

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 27 August 2019 at 06:30 PM

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration Centre on Sturt Road, Sturt.



Adrian Skull
Chief Executive Officer



TABLE OF CONTENTS

OPEN MEETING	4
KAURNA ACKNOWLEDGEMENT	4
DISCLOSURE	4
ELECTED MEMBERS DECLARATION OF INTEREST (if any)	4
CONFIRMATION OF MINUTES	4
Confirmation of the minutes for the General Council Meeting held on 13 August 2019	4
COMMUNICATIONS	26
Mayoral Communication Report	26
Deputy Mayor Communication Report	28
CEO and Executive Communications Report	29
ELECTED MEMBER VERBAL COMMUNICATIONS	31
ADJOURNED ITEMS - Nil	31
DEPUTATIONS	31
Deputation from RSPCA regarding Cat Curfew	31
Deputation Request from Mr Mehran Raisi, Australia Wide Recyclers Pty Ltd (Request Denied)	32
PETITIONS - Nil	34
COMMITTEE RECOMMENDATIONS - Nil	34
CONFIDENTIAL ITEMS	34
Cover Report - Cat Curfew By-law Update	34
Cat Curfew By-law Update and Legal Advice	35
CORPORATE REPORTS FOR DECISION	36
Mobile Food Vendor Location Rules	36
Marion Golf Course	52
Travers Street Reserve - Revocation of Community Land Classification	57
Marion Sports and Community Club - Landlord Consent	63
Establishment of a World War II Honour Board - non-traditional & creative manner	68
Hallett Cove R12 School - Parking Improvements	78
CORPORATE REPORTS FOR INFORMATION/NOTING	81
Community Event Fund Annual Report 2018/19	81
Youth Engagement and Consultation Report Update	87
Cat Curfew Community Consultation	88
Corporate Risk Report - Quarter Four 2018/19 including Annual Risk Profile	204
Questions Taken on Notice Register	211
Work Health & Safety - Monthly Performance Report - July 2019	214

Finance Report - July 2019	219
WORKSHOP / PRESENTATION ITEMS - Nil	230
MOTIONS WITH NOTICE	230
Request to DPTI for a briefing on options for the North-South Corridor	230
Field River Valley Research	231
QUESTIONS WITH NOTICE - Nil	238
MOTIONS WITHOUT NOTICE	238
QUESTIONS WITHOUT NOTICE	238
OTHER BUSINESS	238
MEETING CLOSURE	238

OPEN MEETING

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 13 August 2019

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
Report Reference:	GC190827R01

RECOMMENDATION:

1. That the minutes of the General Council Meeting held on 13 August 2019 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	GC190813 - Final Minutes	PDF File

MINUTES OF THE GC190813 - GENERAL COUNCIL MEETING

Tuesday, 13 August 2019 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT :

Elected Members

Mayor - Kris Hanna, Councillor - Ian Crossland, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson, Councillor - Tim Pfeiffer, Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

Staff :

Chief Executive Officer - Adrian Skull
 General Manager City Services - Tony Lines
 Acting General Manager City Development – Fiona Harvey
 Acting General Manager Corporate Services – Ray Barnwell
 Manager Governance – Kate McKenzie
 Governance Officer – Victoria Moritz

OPEN MEETING

The Mayor opened the meeting at 06:30 PM

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

The following interests were disclosed:

- Councillor Crossland declared a conflict of interest in the item *Council Solutions Kerbisde Waste Tender Outcomes (GC190813F03)*
- Councillor Crossland declared a conflict of interest in the item *Sex Worker Discrimination Legislation (GC1908M03)*
- Councillor Gard declared a conflict of interest in the item *Seacliff Park Development Plan Amendment - Approval for Public Consultation (GC190813R04)*
- Councillor Hull declared a conflict of interest in the item *Council Solutions Kerbisde Waste Tender Outcomes (GC190813F03)*

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 23 July 2019

Report Reference: GC190813R01

Moved Councillor - Joseph Masika

Seconded Councillor - Raelene Telfer

That:

1. The minutes of the General Council Meeting held on 23 July 2019 be taken as read and confirmed.

Carried Unanimously

COMMUNICATIONS - Nil

ADJOURNED ITEMS – Nil

ELECTED MEMBER VERBAL COMMUNICATIONS - Nil

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

DEPUTATIONS - Nil

PETITIONS – Nil

COMMITTEE RECOMMENDATIONS

Moved Councillor - Nathan Prior

Seconded Councillor - Tim Pfeiffer

That the following items be moved en bloc:

- Confirmation of the Minutes of the Review and Selection Committee Meeting held on 6 August 2019 (GC190813R02)
- Confirmation of the Minutes of the Special Urban Planning Committee meeting held on Tuesday 6 August 2019 (GC190813R03)

Carried Unanimously

Confirmation of the Minutes of the Review and Selection Committee Meeting held on 6 August 2019
Report Reference: GC190813R02

Moved Councillor - Nathan Prior

Seconded Councillor - Tim Pfeiffer

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting of 6 August 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

Confirmation of the Minutes of the Special Urban Planning Committee meeting held on Tuesday 6 August 2019

Report Reference: GC190813R03

Moved Councillor - Nathan Prior

Seconded Councillor - Tim Pfeiffer

That Council:

1. Receives and notes the minutes of the Urban Planning Committee meeting of 6 August 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

Carried Unanimously

CONFIDENTIAL ITEMS

Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019.
Report Reference: GC190813F01

Moved Councillor - Luke Hutchinson

Seconded Councillor - Jason Veliskou

That :

1. Pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Steph Roberts, Tony Lines, Fiona Harvey, Ray Barnwell, Kate McKenzie and Victoria Moritz be excluded from the meeting as the Council receives and considers information relating to the minutes of the Review and Selection Committee, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

Carried Unanimously

6.36pm the meeting went into confidence

Moved Councillor - Tim Pfeiffer

Seconded Councillor – Joseph Masika,

That Council:

1. Receives and notes the confidential minutes of the Review and Selection Committee of 6 August 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Confidential Minutes of the Review and Selection Committee 6 August 2019', and appendices, having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

6.37pm the meeting came out of confidence

Independent Member - Finance and Audit Committee and SRWRA Audit Committee

Report Reference: GC190813F02

Moved Councillor - Tim Pfeiffer

Seconded Councillor - Jason Veliskou

That

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act, 1999 the Council orders that all persons present, with the exception of Adrian Skull, CEO, Kate McKenzie, Manager Corporate Governance, Ray Barnwell, Acting General Manager Corporate Services, Tony Lines General Manager City Services, Fiona Harvey, Acting General Manager City Development and Victoria Moritz, Governance Officer be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the performance of the Finance and Audit Committee.

Carried Unanimously

6.38 pm the meeting went into confidence

Moved Councillor - Tim Gard

Seconded Councillor - Luke Hutchinson

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes. report and appendices arising from this report, '*Independent Member – Finance and Audit Committee and SRWRA Audit Committee*', having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until Council decision on the matter is publically available. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried

Moved Councillor - Ian Crossland

Seconded Councillor - Maggie Duncan

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes. report and appendices arising from this report, '*Independent Member – Finance and Audit Committee and SRWRA Audit Committee*', having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until Council decision on the matter is publically available. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

6.55pm the meeting came out of confidence

Council Solutions Kerbside Waste Tender Outcomes
Report Reference: GC190813F03**Moved Councillor - Tim Pfeiffer****Seconded Councillor - Ian Crossland**

That:

1. Pursuant to Section 90(2) and (3)(b) and (d)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Fiona Harvey, Kate McKenzie, Victoria Moritz, Colin Heath, Jamie Dunncliff and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the Council Solutions Kerbside Waste Tender Outcomes, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with who Council is conducting, or proposing to conduct, business or producing the commercial position of the council.

Carried

6.56pm the meeting went into confidence

Councillor Crossland declared an actual conflict of interest in the item as he is appointed to the SRWRA Board and has been privy to a number of confidential items discussed by the Board and left for the item.

6.57pm Councillor Crossland left the meeting.

Councillor Hull declared an actual conflict of interest in the item as he is appointed as Council's Proxy to the SRWRA Board and has been privy to a number of confidential items discussed by the Board and left for the item.

6.59pm Councillor Hull left the meeting.

Moved Councillor - Tim Pfeiffer**Seconded Councillor - Nathan Prior**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Council Solutions Kerbside Waste Tender Outcomes, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with the Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

7.20pm the meeting came out of confidence

Political Signage**Report Reference: GC190813F04****Moved Councillor - Jason Veliskou****Seconded Councillor - Tim Pfeiffer**

That:

1. Pursuant to Section 90(2) and (3)(i) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Tony Lines, Fiona Harvey, Kate McKenzie, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to political signage upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates potential litigation.

Carried

7.24pm the meeting went into confidence

Moved Councillor - Bruce Hull**Seconded Councillor - Nathan Prior**

1. That this item be adjourned until all of the requested information is obtained.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Political Signage and any associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(i), except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried

7.29pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION**Seacliff Park Development Plan Amendment - Approval for Public Consultation****Report Reference: GC190813R04**

Councillor Gard declared an actual conflict of interest in the item as he lives in close proximity to the area in discussion and for the item.

7.29pm Councillor Gard left the meeting

Moved Councillor - Nathan Prior**Seconded Councillor - Joseph Masika**

That Council:

1. Endorse the Draft Seacliff Park Residential and Centre Development Plan Amendment as being suitable for public and agency consultation.

2. Appoint 4 Councillors Shilling, Crossland, Duncan, and Prior, to be part of a joint Committee, with the City of Holdfast Bay, to hear persons wishing to provide a verbal submission at a public hearing, following the conclusion of the public and agency consultation.

Carried Unanimously

Warradale Kindergarten - Landlord Consent

Report Reference: GC190813R05

7.35pm Councillor Pfeiffer left the meeting
7.35pm Councillor Gard re-entered the meeting

Moved Councillor - Bruce Hull

Seconded Councillor - Nathan Prior

That Council:

1. Grants Landlord Consent to upgrade the outdoor area at Warradale Kindergarten, 2 Wyndham Street Warradale, Certificate of Title Volume 0011 Folio 046, subject to:
 - All works being undertaken in a professional manner and to the satisfaction of the City of Marion
 - The City of Marion being indemnified against all claims, suites, losses etc. that may result from carrying out this work
2. Delegates to the General Manager City Development approval to authorise any relevant documents necessary to facilitate the construction and management of the work
3. Advises that the Warradale Kindergarten will be responsible for any project related costs and will be responsible for all future maintenance and repairs of the outdoor area
4. Notes that Landlord Consent will be subject to Development Approval and Building Rules consent if required.

Carried Unanimously

Ascot Park Bowling Club Lease

Report Reference: GC190813R06

Moved Councillor - Jason Veliskou

Seconded Councillor - Kendra Clancy

That Council:

1. Endorses Administration undertaking community consultation regarding entering into a 21 year lease with the Ascot Bowling Club for the premises located at 1 Davidson Avenue Park Holme SA 5043.
2. Endorses entering into a 21 year lease with the Ascot Park Bowling Club according to the terms and

conditions as set out in this report and subject to no objections being raised through community consultation.

3. Authorises the Manager Land and Property to finalise negotiations and enter into a lease with the Ascot Park Bowling Club subject to no objections being raised through the community consultation
4. Notes should any submissions be received during the consultation period requesting significant changes to the terms and conditions outlined in this report a further report will be brought back to Council for consideration.

7.38pm Councillor Pfeiffer re-entered the meeting

Carried

Marion Sports and Community Club - Landlord Consent

Report Reference: GC190813R07

Moved Councillor - Raelene Telfer

Seconded Councillor - Luke Hutchinson

That Council:

1. Grants Landlord Consent to enclose the outdoor area constructed atop the existing balcony structure at Marion Sports and Community Club, 262B Sturt Road, Marion Certificate of Title Volume 6063 Folio 665, Volume 5497 Folio 569 and Volume 6063 Folio 666 subject to:
 - All works being undertaken in a professional manner and to the satisfaction of the City of Marion
 - The City of Marion being indemnified against all claims, suites, losses etc. that may result from carrying out this work
2. Delegates to the General Manager City Development approval to authorise any relevant documents necessary to facilitate the construction and management of the works.
3. Advises that the Marion Sports and Community Club Incorporated will be responsible for any related costs and will be responsible for all future maintenance and repairs.
4. Notes that Landlord Consent will be subject to Development Approval and Building Rules Consent.

