

AGENDA

Greater Shepparton City Council

ADDITIONAL COUNCIL MEETING

4:30PM, Tuesday 23 November 2021

In the Council Boardroom

COUNCILLORS

Cr Kim O'Keeffe (Mayor)

Cr Anthony Brophy (Deputy Mayor)

Cr Seema Abdullah

Cr Geoffrey Dobson

Cr Greg James

Cr Robert Priestly

Cr Shane Sali

Cr Sam Spinks

Cr Fern Summer

VISION

GREATER SHEPPARTON, GREATER FUTURE

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture a diverse community and abundant opportunities

Values

Values reflect what we feel is important. Organisations may have core values that reflect what is important in the organisation. These values may be guiding principles of behaviour for all members in the organisation.

Respect first, always

We are attentive, listen to others and consider all points of view in our decision making.

Take ownership

We take pride in honouring our promises and exceeding expectations, and are transparent with and accountable for our actions.

Courageously lead

We lead with integrity, and stand up and stand by what is in the best interests of the Greater Shepparton community.

Working together

We work collaboratively to create higher quality outcomes that are more efficient, thoughtful, effective and responsive. We cannot accomplish all that we need to do without working together.

Continually innovate

We are open to new ideas and creatively seek solutions that encourage us to do our best for our community.

Start the celebration

As ambassadors for our people and place, we proudly celebrate the strengths and achievements of Council and the Greater Shepparton community.



A G E N D A FOR THE ADDITIONAL COUNCIL MEETING HELD ON TUESDAY 23 NOVEMBER 2021 AT 4:30PM

CHAIR CR KIM O'KEEFFE MAYOR

INDEX

1 WELCOME TO COUNTRY	5
2 ACKNOWLEDGEMENT	5
3 PRIVACY NOTICE	5
4 GOVERNANCE PRINCIPLES	5
5 APOLOGIES	6
6 DECLARATIONS OF CONFLICT OF INTEREST	6
7 CORPORATE SERVICES DIRECTORATE	7
7.1 2022 - Council Meeting Dates	7
7.2 Chief Executive Employment and Remuneration Committee - Approval of C	ommittee
Members	10
8 SUSTAINABLE DEVELOPMENT DIRECTORATE	13
8.1 Domestic Animal Act 1994 - Section 26 - Dogs on Leash	13
9 CLOSE OF MEETING	



Risk Level Matrix Legend

Note: A number of reports in this agenda include a section on "risk management implications". The following table shows the legend to the codes used in the reports.

	Consequences				Conseque		
Likelihood	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)		
Almost Certain							
(5)	LOW	MEDIUM	HIGH	EXTREME	EXTREME		
Would be							
expected to							
occur in most							
circumstances							
(daily/weekly)							
Likely (4)							
Could probably	LOW	MEDIUM	MEDIUM	HIGH	EXTREME		
occur in most							
circumstances							
(i.e. Monthly)							
Possible (3)							
Reasonable	LOW	LOW	MEDIUM	HIGH	HIGH		
probability that it							
could occur							
(i.e. over 12							
months)							
Unlikely (2)							
It is not expected	LOW	LOW	LOW	MEDIUM	HIGH		
to occur							
(i.e. 2-5 years)							
Rare (1)							
May occur only	LOW	LOW	LOW	MEDIUM	HIGH		
in exceptional							
circumstances							
(i.e. within10							
years)							

Extreme Intolerable – Immediate action is required to mitigate this risk to an

acceptable level. Event/Project/Activity is not to proceed without

authorisation

High Intolerable – Attention is needed to treat risk.

Medium Variable – May be willing to accept the risk in conjunction with monitoring

and controls

Low Tolerable – Managed by routine procedures

PRESENT:

1 Welcome to Country

To be presented by Cr James on behalf of the Yorta Yorta Elders Council and the 16 family groups.

2 Acknowledgement

"We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors."

3 Privacy Notice

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

4 Governance Principles

Council considers that the recommendations contained in this Agenda gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act* 2020. These principles are as follows:

- 1. Council decisions are to be made and actions taken in accordance with the relevant law:
- 2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- 3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- 4. the municipal community is to be engaged in strategic planning and strategic decision making;
- 5. innovation and continuous improvement is to be pursued;
- 6. collaboration with other Councils and Governments and statutory bodies is to be sought;
- 7. the ongoing financial viability of the Council is to be ensured;
- 8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- 9. the transparency of Council decisions, actions and information is to be ensured.



