers of campaign patrols conducted • Number of media articles published.
b. Inform the community of outcomes of dog attacks prosecuted in Court.	Ongoing	As occurs.
c. Set key performance indicators for Officers to complete dog attack investigations within a 6 week timeframe.	2022	Review complaints annually to evaluate percentage completed within timeframe.

8. DANGEROUS, MENACING AND RESTRICTED BREED DOGS



8.1

CONTEXT AND CURRENT SITUATION

Benalla Rural City Council has the following declared dogs currently registered within the municipality:

	NUMBER
Registered restricted breed dogs	0
Registered declared dangerous dogs	0
Registered declared menacing dogs	2

The Act defines restricted breed dogs as any one of the following breeds:

- American Pit Bull Terrier (or Pit Bull Terrier)
- Perro de Prasa Canario (or Presa Canario)
- Japanese Tosa
- Fila Brasileiro

Benalla Rural City Council has no restricted breed dogs registered. Owners of declared dangerous dogs must abide conditions specified in the Act, including:

- Must not consent to, arrange or recklessly allow the dog to breed
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council has no declared dangerous dogs. A dangerous dog is one that has been declared dangerous by Council or the Courts, a guard dog kept for the purpose of guarding non-residential property or a dog that has been trained to attack or bite any person or thing worn or attached to a person. Owners of declared dangerous dogs must abide conditions specified in the Act, including:

- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council currently has 2 declared menacing dogs within the municipality. A menacing dog is one that has been declared menacing by Council or the Courts. Owners of menacing dogs must abide by conditions specified by the Act, including:

- Must notify Council if dog rushes or chases a person
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must always be muzzled and on leash outside the premises.

Council must register all dangerous/menacing/restricted breed dogs with the Victorian Dangerous Dog Register (VDDR). This is a database that records all declared dogs for all relevant parties to see. Any dangerous, menacing and restricted breed dog entered into the VDDR is declared for the life of the animal and cannot be revoked by the Council. Microchip registries are also updated.

8.2

OUR POLICIES AND PROCEDURES

CURRENT POLICIES AND PROCEDURES

Council may declare a dog to be dangerous under Section 34 or menacing under Section 41A of the DAA. If a dog meets the criteria specified in the Act and the officer is of the opinion that a declaration is in the public interest, they may apply for a declaration to be made through the Compliance Coordinator. If a dangerous or menacing declaration is to be made, the process as listed in Sections 35 and 36 of the Act must be strictly followed using the documentation approved by Council for this purpose.

Note: care must be exercised to ensure all provisions of the legislation are complied with in the declaration and only the facts of the case are quoted as being reason for making a declaration.

CURRENT COMPLIANCE ACTIVITIES

- Ensuring all declared dogs are registered on the VDDR
- Regularly conducting inspections on premises housing declared dogs to ensure compliance
- Seizing dogs suspected of being Restricted Breed Dogs
- Dog declarations made where applicable
- Prosecution/Infringements issued for any determined breach
- Assessing suspected restricted breed dogs via the gazetted standard
- Flagging certain breeds from registration database for assessment
- Conduct proactive patrols after hours for unregistered guard dogs (dangerous dogs).

8.3

OUR PLAN

OBJECTIVE 1

Developing a policy to assist in decision to declare a dog dangerous, menacing provides assurance to local residents the decision making is fair and non-biased.

ACTIVITY	WHEN	EVALUATION
a. Develop procedure to standardise dangerous and menacing dog declarations in order to make equitable decisions.	2022	Number of declarations made and appeals received.
b. Review all dog attack investigations upon completion to assess if order is required.	2022	Successful enforcement action.
c. Maintain dangerous and menacing dog register both locally and at a State level by maintaining the Victorian Declared Dog Registry.	Ongoing	Data consistency.

OBJECTIVE 2

Ensure declared dogs are compliant to relevant legislation and regulations.

ACTIVITY	WHEN	EVALUATION
a. Random property inspections of declared dogs to ensure compliance.	Ongoing	Review actions as offences detected.
b. Prosecute repeat offenders or serious breaches detected.	As occurs	Monitor offences and prosecutions.
c. Patrols for unregistered guard dogs in industrial areas.	As occurs	Review actions as offences detected.
d. Educate the community about what is a declared dog.	Ongoing	Review complaints raised as result of heightened awareness.

9. DOMESTIC ANIMAL BUSINESSES



9.1

CONTEXT AND CURRENT SITUATION

There are 6 registered domestic animal businesses within the Benalla Rural City Council, these include 1 pet shop, 2 boarding establishments, 2 breeding establishments and 1 training facility.

Council has a short term animal holding facility located at the rear of the works depot and RSPCA Wangaratta is contracted to provide pound services for Council. This contract expires in December 2021 and has recently been put out for tender.

Registered domestic animal businesses are audited both randomly and on receipt of complaints. Council also proactively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

9.2

OUR POLICIES AND PROCEDURES

In accordance with the provisions under Part 4 of the DAA, domestic animal business must be registered with Council. Currently there are five types of domestic animal businesses that must be registered, which are:

- Pet shops
- Boarding establishments
- Breeding and rearing establishments
- Dog training establishments
- Dog and cat shelters and pounds.

Council must refuse to register renew or revoke a Domestic Animal Business registration if any of the conditions under Part 4, Division 3 of the Act are met. Domestic Animal Businesses are subject to Council inspection prior to registration, and at least annually thereafter, to ensure they are complying with the Code of Practice applicable to that Business. Current Codes of Practice are available on the Agriculture Victoria website or via Animal Welfare Victoria, along with audit checklists and factsheets to assist DAB operators to remain compliant.

Codes of Practice for the operation various DAB are made under the provisions of Section 59 of Division 4 of the DAA. The purpose of the Codes is to specify the minimum standards of accommodation, management, breeding and care that are appropriate to the physical and behavioural needs of dogs and cats affected by businesses operating as domestic animal businesses. The Council is responsible for inspection, audit and ensuring compliance with the Code.

Where an inspection has revealed that the domestic animal business is not operating in accordance with the Code of Practice, the officer must notify the proprietor of the breaches and issue a Notice to Comply directing the proprietor to undertake all work necessary to meet compliance of the Code within a given time.

In the event the proprietor does not comply with the Notice to Comply, the Compliance Officer shall prepare a report for consideration by the Compliance Coordinator who will determine if Council should take legal or further action.

Planning requirements may exist for an animal business. These are in addition to the requirements of the DAA and Benalla Planning Scheme. The application should be forwarded to the Planning Department for comment prior to proceeding.

9.3

OUR PLAN

OBJECTIVE 1

Ensure Domestic Animal Businesses are compliant with relevant legislation and codes of practice.

ACTIVITY	WHEN	EVALUATION
a. Identify all businesses that should be registered DABs in the municipality, including businesses selling pets, products or services. Follow up to determine if they should be registered with Council.	Ongoing	Compare number of registered DABs before and after activity.
b. Monitor the Council's registration database for owners with more than 3 fertile females.	Annually	Enforcement actions.
c. Conduct searches for unregistered Domestic Animal Businesses via internet, social media and newspapers.	Ongoing	Enforcement actions.

OBJECTIVE 2

Annually inspect and audit all registered DAB's.

ACTIVITY	WHEN	EVALUATION
a. Media campaigns to raise awareness of DAB definition, Council responsibilities and code of practices that must be adhered to.	Annually	Number of complaints received.
b. Investigate advertisements of pets for sale.	Ongoing	Number of complaints received.
c. Audit DAB's randomly to ensure compliance.	Annually	Enforcement actions.

10. ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING



Under section 68A(3) of the DA Act, Council must review its DAMP annually and, if appropriate, amend the plan. Council must provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan, including any amendments, and publish an evaluation of the Plan’s implementation in its annual report.

10.1

EVALUATION OF IMPLEMENTATION OF THE DOMESTIC ANIMAL MANAGEMENT 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?
If an activity was unsuccessful and you don't plan to do it again, outline insights you have into why it didn't work.	
COMPLETE FOR EACH OBJECTIVE	
Did you meet your objective by carrying out the planned activities?	Yes/No
Describe your level of success/progress in meeting the objective.	

Draft

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3. Statutory and Strategic Planning Notification Policies

SF/258

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents for adoption the *Statutory Planning Permit Application Notification Policy* and the *Strategic Planning Amendment Policy*.

BACKGROUND

Statutory Planning

The statutory planning application process, in a simplified form, is as follows:

- Planning application is received with supporting information.
- If the supporting information is insufficient to make a determination, then further information is required.
- Once further information is received, the application will be referred to referral authorities and assessed on whether or not the proposal requires notification to adjoining property owners.
- Upon the completion of notification, the Council can make a determination on the application based on any submissions received and the merits of the proposal in accordance with the Benalla Planning Scheme.

In some circumstances, the Benalla Planning Scheme will exempt a planning application from the need for notification to adjoining property owners. For example, under Clause 40.04-4 (Land Subject to Inundation Overlay) an application submitted under the provisions of this overlay is exempt from the notification to adjoining properties as the issue to be assessed is of a technical nature.

In cases where planning proposals are not exempt from notification under the provisions of the Benalla Planning Scheme, discretion generally lies with the Council as to how the proposal is advertised to the public. The extent of the notice required by the *Planning and Environment Act 1987* must reflect the extent of the likely impact of the use or action.

The draft *Statutory Planning Permit Application Notification Policy* (refer **Appendix 1**) outlines the type of proposals submitted and how this type of application should be notified to the public.

The purpose of the policy is to provide:

- guidance to Council officers about what is considered to be the appropriate amount of notification required for Planning Permit Applications
- consistency in the type of notification required for specific types of land uses.

