



**Murrindindi**  
Shire Council

**Murrindindi Shire Council**

**Domestic Animal Management Plan**

**2021-2025**

May 2021

# Murrindindi Shire Council

## Domestic Animal Management Plan

### 2021-2025

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## Authorisation

This Domestic Animal Management Plan has been prepared by and with the authority of the Murrindindi Shire Council. The plan has been prepared in accordance with Section 68A of the *Domestic Animals Act 1994*.

### This Plan:

**Document Title:** Murrindindi Shire Council  
Domestic Animal Management Plan 2021-2025

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Natalie Stewart  
Manager Development Services  
Murrindindi Shire Council

## 1 Introduction

The purpose of the new Domestic Animal Management Plan (DAMP) is to outline Councils strategic approach to the delivery of animal management services throughout the municipality for the 2021-2025 period, building on the foundations and achievements of previous plans.

The DAMP has been developed in accordance with Section 68A of the *Domestic Animals Act 1994* and will be reviewed annually.

The DAMP outlines programs, services and strategies which we will use to promote and encourage responsible pet ownership utilising a combination of educational and regulatory approaches.

### 1.1 Legislative Framework

The *Domestic Animals Act* outlines the requirements for all Councils to prepare and maintain a Domestic Animal Management Plan (DAMP). Section 68A of the *Act* states:

- (2) 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; 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
  - (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; and
  - (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.
- (3) 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 Community Consultation

From 15 March to 15 April 2021, a survey was made available to get an understanding of the current trends and issues that were important to the community. These findings have created the foundation for this DAMP. A report of these findings are attached.

During the month of August 2021, the draft DAMP is available for public comment. During this time the Community Safety Unit will host a number of information sessions seeking further feedback from the community.

### 1.2 About Councils Community Safety Unit

Councils animal management services and deliverables of this DAMP are carried out by Councils Community Safety Unit. The Community Safety Unit consists of four officers who are authorised under various legislation to deliver education and enforcement objectives throughout the Municipality.

Specifically, the Community Safety team are authorised under the *Domestic Animals Act 1994*, *Prevention of Cruelty to Animals Act 1986* and the *Impounding of Livestock Act 1994*, to undertake the following roles:

- Coordinate domestic animal registration and identification process
- Investigate dog attacks
- Investigate barking dog and other nuisance matters
- Investigate animal welfare issues
- Provide advice to pet owners and the community regarding the care of their animals
- Provide a 24-hour emergency response
- Implement Councils Community Local Law 2020
- Active patrols and collections to reunite dogs with their owners
- Impound domestic animals and livestock
- Investigate complaints relating to domestic animals and livestock
- Monitor compliance with Codes of Practice such as breeding, boarding and training.

### 1.3 Scope of the Domestic Animal Management Plan (DAMP)

The DAMP has been developed as required by section 68A of the *Domestic Animals Act 1994* and consists of current processes and strategies relevant to:

Focus Area	Strategy	Legislative Requirement
<b>Part 3</b>		
<b>Animals and Amenity (Nuisance)</b>	<p>Increase pet owners' knowledge of the principles of responsible pet ownership to enhance community safety and awareness</p> <p>Minimise the potential for dogs and cats to create a nuisance</p>	<p>Section 68A(2)(c)(vi) of the Act requires the Domestic Animal Management Plan to:</p> <p>“Outline programs, services and strategies to minimise the potential for dogs and cats to create a nuisance”</p> <p>also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)</p>
<b>Part 4</b>		
<b>Registration, Identification, overpopulation and high euthanasia</b>	<p>Maximise the number of dogs and cats that are registered within the Murrindindi Shire</p> <p>Address over population and euthanasia rates</p>	<p>Section 68A(2)(c)(v) of the Act states the Domestic Animal Management Plan should:</p> <p>“Outline programs, services and strategies to encourage the registration and identification of dogs and cats”</p> <p>“Outline programs, services and strategies to address any over population and high euthanasia rates for dogs and cats”</p> <p>also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)</p>
<b>Part 5</b>		
<b>Community Engagement</b>	<p>Communicate with the community and its visitors in an efficient and effective way</p>	<p>Additional to the requirements of The Act</p>
<b>Part 6</b>		

<b>Dog Attacks</b>	Minimise the risk of attacks by dogs on people and animals	Section 68A(2)(c)(iii) of the <i>Act</i> requires that the Domestic Animal Management Plan:  “Outline programs, services and strategies to minimise the risk of attacks by dogs on people and animals”  This also addresses Section - 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the <i>Act</i> .
<b>Part 7</b>		
<b>Compliance</b>	Improve voluntary compliance with relevant legislation	Additional to the requirements of The <i>Act</i>
<b>Part 8</b>		
<b>Authorised Officer Training</b>	Identify training requirements for authorised officers	Section 68A(2)(b) of the <i>Act</i> requires the Domestic Animal Management Plan to;  “Outline programs for the training of Authorised Officers to ensure that they can properly administer and enforce the requirements of this <i>Act</i> in the Council's municipal district.”
<b>Part 9</b>		
<b>Animal health and welfare</b>	Identify strategies to promote responsible pet ownership aimed at improving animal welfare  Consider animals in planning for and responding to emergencies such as fire and flood	Additional to the requirements of The <i>Act</i>
<b>Part 10</b>		
<b>Dangerous, menacing and restricted breed dogs</b>	Ensure declared dogs are kept compliant with the Act and its regulations	Section 68A(2)(c)(vii) of the <i>Act</i> requires the Domestic Animal Management Plan to:  “Outline programs, services and strategies to effectively identify all dangerous dogs,



		<p>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”</p> <p>This section also addresses Section 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the <i>Act</i>.</p>
<p><b>Part 11</b></p>		
<p><b>Domestic Animal Management Plan Review</b></p>	<p>Ensure Council meets the legislative requirements under the <i>Act</i> regarding the review of its Domestic Animal Management Plan</p>	<p>Section 68A(3) sets out the following requirement;</p> <p>Every Council must;</p> <ul style="list-style-type: none"> <li>- review its domestic animal management plan annually and, if appropriate, amend the plan; and</li> <li>- provide the Secretary with a copy of the plan and any amendments to the plan; and</li> <li>- publish an evaluation of its implementation of the plan in its annual report</li> </ul>

## 2 Animal Statistics and Data

<b>Key Statistics 2020/2021</b>	
Population	13,693
Area sq/kms	3,889
No. of animal management officers (Community Safety Officers)	4
No. of registered dogs	2,864
No. of registered cats	696
No. of registered dangerous dogs	0
No. of restricted breed dogs	0
No. of registered domestic animal businesses	6
No. of animal management requests	919
Total number of Community Safety Unit requests	3,141
No. of barking dog reports	57
No. of dogs impounded	90
No. of dogs returned to owner	79
No. of dogs rehoused	6
No. of cats impounded	149
% of cats returned to owner	8%
% of cats rehoused	32%

## 3 Animals and Amenity (Nuisance)

While dogs and cats play an integral role in the health and wellbeing of the population, they too have the ability to have a negative impact on the amenity of our residents and visitors. Common animal nuisance matters that are reported to Council include but are not limited to; wandering cats and dogs, barking dogs and excessive numbers of animals being housed at properties.

### 3.1 Current Situation

During the 2020/21 financial year, Council received 919 animal management requests from the community. A large majority of these were regarding lost / found and wandering pets. 57 of these requests related to barking dogs.

Councils recent survey found 45.92% of participants had concerns with wandering cats. A large majority of the issues recorded in the survey relate to the impact cats have on wildlife.

Council provide traps free of charge to community members who are experiencing issues with nuisance cats. A total of 149 cats were trapped by Council officers with the assistance of the community during this time.

Further, 35% of survey respondents had an issue with wandering dogs. These issues were primarily raised as a result of dogs being walked off lead.

### **3.2 Current Policy and procedure**

In addition to the nuisance provision within the *Domestic Animals Act 1994*(s.32) and other relevant legislation, Councils Community Local Law 2020 provides the community with further guidance on animal ownership aimed at reducing the likelihood of amenity issues created by animals. These include:

- Restrictions on the number of various animals permitted to be housed on either residential or rural land
- General housing requirements for domestic animals and livestock
- Responsibility of owners of domestic animals and livestock for removal of excrement in a public place
- Requirements to contain animals

Where permit applications for additional animals are received, Council undertakes to obtain feedback from surrounding residents to ensure the issuing of permits for additional animals does not have negative impact on neighbourhood amenity.

Councils approach to education before enforcement is exercised in its procedure for wandering dogs. All dogs are returned directly to their owner free of charge if registered and found wandering for the first time.

Other Council policies for nuisance complaints include:

- Procedure regarding noise nuisance complaints for dogs and/or cats, the *Act*, s32
- Procedure associated with the surrender of dogs and/or cats by owners, the *Act* s33A
- Procedure associated with issuing notices to comply, infringement notices and filing charges for prosecution regarding dogs and cats causing a nuisance.

### **3.3 Current Activities**

Murrindindi Shire Council conducts a number of education activities aimed at resolving nuisance animals reports. Communication on the management of nuisance animals is provided to the community via various media streams and officer interactions.

Council gives animal owners reasonable time and resources to resolve substantiated animal nuisance matters. Where required, enforcement action is undertaken to remedy any unresolved animal nuisance matters.

### 3.4 Strategy: Minimise the potential for dogs and cats to create a nuisance

#### Cats

Timeframe	Action	Evaluation
Year 1	Implement community education programs for cat owners about the importance of keeping their animals secured for the protection of native wildlife.	Evidence of public education program developed and implemented
Year 2	Develop options for the introduction of cat curfew	Development of Project Plan
Year 2	Promote the 'Aussie backyard bird count'	Statistics on participant uptake and bird numbers
Year 3	Offer free first time registration of cats to encourage registration	Program developed, implemented and evaluated
Year 3	Promote the benefits of confining your cat	Competition and prizes for best cat enclosure
Year 4	Implement a requirement for cat owners to keep their cats confined to their property.	Action plan implemented
Year 4	First time offences for registered cats will receive an official warning.	Comparison with previous year statistics
Year 4	Promote the 'Aussie backyard bird count' following the introduction of a cat curfew aimed at the protection of native animals	Data comparison of bird numbers following implementation of cat curfew
Ongoing	Assist residents and businesses to deal with cat nuisance problems by maintaining and providing cat trapping programs	Cat trapping data Operational data .