Carried Unanimously

10 Year Strategic Plan update

Report Reference: GC190813R08

Moved Councillor - Tim Gard

Seconded Councillor - Raelene Telfer

That Council:

1. Endorse the changes made to the Strategic Plan 2019-2029, including the following additional changes made at this meeting:
 - Mayors Address, 3rd paragraph change '10 year' to '10 year plan'
 - Mayors Address, 6th paragraph change 'Tonsley Link' to 'Tonsley Railway Station and Flinders Link'

Carried Unanimously

Review of Irrigation Program 2019-20

Report Reference: GC190813R09

Moved Councillor - Ian Crossland

Seconded Councillor - Tim Pfeiffer

That Council:

1. Reduces the irrigation score from 13 to 12, and includes the associated additional water and maintenance costs (refer Appendix 2) into the 2020/21 Annual Business Plan and Long Term Financial Plan.
2. Notes the 2019/20 budget was increased during the review of the Annual Business Plan at the 28 May 2019 Council meeting to increase water budget by \$29,000 and increase maintenance of irrigation systems by \$4,000.
3. Notes that the capital cost of \$102,500 to upgrade the non-functional sites that score 12, will be incorporated into the 2020/21 irrigation capital works program.
4. Receives a report on irrigation practices and costs in two years (March 2021).

Carried

Electric Vehicle Charging Stations**Report Reference:** GC190813R10**Moved Councillor - Nathan Prior****Seconded Councillor - Bruce Hull**

That Council:

1. Notes the report.
2. Supports the provision of Electric Vehicle charging stations at strategic locations throughout the City of Marion, and the potential community, environmental and economic benefits that these assets could provide.
3. Endorses Administration to call an Expression of Interest to the market to identify potential providers of Electric Vehicle charging stations, their business model and value add opportunities.
4. Notes that a report will be brought back to Council on the outcome of the Expression of Interest process.

Carried Unanimously**Community Gardens Policy****Report Reference:** GC190813R11

8.25pm Councillor Masika left the meeting.

Moved Councillor - Luke Hutchinson**Seconded Councillor - Raelene Telfer**

That Council:

1. Endorses the draft Community Gardens Policy for public consultation;
2. Notes that a final draft Community Gardens Policy and summary of community consultation findings will be brought to Council for consideration and endorsement in October 2019.

Carried Unanimously

Local Government Finance Authority - Annual General Meeting 2019**Report Reference:** GC190813R12**Moved Councillor - Tim Pfeiffer****Seconded Councillor - Nathan Prior**

That Council:

1. Notes the report *"Local Government Finance Authority - Annual General Meeting 2019"*.
2. Appoints Mayor Hanna as the Council Representative to attend the Local Government Finance Authority Annual General Meeting to be held on 31 October 2019.
3. Determines whether it wishes to submit a motion for consideration at the local Government Finance Authority Annual General Meeting to be held on 31 October 2019.

Carried Unanimously**CORPORATE REPORTS FOR INFORMATION/NOTING****Moved Councillor - Matthew Shilling****Seconded Councillor - Maggie Duncan**

That the following items be moved en bloc:

- Corporate and CEO KPI Report Quarter Four 2018/19
- Questions Taken on Notice Register

Carried Unanimously

8.27pm Councillor Masika re-entered the meeting

8.31pm Councillor Telfer left the meeting

Corporate and CEO KPI Report Quarter Four 2018/19**Report Reference:** GC190813R13**Moved Councillor - Matthew Shilling****Seconded Councillor - Maggie Duncan**

That Council;

1. Note this report

Carried Unanimously

Questions Taken on Notice Register

Report Reference: GC190813R14

Moved Councillor - Matthew Shilling

Seconded Councillor - Maggie Duncan

That Council:

1. Notes the report "Questions Taken on Notice Register"

The Mayor sought and was granted leave of the meeting to include in the minutes (Appendix 1), the correct appendix (in relation to the breakdown of breeds) to the register for this item *Questions Taken on Notice Register*

Carried Unanimously

MOTIONS WITH NOTICE

Billboards on upgraded Oaklands Crossing Space

Report Reference: GC190813M01

8.36pm Councillor Telfer re-entered the meeting

Moved Councillor - Bruce Hull

Seconded Councillor - Nathan Prior

1. That Council write to the Member for Gibson and the Minister for Transport advising them of Council's formal objection to the retention of the billboard on the Northern Eastern aspect of the Oaklands Crossing and the proposed illuminated LED billboard on the South Western aspect of the Oaklands Crossing.

Carried

Sex Worker Discrimination Legislation

Report Reference: GC190813M03

Councillor Crossland declared an actual conflict of interest in the item as he is employed by SAPOL and left the meeting for the item.

8.47pm Councillor Crossland left the meeting.

Moved Councillor - Matthew Shilling

Seconded Councillor - Kendra Clancy

That Council:

1. Write to all State Representatives that have boundaries fall within the City of Marion (5 Liberal, 1 Labor) and the Attorney General stating the following:

-
- a. Council has reservations about the *Statutes Amendment (Decriminalisation of Sex Work) Bill 2018* in its current form and;
 - b. If passed, decisions on brothels and other regulations, along with potential costs could be the responsibility of Council putting greater strain on future budgets, and;
 - c. Council does not have the means to oversee this industry, if the legislation is passed in its current form and;
 - d. That Council should not be another way to save the State Government money.

Carried

Disability lift at the Oaklands Railway Station

Report Reference: GC190813M02

Moved Councillor - Bruce Hull

Seconded Councillor - Nathan Prior

That

1. The Marion Council gives the highest priority in lobbying and advocacy for the provision of a disability lift at the Oaklands Railway Station, that Council vigorously promotes this with candidates approaching the next State and Federal elections

Councillor Hull with the consent of **Councillor Prior** sought and was granted leave of the meeting to vary the motion as follows:

That (as varied):

1. The Marion Council gives a high priority in lobbying and advocacy for the provision of a disability / access lift at the Oaklands Railway Station, that Council vigorously promotes this with candidates approaching the next State and Federal elections.

The motion as varied was **Carried Unanimously**

Personal Shopping Trolleys Proposal**Report Reference:** GC190813M01

8.57pm Councillor Crossland re-entered the meeting

Moved Councillor - Jason Veliskou**Seconded Councillor - Nathan Prior**

1. That Administration investigates options for providing Marion-branded personal shopping trolleys to the community at about cost price as part of the Council's campaign to end trolley dumping, and prepares a report for Council to consider in October.

The Vote was Tied**The Mayor made a Casting Vote and voted in Favour of the Motion****Carried****Social Media Policy****Report Reference:** GC190813M05**Moved Councillor - Matthew Shilling****Seconded Councillor - Maggie Duncan**

That Council:

1. Request Council Staff to investigate which South Australian Councils have Media and/or Social Media policies that apply to Council Members;
2. Request Council Staff investigate:
 1. Whether the City of Marion Council members be incorporated into the current policy and create a new section relating to all forms of media for council members or;
 2. Establish a separate Media Policy for all Council Members that incorporates all aspects of Media and not limited to Social Media pages.
 3. Bring findings of other Councils Policies and which option would be best for ensuring Council Members are accountable and transparent through all forms of Media to the General Council Meeting on 10th December 2019.

Carried

Division called by Councillor - Bruce Hull

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Ian Crossland	X	
Councillor - Jason Veliskou		X
Councillor - Joseph Masika		X
Councillor - Kendra Clancy		X
Councillor - Luke Hutchinson		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling		X
Councillor - Nathan Prior	X	
Councillor - Raelene Telfer		X
Councillor - Tim Pfeiffer	X	
Councillor - Tim Gard	X	

Carried
WORKSHOP / PRESENTATION ITEMS - Nil
QUESTIONS WITH NOTICE – Nil
MOTIONS WITHOUT NOTICE - Nil
QUESTIONS WITHOUT NOTICE - Nil
OTHER BUSINESS – Nil
MEETING CLOSURE

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

MEETING CLOSURE - Meeting Declared Closed at 9.16 PM

CONFIRMED THIS 27 DAY OF AUGUST 2019

.....
CHAIRPERSON

Appendix 1 – Questions Taken on Notice Register - Appendix 1 - Copy of Breed Types 2018-2019

Dogs

Breeds	Total
Maltese	1661
Labrador Retriever	1165
Staffordshire Bull Terrier	907
Border Collie	751
Australian Kelpie	671
Jack Russell Terrier	646
Cavalier King Charles Spaniel	590
Golden Retriever	499
German Shepherd Dog	435
Australian Cattle Dog	330
Chihuahua	301
American Staffordshire Terrier	299
Beagle	296
Poodle (Miniature)	285
Cocker Spaniel	267
Pug	256
Shih Tzu	232
Siberian Husky	199
Pomeranian	197
Poodle (Toy)	193
Greyhound	191
Cross Breed	188
Spaniel	179
Rottweiler	175
West Highland White Terrier	167
Boxer	165
Terrier	161
Schnauzer (Miniature)	155
Fox Terrier (Wire)	119
Rhodesian Ridgeback	116
Tenterfield Terrier	100
Bichon Frise	100
Australian Shepherd	88
French Bulldog	83
Fox Terrier	78
German Shorthaired Pointer	77
Whippet	74
Bull Terrier	73
Australian Silky Terrier	69
King Charles Spaniel	69
Bullmastiff	67
Lhasa Apso	64
Alaskan Malamute	57
Papillon	53
Dachshund	53
Dalmatian	51
American Bulldog	49
Mastiff	49
Shar Pei	46
Poodle (Standard)	45
Schnauzer (Standard)	45
Shetland Sheepdog	45
Chihuahua (Smooth Coat)	44
Great Dane	44
Hungarian Vizsla	43
Dobermann	40
Dachshund (Miniature Smooth Haired)	38

Australian Bulldog	38
Cairn Terrier	37
Australian Terrier	36
Bernese Mountain Dog	32
British Bulldog	29
Tibetan Spaniel	29
Chihuahua (Long Coat)	28
Dachshund (Miniature)	27
Welsh Corgi (Cardigan)	27
Italian Greyhound	27
Boston Terrier	27
Border Terrier	26
Samoyed	26
Retriever	25
Miniature Pinscher	25
Keeshond	24
English Springer Spaniel	24
Airedale Terrier	23
Fox Terrier (Smooth)	23
Akita	23
Japanese Spitz	21
Belgian Sheepdog	21
Weimaraner	21
Yorkshire Terrier	20
Havanese	20
Curly Coated Retriever	19
Chinese Crested Dog	18
Maremma Sheepdog	18
Pointer	16
Bearded Collie	15
Tibetan Terrier	14
Basenji	14
Cocker Spaniel (American)	14
German Shepherd Dog (Long Stock Coat)	14
Bulldog	14
Dachshund (Miniature Wire Haired)	13
Irish Setter	13
Irish Wolfhound	13
Unknown	12
Collie (Smooth)	12
Scottish Terrier	11
Basset Hound	11
Lagotto Romagnolo	11
Collie (Rough)	10
Schipperke	10
Irish Terrier	9
Welsh Corgi (Pembroke)	9
Nova Scotia Duck Tolling Retriever	9
Deerhound	9
Dachshund (Smooth Haired)	8
Bull Arab	8
Griffon Bruxellois	8
Shiba Inu	8
White Swiss Shepherd Dog	8
Australian Stumpy Tail Cattle Dog	8
Pekingese	8
Dogue de Bordeaux	8
Staghound	8
Old English Sheepdog	7

Welsh Springer Spaniel	7
Schnauzer	6
Newfoundland	6
Manchester Terrier	6
Dachshund (Miniature Long Haired)	6
St. Bernard	6
Brittany	6
Soft Coated Wheaten Terrier	5
Bedlington Terrier	5
German Coolie	5
Dachshund (Long Haired)	5
Kerry Blue Terrier	4
Afghan Hound	4
Saluki	4
Anatolian Shepherd Dog	4
Clumber Spaniel	4
Dachshund (Wire Haired)	3
German Pinscher	3
Belgian Shepherd Dog (Tervueren)	3
Lakeland Terrier	3
Australian Koolie	3
Chow Chow	3
English Toy Terrier (Black & Tan)	3
German Wirehaired Pointer	3
Birman	3
Portuguese Water Dog	3
Poodle	3
Pyrenean Mountain Dog	3
Swedish Vallhund	3
American Pit Bull Terrier	2
Welsh Terrier	2
Harrier	2
Siberian	2
Moguai	2
Sphynx	2
English Setter	2
Gordon Setter	2
Tonkinese	2
Norwegian Buhund	2
Leonberger	2
Ocicat	2
Norwegian Elkhound	2
Borzoi	2
Neapolitan Mastiff	2
Cane Corso	1
Bull Terrier (Miniature)	1
Exotic	1
Finnish Lapphund	1
Smithfield	1
Somali	1
Scottish Fold	1
German Spitz (Mittel & Klein)	1
Collie	1
Lowchen (Little Lion Dog)	1
Norfolk Terrier	1
Lurcher	1
Briard	1
Scotch Collie	1
Oriental	1

Grand Basset Griffon Vendeen	1
Belgian Shepherd Dog (Groenendael)	1
Chesapeake Bay Retriever	1
Manx	1
New Zealand Huntaway	1
Sarplaninac	1
Foxhound	1
Boerboel	1
Petit Basset Griffon Vendeen	1
Schnauzer (Giant)	1
Grand Total	14663