Strategic Planning

The strategic planning process, in a simplified form, is as follows:

- Scope to undertake policy is submitted to Council and approved with a consultation plan.
- Policy is formulated with input.
- Notification of the policy is given to affected and adjoining properties and more broadly.
- Upon receiving submissions changes are incorporated into policy and submitted to Council for adoption. At this Council meeting permission will be sought to seek authorization from the Department of Environment, Land, Water and Planning to proceed with statutory amendment process. Permission will also be sought to exhibit the amendment after authorization has been received.
- Formal amendment documents are developed.
- Amendment exhibition process once again involves giving notification of the proposal to affected and adjoining landowners.
- Upon completion of the amendment exhibition process, if submissions have been received that cannot be resolved the report is presented to the Council outlining a response to the submissions. The submissions are then referred to an independent panel hearing.
- Once the recommendation has been received from the Panel regarding the amendment, this recommendation is forwarded to the Council for consideration.
- The Council then usually sends the amendment to the Department of Environment, Land, Water and Planning for final approval and notice in the Victoria Government Gazette.

Although notification of amendments during the statutory process is well defined under the provisions of the *Planning and Environment Act 1987*, the scope to which an amendment can be notified is generally at the discretion of the Council.

The draft *Strategic Planning Amendment Policy* (refer **Appendix 2**) defines how notice of an amendment should be given to affected properties.

The purpose of the policy is to provide:

- guidance to Council officers of what is considered to be the minimal amount of notification required for Planning Scheme Amendments
- consistency in the type of notification required for Planning Scheme Amendments.

DISCUSSION

Statutory Planning

The proposed policy provides clarity and consistency to applying the notification requirements within the *Planning and Environment Act 1987* and the Benalla Planning Scheme.

The policy generally allows for smaller proposals that are likely to cause limited impact on adjoining properties to either not be advertised or to be advertised by letter only to adjoining properties.

It is normal practice for multi-unit developments and subdivisions to be advertised by sending notices to adjoining landowners and placing a sign on each frontage of the land.

Larger applications such as large buildings, supermarkets and the like must be advertised more extensively by way of sending notices to adjoining landowners, placing a sign on the land and advertising for a minimum of two weeks in the local newspaper.

The proposed policy reflects this rationale. The policy has included as many types of uses and development as possible in order to provide clarity in determining the extent of notification for a proposal.

Strategic Planning

Once the planning scheme amendment is adopted by the Council and authorised by the Department of Environment, Land, Water and Planning, the Council is required to formally exhibit the amendment for a period of one month. The notification that takes place as part of the exhibition is prescribed in the *Planning and Environment Act 1987*.

The attached policy outlines that parties to be advised are as follows:

- notices sent to affect property owners/occupiers impacted directly by the amendment
- notices sent to adjoining property owners/occupiers and relevant community groups
- notices sent to referral authorities
- notice in the local newspaper
- notices sent to prescribed Ministers of State Government
- notice in the Victoria Government Gazette.

Both policies were endorsed by the Leadership Team at its October meeting. The policies comply with the *Planning and Environment Act 1987* and the Benalla Planning Scheme.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Livability**

- *Connected and accessible roads, footpaths, transport and parking*

Environment

- *Healthy and protected natural environment*
- *Sustainable practices*

Leadership

- *High performance culture.*

FINANCIAL IMPLICATIONS

The implementation of policies will be accommodated within the existing budget.

LEGISLATIVE / STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

CONCLUSION

The proposed notification policies will ensure that Council planners provide a consistent approach to the notification of planning proposals and will also ensure that the public are involved to an appropriate level in the planning process.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Statutory Planning Permit Application Notification Policy* and *Strategic Planning Amendment Notification Policy* be adopted.**
- 2. That the *Statutory Planning Permit Application Notification Policy* and *Strategic Planning Amendment Notification Policy* be reviewed in October 2025.**

CP 18 Statutory Planning Permit Application Notification Policy

Responsible Officer:	Manager Development
Document type:	Council Policy
Reference:	CP 18
Endorsed by the Leadership Team:	16 August 2019
Date Approved by the Council:	
Date of next review:	

Policy Objective

The purpose of this policy is to provide:

- guidance to Council officers of what is considered to be the appropriate amount of notification required for Planning Permit Applications
- consistency in the type of notification required for specific types of land uses.

Background

Section 52 of the *Planning and Environment Act 1987* requires either the applicant or Council to give notice of Planning Permit Applications. However, in some circumstances, clauses within the Benalla Planning Scheme exempt specified types of applications from this requirement to give notice.

The purpose of this policy is to provide guidance to Council's Planning Officers regarding the appropriate requirements for the notification of Planning Permit Applications that Benalla Rural City Council considers acceptable. It should be noted that in special circumstances wider notice may be appropriate at the discretion of the Manager, General Manager or Chief Executive Officer.

Procedure

1. Application of Policy

This notification policy shall not apply to Planning Permit Applications where a clause of the Benalla Planning Scheme specifically excludes an application from the requirement to be notified.

The requirements for notification are set out in a table format for ease of use. The users in the table are by no means exhaustive but cover the majority of applications received by Council. Where Planning Permit Applications are not exempt from the notification requirements within the *Planning and Environment Act 1987*, adjoining property owners will be notified in accordance with the attached table.

Where a use is not specified in the table the decision to notify adjoining property owners/occupiers shall be at the discretion of the assessing officer and their superior, based on an assessment of whether the proposed use would cause material detriment to any person.

2. Notification Requirements

The types of notification required for specific land uses are set out in Table 1, which forms part of this policy.

Where an application is to be advertised between 15 December and 15 January, the minimum time for comment will be doubled to 20 business days for the convenience of residents.

Table 1

Type of Application	Type of Notice of Application Required			
	Letter to adjoining property owners/occupiers	Sign on site	Publishing Notice in Newspaper	Additional Requirements
Shop with combined leasable floor area above 2,000 square metres	√	√		
Adult sex book shop	√	√		
Amusement parlour	√	√		
Art Gallery	√	√		
Bottle Shop	√	√		
Brothel	√	√	√	
Car park	√	√		
Child care centre	√	√		
Car sales	√	√		
Cinema or cinema based entertainment facility	√	√	√	
Corrective institution	√	√	√	
Education centre	√	√		
Function centre	√	√	√	
Funeral Parlour	√	√		
Gambling premises	√	√	√	
Hotel	√	√	√	
Indoor recreation facility	√	√		
Motel	√	√		
Motor repairs and panel beating	√	√		
Motor vehicle, boat or caravan sales	√	√		
Nightclub	√	√	√	

Type of Application	Type of Notice of Application Required			
	Letter to adjoining property owners/occupiers	Sign on site	Publishing Notice in Newspaper	Additional Requirements
Place of assembly	√	√		
Places of worship	√	√		
Restricted place of assembly	√	√		
Restricted retail premises	√			
Tavern	√	√	√	
Veterinary centre	√	√		
INDUSTRIAL DEVELOPMENT (Where the proposed development is located on a site which is adjacent to an area zoned for residential purposes).				
Benalla Planning Scheme exempts some uses and developments from notice requirements.				
Manufacturing sales	√	√		
Materials recycling	√	√		
Sawmill	√	√	√	
Solid fuel depot	√	√		
Store	√	√		
Timber yard	√	√		
Trade supplies	√	√		
Vehicle store	√	√		
Warehouse	√	√		
Research and development centre	√	√		
DEVELOPMENT IN RURAL AREAS (Other than residential development)				
Winery	√	√		
Rural industry	√	√		
Primary produce sales	√	√		

Type of Application	Type of Notice of Application Required			
	Letter to adjoining property owners/occupiers	Sign on site	Publishing Notice in Newspaper	Additional Requirements
Intensive animal husbandry	√	√	√	
Abattoir	√	√	√	
Removal of native vegetation	√	√		
Telecommunications facility	√	√		
SUBDIVISION				
Residential subdivision (creating less than 3 lots)	√	√		
Residential subdivision (creating between 4 and 10 lots)	√	√		
Residential subdivision (creating more than 10 lots)	√	√		
Rural subdivision (creating less than 10 lots)	√	√		
Rural subdivision (creating more than 10 lots)	√	√		

CP 19 Strategic Planning Amendment Notification Policy

Responsible Officer:	Manager Development
Document type:	Council Policy
Reference:	CP 19
Endorsed by the Leadership Team:	16 August 2019
Date approved by the Council:	
Date of next review:	

Policy Objective

The purpose of this policy is to provide:

- guidance to Council officers of what is considered to be the minimal amount of notification required for Planning Scheme amendments
- consistency in the type of notification required for Planning Scheme amendments.

Background

The strategic planning amendment process is defined with an informal policy creation process and a statutory process. The notification taken out for both processes is similar, however, contains some minor differences.

Once a policy has been drafted it is generally best practice to allow for affect property owners, adjoining landowners and the public to have the ability to submit comments with regard to the policy. Any comments can then be incorporated into the policy prior to finalizing the policy.

Pursuant to Section 19 of the *Planning and Environment Act 1987*, the Responsible Authority must give certain notice of an application. This process is formally known as the exhibition period. The planning scheme amendment must be notified to specific referral authorities, Ministers of State Government and affected landowners as part of this process.

The scope of advertising an amendment to affected landowners, adjoining properties and the public at large is generally at the discretion of Council. This policy will outline to what extent a planning scheme amendment should be advertised.

Procedure

1. Application of Policy

The requirements for notification are set out in a table format for ease of use.

The planning scheme amendment types in the table are by no means exhaustive but cover the great majority of the types of amendments prepared by Council, in particular the ones that are most likely to create a level of community interest. Planning Scheme Amendments will be notified in accordance with the attached table.