5 Apologies

Nil Received.

6 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any "conflict of interest" in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.



7 Corporate Services Directorate

7.1 2022 - Council Meeting Dates

Author Governance Officer

Approved by Director Corporate Services
Purpose For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

RECOMMENDATION

The Council resolves that:

- 1. scheduled Council meetings for 2022 continue to be held at 3.00pm on the third Tuesday of each month, at 70-90 Welsford Street, Shepparton;
- 2. no Scheduled Council Meeting be held in January 2022; and
- 3. the Scheduled Council Meeting cycle be resumed on 15 February 2022.

Executive Summary

The purpose of this report is to set the commencement date for the 2022 Council meeting cycle. Scheduled Council Meetings are held once per month, currently on the third Tuesday commencing at 3.00pm.

As has been practice in previous years, it is proposed that no Council meeting be held in January 2022, with the meeting cycle to resume on Tuesday 15 February 2022.

Report Detail

Council Meetings are held once per month, currently on the third Tuesday of the month at 3.00pm.

The last Council meeting for 2021 will be held on Tuesday 21 December. As in previous years, it is proposed that no Council meeting be held in January 2022, with the meeting cycle to resume on the third Tuesday of February 2022.

This period is generally a quieter time for the organisation with many suppliers shutting down over Christmas and remaining closed well into the month of January. Many staff take this quiet period as an opportunity to catch up on other work, or to take additional leave.



During the interim period, Council operations will continue to be delivered and Additional Council Meetings can be called if required to consider any urgent business.

It is considered that Councillors will not be required during the holiday period and resume Councillor commitments from Tuesday 25th January 2022 when the first Councillor Briefing session for the year will take place.

Council Plan/Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

- 1.1 Council to take an active leadership role for access and inclusion in our community.
- 1.3 Council services will be realistic and delivered in an efficient and effective manner with the aim of continuously looking for delivery that matches our ever changing environment.
- 1.6 Council provides customer service that meets the needs of the community.
- 1.8 Good governance and sustainable financial management.

Risk Management

There is no risk associated with the proposed meeting cycle. Additional Council Meetings can be called at any time to address items of business requiring Council resolution during the December / January period.

Policy Considerations

There are no conflicts with Council Policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

This proposal aligns with the Local Government Act 2020 and all other relevant legislation.

Environmental/Sustainability Impacts

There are no environmental or sustainable impacts arising from this proposal.

Social Implications

There are no social impacts associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Staff and public will be informed of the change of meeting dates for the 2022 Calendar year.	Public Notice on Council website and social media.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.



Strategic Links

a) Greater Shepparton 2030 Strategy

- There are no strategic links to the Greater Shepparton 2030 Strategy.
- b) Other strategic links
- There are objective links to the Council Plan 2021 2025.

Conclusion

It is recommended that there be no Scheduled Council Meeting held in January 2022. If required, an Additional Council Meeting may be called to consider any urgent business arising during this interim period. It is proposed that that the Scheduled Council Meeting cycle resume on Tuesday 15 February 2022.

Attachments

Nil



7.2 Chief Executive Employment and Remuneration Committee - Approval of Committee Members

Author Manager - People and Development

Approved by Director Corporate Services
Purpose For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

RECOMMENDATION

That the Council:

- 1. approve David Preiss to be the external independent member of the CEO Employment and Remuneration Committee; and
- 2. appoint Cr..... and Cr..... to the Committee alongside the Mayor and Deputy Mayor.

Executive Summary

Section 45 of the Local Government Act 2020 requires Council to have a formal Policy regarding the employment and remuneration of the Chief Executive Officer. This Policy was approved by Council at the Ordinary Council Meeting 17 August 2021.

The Policy details the establishment of a CEO Employment and Remuneration Committee to deal with all factors relating to the recruitment, remuneration, performance reviews and termination or reappointment of the Chief Executive Officer of Greater Shepparton City Council.