COMMUNICATIONS

Mayoral Communication Report

Date of Council Meeting 27 August 2019

Name of Elected Member Mayor - Kris Hanna

Report Reference GC190827R02

Details

Date	Event	Comments
28/7/19	Oliphant Avenue Community Orchard Fruit Tree Planting	Attended; gave speech
28/7/19	Oaklands Crossing Opening	Attended; gave speech
31/7/19	Unsung Heroes Awards	Hosted
31/7/19	Active Elders Association Christmas In July celebrations	Attended
31/7/19	Meeting with Chance Ndume from AIME Mentoring	Hosted
1/8/19	Kaurua Old People's Remains Repatriation Ceremony	Attended
4/8/19	Morphettville Park Football Club soil turning activity	Attended; gave speech; tossed coin; awarded cup
5/8/19	Hallett Cove East Residents Association AGM	Attended
5/8/19	#ARfTer5 Marion Staff art exhibition	Attended
6/8/19	Citizenship ceremonies (x2)	Hosted
7/8/19	'Building a Better Future in SA' event hosted by the Hon Carolyn Power MP	Attended
8/8/19	Mitchell Park Sports and Community Club design meeting with clubs	Hosted
10/8/19	Hazelmere Road Reserve Dog Park Opening	Attended; opened park
11/8/19	Irish Dancing State Championships	Attended; gave speech
14/8/19	First Avenue Reserve opening	Attended; opened reserve
14/8/19	Presentation to Productivity Commission of SA re: Local Government Reform	Attended

14/8/19	Meeting with Mayor Thompson of Onkaparinga Council	Attended
20/8/19	Hallett Cove Meals on Wheels Annual AGM	Attended

Deputy Mayor Communication Report

Date of Council Meeting 27 August 2019

Name of Elected Member Councillor - Tim Pfeiffer

Report Reference GC190827R03

Details

Date	Event	Comments
25 June 2019	Woodlands Ward Briefing	
27 June 2019	Mayor's monthly Coast FM segment	
21 July 2019	SA Short Course Swimming Championships 2019	Guest dignitary and medal/trophy presenter
23 July 2019	Consultative Group North South Corridor - Inaugural Meeting	Chair
23 July 2019	Woodlands Ward Briefing	
25 July 2019	Mayor's monthly Coast FM segment	
28 July 2019	Oaklands Crossing Grade Separation Project Community Celebration	
27 July 2019	Edwardstown Football Club game	Attended
9 August 2019	Meeting with Scott Calvert, Chair of the Edwardstown Club	
9 August 2019	Opening of the Gallery M Open Contemporary Art Prize 2019	Guest Speaker
10 August 2019	South Road Cricket Club Life Members Day	Attended
10 August 2019	Edwardstown Football Club game	Attended
20 August 2019	Meeting with Maureen Lewis, Secretary of the Edwardstown Club	
24 August 2019	Opening of the BMX Bad Boy Series Championship at the Cove	Attended
27 August 2019	Woodlands Ward Briefing	
25 August 2019	Opening the season and the new training facility of the South Road Cricket Club	Attended

CEO and Executive Communications Report

Date of Council Meeting 27 August 2019

Report Reference GR190827R04

Details

Date	Activity	Attended By
25 July 2019	IPAA "On the Couch with John Schutz" MC for the event	Adrian Skull
26 July 2019	Meeting with Graham Brown (Baptist Care SA)	Adrian Skull
28 July 2019	Oaklands Crossing - Community Celebration	Abby Dickson
29 July 2019	Cross Council Initiatives meeting with CEO's from Port Adelaide Enfield and Charles Sturt with Erika Comrie	Adrian Skull
30 July 2019	Executive Governance Meeting Irrigation Project with Cities of Port Adelaide Enfield and Charles Sturt	Tony Lines
31 July 2019	South Australian Productivity Commission Local Government Reference Group	Adrian Skull
1 August 2019	Meeting with Essential Services Commission of SA on Regulation of Small-scale Networks	Tony Lines
1 August 2019	Cross Council Quarterly Executive Meeting with City of Charles Sturt and City of Port Adelaide Enfield.	Abby Dickson Ray Barnwell Adrian Skull Tony Lines
6 August 2019	MC for Citizenship Ceremony at Edwardstown Soldiers Memorial	Adrian Skull
8 August 2019	Meeting with Justin Jamieson KPMG	Adrian Skull
8 August 2019	LGA CEO Advisory Group Meeting	Adrian Skull
8 August 2019	Council Solutions working group meeting	Adrian Skull
12-13 August 2019	Liveable Cities Conference	Tony Lines
13 August 2019	Meeting with Kylie Taylor and Anthea Shem (ORSR)	Adrian Skull
13 August 2019	Meeting with Prof. Venessa Lemm (Flinders University)	Adrian Skull

14 August 2019	Meeting Fleet Management/Procurement with Cities of Port Adelaide Enfield and Charles Sturt	Tony Lines
15 August 2019	Chair Zone Emergency Management Committee Meeting (ZEMC)	Tony Lines
15 August 2019	Meeting Tonsley Project Control Group	Tony Lines
15 August 2019	Meeting with SAGE Automation Tonsley	Adrian Skull
19 August 2019	Climate Risk and Governance Project debrief workshop with City of Onkaparinga	Tony Lines Fiona Harvey
20 August 2019	Meeting St Martin de Porres School on parking options	Tony Lines
22 August 2019	Meeting Seels Technology	Tony Lines
22 August 2019	Southern Recycling Centre Joint Venture Committee Meeting	Ray Barnwell

ELECTED MEMBER VERBAL COMMUNICATIONS

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

ADJOURNED ITEMS - Nil

DEPUTATIONS

Deputation from RSPCA regarding Cat Curfew

Originating Officer	Elected Member Support Officer - Tom Matthews
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Development - Abby Dickson
Report Reference:	GC190827D01

SPEAKER:

Tim Charles

ORGANISATION:

RSPCA

COMMENTS:

Tim Charles from the RSPCA will make a deputation giving the RSPCA's qualified endorsement of the cat curfew by-law.

Deputation Request from Mr Mehran Raisi, Australia Wide Recyclers Pty Ltd (Request Denied)

Originating Officer Elected Member Support Officer - Tom Matthews

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager N/A

Report Reference: GC190827D02

SPEAKER:

Nil

COMMENTS:

Mr Mehran Raisi requested to make a deputation to Council on behalf of his organisation, Australia Wide Recyclers Pty Ltd, regarding placement of charity bins on Council land. The request was denied on the grounds that the matter was not a matter scheduled for Council and would be considered by Administration through an appropriate process.

ATTACHMENTS:

#	Attachment	Type
1	Raisi Reply 19.8.19	PDF File

OFFICE OF THE MAYOR

19 August 2019

Mr Mehran Raisi,
Australia Wide Recyclers Pty Ltd
15/18-25 Gray Street
KILKENNY SA 5009

PO Box 21, Oaklands Park
South Australia 5046

245 Sturt Road, Sturt
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E council@marion.sa.gov.au

Dear Mr Raisi,

Re: Charity bins on Council owned land

I am writing in response to your email to Council's Elected Members on 22 July 2019, regarding the charity work undertaken by your organisation and the installation of collection bins on Council owned land.

Council appreciates the value of the work that your organization performs in the community.

I am aware that you have had ongoing discussions with Council staff who have outlined the reasons your request cannot be accommodated. Your previous request to install charity bins on Council owned land was refused as there is an expectation that charities and not-for-profit organisations will arrange for the placement of collection bins on their own property, or seek permission from private land owners in a location that has a suitable zoning- a shopping centre, for example. As you are aware, this may require formal development approval for a change of land use.

This is an operational matter that is best managed by Administration. To the extent that your letter may be interpreted as a request to address a Council meeting, I respectfully decline your request. I can appreciate that you are disappointed that Council has been unable to assist you.

If you have any further queries, please contact the Land Asset Officer, Heather Carthew, by email at heather.carthew@marion.sa.gov.au or phone on 7420 6584.

Yours faithfully,


Kris Hanna
Mayor

PETITIONS - Nil**COMMITTEE RECOMMENDATIONS - Nil****CONFIDENTIAL ITEMS****Cover Report - Cat Curfew By-law Update**

Originating Officer	Team Leader Community Safety - Luke Manuel
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827F01

RECOMMENDATION

1. That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Fiona Harvey, Tony Lines, Kate McKenzie, Victoria Moritz, Warwick Deller-Coombs, Luke Manuel, Sharon Perin and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Cat Curfew By-Law Update and Legal Advice, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

Cat Curfew By-law Update and Legal Advice**CONFIDENTIAL****Reason For Passing This Resolution:**

Local Government Act (SA) 1999 S 90 (2) 3(h): legal advice.

CORPORATE REPORTS FOR DECISION

Mobile Food Vendor Location Rules

Originating Officer	Land Asset Officer/Registered Conveyancer - Heather Carthew
Corporate Manager	Acting Manager City Property - Clare Benn
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827R05

REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement of the Location Rules in relation to Mobile Food Vendor Trading as required under Section 225A of the Local Government Act 1999 which came into effect on 1 March 2018.

EXECUTIVE SUMMARY

An amendment to the Local Government Act (the Act) was passed in relation to Mobile Food Vendor trading on roads (including verges, nature strips, footpaths and road reserves). Obligations and restrictions have been imposed on Councils as detailed in this report.

As a result of the amendment, Council must adopt Location Rules which set out the location rules for Mobile Food Vendors. The Location Rules may include pre-approved sites for trading.

Nine sites have been identified for pre-approval which have been assessed against the criteria stated in the Act and as outlined in this report.

The Act limits the fees that Councils can charge to \$2,000 per annum or \$200 per month. It is recommended that the maximum fees are applied in addition to a daily fee of \$50 for special or community events. Should the fees be approved by Council, the Schedule of Fees and Charges will be updated to reflect these fees and will be reviewed annually.

The legislation only applies to Mobile Food Van trading on roads. Permits for Mobile Food Van trading on Council's Community Land (eg reserves and libraries) are issued under separate provisions of the Act. Ice cream mobile food vending businesses are exempted from the amendments to the Act.

The adoption of the attached Mobile Food Van Location Rules will ensure that Council has complied with the Act and provides Mobile Food Vendors with pre-approved permit conditions and locations for trading. This will also streamline the approval process for the pre-approved locations.

RECOMMENDATION

That Council:

- 1. Endorses the Mobile Food Vendor Location Rules**
- 2. Resolves that the fees for Mobile Food Vending Permits are \$2,000 per annum, \$200 per month and \$50 per day for special and community events.**
- 3. Authorises the Chief Executive Officer to make minor amendments to the Mobile Food Vendor Location Rules as required.**

GENERAL ANALYSIS

An amendment to the Local Government Act 1999 (the Act) was passed in relation to Mobile Food Vendor trading on roads (including verges, nature strips, footpaths and road reserves). The amendments pose obligations and restrictions on Councils as detailed in this report. The commencement of the new legislation was 1 March 2018.

As a result of the amendment, Council must adopt Location Rules which set out the location rules for Mobile Food Vendors with permits to operate in the City of Marion.

Since the commencement date, 12 enquiries have been received. Of those, only two formal applications have been submitted and approved. One of the vendors has ceased trading for the time being from Jervois Street Reserve South Plympton.

Liveable:	An urban environment that brings people together
Engaged:	There is no requirement for community consultation
Innovation:	An opportunity to create a vibrant community
Prosperous:	Supports a diverse and clean economy that attracts investments and jobs
Legal / Legislative / Policy:	Section 225A of the Local Government Act 1999 provides that Council must adopt Location Rules that sets out locations within the Council area in which mobile food vending businesses may operate

DISCUSSION

The amendments to the Act and the corresponding Regulations have been amended to provide that:

- Council must grant a permit for the purposes of a mobile food vending business.
- The permit must be consistent with the location rules adopted by Council under section 225A and any requirement prescribed by regulation.
- Council may cancel a permit for a breach of a condition that is sufficiently serious to justify cancellation.
- Council must adopt Location Rules that set out locations within the Council area in which mobile food vending businesses may operate.
- Council cannot restrict the kind of food that may be sold
- A condition requiring payment of a fee must allow the permit holder to pay either annually or monthly.
- Fees are capped at \$2,000 per annum (excluding GST) and \$200 (excluding GST) per month.
- The permit must be subject to certain conditions as set out in the Regulations
- Council is not required to grant a permit under section 222(1a) if the vehicle to be used would unduly obstruct the use of public roads in a manner that cannot be adequately addressed by conditions under section 224 of the LGA

Council must:

- Ensure that the Location Rules provide for a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of fixed food businesses, taking into account the location, number and operating hours of fixed food businesses in the council area. No guidance is given in the legislation as to what may be a reasonable distance. This may give rise to misunderstandings between business owners.

- Take into account the effect of the operation of mobile food vending businesses on –
 - Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.
 - The requirements relating to, and availability of parking spaces at the locations in which mobile food vending businesses may operate under the location rules.
 - Residents and businesses at the locations in which mobile food vending businesses may operate under the location rules.
- Ensure that its location rules are consistent with any other relevant requirement under regulation 25A (including any relevant requirement under a law or legislative provision referred to in that regulation).
- The Location Rules may show the locations within the council area in which mobile food vending businesses are permitted to operate by use of maps.
- Ensure that a copy of its location rules is published on its website.