**Dogs**

<b>Timeframe</b>	<b>Action</b>	<b>Evaluation</b>
Year 1	Implement a community education program for dog owners about the importance of keeping their animals on leads in public areas.	Evidence of public education program developed and implemented
Year 2	Evaluation of the community education program on dog ownership	Data received as part of community education
Year 2	Explore the idea of creating off-lead dog parks including further community engagement and the need for supporting education programs. Scoping of potential locations and infrastructure requirements	Development of Project Plan including funding approval
Year 3	Identify potential dog off leash sites	Sites identified for Council to consider
Year 4	Implement requirement for all dogs to be on leash in public areas (excluding designated places)	Report on effectiveness including statistics on wandering/ nuisance dogs and attacks reported
Ongoing	Promotion of 'First ride home free' procedure	Data comparison of first and multiple wandering instances ride home Review Standard Operating Procedure
Ongoing	Proactively monitor social media for reports of found/ missing/ wandering dogs to ensure officers are aware of unreported instances of wandering dogs	Update Standard Operating Procedure to include response to social media reports
Ongoing	Maintain dog poo bags in public areas	Audit of location and condition of dispensers.

## 4 Animal identification, registration, overpopulation and euthanasia

Animal identification and registration are a legal requirement under the *Act*. As well as being a legal requirement, registration and identification gives pets that are found a much higher chance of being returned to their rightful owner.

Animal registration also allow Council to better understand the number of pets that reside within our communities and provides valuable information to ensure that Councils animal management services are adequate and delivered appropriately.

### 4.1 Current situation

Under the Act, it is a requirement that all dogs and cats over the age of three months be registered with Council (S10(1)). Animals must also be microchipped before they are registered with Council (S12A(1)).

As well as being a legislative requirement, pet owners that microchip and register their animals increase the chance of being re-united with them should they become lost.

At the end of 2020, there were a total of 3554 animals registered with Council in comparison to a total of 3499 in 2019. In 2017 there were 3152 registered dogs and cats within the municipality. This is a 12% increase in animal registrations over a four year period.

There were a total of 532 new registrations during 2020. During this time a total of 377 cats and dogs were removed from the database due to leaving the municipality or passing away.

<b>Key Statistics 2020/2021 (financial year)</b>	
No. of registered dogs	2,864
No. of registered cats	696
No. of dogs impounded	90
No. of dogs returned to owner	79
No. of dogs rehoused	6
No. of cats impounded	149
% of cats returned to owner	8%
% of cats rehoused	32%
No. of registered desexed animals	2,844
No. of registered entire animals	716
No. of registered breeders	2

Recent survey results noted that on a scale of importance from 1 to 10, 93% of survey respondents believed that desexing cats was seen to be very important with an average rating of 9.2 out of 10.

Further, 89% of respondents stated that desexing dogs was seen to be also very important with an average rating of 8.5 out of 10.

The survey results revealed respondents two main areas of concern were:

- High euthanasia rates in cats (48%)
- People not desexing their animal (61%)

During 2020, 97% of dogs were returned to their owner or rehoused. In contrast only 31% of cats that were impounded were returned to their owner or rehoused. The remainder were euthanised on grounds of being wild, uncontrollable or diseased.

## **4.2 Current policy and procedure**

Council has a Section 84Y agreement in place with Coldstream Animal Aid. This agreement allows Council to engage Coldstream Animal Aid for its pound and animal rehousing services. Further to this, the agreement allows Coldstream Animal Aid to act as an agent of registration for Council ensuring all animals are microchipped and registered before being returned to their owner or in the case of being re-housed that the animals are microchipped, registered and desexed prior to their release.

Under the *Act*, Council has the ability to euthanise cats that are seized in accordance with the legislation that are wild, uncontrollable or diseased and that do not bear an identification marker or permanent identification device.

## **4.3 Current Activities**

Between 2017 and 2021 Council conducted two (2) community discounted microchipping days. These days also included discounted registration rates for people who got their animal's microchipped on the day.

Registered pets found wandering in the first instance are returned home free of charge. On return of the pet, Officers will educate the pet owner on ways to avoid dogs and cats wandering, like ensuring that the fencing is adequate to confine their pet.

Unregistered pets found wandering are impounded and not released until registration requirements under the *Act* are achieved. Once registration is received, the pet is released to its owner. Officers use each interaction with its residents as an opportunity to promote the benefits of securely confining their pet.

Councils registration renewal program ensures all pet owners pay their registration renewals in a timely manner. Those who fail to renew their animal registrations during this renewal program may be subject to enforcement action.

Council Officers actively seek out unregistered pets and take appropriate measures to ensure that the registration of such animals is achieved. This includes targeted patrols and doorknocks, community member reports, domestic animal business reports and information received whilst undertaking other duties.

Council offer discounted registration for desexed animals in an effort to provide an incentive for desexing pets. A reduced rate of registration also applies for registered foster carers, to promote compliance with registration requirements for animals in foster care.

#### 4.4 Summary

There has been a substantial increase in dog and cat registrations between 2017 and 2021. Council's 2017-2021 DAMP estimated that in 2021 there would be 3200 registered cats and dogs within the municipality. As of 30 June 2021, there were 3560 registered cats and dogs within the municipality.

Following community consultation, it was highlighted that high euthanasia rates and owners who do not desex their animals is seen to be of key concern to residents of Murrindindi. There remains a portion of registered 'entire' animals within the municipality therefore education programs should be targeted at the owners of these animals to ensure they are refraining from desexing their animals for the correct reasons.

Feral and semi-owned cats are the main contributor to high euthanasia rates. These types of cats are not specifically owned, therefore are indefinable, but their survival and growth relies highly on residents feeding them. As a result, when caught these cats are unlikely to be claimed and due to their poor temperament resulting from limited socialisation and handling limit their likelihood of being rehomed.

#### 4.5 Strategy: Increase registration and reduce overpopulation

Timeframe	Action	Evaluation
Year 1	Raise awareness about semi-owned cat population	Media campaign to educate the community on the semi-owned cat population.
Year 1	Develop desexing subsidy scheme to further support and promote responsible pet ownership.	Completion of Project Plan including funding approval
Year 2	Implement a desexing subsidy scheme	Data collection on uptake of scheme
Year 2 & 4	Subsidised community microchipping event.	Increase in the number of registered domestic animals
Year 2 & 4	Undertake a community pet event with a focus on promoting animal registration/ responsible pet ownership	Number of people attending the event and accessing information
Year 3	Implement a pilot project to provide free first time cat registration	Increase in the number of registered cats. Evidence of Increase in animals being returned to their owner
Ongoing	Maintain Section 84Y agreement with Coldstream Animal Aid	Current Section 84Y Agreement in place
Ongoing	Ensure compliance with pension, Foster Carer and desexing discount registration	Standard Operating Procedure and guidelines. Media developed.



Ongoing	Promote half price (pro rata) animal registration from 1 January each year to encourage registration.	Communication/Media developed
Annually	Distribution and promotion of animal registration renewal notices within specified time frames	Renewal notices issued Media developed
Annually	Ensure all reminder notices are issued within specified time period	Reminder notices issued Communication/Media developed
Ongoing	Monitor local media for animal sale advertisements	Action non-compliant advertisements.
Ongoing	Implement animal registration renewal compliance program. Follow up properties where animal registration has lapsed	Report on the number of properties inspected. Increase in animal registrations as a direct result of the campaign
Ongoing	Ensure all impounded animals are registered to their owner prior to release	Standard Operating Procedure and guidelines reviewed.
Annually	Random door knocking properties in the municipality each year to check for unregistered and unidentified dogs and cats.	Report on the number of random properties inspected. Increase in animal registrations as a direct result of the door knock campaign

## 5 Community Engagement

### 5.1 Current Situation

The way Council engages and communicates with its community is integral to maintain community interest and input into its operations. It was identified in Council's DAMP review community survey, 41% of survey respondents were aware that Council provides a 'free ride home' program for registered dogs found wandering at large in the first instance. This is in comparison to 83% of survey respondents who knew how to contact Council if they had lost or found a pet. This information suggests that further focus is required on communicating with its residents and visitors.

### 5.2 Current Policy and procedure

In 2019 Council introduced a Customer First initiative designed to improve the customer experience when engaging with Council. The foundation of this project aims to seek feedback from each of its customer at the completion of an interaction to ensure ongoing service improvements.

The Customer Service Charter requires Council to return phone calls within 2 business days and acknowledge written correspondence within 2 working days.

### 5.3 Current Activities

The following communication activities are conducted to promote responsible animal management:

- Use of social media to reunite pets with their owners
- Use of media to promote current campaigns and legislative change

Extensive public consultation efforts such as attendance at community events, drop-ins, on-line seminars.

We currently operate a 24 hour/7 day a week emergency response service to respond to animal management issues such as dog attacks.

## 5.4 Summary

The role Councils play in communicating with the community cannot be underestimated. Many survey respondents acknowledge the role Councils play in ensuring the community is kept up to date. This was even more evident during the COVID-19 pandemic. As the community looks to Council for its information, it is important to ensure its media is clear, concise and relevant. Many survey respondents identified the need for more targeted media campaigns not only around animal management, but also other Council related matters.

## 5.5 Strategy: Ensure the community are kept well informed of Council services

Timeframe	Action	Evaluation
Ongoing	Targeted media campaigns prompting Council services and responsible pet ownership/ legislative changes – 4 a year	Communication/Media developed
Year 1	Evaluate after hours call centre service	Feedback on after hours customer experience Review referral processes
Year 2	'A day in the life of' – Community Safety Unit	Production of Community Safety Unit PR campaign
Ongoing	Support local obedience clubs through sponsorship and attendance at meetings to discuss and promote responsible animal ownership	Evidence of attendance and participation
Ongoing	Use of social media to promote Council services	Social media presence increased

## 6 Dog attacks

### 6.1 Current Situation

Although relatively uncommon, dog attacks do occur from time to time throughout the municipality. When they do occur, they can be highly traumatising for all involved. Attacks on livestock and other animals are much more prevalent than attacks on people. Of the 45 dog attacks that were reported during the 2020/21 financial year, two incidents involved dogs attacking people. The remaining reports vary from dog rush incidents to serious injury on livestock.