This committee will consist of:

The Mayor
The Deputy Mayor
Two Councillors

Independent Panel Member

An independent panel member has been recruited and is recommended for approval, and the two Councillors are yet to be recommended for approval.

Report Detail

The CEO Employment and Remuneration Committee's purpose is to:



- Oversee the recruitment of the CEO:
- Make recommendations in relation to remuneration and conditions of initial employment;
- Regularly assess the CEO's performance against agreed key performance indicators and achievement of strategic objectives;
- Performa a formal annual performance review;
- Determine any annual remuneration increase in line with the CEO's Contract of Employment;
- Oversee the end of the CEO's Contract of Employment;
- Consider reappointment in accordance with section 44 (3) of the Act.

The Committee will be made up of four Councillors including the Mayor and Deputy Mayor and one external independent member. The Committee will ensure that all Councillors will have the opportunity to provide feedback and input on the matters detailed above and the Committee will provide to all Councillors a record of outcomes and recommendations of each meeting they hold.

An external expression of interest was advertised to the Community for two weeks for the independent member to join the Committee and one suitable applicant responded. This applicant has the relevant experience and qualities sought for the role and is highly recommended to join the Committee.

The Councillors are now required to choose an additional two members for this Committee.

Council Plan / Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.8 Good governance and sustainable financial management.

Risk Management

There are no risks associated with this report

Policy Considerations

This report is directly linked to the Chief Executive Employment and Remuneration Policy.

Financial Implications

There are no financial implications associated with this report.

Legal / Statutory Implications

There are no legal/statutory implications associated with this report.

Environmental / Sustainability Impacts

There are no environmental/Sustainability implications associated with this report.

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

Community consultation via public notice and social media notices was undertaken,



advising of applications being sought for the CEO Employment and Remuneration Committee.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

• Greater Shepparton City Council - Council Plan 2021 - 2025

Conclusion

Officers recommend the approval of David Preiss to join the Committee as the independent external member and request confirmation of the additional two Councillors to join the Mayor and Deputy Mayor to complete the Committee.

Attachments

Nil



8 Sustainable Development Directorate

8.1 Domestic Animal Act 1994 - Section 26 - Dogs on Leash

Author Team Leader Animal Management Approved by Director Sustainable Development

Purpose For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

RECOMMENDATION

That the Council:

- 1. revoke the Order (as attached to the report) made under Section 26 of the Domestic Animals Act 1994 on 16 October 2018;
- resolve to adopt the 2021 Order of Greater Shepparton City Council, made on 23 November 2021 under 26(2) Domestic Animals Act 1994 (as attached); and
- 3. publish the 2021 Order in the Government Gazette and in a newspaper circulating in the Municipal District of the Council making the order.

Executive Summary

The Domestic Animals Act 1994 (the Act) provides the context for managing access to public places by dogs and cats and the requirement to keep a dog under effective control.

In accordance with Section 26 of the Act, a Council Order can be made to regulate and/or prohibit the presence of dogs and cats in public places and to impose all or any conditions as to the means of restraint of dogs or cats.

With the recent completion of the Princess Park Off-Leash Dog Park, Council shall now seek to amend the Order to allow dogs to be off-leash within the Designated Area at Princess Park.



Report Detail

The Domestic Animals Act 1994 (the Act), requires Council to provide adequate animal control services to the community that give effect to the requirements of the Act and the regulations.

This includes the presence and control of dogs and cats on highways and Council land within the municipality.

To adequately give effect to the requirements of the Act, Council may by resolution, make an order under Section 26 of the Act, 'Dogs and cats found in places specified by the Council'.

At the Ordinary Council Meeting on 16 October 2018, Council resolved for the purposes of Section 26 of the Domestic Animals Act 1994, to declare that a person in apparent control of any dog must keep the dog restrained by means of a chain, cord or leash not greater than 3 metres in length and is attached to the dog when the dog is in any reserve or area other than a Designated Area or in any Public place in the municipality.

The Order listed that the only Designated Area was the 100 x 40 metre fully fenced area at Ducat Reserve in Paterson Road, Shepparton.