Ice cream mobile food vending businesses are exempted from the legislation as they are not typically stationed in one location for an extended period of time. Under the changes to the Act and the Local Government (General) Regulations 2013, Council is required to adopt Location Rules for mobile food vending on roads.

The proposed City of Marion Location Rules (Appendix 1) is informed and guided by the Location Rules template prepared by the Local Government Association to assist Councils with meeting the requirements of the new legislation.

Mobile Food Van Operators can apply to the Small Business Commissioner for a review of Council's Location Rules if they believe the Rules are affecting their business. The Commissioner may direct Council to amend its Location Rules.

In addition to the legislative provisions, the following additional criteria for determining suitable locations has been considered when selecting the pre-approved sites:

- Availability of bins
- DPTI roads to be excluded – Council does not have jurisdiction of the carriageway (kerb to kerb)
- Parking – ensure sufficient off road parking
- Pedestrian movements and safety
- Lighting – after dark

Other items that have been considered are:

- There is to be no guarantee that the area will be available – it is expected that traders will self regulate with regard to the number of vans and types of food / drinks sold in each location
- Generators to be EPA compliant
- Review in 6 or 12 months

Should the food van be proposed for a permanent/fixed period (i.e. the same location multiple times per week) then a formal development application will be required. A development application would typically require consideration of, amongst other elements, car parking and access, hours of operation, appropriateness of use and impacts on amenity (smell, noise etc).

The Act requires Council to provide Mobile Food Vendors with a choice of an annual or monthly permit fee. The Act also limits the fee to a maximum of \$2,000 per annum or \$200 per month.

It is recommended that the maximum fees noted are applied.

In addition to the annual or monthly fee, it is recommended that a daily fee of \$50 is applied for special or community events.

Council's Schedule of Fees and Charges will be updated to reflect these fees and will be reviewed annually. The application of fees will ensure cost recovery in assessing and processing permit applications and compliance monitoring.

There may be resource implications to Council in processing an increased number of enquiries prompted by the legislation and in managing complaints relating to Mobile Food Van operations such as proximity to fixed food businesses, litter, pedestrian movements and noise.

All mobile food vendors requesting to trade within the City of Marion will be required to provide a copy of their "Food Passport", which ensures that they have been assessed to meet the requirements of the Food Act and the Food Regulations by the Council in which their food business is based. Council's Environmental Health Officers will investigate complaints regarding food safety while the mobile food van is operating within the City of Marion.

The following sites have been identified as potential sites for pre-approval:

- Capella Drive Hallett Cove, adjacent Capella Drive Reserve
- Quailo Avenue Hallett Cove, adjacent Glade Crescent Reserve
- Margaret Street Glandore, adjacent Glandore Oval
- Naldera Street Glandore, adjacent Glandore Community Centre
- Harbrow Grove and Eurundee Avenue Seacombe Gardens, adjacent Harbrow Grove Reserve
- Hessing Crescent Trott Park, adjacent Hessing Crescent Reserve
- Adams Road Trott Park, adjacent Reserve Street Reserve
- Station Crescent and Encounter Road Sheidow Park, adjacent Southbank Boulevard
- Jervois Street and Waterhouse Road south Plympton, adjacent Jervois Street Reserve

The precise locations are shown on the maps attached to the proposed Location Rules.

Permits for mobile food vans to operate on Council's Community Land (eg, reserves and libraries) are issued under Section 202 of the Act.

The adoption of the attached Mobile Food Van Location Rules will ensure that Council has complied with the amended legislation and provides Mobile Food Vendors with pre-approved permit conditions and locations for trading.

Additional locations that are identified by Mobile Food Vendors will be assessed against the criteria specified in this report.

Attachment

#	Attachment	Type
1	Attachment 1 - Location Rules	PDF File

MOBILE FOOD VENDOR LOCATION RULES



1. Introduction

A mobile food vending business requires a permit under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area.

A condition of a permit authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with location rules adopted by the Council under section 225A of the Local Government Act.

The Council has adopted the location rules set out in this document.

2. Council determined mobile food vending business sites

The Council has determined that mobile food businesses may operate from the sites shown on the attached map.

3. Mobile food vending business determined sites

A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area, subject to complying with these location rules and any other requirements of its permit.

3.1. Operate a reasonable distance from a fixed food business

Location rule

A mobile food vending business must select a site for operation which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

3.2. Take into account the effect of the operation of the mobile food vending business

Location rule

A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business on:

- (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) the requirements relating to, and availability of, parking spaces; and
- (c) residents and businesses.

A site cannot be selected which would breach parking requirements applying to the site. This includes locating the mobile food vending business within spaces reserved for people with disabilities.

MOBILE FOOD VENDOR LOCATION RULES



3.3. No undue interference with vehicles or road related infrastructure

Location rule

A mobile food vending business must select a site for operation where the mobile food vending business will not unduly interfere with:

- (a) vehicles driven on roads;
- (b) vehicles parking or standing on roads;
- (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
- (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) other road related infrastructure; or
- (f) infrastructure designed to give access to roads, footpaths and buildings.

3.4. Compliance with legislative requirements

Location rule

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- (a) the *Food Act 2001*;
- (b) the *South Australian Public Health Act 2011*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Local Nuisance and Litter Control Act 2016*;
- (e) the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

Explanation

There are many legislative requirements which apply to the provision of food, the operation of a business and the use of a motor vehicle. A site must be selected by a mobile food vending business which does not breach any of these legislative requirements.

4. Disputes may be referred to the Small Business Commissioner

If an operator of a food business in the Council area is directly adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

5. Amendment of these location rules

The location rules may be amended from time to time by the Council. The location rules must be amended by the Council if directed by to so by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

MOBILE FOOD VENDOR LOCATION RULES



Name of Council	City of Marion
File reference	
Responsibility:	
Version:	1
Effective date:	1 March 2018
Last revised date:	
Minutes reference:	
Next review date:	31 August 2020
Applicable Legislation:	<i>Local Government Act 1999, s225A</i>
Related Policies:	
Related Procedures:	

DRAFT

Capella Drive Reserve, Capella Drive, Hallett Cove



Glade Crescent Reserve, Quailo Avenue, Hallett Cove



Glandore Oval, Margaret Street, Glandore



Glandore Community Centre, Naldera Street, Glandore



Harbrow Grove Reserve, Harbrow Grove and Eurundee Avenue, Seacombe Gardens



Hessing Crescent Reserve, Hessing Crescent, Trott Park



Reserve Street Reserve, Adams Road Trott Park



Southbank Boulevard Reserve, Station Crescent and Encounter Road Sheidow Park



Jervois Street Reserve, Jervois Street and Waterhouse Road, South Plympton



Marion Golf Course

Originating Officer	Unit Manager Sport & Recreation Facilities - James O'Hanlon
Corporate Manager	Acting Manager Innovation and Strategy - Cass Gannon
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827R06

REPORT OBJECTIVE

The objective of this report is to seek Council endorsement to undertake an Expression of Interest for the management of the Marion Golf Course site under a proposed new management agreement and model of which the EOI seeks to investigate.

EXECUTIVE SUMMARY

The Marion Golf Course (MGC) is a public 9 hole golf course that services both the community and the Marion Golf Club, with approximately 15,000 rounds of golf undertaken in 2018. It is currently managed through a lease agreement with Belair Turf Management (BTM).

BTM's lease expired in April 2019 and has been extended for a period of 12 months to enable Council to explore opportunities available regarding alternative management models for the site. Identified as a key community asset the facility is underutilised and requires significant capital contributions in the near future to maintain current service levels, and maximise future opportunities.

An Expression of Interest (EOI) is recommended to be undertaken to investigate market opportunities that can provide different management models with possible capital contributions and the introduction of programs for wider community use or potential redevelopments that will enhance the site whilst not detracting from its core use as a community golf course and open space.

It is proposed to run the EOI process from October 2019 to March 2020 in 2 stages, Stage 1 seeking requests for proposal and Stage 2 seeking a full business case from preferred proponents. A community and stakeholder engagement plan will be developed in parallel with the EOI.

RECOMMENDATION

That Council:

- 1. Notes this report**
- 2. Notes that Nicole Flint MP committed \$200,000 towards the current club room building works during the most recent Federal Election.**
- 3. Authorises the call for an Expression of Interest to the open market as a two stage process with a report to Council at the conclusion of Stage 1 with the preferred tender response(s) to seek endorsement to proceed with Stage Two - Full Business Case.**

DISCUSSION

Background

The MGC is a significant asset for the CoM and indeed the broader city of Adelaide, which has great potential to be preserved and enhanced.

The MGC had approximately 15,000 rounds of golf undertaken last calendar year for casual, tournament and social rounds. and has approximately 85 members who participate in both social and league rounds. The Golf Course is available for wider community use and fees are priced at community rates.

The site is partially owned by Council, being the area occupied by the car park, club room facilities and a triangular section which is currently not used for any purpose. Boral owns the remainder of the site which primarily constitutes the playing surfaces. It should be noted that Council's lease with Boral for the playing surfaces area is due to expire in 2026 with a right of renewal for a further 50 years. Council sub leases the playing surface areas to BTM.

During the last few years Council has invested a significant amount of funds in maintaining water security for the public 9 hole golf course in Marino. This investment has been driven by the essential need to upgrade water supply infrastructure, funded by Council, under the current lease arrangements.

The Marion Golf Club operates from a converted transportable building and holds a limited liquor license. The Club is willing to relinquish their existing license to Belair Turf Management (BTM), subject to the approval of the Pro Shop refurbishment going ahead and the Club entering into a license with BTM to occupy and use the facility for club operations and events.

In December 2018 Council endorsed \$230,000 funding to relocate the Marion Golf Club from their long term temporary facilities into the on-site Pro Shop building which would undergo endorsed capital works to facilitate occupation by both the Club and BTM (GC111218M02). The Golf Club Committee and BTM have committed \$35,000 each to provide a total budget of \$300,000 for the works. BTM's contribution is subject to being awarded a long term lease extension with Council, with the current lease having expired in April 2019 and extended for a further 12 months.

The report considered at the 10 April 2018 General Council meeting (GC100418R06) concerning the upgrade of the clubroom facilities informed Council of the other infrastructure works required for the site. This report noted that a recent review of the site's long term water supply highlighted a requirement of capital works of \$1.8 million to replace various pipes, pumps, tanks and irrigation infrastructure due to them reaching end of life cycle. This was highlighted as un-budgeted works and that a separate report would be brought back to Council for consideration.

The April 2018 report also highlighted that the proposed upgrade works to the site's car park, estimated pre-tender at \$200k (tendered costs received are \$300k), would be placed on hold and would be rescheduled to be undertaken at the completion of building works to eliminate any potential damage and repair work on the newly laid surface to be undertaken.

At the Infrastructure and Strategy Committee meeting held on 3 March 2019 (ISC190305F01), the Committee recognised the opportunity that the Seacliff Park redevelopment posed and recommended that alternative management models for the site including capital contributions from management providers, in exchange for a long term lease should be explored. Council has a valuable opportunity to provide the community with a multi purpose facility that not only meets the needs of the golfing community, but the broader community who wish to access public open space and a venue with sea views for celebrations and functions.

Given the opportunities that will be explored through the EOI it is recommended that all pending capital works are placed on hold until the outcome of the EOI is complete and any capital works are planned and undertaken in consultation with a new management provider.

Financial Implications

During the 2019 Federal Election, Nicole Flint MP committed a further \$200,000 of funding to the project to allow for further works to ensure the facility is fit for purpose and to accommodate wider community use. The committed budget available for these works is currently \$500,000 as outlined below.

City of Marion CFPP GC100418	\$115,000
Marion Golf Club	\$ 35,000
BTM	\$ 35,000**
City of Marion CFPP GC111218	\$115,000
Nicole Flint MP	\$200,000
TOTAL	\$500,000

**BTM's contribution is on the provision of achieving a minimum 5 year lease for management of the site

Concept plans for the proposed works had been developed prior to the receipt of grant funding but have been placed on hold along with car park upgrade works given the proposal to undertake an EOI to consider future opportunities and management models for the site.

Discussion

Expression of Interest Brief

The EOI brief would seek to fully explore the market and opportunities to include, but not be limited to:

- Upgrade of existing 9 hole golf course that values nature and links with surrounding open space.
- A resort style hotel/conference/wedding venue that builds on the prosperity of the city and ensures the community is engaged
- Upgrade of existing course water infrastructure, with the view to sustainable water use, including a proposal for capital contributions to subsidise irrigation works.
- Ongoing management of the course by successful applicant, keeping them engaged with the commitment to ensuring a thriving council asset.
- Ongoing management of the building by CoM that includes Innovative lease arrangements that enhance the facilities connection to community
- Links to the Seacliff Park DPA area and beyond ensuring connectedness and maximum community access to open natural space.