Survey respondents identified their main concern for dog attacks was in public areas where dogs are exercised and not appropriately controlled. This scenario was explored further in 3. 'Animals and Amenity'

## 6.2 Current Policy and procedure

The Community Safety Unit is available 24 hours a day to respond to reports of dog attacks. In accordance with its Compliance Policy, Councils response to dog attacks are outcome focused. That is, where an alleged dog attack has occurred, Council will seek to resolve the issue and work with relevant parties to reduce the likelihood of further incident.

## 6.3 Current Activities

Compliance activities include the following:

- Investigating dog attacks in accordance with the provisions of the Act
- Where required, seizing and holding dogs alleged to have being involved in an attack pending investigation/prosecution outcome
- Prosecuting matters pursuant to the Act
- Issuing infringements for dogs wandering at large
- Issuing infringements for minor attacks / dog rush incidents
- Declaring menacing or dangerous dogs where required

## 6.4 Summary

The majority of dog attacks within the municipality occur on livestock and other animals. As a result, it is important to acknowledge the detrimental impact these matters can have on both on business with regard to livestock loss and the emotional influence of being the victim of a dog attack.

Both the owner and animal who have been subject to a dog attack report increased levels of anxiety and lower confidence levels when in public with their animals.

As a result, priority is to be placed on the prevention of dog attacks. This can be achieved by specific patrols, targeted media, data analysis and the use of deterrence as a key tool for prevention.

## 6.5 Strategy: Reduce impact of dog attacks on community and business

Timeframe	Action	Evaluation
Year 1	Media campaign 'Confining your dog - Why it's important for you and your dog'	Develop campaign material and deliver campaign
Year 2	Raise awareness of livestock owner's rights and responsibilities in preventing and responding to dog attack	Evidence of implementation of campaign including response options for livestock owners when involved in dog attack scenarios
Year 3	Increase proactive patrols in locations identified through statistics as having higher risk of dog attack incidents	Data comparison of proactively patrolled areas and reactive response only
Year 4	Raise awareness of livestock owner's rights and responsibilities of preventing and responding to dog attack	Evidence of implementation of campaign Comparison of Year 2 and Year 4 data to identify effectiveness of campaign
Ongoing	Promote prosecution outcomes to the community to increase awareness.	Media developed

Ongoing	Advocate for the Responsible Pet ownership program in schools	Promote program to be implemented within Councils schools
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## 7 Compliance

### 7.1 Current situation

Council aims to achieve voluntary compliance from its residents and visitors to promote the health and safety of the community. Both responsive and proactive compliance is centered on harm and risk reduction in accordance with these Policy principles.

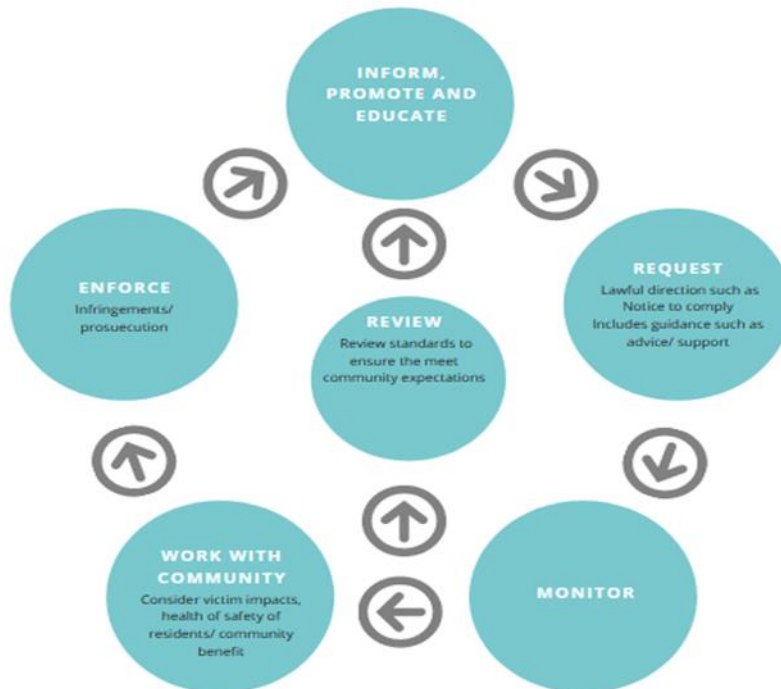
Compliance activities by Council are outcome focused. That is, when a non-compliant activity is identified, in the first instance Council will seek to resolve the issue and work with relevant parties to achieve compliance.

Prosecution is seen as a last resort for the mitigation of issues, however there is a need for prosecution of matters that present a risk a public safety and/or legislation determines the enforcement procedure. For example, dog attack causing serious injury s29(4) is not an infringeable offence and therefore a consequence is required to be determined by the Magistrates Court.

### 7.2 Current Policy and procedure

Council's approach to compliance aims to achieve the following objectives

- voluntary compliance
- consequences for repeat or culpable behaviour
- deterrence associated with enforcement



### 7.3 Current Activities

Council undertakes to promote voluntary compliance within the community by providing clear communication, consistent approaches and consideration of community expectation.

Council's obligation for enforcement action is reduced through achieving voluntary compliance.

Currently Council achieves voluntary compliance by providing:

- easy access to information about their rights and obligations under relevant legislation
- support to meet these obligations where appropriate
- an understanding of how Council will approach administration of this legislation and, in particular, how Council will approach compliance and enforcement and the consequences of non-compliance.

Where enforcement action is taken, Council ensures that all matters are followed up. Unpaid infringements are referred to Fines Victoria for further action.

### 7.4 Summary

Although Council undertakes to promote voluntary compliance, there is a need to issue infringements and official warnings to impose consequences for repeat or culpable behaviour and implement a deterrent element for the broader community. During 2020, 49 infringements and official warnings were issued for breaches of the *Domestic Animals Act 1994*.

### 7.5 Strategy: Improve voluntary compliance

Timeframe	Action	Evaluation
Year 1	Increase community awareness of Councils Community Safety team by participating in 'Coffee with a cop'	Evidence of people attending the event and accessing information.
Year 2	Review internal review process	Undertake review and implement findings
Ongoing	Promote prosecution outcomes to the community to increase compliance	Media developed

## 8 Training of Authorised Officers

The Community Safety Unit is accountable for ensuring Council's responsibilities under the Act are met. Ongoing training and development within this role is a critical element in ensuring that officers involved in animal management have the necessary knowledge and skills to carry out their work in a safe, effective and professional manner.

Over the next four years, Council will continue to ensure officers are appropriately trained and experienced to educate and enforce the *Domestic Animals Act 1994* and to stay abreast of industry developments and best practice.

### 8.1 Current Activities

Officers currently undertake regular organisational focused training on customer service, workplace health and safety and workplace behaviour. Officers regularly attend industry related information sessions, seminars and industry specific training.

It is a requirement of the role to undertake CERT IV Animal Control and Regulation within the first 12 months of employment.

Refresher and specialised ongoing training is required to further build officer skills and knowledge.

### 8.2 Current Policy and procedure

Councils Community Safety Unit consists of a Coordinator Community Safety and three Community Safety Officers. Three of the four members of the Community Safety Unit have completed their CERT IV Animal Control and Regulation. The fourth Officer is currently undertaking this training.

### 8.3 Strategy: Ensure that all staff involved in animal management obtain and maintain the knowledge and skills necessary to carry out their work efficiently, effectively and safely

Timeframe	Action	Evaluation
Ongoing	Develop a training plan that clearly identifies minimum training requirements and any additional training needs that should be undertaken by Authorised Officers to ensure Officers can properly administer and enforce the DAA.	All staff meet performance standards in annual employee performance reviews.
Ongoing	Self-defence, conflict management, mediation skills, prosecutions training  Research the implementation of Body Worn Cameras/ Policy development	Training plan updated and training completed  Evidence of improved officer safety through use of cameras and other surveillance  Production of Body worn cameras policy.
Ongoing	Maintain North East Authorised Officers Association membership and attend meetings and seminars.	Regular attendance at seminars and meetings.
Ongoing	Attend Bureau of Animal Welfare seminars and information days	Regular attendance at seminars and meetings
Year 3	Industry training – Prosecutions	Training complete and register updated
Ongoing	Complete annual development plan and review process for each staff member identifying training needs to deal with skill gaps and emerging issues or legislative changes	Training complete and register updated

Ongoing	Maintain s72A authorisations for contract Animal Management Officers	Authorisation register maintained
Ongoing	Annual firearms training for Authorised Officers	Officer training register maintained. All staff meet performance standards in annual employee performance reviews.

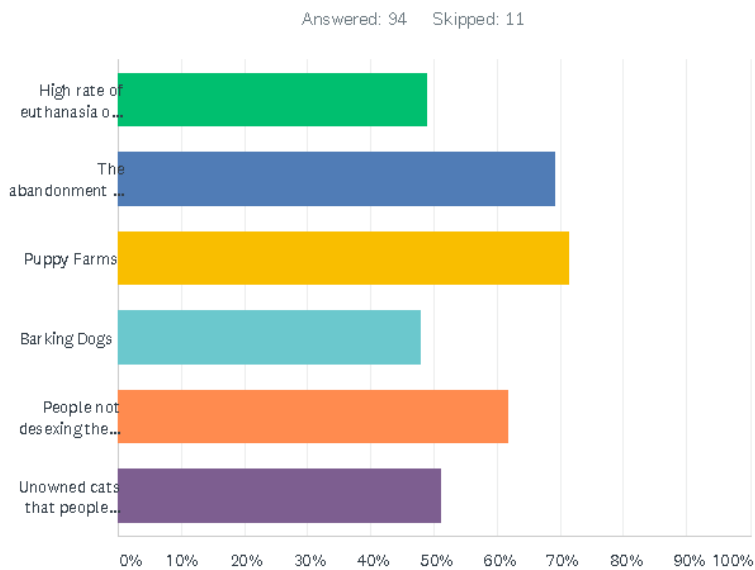
## 9 Animal Health and Welfare

### 9.1 Current Situation

Council received 73 reports of cruelty or injured animals in 2019-20.

Approximately 70% of survey respondents were concerned with animal welfare issues such as puppy farms and the abandonment of pets. 58 people chose to provide qualitative data and raised concern regarding wildlife and animal neglect / cruelty.