Where a Planning Scheme Amendment type is not specified in the table, the decision to notify adjoining property owners/occupiers shall be at the discretion of the Planning Officer and their superior, based on an assessment of whether the proposed amendment would cause material detriment to any person.

2. Notification of Requirements

The types of notification required for specific land uses are set out in Table 1 below, which forms part of this policy.

Where an amendment is due to be advertised between 15 December and 15 January, the minimum time for comment will be doubled to two months for the convenience of all stakeholders.

Draft

Table 1

Type of Amendment	Type of Notice of Amendment required					
	Letter to affected property owners/occupiers	Letter to adjoining property owners/occupiers	Publishing Notice in Newspaper	Letter to prescribed Ministers of State Government	Letter to referral authorities	Notes
Notification of a Draft Policy prior to adoption by Council						
Anomaly/Corrective Amendment	√	*	√*	√	√*	*Notification at the discretion of the Planning Officer
Policy Based – New Planning Scheme Amendment	√	√	√	√	√	*Notification at the discretion of the Planning Officer
Notification of a Planning Scheme Amendment - Exhibition						
Anomaly/Corrective Amendment	√	√*	√	√	√	*Notification at the discretion of the Planning Officer
Policy Based – New Planning Scheme Amendment	√	√	√	√	√	*Notification at the discretion of the Planning Officer

4. *Permit Fee Waiver for Community Works Policy*

SF/1239

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents for consideration a review of the *Permit Fee Waiver for Community Works Policy*.

BACKGROUND

In 2011 the Council introduced a policy for community groups and individuals to receive dispensation for the fees for certain permits. Many community groups fundraise for local, state and national charity projects throughout the year.

When fundraising events and activities involve Council-managed land, they often require a permit from Council to proceed.

The introduction of the *Permit Fee Waiver for Community Works Policy* (refer **Appendix 1**) provided a structured way for these permits to be issued without financial impact on the group.

DISCUSSION

There were no changes made to the policy.

The policy, which was endorsed by the Council's Leadership Team at its 15 October 2020 meeting is popular among local community groups.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance*

Community

- *A connected involved and inclusive community*

LEGAL OR STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

FINANCIAL IMPLICATIONS

Fee waivers are reported to the Council in the quarterly Development Department Activity Report.

The table below outlines the amount and number of fee waiver requests that have been received. An amount of \$50,531 has been dispensed to 178 users/groups from 2016 to 2020.

Year	Fee Waiver Amount	Number of Requests
2016	\$8,737.00	54
2017	\$11,509.60	57
2018	\$7,692.60	28
2019	\$9,419.90	14
2020	\$13,171.90	25
Total	\$50,531.00	178

Of the waivers given, the following observations can be made:

- 32 were to local community groups for fundraising
- 32 were for events in our community
- 5 groups received more than three dispensations in a year
- 15 were related to Council community partnership projects.

CONCLUSION

That the Council *Permit Fee Waiver for Community Works Policy* be considered for adoption.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Permit Fee Waiver for Community Works Policy* be adopted.**
- 2. That the *Permit Fee Waiver for Community Works Policy* be reviewed in October 2025.**

CP 17 Permit Fee Waiver for Community Works

Responsible Officer:	General Manager Corporate
Document type:	Council Policy
Reference:	CP 17
Approved by Leadership Team:	October 2021
Date approved by the Council:	
Date of next review:	October 2025

Policy Objective

It is proposed that Council consider requests for variances or waiving of fees in cases where:

- A major development will result in significant economic and social benefits to the community,
- A proposal will have local benefits and is being undertaken by local community groups,
- Individuals are experiencing financial hardship.

Where practical, the groups will be encouraged to secure extended time permits (such as an annual permit for raffles or other fundraising) with appropriate conditions to notify Council and/or share popular public spaces.

For building/planning/local laws or other permit fees:

- where works occur as part of a grant-funded community project, relevant fees should be included to cover the costs; and
- where the project is being undertaken by a not-for-profit community group that has the capacity to generate income from the site (i.e. gaming machines), no fee relief will be approved as these costs are expected to be able to be recouped by the site's income stream.

Procedure

Any reductions will be made at the discretion of the Chief Executive Officer or General Manager Corporate and must meet the following criteria:

- a. An application is made by a non-profit, predominantly voluntary community group responding to an identified community need. Where the group is based in the local community (postcode 3671, 3672 or 3673) or groups with a significant community partnership component the full fee may be waived. For state or national groups the full fee will apply for permits under the Community Local Law.
- b. An error/incorrect advice has been given to the client by Council staff or to help resolve a difficult and procedurally unclear situation.
- c. The application is made for a simple use and/or development and where the processing will cost the Benalla Rural City less than the fee.
- d. The application is responding to compliance action where:
 - The person is not experienced in development and/or the application process and has not engaged professional expertise on the project; and
 - The person readily agrees to rectify the situation when it is brought to their attention.

All fee variances must be documented and reported to the Council on a quarterly basis.

Any request to reduce fees must be documented and registered in the corporate system and a decision placed on the relevant file. Any appeal into a refusal will be referred to the Corporate Management Team.

5. Building and Planning Approvals – September 2021

SF/255

Joel Ingham – Planning Coordinator
 Sarah Ford – Building Coordinator
 Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report details planning permit applications and building approvals for September 2021.

Planning Permit Applications determined under Officer Delegation

	File No	Description	Property Address	Decision
1	DA6853	Use and development of a second dwelling	222 Sayers Road, Thoona	Approved
2	DA5018	Three lot subdivision	331 Four Mile Road, Benalla	Approved
3	DA6874	Construction of a dwelling	130 Faithfull Street, Benalla	Approved
4	DA7234	Construction of a dwelling	22 Cowan Street, Benalla	Approved
5	DA3407	Construction of a shed	2B Bourke Drive, Benalla	Approved
6	DA3179	Construction of a shed	154 Witt Street, Benalla	Approved
7	DA6794	Construction of a shed	82 Dennis Road, Benalla	Approved
8	DA7230	Use and development of a dwelling	824 Benalla Warrenbayne Road, Warrenbayne	Approved
9	DA7206	Use and development of a dwelling	124 Palmerston Street, Baddaginnie	Approved
10	DA7241	Construction of a shed	68 Witt Street, Benalla	Approved
11	DA5756	Construction of a shed	82 Rayner Road, Upper Lurg	Approved

Planning Permit Amendments determined under Officer Delegation

	File No	Description	Property Address
1	DA6890	Construction of a dwelling extension, carport and pergola	10 Goomalibee Street, Benalla
2	DA6523	Use and development of a single dwelling	2492 Samaria Road, Moorngag

3	DA6967	131 lot staged subdivision, the removal of native vegetation and the creation and removal of easements	Witt Street, Benalla
4	DA6446	Use and development of a dwelling	246 Griffiths Track, Mount Bruno
5	DA7090	Construction of a dwelling extension, two carports, a shed, and a swimming pool	33 Charles Street, Benalla

Planning Permits issued under VicSmart

	File No	Description	Property Address
1	DA6794	Construction of a shed	82 Dennis Road, Benalla
2	DA5756	Construction of a shed	82 Rayner Road, Upper Lurg

Planning Permit Applications determined by the Council

There were no planning permit applications determined by the Council during the September 2021.

Planning Permit Applications withdrawn or lapsed

	File No	Description	Property Address	Withdrawn/ Lapsed
1	DA7232	Two lot subdivision	528 Jones Road, Mount Bruno	Withdrawn – Permit not required
2	DA7154	Use and development of a dwelling	947 Tarnook Road, Goomalibee	Withdrawn

Notices of Decision

There were no notices of decision issued during the month of September 2021.

A Notice of Decision (NOD) is issued when Council has decided to grant a planning permit when objection(s) are received regarding the application.

An objector may appeal to Victorian Civil and Administrative Tribunal (VCAT) against the decision to grant the permit within 21 days of a Notice of Decision being issued. After 28 days if no appeal has been lodged Council will issue the Planning Permit.

Planning Permit Applications determined by VCAT

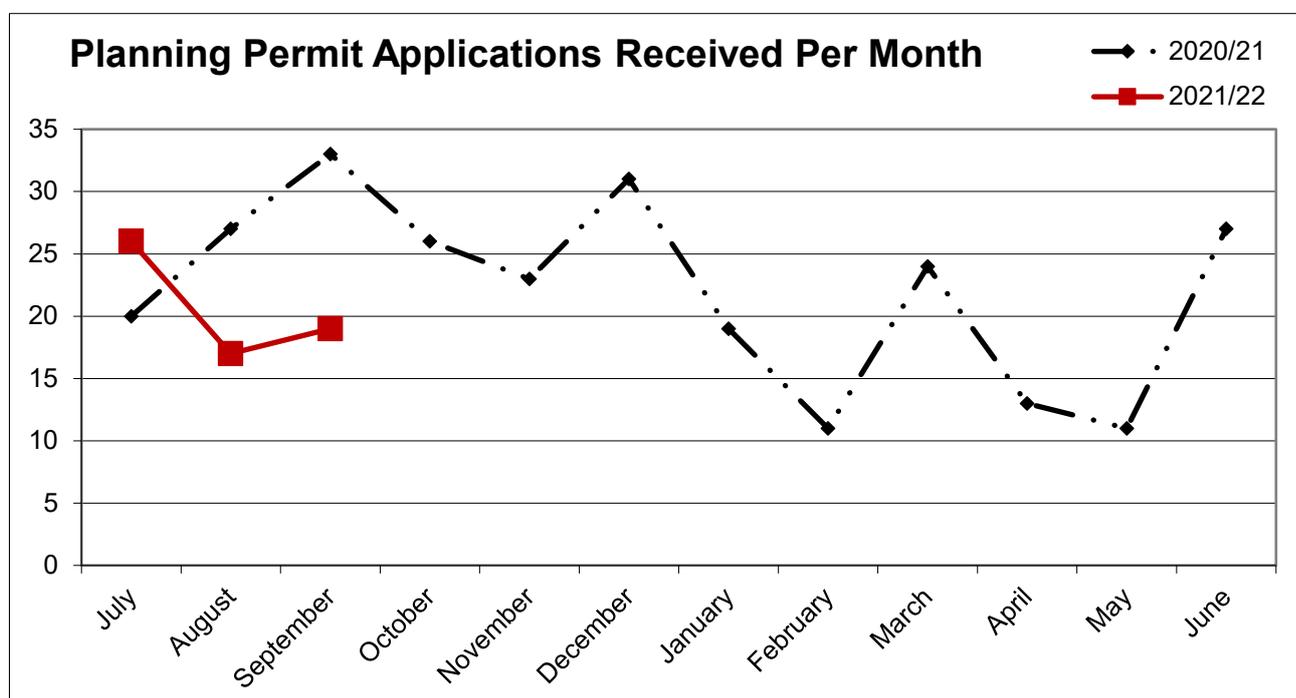
There were no planning permit applications determined by VCAT during September 2021.