Submissions would be sought in the form of an overview that demonstrates the following:

- Preference for duration of lease / license;
- Alignment with Council's Strategic Vision;
- Services, activities and programs to be delivered ;
- Proposed funding model / capital contributions;
- Time frames with key milestones for commencement of services ;
- Scope of proposed works if development works are proposed; and
- Proposed Management Model.

Due to time frames it is proposed to use an external resource to prepare relevant documentation for the EOI. It is estimated this to cost no more than \$15k and can be covered from operating budgets.

Expression of Interest Process

An EOI is proposed from the open market through the Tenders SA website following a two staged process. The first stage will seek “Request for Proposals” whereby the proponents will be requested to provide Council with a high level overview of its proposal which will enable the evaluation panel to assess:

- Uniqueness of the proposal;
- Value for money proposition from the proposal for the council;
- How the proposal will deliver the best outcome for the council and the community;
- If the proposal is technically, legally and financially viable;
- The proposed delivery method and time frames; and
- Is the proposal a government, strategic and community priority.

Following the evaluation of the initial proposals, there will be a hold point with a report presented to Council for consideration of the EOI submissions. Stage Two – Full Business Case would proceed based on the outcomes of Council's Stage One consideration.

Stage Two will request the preferred proponent(s) to prepare a full business case that will involve further details on the value for money; lease/ ownership arrangements; capital / ongoing contributions; cost/benefit analysis and what outcomes it will deliver for the Community.

The time frames for the two staged EOI is summarised within the table below:

Stage One - EOI - request for proposal released to the open market via Tender SA website	Early October
Stage One - closes	Late October
Evaluation of tenders and hold point - Present to Council short listed tenders	November
Stage Two - Full Business Case	December - February
Evaluation of tenders - Present to Council preferred tenderer to proceed to contract negotiation	March

At the conclusion of Stage Two and the final evaluation process, the preferred proponent will be presented to the Council for consideration and recommendation to either: proceed on an exclusive basis with the proponent or no proposals are suitable and to end the EOI process which would likely result in negotiation of an extension with the current management provider for a short term lease.

The final stage will be exclusive contract negotiations with the preferred proponent.

Consultation

Prior to the release of the EOI to the market, consultation will be undertaken with the Marion Golf Club and Belair Turf Management about the market call and opportunities.

Communication

A community engagement plan will be developed to engage the community and key stakeholders about the EOI. A particular focus of the communication plan is engagement with local residents about the opportunities that may be provided to the Community.

Conclusion

The Marion Golf Club site is a valued community asset however opportunities have arisen that could link with alternative management and funding models for the facility. It is envisaged that this process could present options for increased services to the wider community, decreased capital requirements from Council and a sustainable future for existing stakeholders.

Travers Street Reserve - Revocation of Community Land Classification

Originating Officer	Land Asset Officer/Registered Conveyancer - Heather Carthew
Corporate Manager	Acting Manager City Property - Clare Benn
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827R07

REPORT OBJECTIVE

The purpose of this report is to provide Council with an update regarding the creation and disposal of one residential allotment of 679 square metres from Travers Street Reserve and to seek authorisation to commence the community land classification revocation process required to facilitate the disposal of the land.

EXECUTIVE SUMMARY

On 27 February 2018 (GC270218) Council resolved to create one residential allotment from Travers Street Reserve for disposal.

To enable the disposal to proceed, the Lands Titles Office requires that the Community Land Classification is revoked over the whole of the reserve.

After the plan of division creating the residential allotment is finalised and deposited in the Lands Titles Office, the Community Land Classification will automatically be reinstated over the balance of the reserve and the residential allotment can be placed on the market for disposal.

RECOMMENDATION

That Council:

- 1. Notes that the land marked Lot 502 in D120077 was excluded from the community land classification by resolution made on 24 February 2015.**
- 2. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the whole of Travers Street Reserve being Lot 482 in D95697 being the whole of the land comprised in Certificate of Title Volume 6158 Folio 572.**
- 3. Notes that the Community Land Classification will automatically be reinstated over the balance of Travers Street Reserve after creation of the residential allotment of approximately 680 square metres.**
- 4. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the revocation of the community land classification for the whole of Travers Street Reserve at Lot 482 in D95697 being the whole of the land comprised in Certificate of Title Volume 6158 Folio 572.**

GENERAL ANALYSIS

Travers Street Reserve, Sturt (the Reserve) is classified as a local level reserve with a classification of linear / linkage of 5,437 square metres. It provides a throughway for pedestrians accessing bus stops and shopping on Sturt Road.

The reserve previously had a small street frontage at Myer Road Sturt and abutted land owned by the South Australian Housing Trust on Travers Street Sturt.

On 9 December 2014 (GC091214R04), Council resolved to reconfigure the Reserve which involved an exchange of land with Housing SA. This ensured that the Reserve had greater functionality and better passive surveillance. This reconfiguration of the reserve also provided Council with an opportunity to create a residential allotment for disposal.

On 27 February 2018 (GC270218R03), Council resolved to create one residential allotment of 680 square metres for disposal.

A summary of the Council resolutions is attached (Appendix 1).

Community consultation was undertaken in relation to the proposals in 2009 and 2015.

Engaged: Community consultation will be undertaken under Section 194(2)(b) of the Local Government Act 1999

Legal / Legislative / Policy: The Community Land revocation is required to be undertaken under the Local Government Act 1999 to enable the Lands Titles Office to deposit the plan of division creating the residential allotment. This will satisfy the requirements of the Real Property Act 1886.

DISCUSSION

Community Land Classification

The Local Government Act 1999 (LGA) provides that land that is acquired by Council is taken to have been classified as community land unless –

- a. The council resolves before it becomes local government land that is to be excluded from classification as community land under this section; and
- b. The land is not affected by provisions of a reservation, dedication, trust or other instrument that would prevent or restrict its alienation.

The portion of the Reserve that was transferred to Council by the South Australian Housing Trust was excluded from the community land classification by resolution made on 24 February 2015 (refer Appendix 1 - GC240215R04). The land was transferred to Council in June 2015.

The total area of the newly configured reserve is 5,437 square metres of which 3,227 square metres is classified as community land and the remaining 2,160 square metres was excluded from the classification under the LGA.

The new Certificate of Title for the Reserve was issued by the Lands Titles Office, noting that the land is a Reserve.

Land Division

The plan of division severing a residential allotment of 679 square metres has been lodged with the Lands Titles Office together with the supporting document and evidence of the exclusion from the community land classification.

The Lands Titles Office key function relates to the administration of the Real Property Act 1886 (RPA) and the relevant policy affecting land transactions.

The Reserve is shown on the relevant plan of division deposited in the Lands Titles Office, as a Reserve. The RPA provides that all land shown on a deposited plan as a reserve must be held for that purpose, regardless of the exclusion of the classification of the land as community land under the LGA.

To enforce the provisions of the RPA, the Lands Titles Office requires that the community land classification is revoked over the whole of the Reserve even though the portion that Council intends to dispose of is not classified as community land under the LGA. After the community land classification has been revoked over the whole of the reserve, the plan of division will be finalised by the Lands Titles Office. At this point in time, the balance of the Reserve being the land outlined in red on the attached plan (Appendix 2), will automatically re-vest as a reserve. The revocation of the community land classification will remain over the land intended for disposal outlined in green in the attached plan (Appendix 2).

The revocation of the community land classification will enable the plan of division creating one residential allotment for sale, to be deposited (finalised) in the Lands Titles Office. Upon deposit of the plan:

- The residential allotment can be sold
- The balance of the Reserve to be retained will automatically re-vest as a reserve and community land

The net proceeds from the disposal will be paid into the Open space Reserve Fund for the development of open space facilities as approved by Council.

Attachment

#	Attachment	Type
1	Appendix 1 - Summary of Council Resolutions	PDF File
2	Appendix 2 - Plan 2	PDF File

SUMMARY OF COUNCIL RESOLUTIONS

<u>9 December 2014 (GC091214R04)</u>	
1.	Authorises the transfer of portion of the land owned by Housing SA at Travers Street, Sturt to Council and the transfer of portion of the land owned by Council to Housing SA for no monetary consideration, to effect the creation of one superlot of approximately 2650m ² and one residential allotment fronting Travers Street of approximately 378m ² in the name of Housing SA and the balance of the land to be in the name of The Corporation of the City of Marion as a reserve
2.	Authorises the creation of two residential allotments from the reserve land of approximately 340 m ² each, by a land division, for disposal
3.	All costs associated with transfers of land, the relocation of the path and path lights and associated costs including the provision of a contamination report are to be funded from the Open Space Reserve Fund and the proceeds of the sales of the two residential allotments are to be subsequently contributed to the Open Space Reserve Fund
4.	Delegates to the Team Leader Land and Property the authority to negotiate the sale of the two residential allotments subject to the deposit of the plan of division in the Lands Titles Office
5.	Council pursuant to Section 37(b) of the Local Government Act 1999 authorises the Mayor and Chief Executive Officer to enter into and sign and seal all documentation necessary to facilitate the land divisions, land transfers and the Land Management Agreement

<u>24 February 2015 (GC240215R04)</u>	
1.	Pursuant to Section 193 (4) of the Local Government Act 1999 the portion of land at Travers Street Sturt, to be transferred to Council in accordance with Resolution 1 (GC091214R04), is to be excluded from the Community Land Classification.

<u>14 February 2017 (GC140217M02)</u>	
1.	Defers a decision on Travers Reserve sale until further information is gathered.
2.	As the owner of the land seek a report from a qualified Landscape Architect on the amenity value of the tree and thereafter lodge a new application with this report being furnished with the application.

<u>27 February 2018 (GC140218R03)</u>	
	Amends the resolution of 09 December 2014 (GC091417R04) that Council:
1.	Authorises the creation of two residential allotments from the reserve land of approximately 340 m ² each, by a land division, for disposal
4.	Delegates to the Team Leader Land and Property the authority to negotiate the sale of the two residential allotments subject to the deposit of the plan of division in the Lands Titles Office.
5.	Council pursuant to Section 37(b) of the Local Government Act 1999 authorises the Mayor and Chief Executive Officer to enter into and sign and seal all documentation necessary to facilitate the land divisions, land transfers and the Land Management Agreement
	To the following new resolution:
1.	Endorses the creation and disposal of one residential allotment of 680 square metres (portion of land as identified in the report GC091214R04).
2.	Endorses the net proceeds from the sale to be paid into the Open Space Reserve Fund.
3.	Pursuant to Section 37(b) of the Local Government Act 1999, authorises the Chief Executive Officer to negotiate and enter into and sign all contracts and documentation necessary to effect a sale and settlement of portion of the Travers Street Reserve.

REFERENCE MARKS

CNR	BEARING	FROM	DIST	PSM NUMBER
1	293°56'	PSM FD	1-03	6627/9301
2	84°58'	PSM FD	2-16	6627/9300
3	175°40'	PSM FD	2-14	6627/9291
4	84°49'	PSM FD	15-24	6627/9289
5	264°09'	PSM FD	37-52	6627/23717

D120077

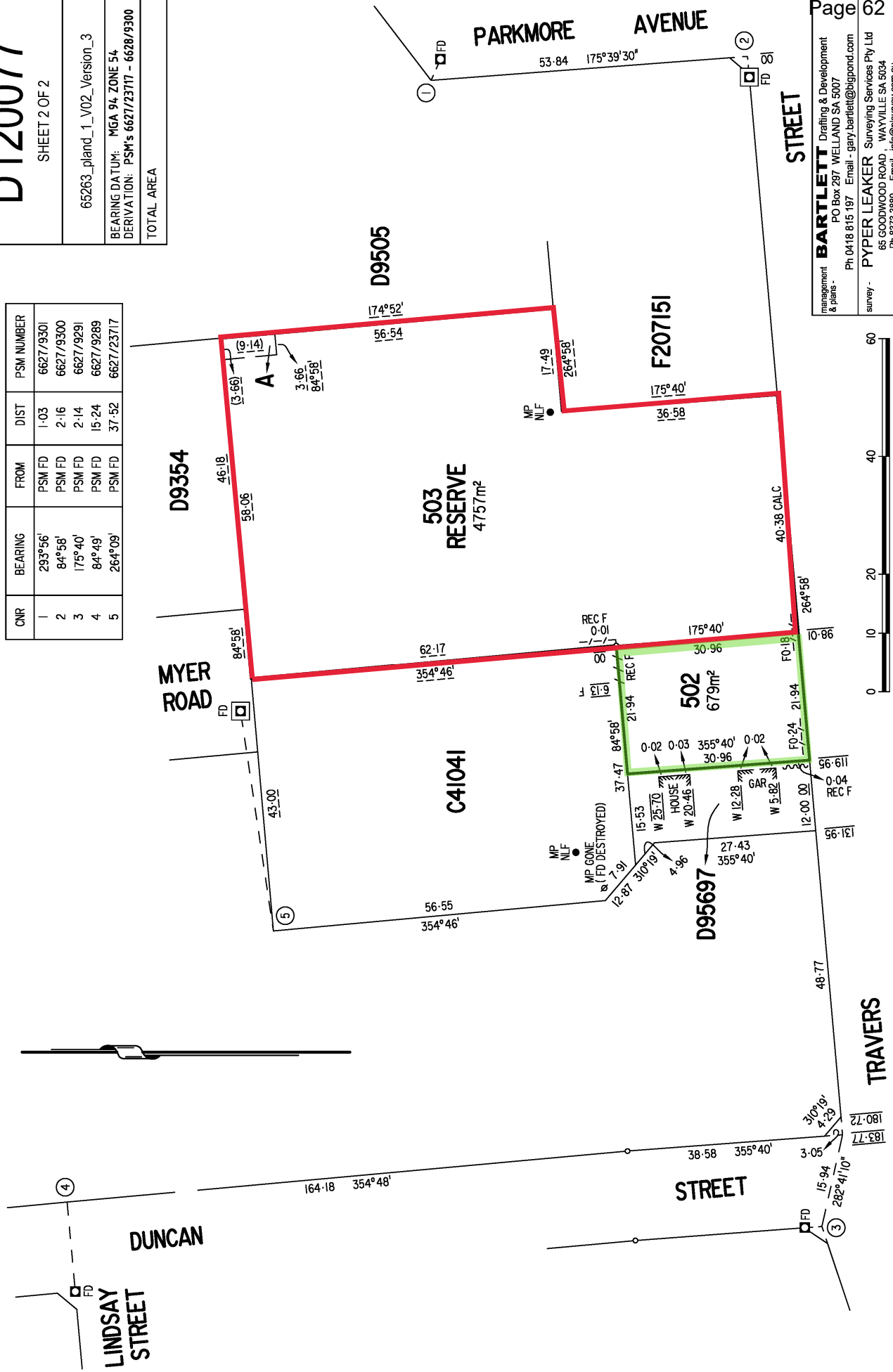
SHEET 2 OF 2

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BEARING DATUM: MGA 94, ZONE 54