#### Q18 Are any of the following issues of concern to you?



ANSWER CHOICES	RESPONSES
High rate of euthanasia of cats and kittens	48.94% 46
The abandonment of pets	69.15% 65
Puppy Farms	71.28% 67
Barking Dogs	47.87% 45
People not desexing their pets	61.70% 58
Unowned cats that people feed, but do not take full responsibility for	51.06% 48
Total Respondents : 94	

## 9.2 Current Policy and procedure

Community Safety Officers are authorised under S18 and S24 of *Prevention of Cruelty to Animals Act 1986*, allowing the investigation and prosecution of matters under such legislation. A large portion of municipalities do not authorise officers under POCTA, therefore councils ability to respond efficiently and support RSPCA in cruelty matters is exemplary.

## 9.3 Current Activities

Council officers work closely with RSPCA to respond to and undertake primary investigation into reports of animal cruelty.

The Community Safety Unit play an active role in RSPCAs Million Paws Walk event by setting up stalls to promote responsible pet ownership. Reduced rate microchipping and registration has also been offered by Council at this event previously.

Although Murrindindi Shire Council has a relatively low rate of neglected animal reports, animal neglect was seen to be of concern to the DAMP survey participants.

Across Victoria the RSPCA received 10,745 animal cruelty reports during the 2019-2020 financial year (*RSPCA Australian National Statistics 2019-2020*). As such, there is need to further educate the community (both owners and non-owners) of minimum standards of care and housing for pets.

## 9.4 Strategy: Promote animal health, welfare and emergency planning

Timeframe	Action	Evaluation
Year 2	Review Murrindindi Shire Council Emergency Animal Welfare Plan Sub Plan	Complete review of MEMP Sub Plan – Murrindindi Shire Council Emergency Animal Welfare Plan
Annually	Ensure all Domestic Animal Business are compliant with relevant Codes of practice	Annual audits undertaken and documented.
Ongoing	Collaborate with RSPCA to effectively and efficiently resolve animal welfare matters	Maintain POCTA authorisation for Council Officers
Ongoing	Attend events to promote responsible pet ownership and emergency planning	Evidence of attendance and participation
Annually	Participate in RSPCA Million Paws Walk	Evidence of attendance and participation

## 10 Dangerous, menacing and restricted breed dogs

In accordance with *The Act*, Council may declare a dog dangerous if it has caused death or serious injury to a person or animal by biting or attacking that person or animal.

There are a number of requirements placed upon an owner of a dangerous dog which include but are not limited to:

- Confining the dog in a prescribed enclosure in accordance with *Domestic Animals Regulations 2005*)
- Muzzling the dog whilst in public
- Ensuring the dog is on a lead at all times whilst in public



A dog may be declared menacing if the dog has rushed or chased a person, or the dog bites any person or animal causing injury that is not in the nature of a serious injury.

An owner of a menacing dog must muzzle the dog whilst in public and ensuring the dog is on a lead at all times whilst in public.

A menacing dog may be declared a dangerous dog and its owner has received at least two infringement notices for failing to comply with the requirements of a menacing dog.

### **10.1 Current Situation**

There are currently two (2) declared menacing dogs kept within the Municipality. There are currently no declared dangerous or restricted breed dogs kept within the Municipality.

Owners of declared dangerous, menacing or restricted breed dogs are required to abide by specific regulations to prevent the risk of attack.

### **10.2 Current Policy and procedure**

Council currently has only one Order in place in relation to two (2) menacing dogs.

Council does not currently have any Local Law's in place in relation to dangerous, menacing and restricted breed dogs. Council's policies and procedures for dealing with dangerous, menacing and restricted breed dogs are conducted in compliance with the provisions of Council's legislative powers under the *Domestic Animals Act 1994* and *Domestic Animals Regulations 2015*.

### **10.3 Current Activities**

When responding to dog attacks, Council considers the process for declaring a dog dangerous or menacing as both a consequence and preventative measure for dog attacks. Currently, registration fees for dangerous, menacing or restricted breed dogs are 200% higher than non-declared dogs.

### **10.4 Summary**

Although currently there are only two (2) declared menacing, dangerous or restricted breed dogs kept within the municipality, Council is aware of its responsibilities and authority to declare dog dangerous, menacing and restricted breeds. Recent survey data indicates the term 'dangerous dog' is used broadly and not within the definition of *The Act*.

As a result, it is important to increase the communities' awareness of dangerous dog legislation.

### 10.5 Strategy: Effective management of Dangerous, Menacing and Restricted Breed Dogs

Timeframe	Action	Evaluation
Ongoing	Declare dogs dangerous in accordance with the Act	Annual audit conducted to ensure legislative requirements are being met.
Ongoing	Instigate declaration of Restricted Breed Dogs where appropriate	Ensure legislative requirements are being met.
Ongoing	Annual compliance inspections of properties with known dangerous, restricted breed or menacing dogs	Annual audit conducted to ensure legislative requirements are being met.
Ongoing	Maintain Victorian Declared Dog Registry data	Register updated as required
Ongoing	Provide media on legislation, changes and updates as required.	Media developed

## 11 Domestic Animal Management Plan Review

As required under the *Act*, Murrindindi Shire Council will review its Domestic Animal Management Plan annually to assess whether any amendments are necessary in order to ensure the plans relevance and to monitor Council's performance against the DAMP objectives. Any adjustments to the plan will be reported annually and in the plans final year Council will undertake a major review and commence preparations on the new DAMP.

In accordance with the *Act*, the Murrindindi Shire Council will review its Domestic Animal Management Plan annually to assess whether any amendments are necessary in order to ensure its relevance and to monitor Council's performance against the Domestic Animal Plans objectives.

In the final year of the plan, Council will undertake a major review and commence preparations for drafting the next Domestic Animal Management Plan.



**Murrindindi Shire Council**

**Draft Domestic Animal Management  
Plan 2021-2025**

**Public Exhibition Period Report**

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## Introduction

At its July 2021 meeting, Council endorsed the 2021-2025 Draft Domestic Animal management Plan be put on public exhibition.

From 15 August to 5 September 2021 the 2021-2025 draft Domestic Animal Management Plan, in conjunction with the draft Council Plan, the Draft 10 year Financial Plan and the Draft Public Health and Wellbeing Plan were put on public exhibition.

Due to the COVID-19 lockdown during this time, all planned pop up and drop in sessions were cancelled and replaced by a virtual, interactive session held on 2 September 2021.

From 15 August to 5 September, the 2021-2025 draft DAMP was published on Councils engagement platform 'The Loop', seeking feedback on the draft DAMP along with various other draft Plans.

Hard copy and social media was used to promote the public exhibition period encouraging people to make submissions.

In addition to the virtual sessions held 2 September 2021 and the use of Council engagement platform 'The Loop', the Community Safety Unit approached a number of stakeholders in an effort to obtain feedback on the draft DAMP.

Four written submissions were received.

In addition to the written submissions, a total of 17 people completed a survey on 'The Loop'

### **Key findings from the loop survey**

82% of survey participants were dog owners and;

30% were cat owners

81% of survey respondent's dogs and cats were registered with Council

6 of the 17 were directly supportive of a cat curfew. 50% of these respondents believe the introduction of a cat curfew should be implemented quicker than in year 4 of the plan

2 of 17 survey participants believe a cat curfew is unreasonable

100% survey participants live within the Murrindindi Shire.



**Draft 2021-2025 Domestic Animal Management Plan**

Written submissions	Focus area 1	Focus area 2	Response	Changes to draft DAMP?	Response sent	Wishing to speak to submission?
<b>Submitter 1</b>	Supportive of plan. Suggests Council is under resourced to deliver program	Suggested further proactive registration doorknocks	Committed to 200 proactive property attendances per year seeking animal registration	No	Yes	No
<b>Submitter 2</b>	Positive and appreciated opportunity to provide feedback		Acknowledgment only	No	Yes	No
<b>Submitter 3</b>	Question about cat euthanasia statistics	Promotion of free desexing and microchipping services	Questions answered	No	Yes	No
<b>Submitter 4</b>	Do not support dog off lead areas	Support local obedience clubs/ undertake community pet events	Support for obedience clubs/ community pet events are already action items of the draft plan	No	Yes	Yes

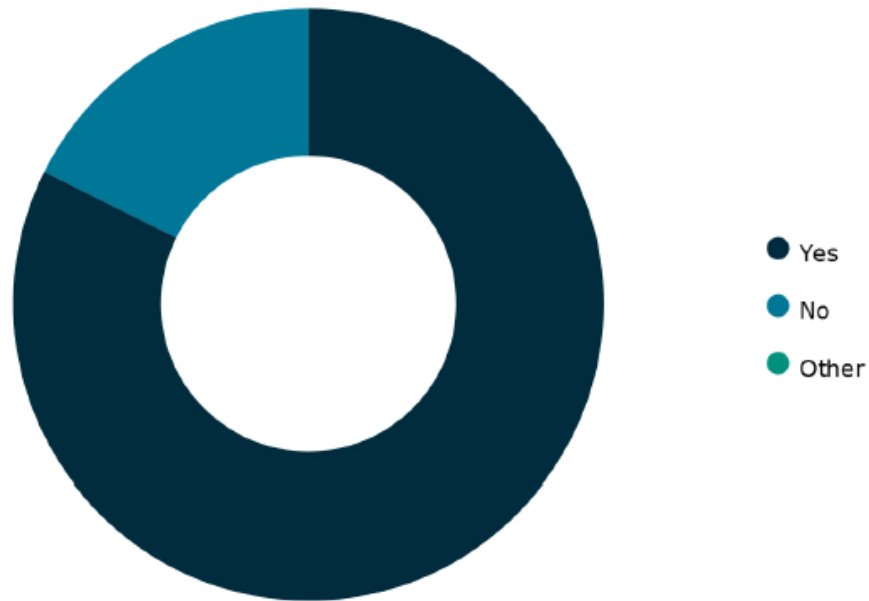
## The Loop – Survey Responses

For the duration of the public exhibition period, residents were encouraged to undertake a survey on Councils engagement platform ‘The Loop’

A total of 17 people completed the survey. Of the 17 respondents, 13 were dog owners and 5 were cat owners. Of these animals, 81% were registered with Council.