In line with the Future Directions Plan for Princess Park adopted by Council in February 2019, a new dog park has been developed to provide an enjoyable space for people to get active with their dogs in a beautiful bush setting. The Princess Park Off Leash Dog park is separated into three sections being: a large dog area providing a total available space of 3,413m2 and a small dog area providing a total available space of 1,510m2 and a 'dog run' area of 140m2 designated for the use by one dog at a time to assist with the socialising of young, shy or defensive dogs in a safe manner. Each area contains dog agility equipment to engage the dog and the dog owner in structured play, in addition to general exploration throughout the designated area.

With the recent completion of the Princess Park Off-Leash Dog Park, Council is now seeking to update the Domestic Animals Act 1994 Section 26 Order to allow dogs to be off-leash within the Designated Area at Princess Park.

Council Plan/Key Strategic Activity

INFRASTRUCTURE AND TECHNOLOGY

Develop and improve Community and recreational facilities

Risk Management				
Risks	Likelihood	Consequence	Rating	Mitigation Action
Non-compliant with Act	Likely	Moderate	Moderate	Council to adopt updated Order under the <i>Domestic</i> <i>Animals Act 1994</i>

Dog attacks	Likely	Moderate	Moderate	Guidelines and signage at off-leash dog park locations. Conduct patrols throughout the municipality. Investigate reports. Educate community.
Uncontrolled dogs	Likely	Moderate	Moderate	Guidelines and signage at off-leash dog park locations. Conduct patrols throughout the municipality. Attend to reports of wandering dogs. Educate the community.
Conflict at dog park	Possible	Moderate	Moderate	Guidelines and signage to be provided at off-leash dog park.
Faeces not collected	Likely	Minor	Moderate	Provide litter bags, Guidelines and signage at off-leash dog parks and conduct patrols.

Policy Considerations

In accordance with the new Order under Section 26 of the Act, it is proposed that the Order created on 16 October 2018 be revoked and a new Order be made so the definition of Designated Area lists the following reserves or part thereof;

- Ducat Reserve, Patterson Road Shepparton, within the fenced area signposted by Council as the 'off leash dog park'; and
- Princess Park, Nixon Street Shepparton, within the fenced area signposted by Council as the 'off leash dog park'.

The new Order will also amend the Conditions of Entry into a Designated Area to include conditions relating to;

- an owner of a dog, regardless if the dog is on leash or off leash within the Designated Area;
- the dog's behaviour;
- the requirement that the owner of a dog must be 18 years of age or older in accordance with the Act; and
- restrict the number of dogs that a person can be in control of from four to two.

The designated off leash dog park areas located in Ducat Reserve and Princess Park, Shepparton, will have the following signage installed at each entrance:

Off Leash Dog Park CONDITIONS OF ENTRY

A dog may be exercised in this area if the dog owner:



- is 18 years of age or older;
- have their dog on a leash and be attached to the person, before entering and exiting the area;
- remain inside the fenced area with their dog at all times;
- is legally responsible for their dogs and their actions;
- cleans up after their dog;
- ensures their dog is vaccinated, wearing a collar and a current registration tag;
- must immediately remove their dog from this area if the dog shows signs of aggression or mating behaviour;

A dog may be exercised off a chain, cord or leash within this area if the dog owner;

- carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash; and
- has effective voice and/or hand control of the dog and is within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash;

Any person in this area must;

- Always consult those already using the area before entering
- No smoking
- No alcoholic beverage
- No climbing on fences or equipment
- comply with all conditions of entry
- · comply with all directions given by an authorised officer

Conditions of Entry into the off-leash dog park are in accordance with Section 26 of the Domestic Animals Act 1994 and Council Local Laws. Penalties apply.

The Greater Shepparton City Council accepts no responsibility arising out of use of the park and disclaims all liability for any injury to a person or animal or damage to property, including any injury caused by dogs or others at this park. Usage of this park constitutes acknowledgement and acceptance of this disclaimer.

Conditions of Entry into the off-leash dog park Designated Area are in accordance with Section 26 of the Domestic Animals Act 1994 and Council Local Laws. Penalties apply.

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

The state legislation that allows Council to conduct its animal management service is the Domestic Animals Act 1994 (the Act). The purpose of the Act is to promote animal welfare, the responsible ownership of dogs and cats and to protect the environment.

Council is required to ensure that its animal management services are adequate to give effect to the requirements of the Act and the regulations. To adequately give effect to the requirements of the Act, Council may by resolution, make an order under Section 26 of the Act, 'Dogs and cats found in places specified by the Council'.