DERIVATION: PSM's 6627/23717 - 6628/9300

TOTAL AREA



Marion Sports and Community Club - Landlord Consent

Originating Officer	Property Leasing Officer - Chloe McDonald
Corporate Manager	Acting Manager City Property - Clare Benn
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827R08

REPORT OBJECTIVE

The purpose of this report is to seek Council's approval, as Landlord, to pave a section of the track in front of the main building at the premises contained in Certificate of Title Volume 6063 Folio 665, Volume 5497 Folio 569 and Volume 6063 Folio 666 known as Marion Sports and Community Club, 262B Sturt Road, Marion, 5043.

EXECUTIVE SUMMARY

The Marion Sports and Community Club Incorporated (MSCC) hold a 21 year lease which expires on the 11 September 2039.

In accordance with the terms of the lease, the lessee, MSCC is seeking Council's approval as Landlord, to pave a section of the track in front of the main building within the premises as shaded in blue on the Plan.

RECOMMENDATION**That Council:**

- 1. Grants Landlord Consent to pave a section of the track in front of the main building at Marion Sports and Community Club, 262B Sturt Road, Marion Certificate of Title Volume 6063 Folio 665, Volume 5497 Folio 569 and Volume 6063 Folio 666 subject to:**
 - All works being undertaken in a professional manner and to the satisfaction of the City of Marion**
 - The City of Marion being indemnified against all claims, suites, losses etc. that may result from carrying out this work**
- 4. Delegates to the General Manager City Development approval to authorise any relevant documents necessary to facilitate the construction and management of the works**
- 5. Advises that the Marion Sports and Community Club Incorporated will be responsible for any related costs and will be responsible for all future maintenance and repairs**
- 6. Notes that Landlord Consent will be subject to Development Approval and Building Rules**

Engaged:

Community consultation was not considered necessary for this project as there will be no change to the use of the premises and it is not anticipated the proposed works to have a detrimental effect on the amenity of the area.

- Legal / Legislative / Policy:** Under this lease it is the responsibility of the lessee to remain insured in relation to Public Liability Insurance and to Indemnify the City of Marion against all damages, cost and expenses.
- Other Funding Sources:** All costs associated with the construction and future maintenance of the fence will be borne by MSCC

DISCUSSION

The MSCC has approached Council seeking permission to pave a section of the track in front of the main building at Marion Sports and Community Club as indicated on the Plan and Material Specification.

The scope of the works will include:

Demolition

- Removal of existing paving in front of the cricket shed (paving that does not match the original)
- Removal of small section of retaining wall to create ramp for deliveries
- Removal and dumping of players bench (southern bench)

New Paving Outdoor Area

- Installation of storm water system consisting of 3 450x450mm storm water pits supplied with class D heavy duty lids, 150mm sewer grade pipework between pits, connect to existing pits where applicable, removal of excavated soil and backfill with sand/rubble
- Batter ground between pavers and existing ground to create a ramp for truck deliveries
- Excavate 220 tonne of existing ground, cart away and dump
- Fill area with 160 tonne of PM 120 Resourceco rubble for 150mm thick compacted base
- Screed and plate whacker rubble before paving
- Excavate 47m long spoon drain (600mm wide x 150mm thick 25mpa strength with SL72 mesh), formwork and pour
- Spread and screed 26 tonne of quartz sand to base for paving
- Supply and lay approximately 470 square metres of 400 x 400 x 60mm honed paving
- Haunch, pavelock and remove any paving waste from site
- Drill and pour with 25mpa concrete, 800mm deep x 600mm round footings for bollards to be fixed
- Re instate paving removed to connect storm water to the existing pits adjacent to the trotting track
- Engage and engineer to design the storm water removal system, including a contour plan.

The total cost of the work is \$131,970.30 including GST.

All costs associated with the construction and future maintenance of the paved area will be borne by MSCC.

Prior to any alteration to any Council property that is leased or licenced to a third party, approval is required to be granted by Council as Landlord (refer to Landlord's Approval Process Flowchart).

The approval is required for the following activities:

- Addition and alteration of the leased premises

The requirement for this approval does not prevent the lessee from applying or receiving Development Approval for an activity on the premises. It does act, however, to prevent the lessee from physically undertaking any works under the Development Act until Development Approval is received.

The consent will be granted subject to:

- All works to be undertaken in a professional manner and to the satisfaction of the City of Marion
- The City of Marion to be indemnified against all claims, suits, losses, etc. that may result from carrying out of this work
- All associated costs to be borne by Marion Sports and Community Club Incorporated
- The City of Marion to have the right to reinstatement upon termination of the lease
- Marion Sports and Community Club Incorporated to be responsible for the ongoing maintenance, repair and replacement of fixtures and fittings
- The work is to be substantially commenced prior to 27 August 2020, after this date landlord consent will expire
- Building Consent and Development Approval are obtained prior to commencing work
- The City of Marion is to be informed once work has concluded and a site visit will occur

Conclusion:

The paving of the area in front of the building will allow the MSCC to continue its normal operations within the scope of permitted usage at the premises.

Attachment

#	Attachment	Type
1	Landlord's Approval Process Flowchart	PDF File
2	Plan	PDF File

Appendix 3 - Landlord's Approval Process Flowchart


About this Document

This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.

Disclaimer

While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

Establishment of a World War II Honour Board - non-traditional & creative manner

Originating Officer	Manager Community Connections - Liz Byrne
Corporate Manager	Manager Community Connections - Liz Byrne
General Manager	General Manager City Services - Tony Lines
Report Reference	GC190827R09

REPORT OBJECTIVE

This report provides Council with information about Administration's initial investigations into non-traditional and creative ways to honour The City of Marion's World War II service men and women.

EXECUTIVE SUMMARY

Administration has undertaken research on a number of options to honour World War II defence personnel. Options have been considered for honour boards, cenotaphs, artworks/murals, for walls, gates and sculptures. Cost for any type of memorial ranges from \$10k - \$700k.

Council direction is sought on the preferred style of honouring the service men and women.

RECOMMENDATION

That Council:

- 1. Notes the report.**
- 2. Indicates XXX as its preferred location to place a WWII Memorial.**
- 3. Indicates option XX (honour boards or creative/non-traditional) as the preferred style to honour World War II veterans.**
- 4. Considers the World War II Memorial as a priority on the Unfunded Initiatives list when it is next reviewed.**

GENERAL ANALYSIS

The Department of Veteran's Affairs define a war memorial as:

"A commemorative object intended to remind us of the people who served in and died as a result of war. War memorials may take many forms, but common to all of them is the intention that they remind us of those we have lost to war".

War memorials fulfil our need to recognise, remember and learn about the profound losses and achievements of war.

"It is not only for ourselves that we have erected this visible remembrance of great deeds, but rather that those who come after us...."

His Excellency, the Governor Sir Alexander Hore-Ruthven (at the unveiling of the SA National War Memorial, 25 April 1931)

Liveable:

We will celebrate our rich cultural diversity and heritage through artistic, cultural and community activities and vibrant destinations.

Connected:	We will provide a variety of options for social interaction.
Opportunities:	Council could consider a memorial for all overseas conflicts and not just focus on WWII.
Current Budget Allocation	No current budget allocation, can be included as part of the new initiatives process.
Other Funding Sources:	Possible grant funding sources include "Saluting their Service Commemorations Program" (2019/20) and "South Australian ANZAC Day Commemorations Grants" (2020/21).

DISCUSSION

War memorials range in form, from simple memorial plaques and honour rolls to grand monuments.

Administration initially investigated Honour Boards, as this directly responded to the original Motion on Notice GC190423M08.

Council tasked Administration to investigate some non-traditional and creative options for their consideration (GC190625R016).

Desktop research was undertaken and some examples are included in Appendix 1, which illustrates the variety of non-traditional and creative memorials. The cost for these creative options would reflect the style Council wishes to pursue. As a comparison, the public artwork at Oaklands Crossing railway station had a budget of \$37k and included design and construction (no concept development).

One notable example of a War Memorial is that at Warrnambool, Victoria. This new War Memorial, unveiled in December 2018, features an interactive database of over 11,000 names from their local district who have served Australia in every overseas conflict since World War I.

<https://www.standard.net.au/story/5793759/new-memorial-fills-century-of-missing-war-history/>

This particular War Memorial cost over \$700,000 and is located adjacent to the RSL. This project was a collaboration between local RSL, City Council, Shire, Deakin University and Victorian State Government.

The interactive digital element was decided upon due to not wishing to build a wall large enough to accommodate all the names.

Council may like to consider a memorial that is inclusive to all veterans who have served in overseas conflicts since World War I and not just focus on World War II.

The Marion Heritage Research Centre has undertaken research for the men and women who served in World War II. The team has identified some 1,400 names and used the criteria for selecting these names as those who were born in the Marion District and those that enlisted from the Marion District. A large majority of individuals on this listing have been identified with their unit in which they served.

Options for Consideration

Memorial types/Options	Comments	Cost Band \$\$
1.Board	Timber (ornate or not) or perspex	\$24k - \$150k
2.Cenotaph	Dependant on materials used	\$30k - \$300k

3. Artwork / Mural	Murals have a general lifespan of 5 years before they are either decommissioned or restoration works are required.	Murals cost \$100 to \$120 per square metre (up to \$100k depending on wall size) Artworks \$10k - \$50k
4. Walls	Dependant on materials used and size	\$30k - \$700k
5. Gates / Arches	Dependent on materials used	\$60k - \$250k
6. Sculpture / Statue	Dependent on materials used and size of item	\$10k - \$150k

The cost bands are estimates and are for the specific memorial items only and do not include beatification works of the area/place where a memorial may be located.