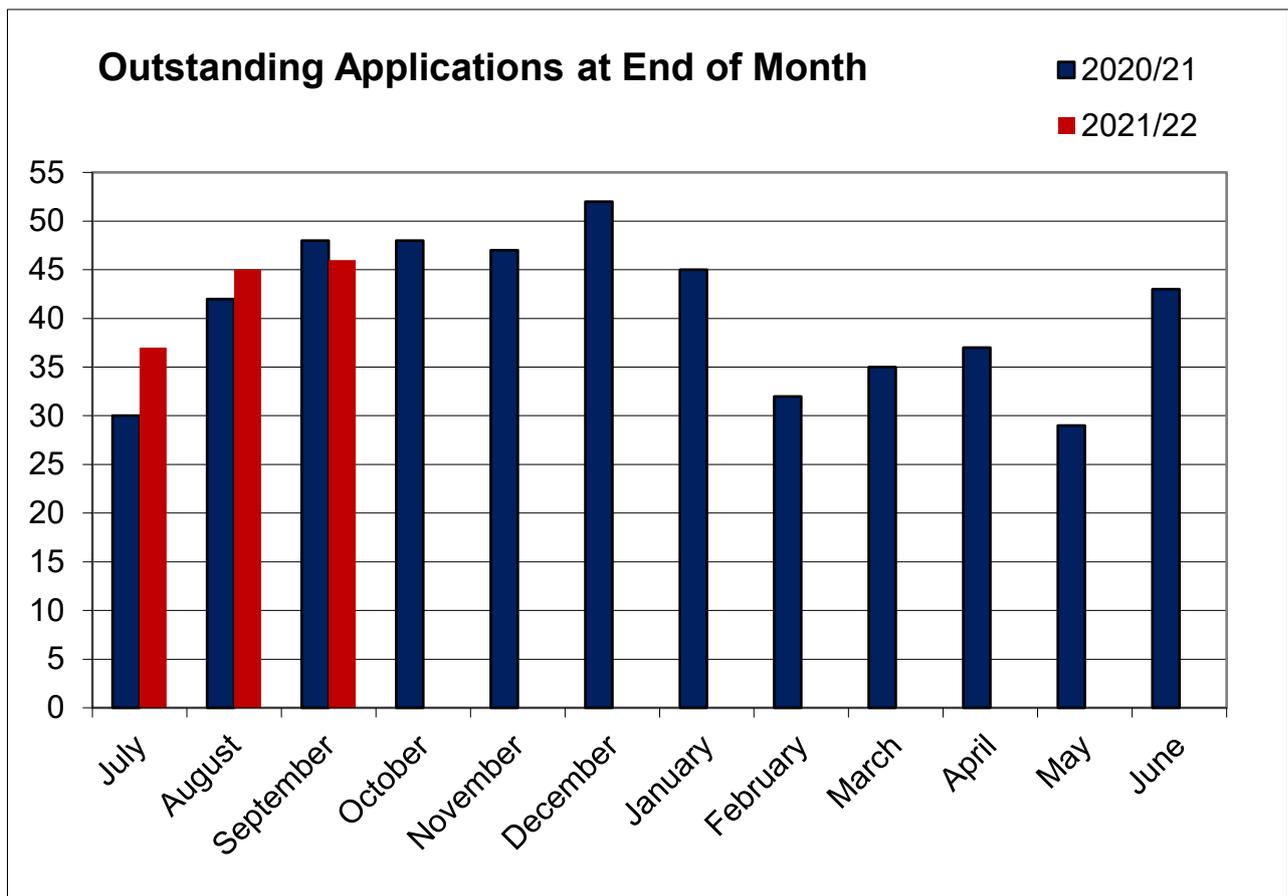
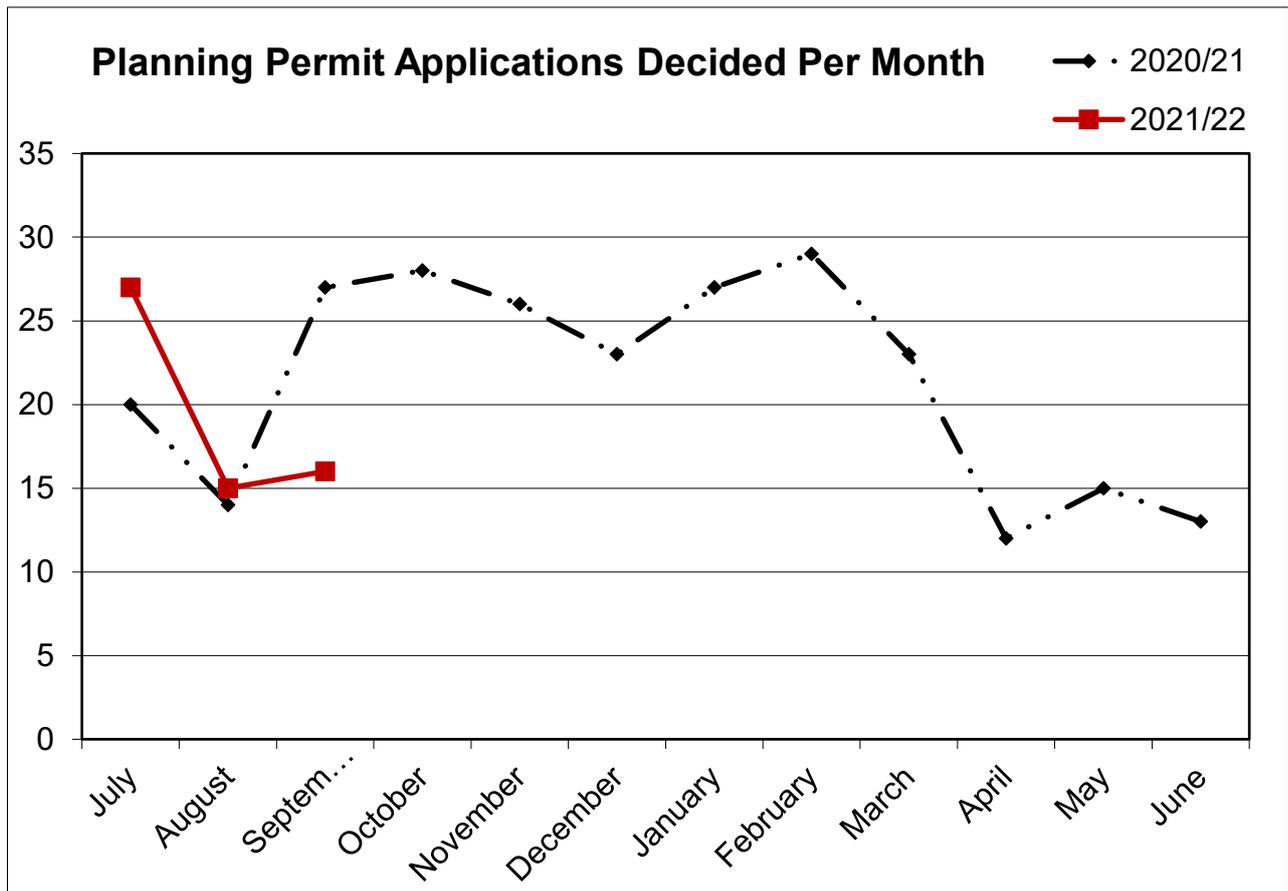
Matters before VCAT

DA3661/2	Use and development of the land for the purpose of mining at 223 Cooper Road, Devenish
Status	<p>An appeal has been submitted by the Work Authority holder Sand Solutions (Vic) Pty Ltd to reinstate the planning permit for a sand mine on the property. A practice day hearing was held on 28 February 2020 to determine whether or not the Tribunal should consider the matter to re-open the case. On 12 January 2021 the Tribunal ordered that its previous decision to Cancel the permit was revoked and that Sand Solutions be joined as a party to a hearing to Cancel the permit. The hearing will be heard on 4, 5 and 6 August 2021.</p> <p>The hearing was conducted on the 4 August 2021 with the work authority holder, applicant and Council representation in attendance. The Tribunal ordered that the applicant serve Tribunal Documents on the Department of Jobs, Precincts and Regions – Earth Resources and Environmental Protection Authority. In addition, further written submissions can be made by the parties by 27 August 2021 with regard to various matters raised at the Tribunal Hearing. An administrative mention will be conducted on 31 August 2021 with no attendance necessary.</p> <p>On 1 October 2021 the Tribunal ordered that the application under Section 87 of the Planning and Environment Act 1987 to cancel Planning Permit No. P0112/10 is granted. The permit has now been cancelled.</p>
DA6888	The construction of seven double storey dwellings and a seven lot subdivision at 71A Cowan Street, Benalla
Status	<p>On 12 February 2020 the Council resolved to refuse a planning for the construction of seven double storey dwellings and a seven lot subdivision at 71A Cowan Street, Benalla. The applicant has appealed this decision to the Victorian Civil and Administrative Tribunal. The Tribunal hearing was held on 26 July 2021 with the applicant, objectors and Council representation in attendance.</p> <p>On 18 October 2021 the Tribunal ordered that the decision of the responsible authority is affirmed and that no permit is to be granted. The main reasons for this decision are summarised below:</p> <ul style="list-style-type: none"> ▪ The Tribunal found that the proposed design was not acceptable as it was not respectful of existing neighbourhood character. The proposal does not ‘fit in’ with the layout, scale and form of surrounding development. ▪ The Tribunal was not persuaded to make a finding that it was acceptable to waive the one visitor car space based on the material/evidence provided at the hearing.