Section 26 states:

(1) If a dog or cat is found in a place in respect of which an order under this section has been made in contravention of that order or any terms and conditions of that order, the owner is guilty of an offence and liable to a penalty of not more than 2 penalty units for a first offence and 4 penalty units for a second or subsequent offence.



- (2) A Council may by resolution make an order under this section which may do all or any of the following—
 - (a) prohibit the presence of dogs and cats in any public place of the municipal district of the Council;
 - (b) impose all or any of the following conditions on the presence of dogs or cats in any public place of the municipal district of the Council
 - i. conditions as to the means of restraint of dogs or cats;
 - ii. conditions as to the times at which the presence of dogs or cats is or is not permitted;
 - iii. any other conditions that are specified in the order.
- (2A) If the Council proposes to make an order under this section in respect of a public place that is on private land, the Council must obtain the agreement of the owner or occupier of the private property to the order before making the order.
- (3) An order made by the Council under this section must be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council making the order.

In 19 December 1996, Council by Order under Section 25 of the Act resolved that cats are prohibited from being at large outside the premises of the owner at any hour during the day or night within the municipality. This Order is still in effect.

At the Ordinary Council Meeting on 16 October 2018, Council resolved for the purposes of Section 26 of the Domestic Animals Act 1994, to declare that a person in apparent control of any dog must keep the dog restrained by means of a chain, cord or leash not greater than 3 metres in length and is attached to the dog when the dog is in any reserve or area other than a Designated Area or in any Public place in the municipality. This Order listed that the only Designated Area was the 100 x 40 metre fully fenced area at Ducat Reserve in Paterson Road, Shepparton.

Section 26(3) of the Act states that "an Order made by Council under this section must be published in the Government Gazette and in a newspaper circulating in the Municipal District of the Council making the order."

Environmental/Sustainability Impacts

The environment and the protection of wildlife is a strong consideration in the development of the Order as well as the provision of the animal management services. The proposed Order will not be detrimental to the environment and should bring an awareness of the importance of community protection by controlling dogs in public areas.

A conditions of entry sign at each off-leash dog park will promote responsible pet ownership and behaviour which should minimise environmental impacts to reserves and open space.

Social Implications

It has been the experience of other Councils that an order under section 26 of the Act assists in preventing dogs from being a nuisance by not being under effective control and to prevent dog attacks from unrestrained dogs. The proposed order will not have an impact on dogs and cats on land that is privately owned.

Economic Impacts

There are no economic impacts associated with this proposal.



Consultation

Community consultation has previously been undertaken to confirm support for the establishment of an off-leash area for dogs in Princess Park and to confirm the requirements to control dogs in public places.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Media release Website Public notice
Consult	Inform, Listen and Acknowledge	Community Survey as part of the Domestic Animal Management Plan Public consultation meeting on site in December 2020

Internal consultation has also been undertaken with key Council Departments in the preparation of this report. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

The Greater Shepparton 2030 Strategy lists one of its directions as: *Enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability with a greater range of public open spaces, and recreation and community services.*

Implementation of this project would be consistent with the Greater Shepparton 2030 Strategy. One of the main outcomes of this project is to encourage dog owners throughout the Municipality to be responsible pet owners by preventing dogs from becoming a nuisance, to protect the community from dog attacks caused by unleashed dogs and to improve the health of both humans and dogs through exercise at any designated off leash dog park.

b) Other Strategic Links

Domestic Animal Management Plan 2018-2021

Nuisance Animals – Objective - minimise the potential for dogs and cats to create a nuisance.

Dog Attacks – Objective - minimise the risk of attacks by dogs on people and animals.

Conclusion

To adequately give effect to the requirements of the Act, the current order made under Section 26 of the Domestic Animals Act 1994 is to be amended to include the new Princess Park off leash dog park as a Designated Area for dogs to be exercised off leash and in accordance with the Order conditions.

Attachments

- Domestic Animals Act 1994 Section 26 Order and Conditions of Entry Sign -November 2021 [8.1.1 - 3 pages]
- 2. Government Gazette Section 26 Order 2018 [8.1.2 2 pages]



9 Close of Meeting