Possible locations for a memorial may include:

Location	Comments
1. Marion RSL, Norfolk Reserve	Relatively central location; synergies of remembrance and reflection
2. Edwardstown Soldiers Memorial Ground	Discounted - recently renovated and anything new would be a retro fit item; Edwardstown memorial is area specific and does not have City wide focus; complementary
3. Warradale Barracks	Accessibility and inclusion
4. Hallett Cove foreshore	Discounted due to recently being upgraded and anything would be a retro fit
5. Jasmine Grove Reserve, eastern side of the oval at Marion Sports	Close proximity to Marion RSL; contemplative space, reasonably central
6. Dwyer Road Reserve	Upgrade soon to be undertaken, memorial will need to be incorporated very quickly in to design work; central location
7. MCC Plaza	Discounted due to the mix of entertainment and contemplation not being compatible

Attachment

#	Attachment	Type
1	Appendix 1 - WWII - creative options	PDF File
2	Appendix 2 - Jasmine Avenue Reserve	PDF File

APPENDIX ONE – Examples of Options for Memorials in a non-traditional/creative approach

Option 1: Honour Boards



Ornate Timber



Acrylic Board

Option 2: Cenotaph



Cenotaph and Memorial site, Cairns - Queensland



Cenotaph, Kings Park, Perth – Western Australia

Option 3: Artwork / Mural



Artwork, Port Pirie – South Australia



RSL Mural, Darwin – Northern Territory



Silo art, Devenish – Victoria

Option 4: Walls





Wall, columns and stones, Narrabri – New South Wales



Gabion Wall, Macclesfield – South Australia

Option 5: Gates / Arches



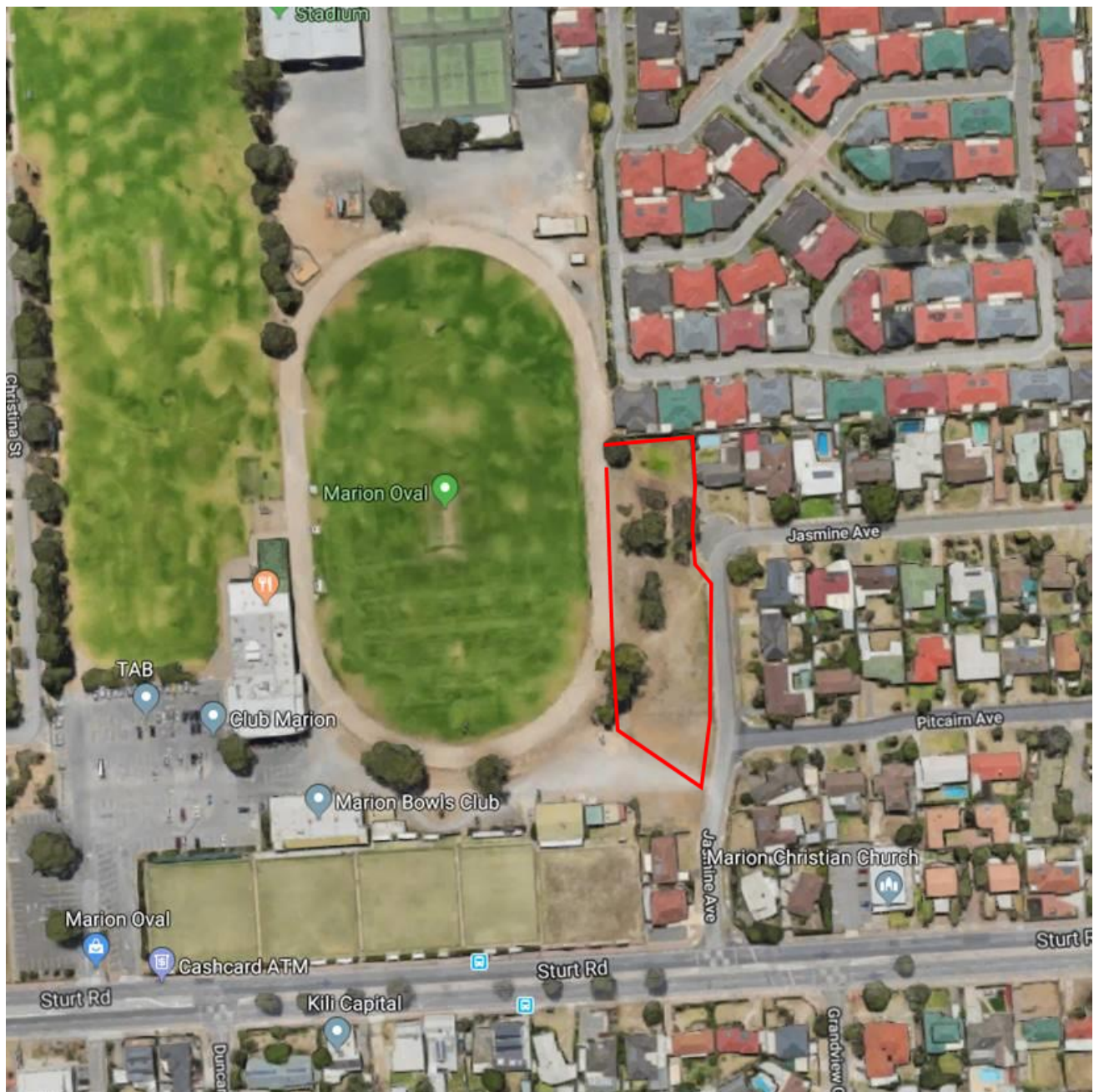
ANZAC Park Memorial Gates, Tamworth – New South Wales

Option 6: Sculpture / Statue



Battlefield Cross sculpture, various locations

Appendix 2 - Jasmine Avenue Reserve



Hallett Cove R12 School - Parking Improvements

Originating Officer	Unit Manager Engineering Services - Mark Griffin
Corporate Manager	Manager Engineering and Field Services - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC190827R10

REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement to provide in-kind support to design and project manage the extension of the Hallett Cove R-12 School car park adjacent to Gledsdale Road, Hallett Cove.

RECOMMENDATION

That Council:

- 1. Notes the report.**
- 2. Notes the State Government is contributing \$283,000 (excluding GST) to fund the extension to the Hallett Cove R-12 School car park located adjacent to Gledsdale Road.**
- 3. Endorses providing in-kind support for the design and project management to extend the car park.**
- 4. Authorises Administration entering into a funding agreement with the Department of Planning, Transport and Infrastructure for the extension of the car park adjacent to Gledsdale Road.**

DISCUSSION

The Department of Planning, Transport and Infrastructure (DPTI) has advised Council that the State Government made an election commitment to improve the car park conditions associated with the Hallett Cove R-12 School, in particular the extension of the existing car park adjacent to Gledsdale Road. Subsequently DPTI has committed to the provision of \$283,000 to extend the car park, subject to Council undertaking the design and project management of the works.

While there is an existing car park catering for some 16 vehicles, the excessive demand has resulted in congestion and cars parking on the verge. To address this situation the project will include the following:

- Extending the parking area to north (towards the oval) resulting in 34 (60 degree car parks) and the equivalent of 16 parks within the drop-off/pick-up area;
- New kerbing (northern side);
- The provision of a footpath along the entire northern side of the car park;
- Construction of bitumen area; and
- Line-marking the area and signing.

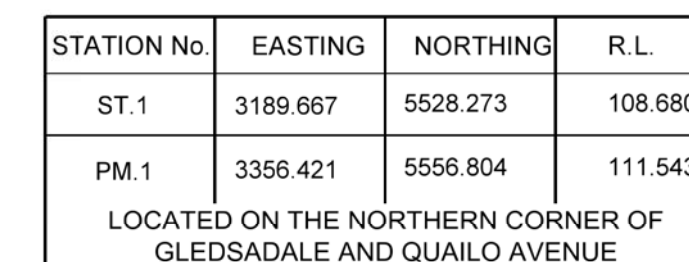
For further car park details, please refer to Appendix 1.

These works are contained within the Hallett Cove R-12 School site and will be funded by DPTI. In the event of any cost variations, Administration will seek to recover the cost from DPTI. The ongoing ownership and maintenance of the car park will be the responsibility of the Department for Education. The in-kind design and project management cost will be covered by Council's existing labour budgets, estimated to be \$3,000.

Should Council resolve to proceed with supporting the proposed works, construction would be undertaken in this financial year (2019/20) during the last part of the Christmas school holidays.

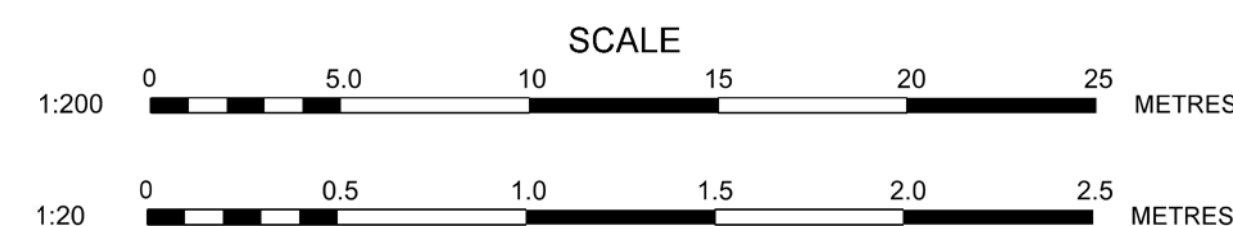
Attachment

#	Attachment	Type
1	Hallett Cove R12 - car park design - APPENDIX 1	PDF File



ABBREVIATIONS

PK1	PLINTH KERB 100mm SECTION DETAIL SHEET 2
PK15	PLINTH KERB 150mm SECTION DETAIL SHEET 2
BKC	BARRIER KERB AND CHANNEL SECTION DETAIL SHEET 2
DW	DRIVEWAY INVERT SECTION DETAIL SHEET 2

[illegible]

SCALE : 1 : 200 HORZ 1 : 20 VERT	SHEET SIZE : A1	THE CORPORATION OF THE CITY OF MARION			
SURVEYED : FO/JW	SURVEY DATE : 2008	<div style="text-align: center;"> <h1>HALLETT COVE SCHOOL</h1> <h2>CARPARK RENEWAL</h2> </div>			
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CHECKED : AMD	CHECK DATE : MAY 2019				
APPROVED :	DATE : MAY 2019	ELECTRONIC FILENAMES: GledRE-Design.dgn	PROJECT No. XXXXXX	SHEET No. 1	REVISION A

CORPORATE REPORTS FOR INFORMATION/NOTING

Community Event Fund Annual Report 2018/19

Originating Officer	Grants Officer - Emma McDonald
Corporate Manager	Manager Community Connections - Liz Byrne
General Manager	General Manager City Services - Tony Lines
Report Reference	GC190827R11

REPORT OBJECTIVE

To provide an annual report detailing the expenditure of the Community Event Fund.

EXECUTIVE SUMMARY

At the 10 April 2018 General Council meeting, Council endorsed an allocation of \$12,000 for a Community Event Fund for consideration in the 2018/19 Annual Business Planning process and for inclusion into Council's Long Term Financial Plan. Guidelines and eligibility criteria were also endorsed (refer Attachment 1). This funding was subsequently endorsed in the 2018/19 Annual Business Plan and the Long Term Financial Plan.

For further background information refer to GC100418R02 where Council endorsed the Community Event Fund.

In 2018/19 \$9,858 of funding has been provided to community events.

RECOMMENDATION

That Council:

1. **Notes the report.**

GENERAL ANALYSIS

The objective of the Community Event Fund is to provide funding to not-for-profit organisations to stage events or festivals of any size that provide benefit to the City of Marion. Council endorsed guidelines around the type of costs this fund will cover. Some of these costs include: staging, lighting/audio equipment, security, marquees and waste management. Events must be free, inclusive and open to all to be eligible.

The process has been managed by Vibrant Communities staff via an online application and acquittal process within the existing SmartyGrants platform.

Engaged:	Applications should reflect and celebrate diversity by ensuring activities are as inclusive and accessible as possible for all groups.
Prosperous:	Applications may demonstrate economic benefit to the City of Marion and/or the ability to attract visitors to our City.
Connected:	Applications should demonstrate opportunities for positive social interactions and connections.

Timeline

Applications are open from 1 July to 30 June each year.

Current Budget Allocation \$12,000

DISCUSSION

For the 2018/19 financial year the Community Event funding has been allocated to:

Organisation	Event	Total Funding Allocated
Hallett Cove Ministers Association	Hallett Cove Community Carols	\$1,000
Lions Club of Hallett Cove Districts	Australia Day Citizenship Ceremony and Community Breakfast	\$858
Renewal SA*	Tonsley Open Day	\$2,000
Adelaide Nepal Incorporated	Holi Festival	\$1,000
Royal Agricultural and Horticultural Society of SA*	Science Alive!	\$2,000
Islamic Society of South Australia	Ramadan Carnival 2019	\$1,000
Hallett Cove Business Association	Twilight Community Market	\$1,000
Judo SA	Masters Games	\$1,000
TOTAL	.	\$9,858

*These organisations requested significant 'sponsorship' dollars from the City of Marion and because this level of sponsorship was considered not appropriate use of funds \$2,000 was granted from the Event Fund and is in keeping with the intentions of the Fund. Both Tonsley Open Day and Science Alive events attracted over 10,000 people to the City of Marion in March 2019.

A total of \$9,858 was expended from the Community Event Fund in its inaugural year.

Attachment

#	Attachment	Type
1	CEF Guidelines GCM	PDF File

COMMUNITY EVENT FUND GUIDELINES

Page 83

CITY OF

MARION



Through its [Community Vision](#) and aim to improve the quality of life of its residents, the City of Marion has a strong commitment to the provision of support to its community.

The purpose of the Community Events fund is to assist local not for profit organisations, community groups, schools and voluntary associations to stage events or festivals. Providing a contribution to the cost of infrastructure for events that demonstrate a benefit to the City of Marion and that are in line with the [City of Marion Strategic Plan](#).

The City of Marion is committed to a diverse and inclusive community. Applications should reflect and celebrate diversity by ensuring events and activities are inclusive and as accessible as possible for all groups, including people of various ages, sexuality, cultural backgrounds, religious beliefs and those living with disability.

How to apply

Complete your online application at the following link: <https://www.marion.sa.gov.au/community-events>

A completed application will include itemised budget and all relevant supporting documentation.

Please ensure complete applications are submitted online at least one month prior to your event. If your application requires further information after submission, the processing of your application may be delayed.

For project enquiries and support with your application, we encourage applicants to contact the Community Development Team by phone or email – or in person.