<p>DA3212/7</p>	<p>Buildings and works to construct additional capacity for the existing alcohol and drug rehabilitation service, 14 car parking spaces, a loading bay and associated internal access – 1619 Kilfeera Road, Molyullah</p>
<p>Status</p>	<p>Planning Application No. P0130/20 was presented to a Planning and Development Committee meeting on 3 March 2021. At this meeting it was resolved to defer the decision of this application until a proposal is submitted and processed to amend the original planning permit issued at the direction of the Victorian Civil and Administrative Tribunal. The applicant has appealed the planning application to the Tribunal for review based on a failure to determine the application within the 60 day statutory timeframe. The planning application at the time of appeal was at 157 statutory days. A tribunal order dated 13 April 2021 details that a compulsory conference (mediation) has been set for 15 July 2021 with a main hearing date set for the dates of 27, 28 and 29 September 2021.</p> <p>A further tribunal order has since been received which vacates the Compulsory Conference on 15 July 2021 and schedules a practice day hearing for 30 July 2021.</p> <p>On 20 July 2021 the applicant lodged a further appeal with the Tribunal regarding a failure to determine the planning permit amendment lodged with regard to PD/02/00029.</p> <p>The practice day hearing on the 30 July 2021 heard procedural matters and how the main hearing should be conducted in future. The Tribunal ordered on 2 August 2021 that the matters regarding the buildings and works and amendment of the permit will remain separate, however will be heard and determined together in the same hearing on 27, 28 & 29 September 2021.</p> <p>The Tribunal hearing was held on the dates mentioned above with Council representatives, applicant representatives and objectors in attendance. A decision from the tribunal members has been deferred to a later date possibly following an inspection of the site by the tribunal members.</p>