### 1. Are you a dog owner?

Multi Choice | Skipped: 0 | Answered: 17 (100%)



Answer choices	Percent	Count
Yes	82.35%	14
No	17.65%	3
Other	0%	0
<b>Total</b>	<b>100.00%</b>	<b>17</b>

## 2. Are you a cat owner?

Multi Choice | Skipped: 0 | Answered: 17 (100%)



Answer choices	Percent	Count
Yes	29.41%	5
No	70.59%	12
Other	0%	0
<b>Total</b>	<b>100.00%</b>	<b>17</b>



### 3. Are your animals registered with Murrindindi Shire Council?

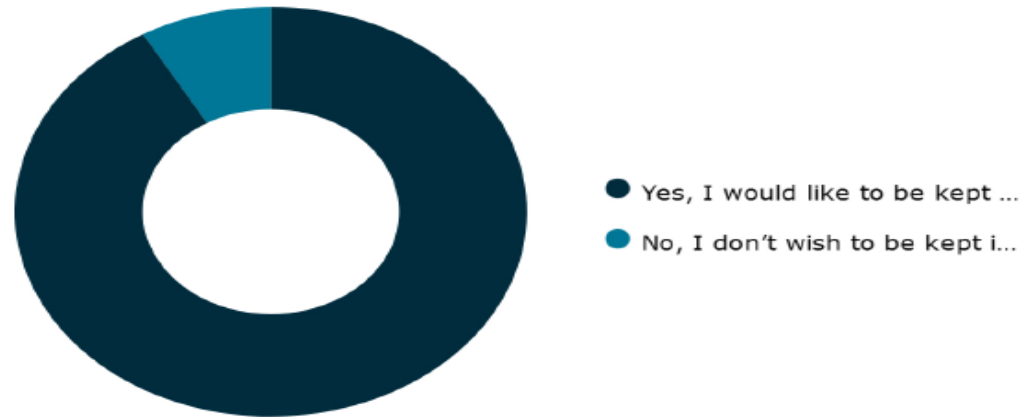
Multi Choice | Skipped: 1 | Answered: 16 (94.1%)



Answer choices	Percent	Count
Yes	81.25%	13
No	12.50%	2
Other	6.25%	1
Total	100.00%	16

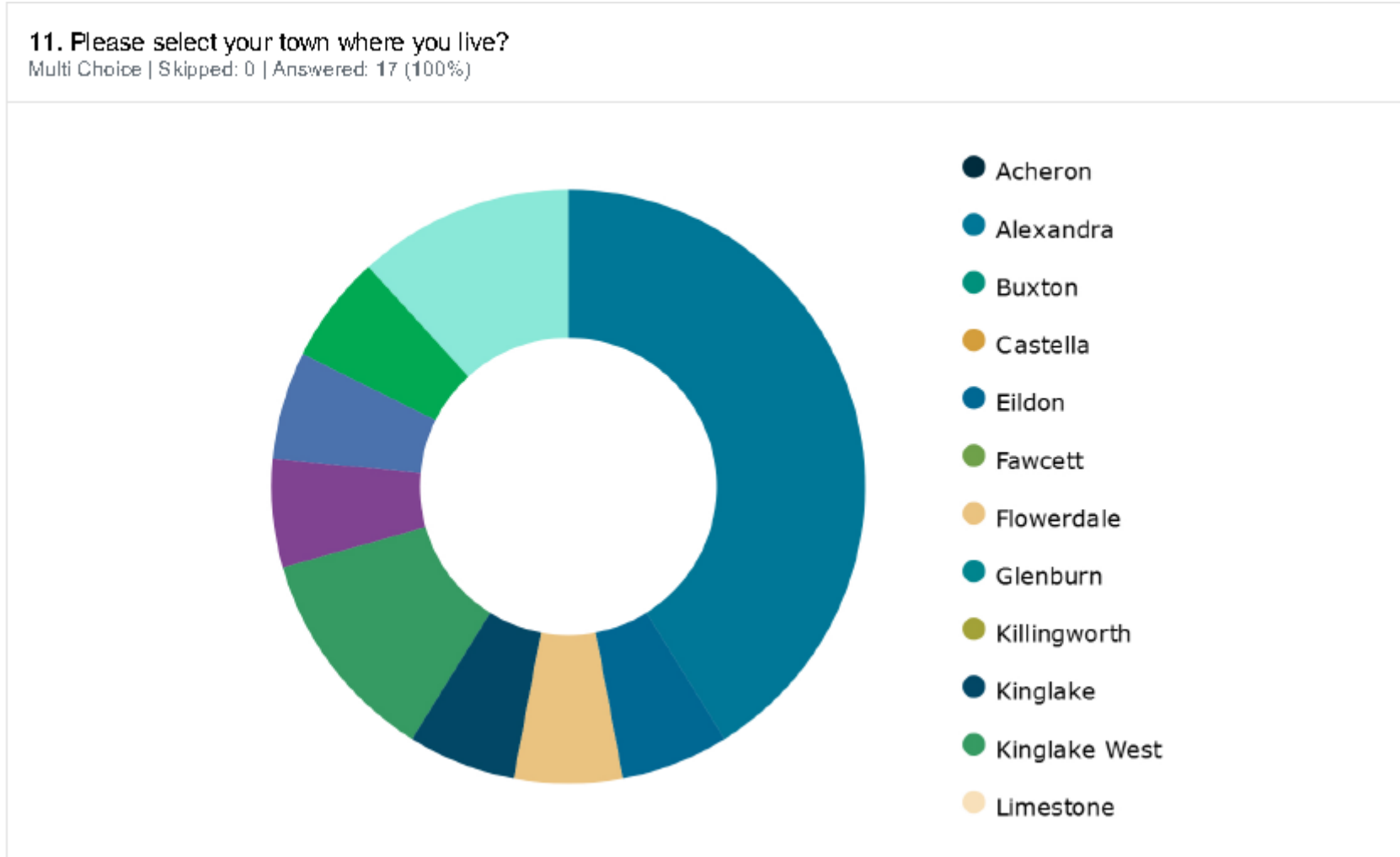
Just over 90% of survey respondents wished to be kept informed about the DAMP.

8. If you would like to be kept in the loop about the project and/or other engagement opportunities, please tell us below:  
Multi Choice | Skipped: 5 | Answered: 12 (70.6%)



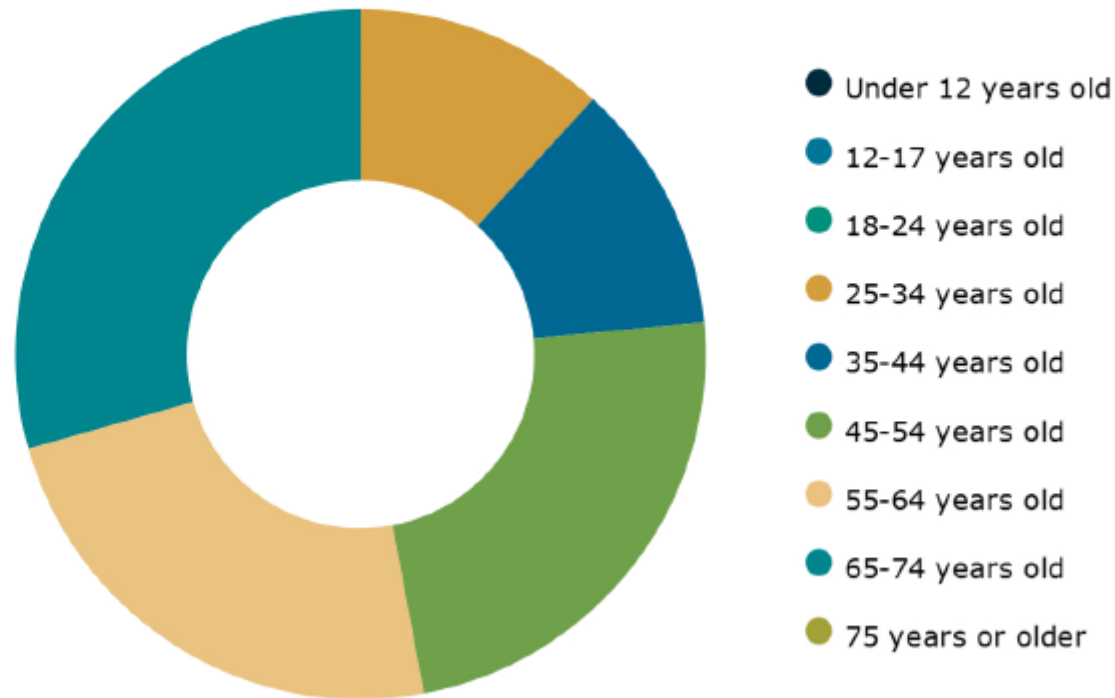
Answer choices	Percent	Count
Yes, I would like to be kept in the loop	91.67%	11
No, I don't wish to be kept in the loop	8.33%	1
Total	100.00%	12

The survey responses provided a good representation from many demographics.



### 13. What is your age-group?

Multi Choice | Skipped: 0 | Answered: 17 (100%)



The survey provided participants with an opportunity to provide written responses to the following questions:

\*Some responses have been removed to protect privacy

**Do you think we have considered all members of the community?**

<b>Community response</b>
Perhaps not the elderly who are often on their own and have pets as company.
No. There should be a dedicated fenced off lease area. I know many rate payers have been asking this for years. All dogs who are walked in the streets should be on lease and not let them roam into people's property. These dogs can run at people and scare them.
I would suggest this isn't just about dogs and cats there are a number of domestic animals/pets/birds that should come under this management plan. Especially Caged Cockies that screech from dawn to dusk.
Yes
No
Yes I think you have considered all members of community by offering reduced fee for microchipping and introducing a subsidy for desexing for pets as some people may not have the money to have it done. Its also great the access the public have to information through a wide range of media. Programs run to educate pet owners and training for pets and owners .
No. Shire had not provided any notification in papers around the Kinglake Ranges and does not notify residents that this is up for final review. Happened to find it by chance. How are our older residents to know about this. All the marketing as listed in the plan is isolated to social media. Not everyone on the internet is on Facebook.