Planning Permit Applications



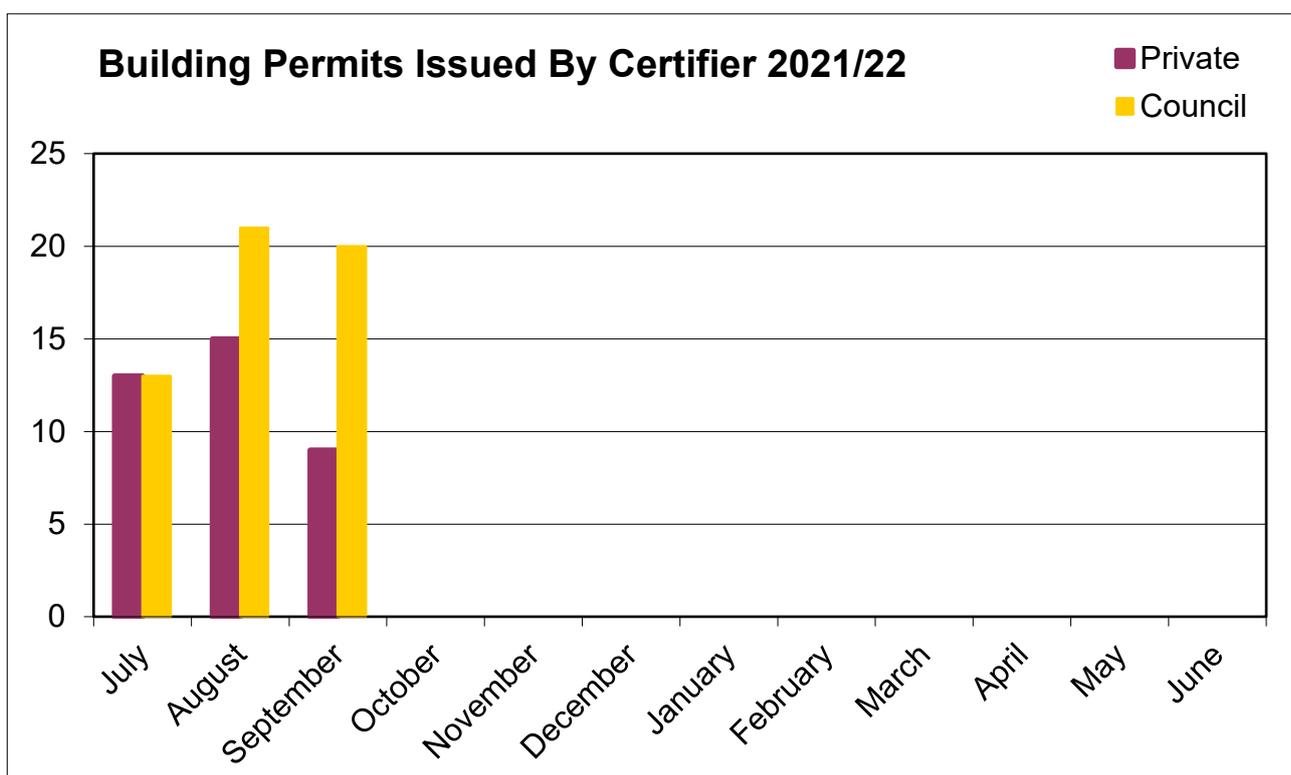


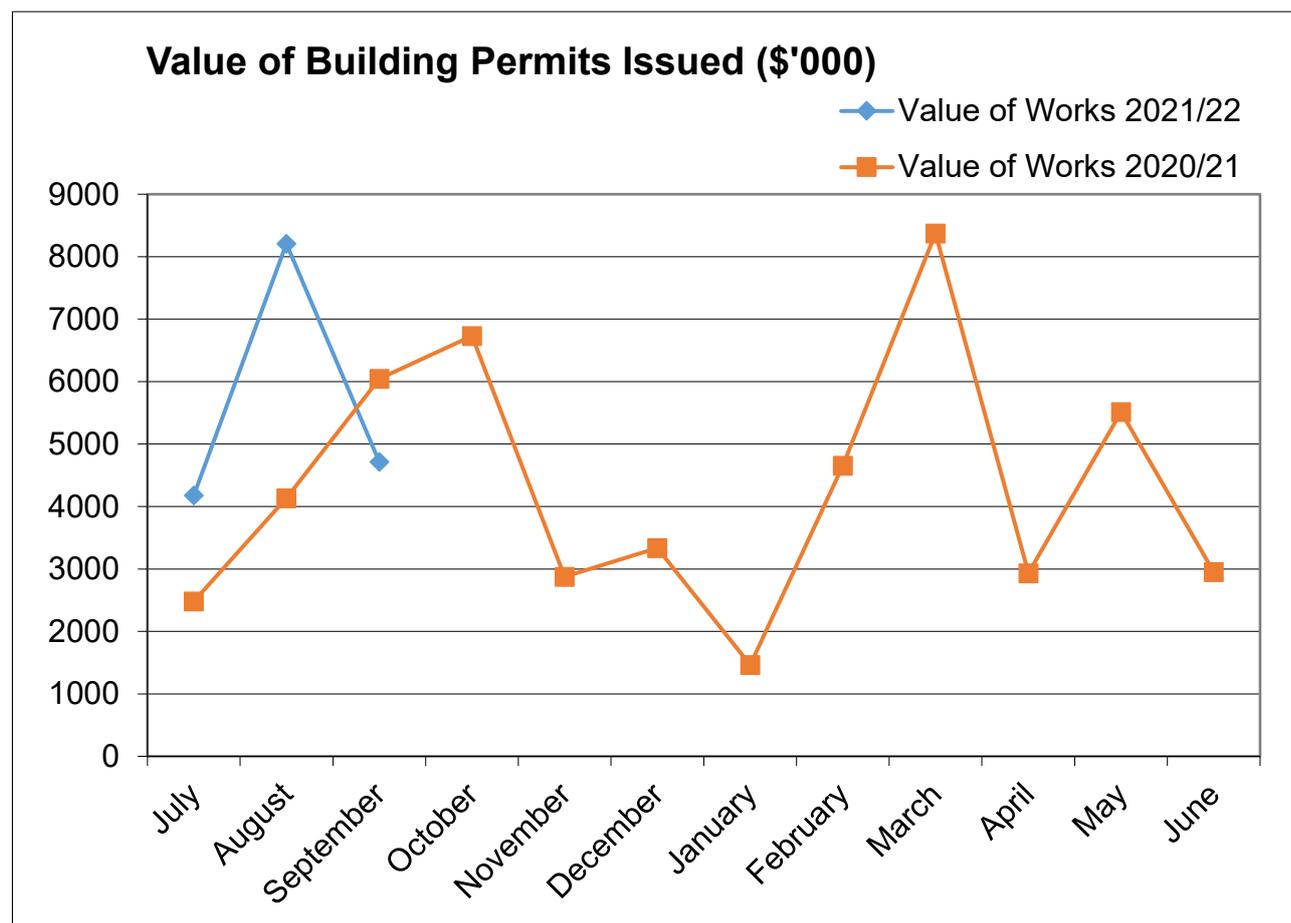
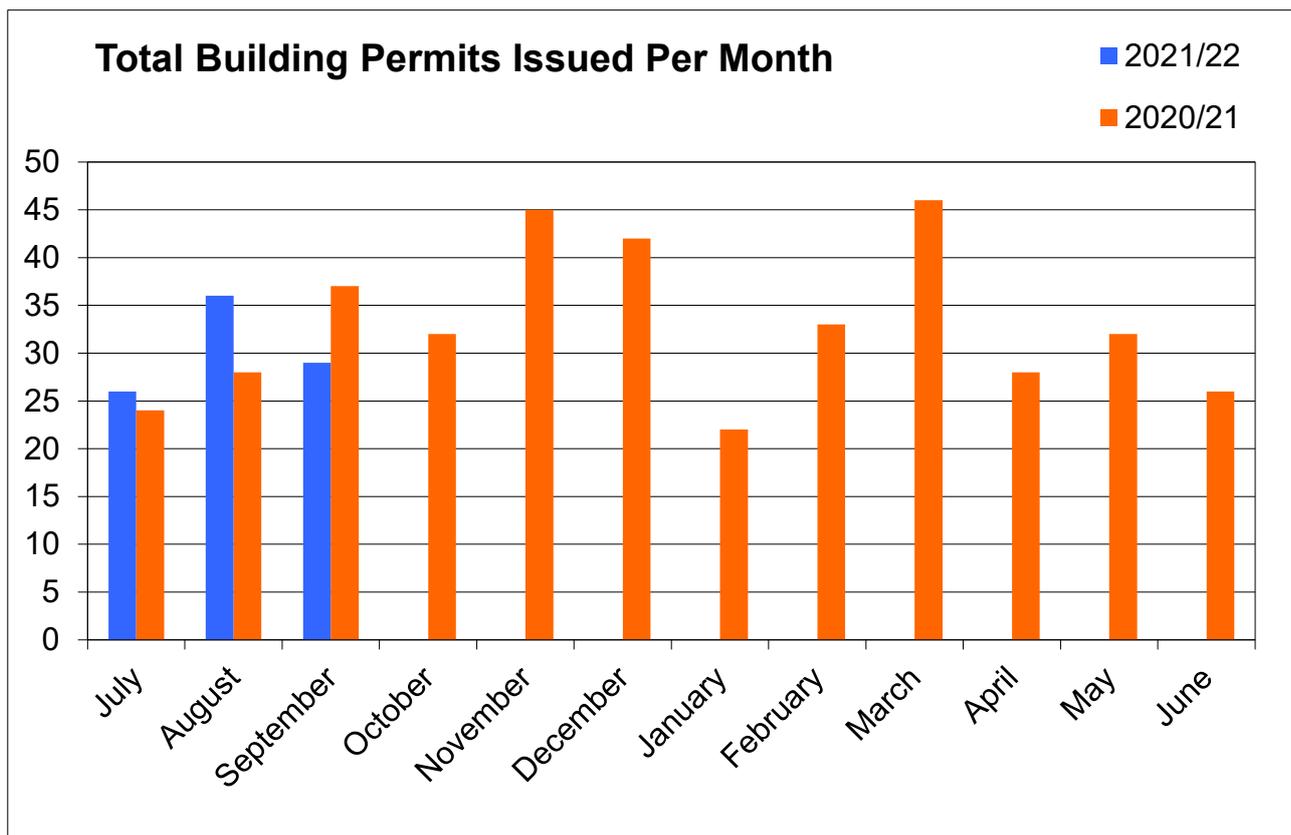
Building Approvals Issued by Council and Private Practitioners

	File No	Description	Property Address	Value
1	DA7056	Extension and renovation to dwelling	204 Samaria Road, Benalla	\$592,000
2	DA7227	Construction of shed and verandah	24 Margaret Street, Benalla	\$33,310
3	DA5940	Construction of carport	13 Dunn Street, Benalla	\$12,200
4	DA4716	Construction of a granny flat and carport	90 Connolly Road, Benalla	\$104,700
5	DA7077	Construction of shed	16 Crawford Road, Benalla	\$76,795
6	DA6497	Construction of hay shed	741 Samaria Road, Benalla	\$16,351
7	DA7196	Construction of shed	11 Levy Court, Benalla	\$30,830
8	DA3029	Additions and alterations to dwelling	132 Mansfield Road, Benalla	\$398,502
9	DA4478	Construction of swimming pool and safety barrier	345 O'Dea Road, Molyullah	\$16,050
10	DA6370	Completion of deck roof, dwelling extension frame and cladding	24 Dunn Street, Benalla	\$5,000
11	DA7117	Construction of three dwellings and one carport	27 Dunn Street, Benalla	\$789,863
12	DA6982	Construction of shed	3544 Midland Highway, Lima South	81,708
13	DA7174	Construction of shed	82 Fox Street, Winton	27,935
14	DA1670	Construction of a two storey dwelling	25 Church Street, Benalla	\$420,000
15	DA7235	Construction of farm shed	134 O'Dea Road South, Tatong	\$12,000
16	DA7200	Construction of shed	37 Hall Drive, Benalla	\$35,896
17	DA7209	Construction of dwelling and garage	39 Hall Drive, Benalla	\$393,949
18	DA7147	Construction of two dwellings	74 Goodwin Street, Benalla	\$506,331
19	DA7208	Construction of carport	92 Salisbury Street, Benalla	\$13,385

	File No	Description	Property Address	Value
20	DA6890	Construction of a carport and pergola	10 Goomalibee Street, Benalla	\$8,000
21	DA7220	Construction of farm shed and horse shelter	62 Johnsons Lane, Benalla	\$14,000
22	DA2429	Construction of dwelling – Stage 1	892 Mansfield Road, Benalla	\$68,708
23	DA3935	Construction of a shed	637 Whites Road, Warrenbayne	\$15,000
24	DA4113	Construction of swimming pool and safety barrier	8 Gray Street, Benalla	\$55,240
25	DA4901	Construction of a swimming pool and safety barrier	10 Noarana Drive, Benalla	\$38,439
26	DA5576	Construction of carport	7 Yellow Brick Road, Benalla	\$19,397
27	DA7200	Construction of dwelling and garage	37 Hall Drive, Benalla	404,775
28	DA7196	Construction of dwelling	11 Levy Court, Benalla	\$430,465
29	DA2443	Dwelling extension	31 Deas Street, Benalla	\$95,018
Total				\$4,715,847

Building Permits Issued by Certifier by month





COUNCIL PLAN 2017–2021 (2020 REVIEW) IMPLICATIONS**Engaging and Accessible Places and Spaces**

- *We will provide community places and spaces to meet the needs of our community and focus on thoughtfully planned growth to maintain and enhance the high amenity and character of our Rural City.*

Sustainable Environment

- *We will take a proactive and strategic approach to protect our natural environment and safeguard its ability to support our community into the future.*

High Performing Organisation

- *Strengthen community and stakeholder engagement in planning and decision making.*
- *Provide good governance and responsible management and planning.*
- *We are compliant with our legislative and risk management responsibilities.*

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the report be noted.

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6. Development Department Activity Report For Quarter Ended 30 September 2021

SF/1239

Nilesh Singh – Manager Development

PURPOSE OF REPORT

The report presents the activities of the Development Department for the quarter ended 30 September 2021.

Strategic Planning

- In September 2019, the Council resolved to send Amendment C43 to the Minister for Planning for authorisation and then exhibit the amendment after authorisation. The amendment involves rezoning land at 167 Sydney Road, Benalla from Special Use Zone Schedule 3 to the Industrial 1 Zone. The amendment was submitted to the Minister for Planning for authorisation on 18 December 2020. Authorisation was given on 29 January 2021. DELWP have since advised that further changes are required to the amendment to protect native vegetation within the rear portion of the site. These alterations will be required from the proponent prior to exhibition of the amendment.
- Funding has been secured from the State Government to undertake a review of the Benalla Planning Scheme. The details of the scope of the review have not yet been finalised and will subject to further meetings with State Government.

Statutory Planning

- 51 applications were received during the quarter.
- 46 applications were decided during the quarter.
- 85.48 per cent of applications were decided within statutory timeframes.
- 645 phone calls were received.

Building Surveying

- 903 phone calls were received.
- 178 building inspections conducted.
- 54 building applications processed.
- 37 building applications lodged by private building surveyors.
- 85 building certificates issues.
- The Building Department gets busier and busier. Building Surveyor returned to work at the end of June, which eliminated the need for the contract surveyors.
- The first lot of swimming pool safety barrier compliance certificates are due by November 1 2021 with 270 reminders sent at the end of September.

Public Health

- The public health officer has been working with old pubs that present several challenges for Council where on behalf of the public we issue and regulate accommodation, building and fire safety, food safety, private water supply systems and commercial onsite wastewater for systems in unsewered areas.

There are likely to be significant economic and community development benefits where improvements can be made and also wider visitor, tourism and interdependent business benefits if things are done correctly.

- Immunisation sessions program are delivered on the first Monday of each month. People are encouraged to participate in this program:
10am-11.30am at Benalla Community Care, 45 Coster Street, Benalla, between 10am and 11.30am.
12.45pm-1.30pm at Waminda Neighbourhood House at 19 Ballintine Street, Benalla.
- Educating on the importance of hand hygiene and identification of allergens in food premises.

Compliance

- Impounded 90 domestic animals for the quarter.
- Received 120 related cat and dog requests by the community.
- Returned 48 cats and dogs home to their families.

Emergency Management

- Participated in Regional Water Monitoring Partnership working group.
- Participated in Regional Emergency Management Planning Committee meetings.
- Participated in Hume Emergency Risk Workshops.
- Input into Emergency Resource sharing protocol meetings.
- Input into Places of Last Resort annual review.
- Completed draft Relief and Recovery Plan.
- Convened and chaired Municipal Emergency Management Planning Committee meeting.

MANAGER DEVELOPMENT

Septic Tanks

- 24 'Permit to Install' issued.
- 16 'Certificate to Use' issued.
- 108 septic inspections conducted.

Engineering Referrals for Planning Permit

- 24 applications referred to Manager Development for engineering comments for planning proposals.
- 12 Certification of a Plan of Subdivision issued.
- 8 Statement of Compliance of a Subdivision issued.
- 42 Legal Point of Discharge applications processed

Wastewater Referrals for Planning Permit

- 34 applications referred for planning comments to Manager Development for engineering comments for planning proposals.

Fee Dispensation

The Council supports community groups and not-for-profit organisations through fee dispensation or reduction and responding to other circumstances as warranted.

For the quarter ended 30 September 2021, three applications to the value of \$1,228.40 in fee dispensations were approved:

Community Events	0
Fundraising	0
Food premises Late Registrations	0
Planning Matters	0
Building Matters	2
Other	1

Applications Received:

Applicant	Permit Type	Value
Legacy Group	General Permit	61.00
Swanpool Bowling Club	Building Permit	488.70
Benalla Rural City Council	Building Permit	678.70
Total		\$1,228.40

COUNCIL PLAN 2017-2021 (2020 REVIEW) IMPLEMENTATIONS

Connected and Vibrant Community

Initiative	September Quarter Update
Enhance emergency management practices and procedures to keep pace with a changing legislative environment.	<ul style="list-style-type: none"> ▪ Working with Hume Emergency Management Planning Committee and Emergency Management Victoria
Continue to provide active leadership and maintain strong partnerships in emergency management.	<ul style="list-style-type: none"> ▪ Participating in Emergency Management exercise with other agencies.

Engaging and Accessible Places and Spaces

Initiative	September Quarter Update
Develop a strategic plan to guide future residential housing development, including integrated, affordable and sustainable housing options and the provision of infrastructure and facilities to support a growing population.	<ul style="list-style-type: none"> ▪ Study currently undertaken by the Victorian Planning Authority as part of Streamlining for Growth Program
Facilitate appropriate land use development and protection of environmental values through planning processes, particularly the Benalla Planning Scheme.	<ul style="list-style-type: none"> ▪ Reform to Benalla Planning Scheme as part of funding provided through DELWP. Policy Neutral translation to align with new State Framework. ▪ Funding application approved for DELWP to assist Council Review the Benalla Planning Scheme (Policy Neutral)

Sustainable Environment

Initiative	September Quarter Update
Implement and report on the progress of delivering the <i>Domestic Wastewater Management Plan</i> .	<ul style="list-style-type: none"> ▪ Approvals are consistent with the adopted Domestic Wastewater Management Plan.
Implement development controls to minimise encroachment on the Benalla Landfill and Resource Recovery Centre site.	<ul style="list-style-type: none"> ▪ The Land adjoining the landfill is zoned Farming Zone. There is a requirement for a planning permit for land under 40ha to be developed for housing.

FINANCIAL IMPLICATIONS

	Notes	YTD Actuals	YTD Budget	YTD Variance	Full Year Budget	Full Year Forecast
Development Operations		\$55,974	\$53,335	-\$2,639	\$210,147	\$210,147
Planning	1	\$35,691	\$20,483	\$56,174	\$150,122	\$155,832
Building	2	\$48,393	\$29,432	-\$18,961	\$102,991	\$177,835
Compliance		191,883	\$188,376	\$3,507	\$625,274	\$650,274
Public Health	3	\$21,744	\$38,363	\$16,619	\$108,071	\$108,071
Emergency Management	4	18,315	\$4,723	-13,592	\$77,168	\$77,168
Total		\$300,619	\$334,712	\$34,093	\$1,212,387	\$1,379,327

Notes:

1. Favourable variance due to Planning Permit Fees and Levies.
2. Contract Payment for Building staff on Maternity Leave – Building Surveyor.
3. Awaiting invoice payment for immunisation program run by Wodonga City Council. Reduction in consultant expenditure.
4. Awaiting funding payment from State Government for the Emergency Management Coordinator position under the Municipal Emergency Resource funding.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the report be noted.

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7. Facilities Department Activity Report For Quarter Ended 30 September 2021

SF/1544

Greg Robertson – Manager Facilities and Information Technology

PURPOSE OF REPORT

The report presents highlights of the activities of the Facilities and Information Technology Department for the quarter ended 30 September 2021.

Facilities Management

- Lights on the Benalla Monash Bridge, Benalla were replaced with vandal resistant high efficiency LED fittings and repairs made to the electrical circuits. The expected lifespan of the LED fittings is 15 years.
- Facilitated the fit-out and move to a leased facility for use as a temporary Visitor Information Centre in Church Street, Benalla.
- The revised Airport Manual was submitted to the Civil Aviation Safety Authority (CASA) in September for initial review and feedback on the draft. CASA legislated changes to Part 139 (Aerodrome) Manual of Standards 2019; those changes triggered the Airport Manual review. Once CASA feedback is received the manual will be presented to the Benalla Airport Advisory Committee for comment. The document must be submitted to CASA in final form by end of May 2022 or the Airport will lose registration and must cease operation.



Information and Communications Technology (ICT)

- The rollout of new servers continued with fine tuning of configurations, only a few staff remain to be transferred onto the new system, however, those final transfers have been hampered by ongoing COVID restrictions that prevented staff gathering physically.
- An upgrade of the Council's Electronic Records Management software is in progress.
- Infrastructure upgrade in progress to improve performance of the Customer Relationship Management System by moving that system to a dedicated virtual server.

Highlights

With ongoing COVID-19 restrictions and a distributed workforce, the ICT Helpdesk have been able to effectively work through all helpdesk requests in a timely manner. Hardware such as laptops, which have been in limited supply, to facilitate work from home requirements have also been provided.

COUNCIL PLAN 2017-2021 (2020 REVIEW) IMPLICATIONS

High Performing Organisation

Initiative	September Quarter Update
Pursue innovation and efficiency in systems and processes.	<ul style="list-style-type: none"> ▪ Implementation of an upgrade Records Management System
Review and update the <i>Information Communications and Technology Strategy 2013-2017</i> .	<ul style="list-style-type: none"> ▪ The ICT Strategy is actively being revised.

COVID-19 Impacts

COVID-19 continues to reduce the number of public bookings of facilities and the related fee hire income. It has resulted in a reduction in lease income with commercial tenants continuing to receive State Government mandated lease cost reductions.

Extra costs and workload continue to be incurred by ICT to facilitate work from home arrangements that require technology, such as laptops, second monitors and mobile broadband to support staff working remotely.

FINANCIAL IMPLICATIONS

	Notes	YTD Actuals	YTD Budget	YTD Variance	Full Year Budget	Full Year Forecast
Facilities	1	\$527,651	\$563,913	\$36,262	\$2,239,721	\$2,239,721
Information Technology	2	\$476,615	\$530,088	\$53,473	\$1,439,439	\$1,439,439
Benalla Airport		\$21,921	\$18,742	-\$3,179	\$74,960	\$74,960
Saleyards	3	\$3,845	\$22,824	\$18,979	\$91,300	\$116,986
Aquatic Centre		\$175,096	\$177,475	\$2,379	\$709,900	\$709,900
Total		\$1,205,128	\$1,313,042	\$107,914	\$4,555,320	\$4,581,006

Notes:

1. Favourable variance primarily due to a lower maintenance spend at facilities during the quarter. Maintenance spend will increase over the remainder of the year as facility use increases post COVID-19 restrictions.
2. Favourable variance primarily due to timing of software licence renewals and telecommunications services invoices not falling due in the quarter.
3. Favourable variance primarily due to the timing of maintenance and cleanout works ahead of booked sales and use. This budget will align to forecast over the next two quarters as monthly mixed sales resume and invoices are received for works undertaken just prior to the annual ram sale.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the report be noted.

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8. Assets and Infrastructure Department Activity Report For Quarter Ended 30 September 2021

SF/1242

Adrian Gasperoni – Manager Assets and Infrastructure

PURPOSE OF REPORT

The report presents activities of the Assets and Infrastructure Department for the quarter ended 30 September 2021.

Assets and Infrastructure

Assets and Infrastructure continued to provide maintenance throughout our municipality.

There was also a continued focus on footpath maintenance and renewal and slashing throughout our rural areas.

Highlights for the quarter are detailed below.