Hard to say definitively - looks alright.
I don't know. I just read the part which I was interested in.
YES

**Are there any further comments?**

<b>Community Response</b>
<p>There are clearly going to be issues with people being able to do this. Particularly with the elderly and older pets. Keeping cats within fenced boundaries is almost impossible. My cat escapes the house regularly and then yard fencing isn't a barrier to the cat at all.</p>
<p>I would suggest all new cat owners must have an outdoor play areas for cats perhaps with a basic design available from Council (like some Councils have compost bins). And all cat owners with a cats under x age e.g. 6 years must contain their cat through a dedicated cat area or cat lead etc. by x date. Those with older cats (often belonging to the elderly) can be encouraged to keep them indoors but they will struggle to abide by the regulations suggested.</p>
<p>Environmental consideration for pets could be providing re-cycled plastic bag stations for poo pick up rather than new bags. Recycled freezer bags, veggie bags and bread bags could be placed in bag stations by the community for dog owners to use.</p>
<p>Perhaps the council should look at what other state Local Governments are doing as they introduce powers of investigating how many animals are contained on a property without the need for a court order.</p>
<p>I was pleased to see that council is planning to introduce a cat curfew and the confinement of cats to the owners property.</p> <p>However I believe a 24 hour cat curfew must be introduced immediately to protect our wildlife.</p> <p>4 years is too long to wait. Why the long delay?</p>
<p>Where are the dog of lead areas ?</p>

I disagree with the plan to implement a requirement for cat owners to keep their cats confined to their property and the introduction of a cat curfew.

Feral cats are a threat to wildlife, not domestic cats. Certainly not to the extent that it would justify to lock them up in their owner properties. For residents renting building a cat enclosure is not a realistic option.

I find it very hypocritical to lock up domestic cats to supposedly protect birds while many residents have no hesitation chopping down trees on their properties if it blocks their views.

It is great to see the work that is being done to protect the community and environment and for the animals to reduce euthanasia and animal cruelty.

Why are cat statistics presented as % rather than numbers as are used for other comparisons?

Strategy 3.4 Yr2 The Action - Develop options for introduction of cat curfew - will need to investigate how this will work practically and how this will be monitored for compliance.

The Action Yr2 (and Yr4 after cat curfew introduction) Promote the Aussie Back Yard Bird Count with evaluation 'statistics on participant uptake and bird numbers'. Not sure this will reflect an accurate assessment to evaluate that cats as a nuisance have been minimised or cat curfew success. MSC have promoted this initiative for the last 6 years through EPU (and collaboration between units going forward is welcomed) however it is not possible to draw a direct correlation between bird numbers and success of cat curfew. Many factors affect the results of this citizen science project including number of observers participating, seasonal factors affecting bird numbers and location, and density of numbers and variety of birds. Whilst initially a good idea any assessment based on this will be inaccurate with correlation to success of cat curfew. Perhaps find up to 10? people who own a cat, willing to participate in a before and after result of the curfew, this will still be anecdotal but perhaps frame some conditions that people are happy to report on with frank and honest reporting essential.

Desexing cats and releasing them does not stop the innate nature of cats to hunt and kill. Feral cats to be euthanised.

Media campaign is good but ensure not just about council services provided, provide media about cat destruction, use statistics compiled by Dept Ag and DELWP. Use confronting pictures with media release to drive home what cats do to wildlife, sometimes need shock value to stimulate action.

Reduce registration fee for cat owners who volunteer their cat enclosure/indoor cat strategy for inspection by council.

Make registration once off for animals that are desexed!

Dog registration is reduced when de-sexed which is great. It is advised that male dogs should not be de-sexed until 12 months old as earlier castration impacts on ligament growth causing tearing of cruciate ligaments down the track. This surgery is expensive. What actions can you do to ensure dog

registrations happen at 6 months and not after castration after 12 months? for example pay the full price and then get reimbursed after castration, to the nominal rate for a de-sexed dog.

It seemed heavily weighted that cats are a problem and that trapping and euthanising was the answer. While the cats trapped are taken to Animal Aid there seems to be a problem that very few missing cats are returned to owners. By laws officers are not doing enough to stamp out the illegal killing of cats. They don't seem to investigate and stand by as people known to them are allowed to trap cats all the time but never hand them over to shire or Animal Aid. One would have to question how they dispose of cat bodies and just why the shire will not investigate. The fact that not many cats from the Kinglake West area end up at Animal Aid is a telling sign. Despite many posts on Facebook and notices at shops that people are missing cats, which are pets that would hardy ever leave their home, some inside cats that got out once never turn up even deceased despite being microchipped. Does not value to the contribution a cat can make to the lives of so many people. The rules about barking dogs and neglect of animals is only as good as the enforcement. The shire does not do anything about the problems. People have complained many times with the shire taking no action.

Plan is good but too slow for implementation of the cat curfew. That needs to begin ASAP.

Why will it take four years to impose a curfew on cats. They are killing and eating birds now!

NO

I would like a dog park put into this plan to assist with off the leash exercise like several other councils have introduced

Sometimes dogs bark for a reason, we have trained ours to chase or bark at foxes, rabbits and sulphur crested cockatoos (these damage our wooden house). Sometimes dogs bark at different pitches and for a reason, e.g. I love you (one of our neighbours in particular), you're a stranger and not welcome here (unsolicited visitors to property), hey there's a friend here to see you (when they detect regular visitors - probably not in the last 18 months but generally speaking). There should be allowances for purposeful barking as opposed to nuisance barking. Please take this into account.

## Conclusion

These findings will be considered at Councils October 2021 meeting prior to the adoption of the 2021-2025 DAMP in November 2021.





Planning Enquiries  
Phone: (03) 5772 0317  
Email: [planning@murrindindi.vic.gov.au](mailto:planning@murrindindi.vic.gov.au)  
Web: [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au)

**Office Use Only**

VicSmart?  YES  NO

Specify class of VicSmart application:

Application No.: \_\_\_\_\_ Date Lodged: / /

Clear Form

# Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

**⚠** Questions marked with an asterisk (\*) must be completed.

**⚠** If the space provided on the form is insufficient, attach a separate sheet.

**i** Click for further information.

## Application Type

Is this a VicSmart application?\*

No  Yes

If yes, please specify which

VicSmart class or classes:.....

**⚠** If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

## Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

No  Yes

If 'Yes', with whom?: Clara Gartland

Date: 11/08/2021

day / month / year

## The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

**Street Address \***

Unit No.:	St. No.: 3	St. Name: Back Eildon Road
Suburb/Locality: Thornton		Postcode: 3712

**Formal Land Description \***


Complete either A or B.


**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.:	<input type="radio"/> Lodged Plan <input type="radio"/> Title Plan <input type="radio"/> Plan of Subdivision	No.: PC380245
OR			
B	Crown Allotment No.:	Section No.:	
Parish/Township Name:			

## The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


 For what use, development or other matter do you require a permit? \*

Use of the land for the sale and consumption of liquor

 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

 Estimated cost of any development for which the permit is required \*

Cost \$ N/A

 You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

## Existing Conditions

Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Thornton Schoolhouse cafe


 Provide a plan of the existing conditions. Photos are also helpful.

## Title Information

Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable): <b>Utupua Pty Ltd</b>		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number \*

Contact information for applicant OR contact person below		
Business phone		
Mobile phone:	Fax:	

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title: <b>Ms</b>	First Name: <b>Angelina</b>	Surname: <b>Bell</b>
Organisation (if applicable):		
Postal Address:		
Unit No.:		
Suburb/Locality:		

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable): <b>Utupua Pty Ltd</b>		
Postal Address:		
Unit No.		
Suburb.		
Owner's Signature (Optional):	Date: <input type="text"/>	
day / month / year		

## Information requirements


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Is the required information provided?