Operations

- Replaced approximately 10m² of concrete footpath in Coster Street, Benalla.
- Replaced approximately 8m² of concrete footpath in Monds Avenue, Benalla.
- Replaced 16m² of concrete footpath in Carrier Street, Benalla.
- Replaced 28m of defective kerb and channel in Waller Street, Benalla.
- Installed approximately 56m of new underground drainage in Waller Street, Benalla.
- Cleaned out underground drainage pipes in Bridge Street, Carrier Street, Salisbury Street and Oak Avenue, Benalla.
- Completed Urban B Fire Plug Inspections.
- Grading of more than 124 kms of unsealed roads.
- Completed Rural Fire Plug Inspections and repairs.
- Completed Night Audits of all reflective signage and posts, as well as roads, sight clearance and general safety of roads.
- Replacement of various signs and guideposts throughout the municipality.
- Rural drain cleaning and culvert repairs.
- Continued with our Inspection Program on Access, Link and Collector roads through our West A and B and East A and B areas, as well as Urban A and B Access and Urban A and C Link area inspections.

Parks and Gardens

- 98 new street trees have been planted and mulched throughout the municipality.
- Benalla Botanical Gardens rose pruning, mulching and fertilising more than 1,000 roses complete.
- Aboriginal Garden Stage 4: Stonemason 90 per cent complete.
- General maintenance undertaken, including roundabouts, medium strips and Council building garden beds.
- Powerline auditing and clearance commenced.
- Roadside slashing and spraying continued and ongoing.

Capital Projects

Extensive planning and design work undertaken within the first quarter of the year.

- Aboriginal Garden Stage 4: Stonemason work 90 per cent complete.
- Commencement and nearing completion of Firth Road reconstruction.
- Completion of Mair Street carpark civil works, with lighting to be installed later in 2021.
- Cell 3 Construction continuing.
- Panel of suppliers for concrete works awarded, with kerb and channel program and footpath program developed.
- Panel of suppliers for crack sealing awarded.
- Panel of suppliers for regulation, stabilisation and edge repairs awarded.
- Request for Tender for Fawckner Drive Reconstruction advertised.
- Request for Tender for Denny Street Carpark advertised.

The Benalla Rural City Council Capital Projects Report to 30 September 2021 has been provided under separate cover in MS Teams to ensure procurement integrity.

Waste

- Facilitated Benalla's first 'Detox Your Home' event at the Benalla Landfill & Resource Recovery Centre, event was well attended with more than 35 registrations.
- Accepted delivery of the 32 tonne 'Bomag' compactor that replaces the 'Tana' under new contract CM21.033 with North West Services.
- Completed submission of the Benalla Landfill Annual Performance Statement.

Recreation

- Assisted the Benalla Agricultural and Pastoral Society complete the construction of the multipurpose shelter area adjacent to the new Arundel Street Oval Facility.
- Assisted the Showgrounds Committee of Management to undertake investigation and clean out of all storm water and oval sub surface drainage at the Showgrounds Recreation Reserve.
- Commenced planning project with Showgrounds Committee of Management to relocate turf wicket from center of Showgrounds Oval.
- Commenced remediation the southern end of the existing athletics track at Churchill Reserve.
- Undertook soil testing of Churchill Reserve to inform upgrade scope of works.
- Replaced roofing ridging on the Benalla Indoor Recreation Centre (both new and old stadium) further mitigate leaks.

Asset Management

- Completed import of Footpaths and Cycleways to Conquest.
- Progressed an End of Year asset valuation/revaluation.
- Supported Finance with End of Financial Year, including end of year Audit.
- The following table outlines requests for works received through the Asset Edge - Reflex program of inspection and Customer Request Management System (CRMS).

Task	Dec 2020	Mar 2021	June 2021	Sept 2021
Defects overdue on roads and drains - safety only:				
Link roads	0	0	0	0
Collector roads	0	4	4	2
Access roads	0	1	0	0
Defects overdue on footpaths - safety only	0	0	0	1
Defects rectified - routine maintenance and safety – road, footpath and parks	125	204	221	99
Defects and maintenance -items outstanding– road, footpath and parks	111	89	169	258
Unsealed roads graded (km)	157	0	106	124
Sealed road shoulders graded (km)	9.5	0	2	0

COUNCIL PLAN 2017-2021 (2020 REVIEW) IMPLICATIONS

Engaging and Accessible Places and Spaces

Initiative	September Quarter Update
Partner with key stakeholders, such as Victoria Police to promote and enhance community safety.	Continuing to attend Local Safety and Traffic Liaison Committee meetings with Victoria Police to improve traffic and safety.
Partner with other agencies to increase the safety of pedestrians, mobility scooter users and cyclists in our community.	Continuing to attend Local Safety and Traffic Liaison Committee meetings to partner with other agencies, such as Regional Roads Victoria and Department of Transport and work towards a safer community for all.
Install vibrant town entry signage and landscaping in Benalla and our rural townships.	Awaiting signage committee for updates.
Deliver and promote maintenance programs for core assets such as roads, bridges and drainage.	All maintenance inspections are up to date.
Develop and implement a footpath strategy to improve connectivity, accessibility and paths of travel for all in the community.	Capital Works priority footpaths have been identified for construction this financial year.
Maintain sporting and recreational facilities, reserves and parks to encourage and support increased participation in various sporting and recreational activities.	Continuing to work with various committees of management including the Gardens Oval for the provision of well maintained and presentable recreational facilities.
Implement a Single Point Asset Management Program.	Asset Edge has been implemented to use as a Single Point Asset Management Program.

FINANCIAL IMPLICATIONS

Capital Works Program result for the period ending 30 September 2021

	Notes	2020/21 Full Year Budget \$'000	2020/21 YTD Budget \$'000	2020/21 YTD Actuals \$'000	2020/21 YTD Variance \$'000	2020/21 Full Year Forecast \$'000
Roads		\$2,141	\$147	\$147	0	\$2,141
Footpaths		\$198	0	0	0	\$198
Drainage		\$1,144	\$6	\$11	-\$5	\$1,144
Buildings		\$4,454	\$42	\$46	-\$4	\$4,454
Plant, Machinery and Equipment		\$285	\$12	\$12	0	\$285
Fixtures, IT, Fittings and Furniture Artworks	1	\$275	\$64	\$83	-\$19	\$275
Computers and Telecoms		\$200	\$5	\$3	\$2	\$200
Library Stock		\$96	0	\$1	-\$1	\$96
Waste Management		\$3,510	\$430	\$435	-\$5	\$3,510
Parks, Open Spaces	2	\$356	\$116	\$130	-\$14	\$356
Off Street Carpark	3	\$296	\$55	\$82	-\$27	\$296
Other – Streetscape items	4	\$435	\$35	\$13	\$22	\$435
Total		\$13,390	\$911	\$963	-\$52	\$13,390

Notes:

1. Unfavourable variance due to 2020/21 grant funded Outdoor Activation – Dining pods by 12 installed throughout Benalla in first quarter \$20,306.
2. Unfavourable variance \$13,733 due to grant funded projects: Monash Bridge Lighting Project \$6,082, Library BBQ shelter \$3,291 and Churchill Reserve entrance upgrade \$3,602 not budgeted for in 2021/22.
3. Unfavourable variance \$27,362 due to 2020/21 grant funded project Mair Street carpark carry over.
4. Favourable variance \$22,343 due to Benalla Landfill Install off-grid solar power array and battery storage delay due to COVID lockdowns.

Operating Budget result for the period ending 30 September 2021

	Notes	2020/21 YTD Actuals	2020/21 YTD Budget	2020/21 YTD Variance	2021/22 Full Year Budget	2021/22 Full Year Forecast
Capital Projects Support		\$76,808	\$67,359	-\$9,449	\$271,849	\$271,849
Operations Support	1	(\$35,514)	\$294,296	\$329,810	\$1,170,073	\$1,163,553
Plant Operations	2	\$126,027	(\$49,675)	-\$175,702	(\$198,699)	(\$167,075)
Sealed Roads	3	\$619,325	\$659,330	\$40,005	\$2,613,331	\$2,613,331
Unsealed Roads	4	\$447,087	\$298,405	-\$148,682	\$1,193,625	\$1,403,497
Bridges		\$133,608	\$143,340	\$9,732	\$573,363	\$573,363
Drainage	5	\$162,369	\$104,916	-\$57,453	\$419,667	\$419,667
Mechanics Workshop	6	\$1,474	\$22,026	\$20,552	\$85,130	\$85,130
Street Cleaning		\$9,319	\$6,707	-\$2,612	\$26,830	\$26,830
Roadsides	7	\$96,424	\$86,251	-\$10,173	\$345,024	\$345,024
Parks and Gardens		\$188,911	\$270,131	\$81,220	\$1,053,204	\$1,053,204
Asset Management Services	8	\$34,679	\$62,848	\$28,169	\$240,018	\$240,018
Landfill	9	\$109,235	\$375,429	\$266,194	\$1,482,809	\$1,482,809
Kerbside Waste	10	(\$3,141,825)	(\$3,151,476)	-\$9,651	(\$1,450,358)	(\$1,450,358)
Recreation		\$51,620	\$60,185	\$8,565	\$238,557	\$238,557
Total		(\$1,120,453)	(\$749,928)	\$370,525	\$8,064,422	\$8,299,398

Notes:

1. Favourable variance due to 2021/2022 VGC Grant being received in June 2021.
2. Favourable variance primarily due to internal plant hire \$63,147 less than budget.
3. Favourable variance due to receipt of unbudgeted income.
4. Unfavourable variance mainly due to pavement repairs, grading and depreciation expenses being more than budgeted.
5. Unfavourable variance mainly due to drain cleaning being more than budgeted.
6. Favourable variance mainly due to Salaries and Oncosts being less than budgeted.
7. Unfavourable variance mainly due to Footpath Maintenance and Roadside Furniture being more than budgeted.
8. Favourable variance due to Salaries and Oncosts being less than budgeted.
9. Favourable variance due to Income being more than budgeted.
10. Unfavourable variance mainly due to annual Garbage Collection Contract Payments being more than budgeted.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the report be noted.

Closure of Meeting