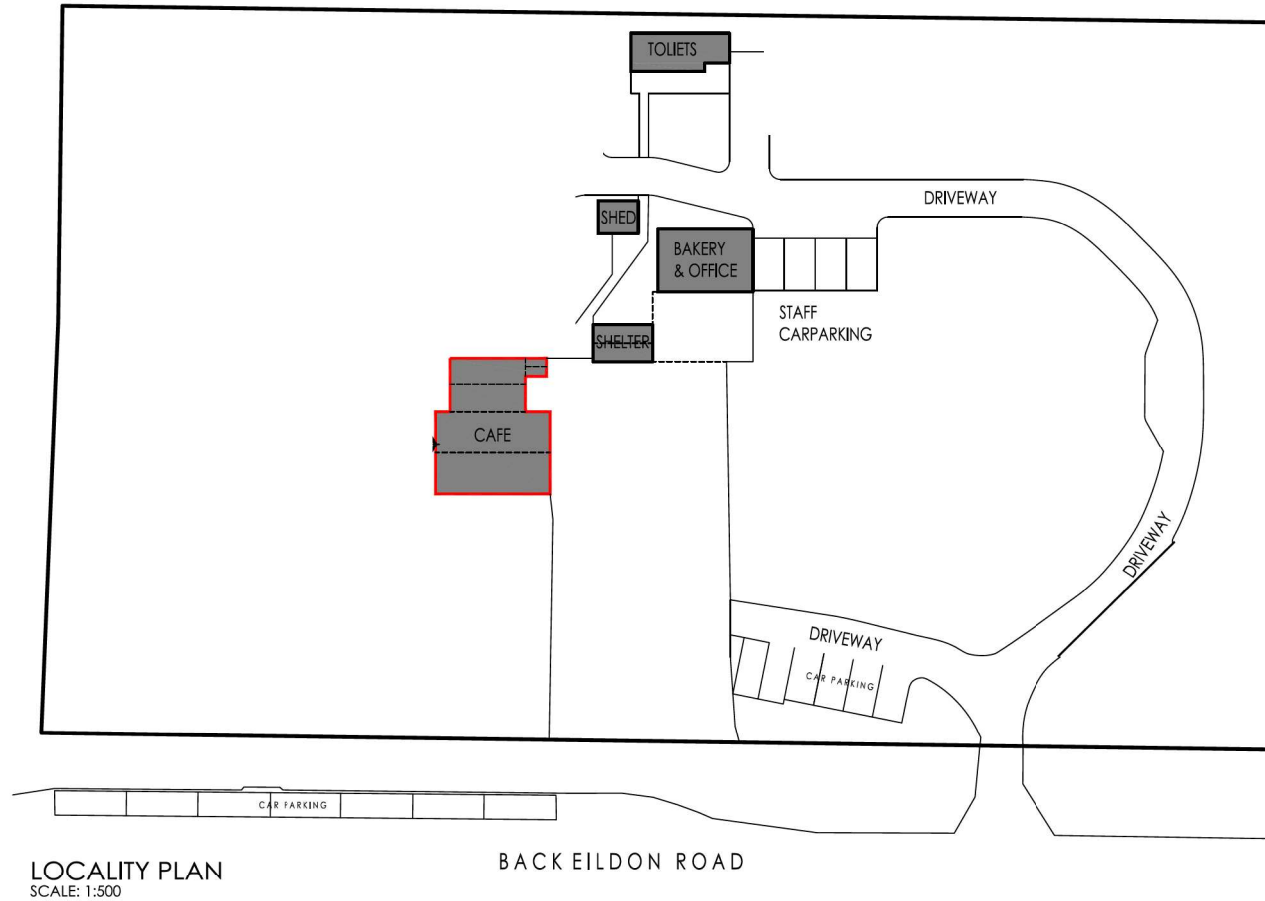
Yes  No

## Declaration

This form must be signed by the applicant \*

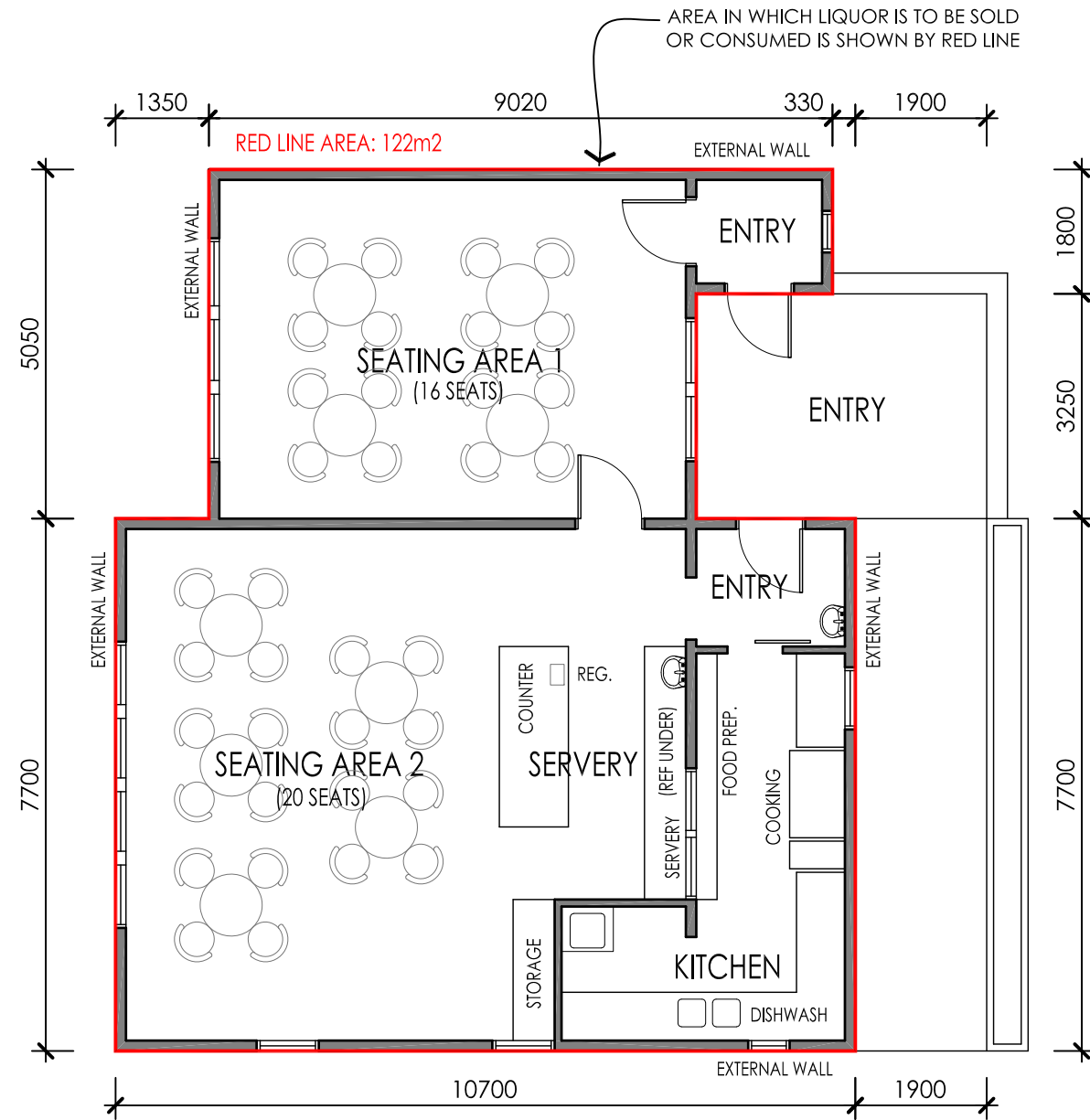
 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.	
Signature:	Date: <b>12/08/2021</b>
day / month / year	

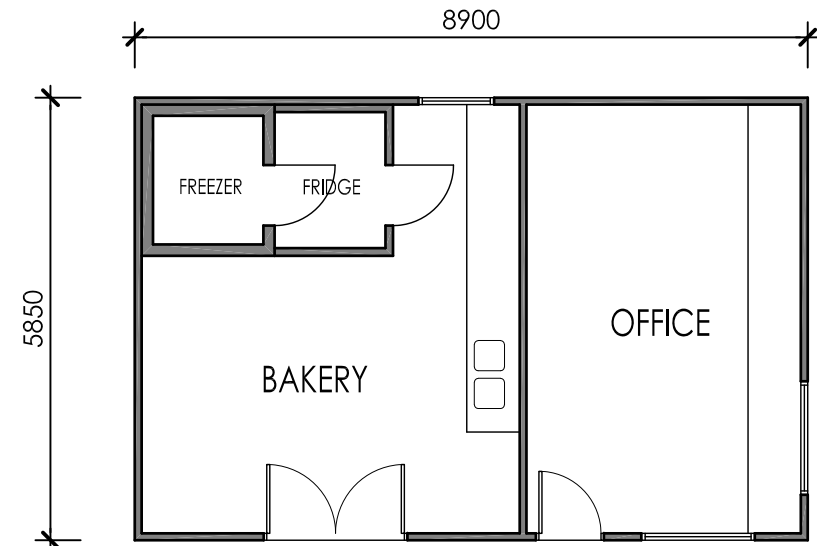


REDLINE AREA SUMMARY  
CAFE 122m<sup>2</sup>

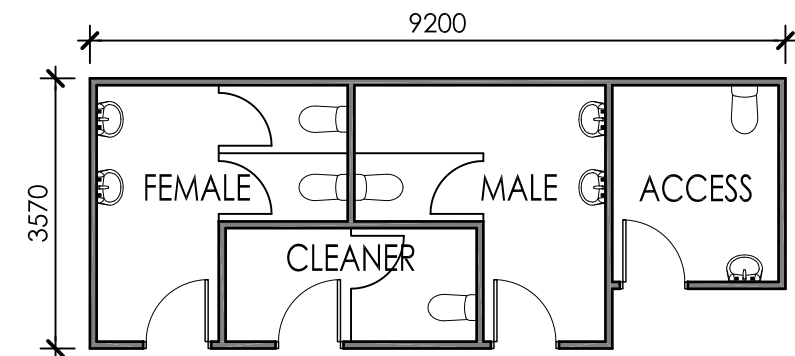




**CAFE FLOOR PLAN**  
 SCALE: 1:100  
 (TOTAL FLOOR AREA = 122 SQM)



**BAKERY & OFFICE PLAN**  
 SCALE: 1:100 (NOT SHOWN IN ACTUAL LOCATION)

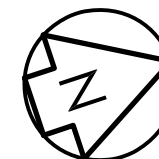
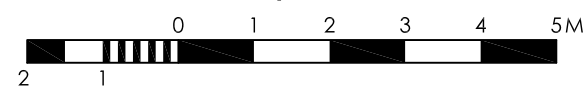


**TOILET PLAN**  
 SCALE: 1:100 (NOT SHOWN IN ACTUAL LOCATION)



Victoria's only full service liquor licensing business  
 PH: (FREECALL) 1800 LIQCON (1800 547266)  
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TITLE:  
**PLANNING / LIQUOR LICENCE APPLICATION**



OWNER/CLIENT:  
 HEDGER CONSTRUCTIONS  
 PREMISES ADDRESS:  
 3-9 BACK EILDON ROAD  
 THORNTON VIC 2322

DATE:  
 MAY 2021  
 SCALE:  
 1:100@A3  
 REVISION:  
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## APPLICATION FOR PLANNING PERMIT

### Liquor Licence (General Licence) 3 Back Eildon Road, Thornton



Photo 1 – Thornton Schoolhouse Cafe.

### Introduction

A planning permit is sought for a liquor licence (General Licence) at the Thornton Schoolhouse Café at 3 Back Eildon Road, Thornton (**Subject Land**). The Subject Land is located in the Murrindindi Shire and is governed by the Murrindindi Planning Scheme (**Scheme**).

### Site description

The Subject Land, located in the township of Thornton, consists of a consolidated parcel of land, described as PC380245, of 7768 square metres. It is located to the north-west of the Goulburn Valley Highway and Back Eildon Road intersection.

Please refer to the attached certificate of title volume 12270 folio 376.

The Subject Land is the site of the Thornton Schoolhouse Café, formerly Thornton State School No 1371. The café includes indoor and outdoor dining, food preparation area and toilet facilities. Car parking is provided for the café both at the frontage of the Subject Land and on site. See Figure 1 below showing the Subject Land and Figure 2 showing the Subject Land within the broader Thornton township.



Figure 1 – Aerial photograph of the Subject Land



Figure 2 – Location of Subject Land to the north-west of the main crossroads in Thornton.

The immediate surrounding parcels of land are used for residential purposes and generally contain dwellings with ancillary outbuildings. To the south of the main intersection lies the small commercial area of Thornton, which includes a butcher shop, take-away food store (currently closed), general store and Rubicon Hotel. The Thornton Caravan Park is to the north-east of the intersection.

The Subject Land is in the Township Zone and is subject to the Floodway Overlay (FO) and Heritage Overlay (HO). An Area of Aboriginal Cultural Heritage Sensitivity exists over the northern section of the Subject Land. The land immediately surrounding the Subject Land is a mixture of Township Zone and Farming Zone with the exception of the Goulburn River which is in the Public Conservation and

Resource Zone and the Goulburn Valley Highway which is in Road Zone Category 1. The FO also applies to the surrounding land. Refer to the zoning map in Figure 3, the overlay maps in Figures 4 and 5 and the map showing the area of aboriginal cultural heritage sensitivity in Figure 6.

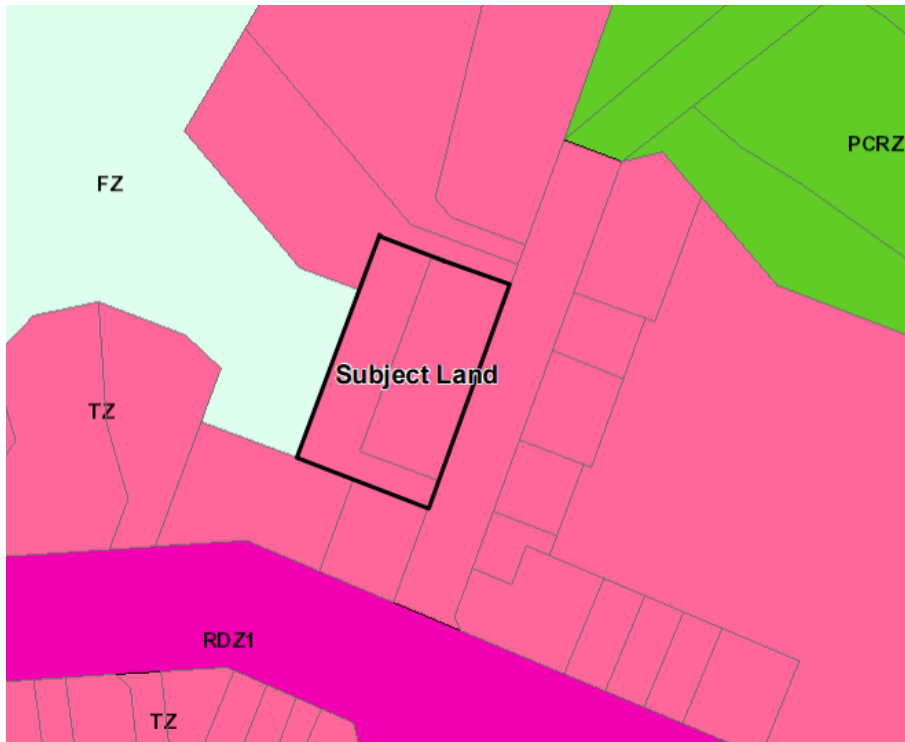


Figure 3 – Map showing the zoning of the Subject Land and surrounds.

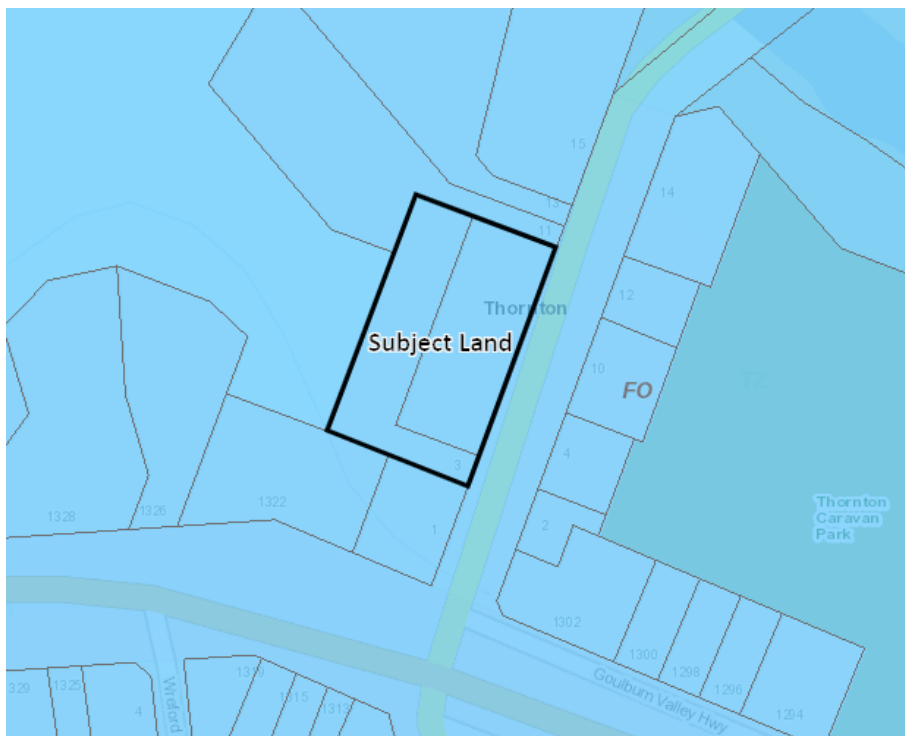


Figure 4 – Floodway Overlay.



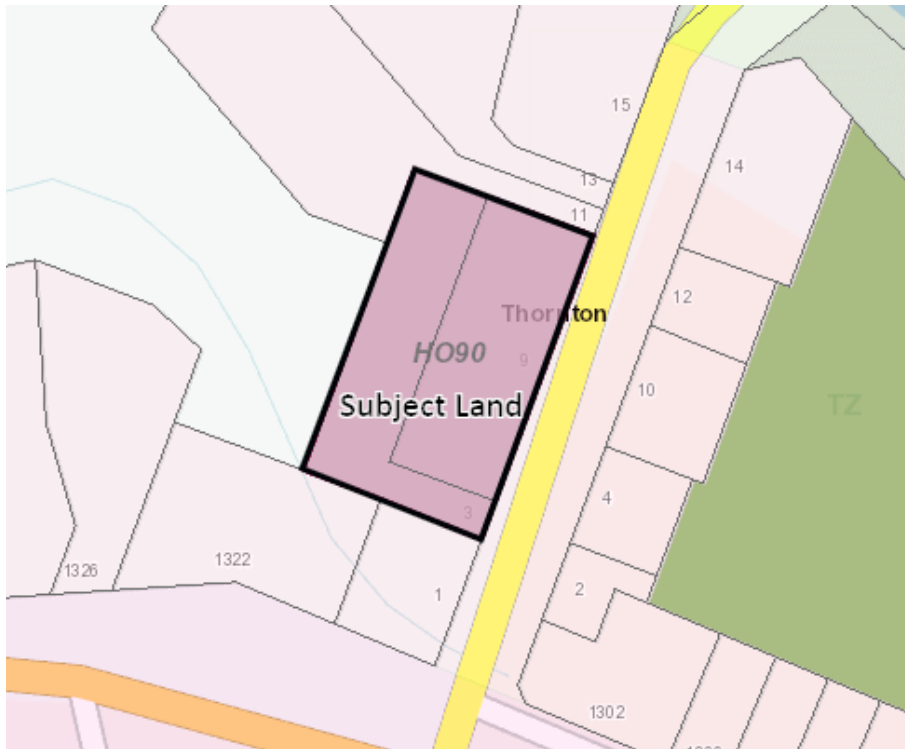


Figure 5– Heritage Overlay.



Figure 6 – Area of aboriginal cultural heritage sensitivity.

## Proposal

The proposal is for the sale and consumption of liquor on the Subject Land. Specifically, a General Liquor Licence is sought to complement the existing café operation. A General Licence will:

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- support local producers – for example local wine makers and breweries;
  - enable an alcoholic beverage to be consumed with food served at the café;
  - provide for the sale of alcohol for consumption off the premises ie. products from local producers to be consumed elsewhere; and
  - allow a glass of sparkling wine to be served with monthly High Teas.

The proposed hours for the sale and consumption of liquor will be in line with the hours of operation of the café approved under Planning Permit 2020/103. These are currently 6:30am to 5:30pm daily or with the written consent of the Responsible Authority.

The patron numbers likewise will be in accordance with the patron numbers allowed under Planning Permit 2020/103 for the café.

### Permit Triggers

The following planning permit trigger applies to this application:

- Clause 52.27 Licensed premises – a permit is required to use the land to sell or consume liquor.

### Zoning

#### Clause 32.05 Township Zone

The purpose of the Township Zone (TZ) is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of the land for a café has been approved under Planning Permit 2020/103. The proposed liquor licence will be used in conjunction with and will complement the operation of the café on the Subject Land.

### Particular provisions

#### Clause 52.27 Licensed premises

Purpose:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

The Decision guidelines of clause 52.27 are addressed as follows:

Guideline	Response
The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.	The sale and consumption of liquor will be in association with the use of the land for the café. The consumption of liquor will generally accompany the consumption of food, where patrons may enjoy a glass of wine or beer with their meal. As such, the impact on the amenity of the surrounding area is limited. The type of licence sought also provides for the sale of packaged liquor where local and regional alcoholic beverages can be showcased and purchased by patrons to take home. The sale of this type of liquor will have no impact on the amenity of the surrounding area.
The impact of the hours of operation on the amenity of the surrounding area.	The hours within which liquor may be consumed on the land is in line with the prescribed opening hours of the café. These hours are currently no later than 5:30pm each day. It is considered that the nature of the use of the land is such that there will be minimal impact on the amenity of the surrounding area.
The impact of the number of patrons on the amenity of the surrounding area.	The Subject Land is a large lot of over 7700 square metres. The number of patrons on the Subject Land, however, is limited. All patrons leaving the site will be encouraged to respect and be considerate of the neighbouring residential properties in the area.
The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.	As the number of licensed premises in Thornton is limited, the proposed licenced premises will not create a cumulative impact on the amenity of the area.

## General Provisions

### Clause 65 Decision Guidelines

#### Clause 65.01 Approval of an application or plan

Guideline	Assessment
The matters set out in s60 of the <i>Planning and Environment Act 1987</i> .	The proposed liquor license is consistent with the objectives of the Scheme and satisfies the Scheme's requirements.
The purpose of the zone, overlay or other provision.	The proposal for a liquor license has addressed the purpose and decision guidelines of particular provision 52.27.

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The orderly planning of the area.	The liquor licence will not impact on the orderly planning of the area.
The effect on the amenity of the area.	The proposal will not have a detrimental effect on the amenity of the area as it is located close to the town's centre where other commercial businesses are located.
The proximity of the land to any public land.	The Goulburn River is located to the north of the Subject Land and will not be impacted by the proposal.

## Conclusion

The proposed liquor licence (General Licence) for the café is consistent with the purpose and objectives of the Scheme and addresses the decision guidelines of particular provision clause 52.27. We therefore respectfully request that a planning permit for the use of the Subject Land for the sale and consumption of liquor is issued at your earliest convenience.

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**Angelina Bell**  
**Principal Solicitor**  
**Bell Legal & Planning**

12 August 2021