Phone 08 8375 6600 or email council@marion.sa.gov.au (subject title “Community Development Team”).

What can be funded?

Types of event and infrastructure costs that may be funded include:

- Staging
- Lighting or Audio Visual Equipment
- Security
- Toilets
- Signage
- Marquees
- Waste management
- Other infrastructure costs associated with the event.

Applicants may request in-kind support from Council as part of their application. This may include the provision of items such as traffic services, road closures, waiving of facility hire fees, power access, bollards or line marking.

All requests for in-kind assistance must be detailed in your application and will be allocated an equivalent cash value in order to determine the total funding request amount.

If the event is on Council-owned land or facilities, you will need to apply for a [Special Event Permit](#) and comply with all policy and procedures in relation to the permit. If you require a Special Event Permit for your event, no funding will be released until the permit has been obtained.

Expected Grant Outcomes

The City of Marion is committed to supporting Community Events that provide a demonstrated benefit to the community. Applicants are required to complete the acquittal and evaluation process once funding has been spent.

How much can we apply for?

The City of Marion has allocated \$12,000 per financial year to the Community Event Fund.

Applicants may apply for up to \$1,000 per event. This will encompass any cash funding and in-kind assistance. This amount is discretionary and the amount received will depend on the assessment of your application. Funds will be available until exhausted.

Multiyear funding:

Applicants may be eligible for funding each year, for up to three years for the same event. Applicants must continue to meet eligibility and complete a separate acquittal for each year.

Eligibility Criteria

To be eligible the applicant must:

- Be a not-for-profit organisation, community group, school or voluntary association.
- Incorporated OR obtain sponsorship from an appropriate incorporated body (who will accept the funds on behalf of the non-incorporated body and accept the responsibility for the funding).
- Provide evidence of current *Public Liability Insurance Certificate of Currency* for a minimum of \$10 million for the event.
- Provide either an Australian Business Number (ABN) or if applicable, you may complete the Australian Taxation Office Statement by a Supplier Form.

To be eligible the event must:

- Be free and open to the general public.
- Be inclusive and accessible as possible for all groups inclusive of their gender, age, sexuality, cultural background, religious beliefs or disability.
- Occur within the City of Marion in the financial year in which the funds are provided.
- Demonstrate a direct benefit to the City of Marion community.

Council will not provide funding to or for:

- Individuals, City of Marion employees, or Elected Members.
- Exclusive or invitation-only events
- Events that denigrate, exclude or offend parts of the community.
- Commercial organisations
- Political activities
- Applications that duplicate an existing event in the City of Marion.
- Retrospective costs or an event that has already been held or will be held before funding can be made available
- Payment of salaries
- Travel costs

How are applications assessed?

Applications will be assessed by Council according to:

- Eligibility Criteria
- Available funding
- Any relevant supporting information

Additional assessment criteria will include the events:

- Benefit to the community
- Involvement of local community groups and organisations or volunteers.
- Opportunities for social interaction
- Ability to have a positive impact on the economy
- Ability to attract visitors to the City of Marion

- Degree of reliance on City of Marion sponsorship to stage the event
- Originality of the event
- Sustainability
- Alignment with the City of Marion's [Strategic Plan for 2017-2027](#)

Applicants will be notified of the outcome of their application. Funding is provided at City of Marion's discretion.

Reporting and acquittals

Successful applicants will be required to submit receipts and acquittal from online. This form is due one month after the completion of the event, or by 30 June of the financial year funding is received, whichever is earlier.

Evidence of expenditure of the fund monies must be provided – all receipts must be attached to the acquittal. The acquittal statement verifies that the grant funding has been utilised in accordance with the project budget provided in the application form.

Any unspent funds will need to be returned to Council. Applicants who do not complete an acquittal report will be ineligible for future funding or possibly other grant programs.

City of Marion acknowledgement

Part of the funding agreement will ensure the City of Marion is to be appropriately acknowledged for its sponsorship and contribution to the event. This will include:

- Displaying the City of Marion's logo and the words "Supported by the City of Marion" in any printed or electronic promotional materials.
- Verbal acknowledgement in any speeches that the City of Marion is a supporter of the event.
- Opportunity for the Mayor and/or representative to speak at the event.

The City of Marion's Style Guide and Branding Guidelines must be adhered to and Council's Communications Unit will need to approve all material during production allowing a three-day turnaround time for approval.

Other conditions

- Funds must be spent within the financial year the funds are received in unless an extension is granted in writing.
- Any changes to the original event plan must be submitted to Council in writing for approval.
- The City of Marion's decision regarding event funding is final.
- Applicants who meet eligibility and assessment requirements are not guaranteed funding.
- The City of Marion reserves the right to separately promote any funded event.
- All events must comply with state and federal legislation and be delivered with appropriate risk mitigation.
- All necessary City of Marion approvals and permits must be obtained prior to the event occurring.
- Projects must meet legal, child protection and insurance requirements set by State and Commonwealth legislation.
- The City of Marion is not responsible for the delivery or outcomes of the event.
- It is the responsibility of the applicant/sponsoring body to obtain all necessary insurances and the City of Marion will not be held liable for any matter arising out of this grant.
- It is the responsibility of the applicant/sponsoring body to indemnify and keep indemnified the City of Marion, its employees and agents, against all actions, costs, claims, charges and expenses whatsoever which may be brought or made to claimed against them or any of them out of or in relation to the project.

Youth Engagement and Consultation Report Update

Originating Officer	Youth Development Officer - Julie Higgins
Corporate Manager	Manager Community Connections - Liz Byrne
General Manager	General Manager City Services - Tony Lines
Report Reference	GC190827R12

REPORT OBJECTIVE

To provide Council with an update about the status of the Youth Engagement consultation that occurred in May-July 2019.

EXECUTIVE SUMMARY

The City of Marion partnered with Youth Affairs Council of South Australia (YACSA) to conduct a city-wide youth engagement and consultation project with young people.

Information from the Voice It! Create It! Do it! project will inform the Youth Development grants and partnerships program to ensure funding is directed to areas of need.

In addition the data from the consultation was to be utilised to inform a response to a motion on notice about models and establishment of a YAC (GC190312M02).

RECOMMENDATION

That Council:

- 1. Notes the report.**
- 2. Notes the report about the recent youth engagement activities will be presented to Council on 24 September 2019.**

GENERAL ANALYSIS

A draft Youth Engagement Report prepared by YACSA following a great youth forum and youth consultation has been reviewed by staff. Further time is required to complete the report so that it is at an appropriate standard to present to Council.

The report needs further work by YACSA and time to allow this work to occur. The youth engagement reports and findings will be presented to Council at the next General Council meeting on 24 September 2019.

Cat Curfew Community Consultation

Originating Officer	Team Leader Community Safety - Luke Manuel
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Fiona Harvey
Report Reference	GC190827R13

REPORT OBJECTIVE

The purpose of this report is to provide Council with the results of the community consultation regarding the Cats (Confinement) Variation By-law 2019.

EXECUTIVE SUMMARY

At the General Council Meeting on 11 December 2018, Council made the following resolution:

- 1. Endorse the proposed draft Cats (Confinement) Variation By-law No. 7 2019 as attached as Appendix 1 to this report for community consultation.*
- 2. Endorse the draft Cats (Confinement) Variation By-law No. 7 2019, as attached to the report for the purposes of public and Dog and Cat Management Board consultation in accordance with Section 249 of the Local Government Act 1999 and Section 90 of the Dog and Cat Management Act 1995.*
- 3. Endorse that Administration be authorised to provide a report to the Dog and Cat Management Board in accordance with Section 90(5) of the Dog and Cat Management Act 1995.*
- 4. Authorise Administration to:*
 - make copies of the draft By-law available for public inspection without charge at the principal office of the Council during ordinary office hours; and*
 - publish notice informing the public of the availability of the draft By-law in The Advertiser no sooner than 21 days after referring the by-law to the Dog and Cat Management Board.*

Community consultation has since been undertaken to obtain the views of community members and to better understand the level of support regarding the implementation of cat confinement during certain times. The confinement times proposed in the consultation survey was 9pm to 7am.

This report provides the results of the community consultation that has been undertaken and recommends Council receive and note this report.

RECOMMENDATION

That Council:

- 1. Receives and notes this report**

GENERAL ANALYSIS

Valuing Nature: The appropriate management of cats contributes to preserving and saving native flora and fauna

Legal / Legislative / Policy: Under the Dog and Cat Management Act ,1995, Council may make Bylaws for the control or management of cats within the Council area.

DISCUSSION

The City of Marion has an existing By-law regarding the management of cats (Cats By-law 2014). The existing By-law makes provision to control and limit the number of cats that can be kept on a single premises and requires all owned cats in the Council area to be both micro-chipped and de-sexed. Following Council's endorsement to amend the Cat By-law to include a cat curfew, a new draft Variation By-law has been developed, known as the Cats (Confinement) Variation By-law 2019. The draft Cats (Confinement) Variation By-law 2019 includes a new wandering at large provision that will allow Council to declare, by resolution, a span of hours when cats must not wander at large but must instead be either confined, or under the effective control of a person. Council provided in principle support to a span of hours being between 9.00pm -7.00am.

Broad community Consultation was undertaken in May 2019 proposing changes to the by-law on cats that would create an offence of "cat wandering at large" during the hours of 9.00pm-7.00am. The consultation period was for 21 days as required by legislation. The community survey was available on the Making Marion website from 6 May 2019 to 27 May 2019.

Feedback on the proposed Cat Curfew By-law was sought via our Making Marion community engagement website and promoted via the City of Marion communications channels, including:

- Media release with articles appearing in The Advertiser, Coast City Weekly Newspaper, and interviews and discussion on radio
- Posters and flyers displayed at Council venues and distributed to local community groups, sports clubs and vets
- City of Marion website and Facebook page
- Digital screens at Council venues
- Messages on hold
- Adverts in the Coast City Weekly newspaper

Information promoting engagement opportunities was also provided via email and letters which were sent to key stakeholder groups such as the RSPCA, AWL, Cat Supporters Group, Marion Small Animal Hospital, Hallett Cove Vet. Somerton Park Vet, CATS Inc, Cat Tracker Uni SA, Department for Environment, Water and Natural Resources and the Dog and Cat Management board. During the process the Dog and Cat Management Board were kept informed and engaged in seeking their response.

Hard copies of the survey were made available at our Administration centre, Neighbourhood Centres and Libraries and included a contact phone number and email. A downloadable copy of the survey was also available via Making Marion with hard copy responses scanned and assessed by council staff in line with other responses post consultation.

The results and summary of the community consultation are attached in a report in Appendix 1.

Community feedback statistics

The consultation via Making Marion was viewed by just under 1500 people.

Those engaged in the consultation on the proposed Cat Curfew By-law include:

- A total of 482 unique participants making 513 survey submissions online
- The relevant By-Law documents were downloaded 97 times
- 24 hard copies of the survey were downloaded
- FAQs on the proposed changes were viewed 106 times
- 31 hard copy surveys were received
- 13 Emails / letters written responses were received

Online survey responses

Q1: Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)?

- 74% of people who participated in the survey indicated that they either strongly support or support the introduction of a cat curfew at defined times.
- 26% of people who participated either opposed or strongly opposed the proposed by-law.

Q2: If Council were to introduce the requirement that cats must not "wander at large" during certain times (cat confinement), do you support the proposed times of 9pm to 7am?

- 65% of participants supported the proposal.

Q3: Do you have any further comments about the Cats (Confinement) Variation By-law No. 7 2019? This question had 346 text responses (copy of comments can be found in the consultation report in appendix 1.)

Paper Survey responses

Q1: Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)? 65% of people who participated in the survey indicated that they either strongly support or support the introduction of a cat curfew at defined times. 35% of people who participated either opposed or strongly opposed the proposed by-law.

Q2: If Council were to introduce the requirement that cats must not "wander at large" during certain times (cat confinement), do you support the proposed times of 9pm to 7am? 70% of participants supported the proposal.

Q3: Do you have any further comments about the Cats (Confinement) Variation By-law No. 7 2019? This question had 27 responses.

Overall 69.5% of people who submitted an online or hard copy response strongly supported or support the introduction of a cat curfew. 67.5% support the proposed curfew times of 9.00pm-7.00am. Analysis of the comments has shown there are six themes which have been summarised below:

- Proposal of different times for the curfew (suggestions like - dusk till dawn / daylight savings / 24/7)
- Disgust for reasons of cruelty to cats, rate raising and not being practical.
- Concerns about implementation issues (policing, training cats to come in and cost)
- Support to save native wildlife (some mention of a problem with feral cats but in the main stopping cats killing birds and lizards)
- Support, as against cats using their property as a toilet and;
- Ideation, comments where a community member has added a further idea.

Responses were also received directly from key organisations like the RSPCA South Australia and Animal Welfare League (AWL). The RSPCA acknowledge the issues around cat management but raised concerns about the potential flow on effect a by-law like this would have on itself and the AWL with a potential influx of unwanted cats which it neither has the space or money to care for.

Summary

Based on the responses provided by the community there is a majority support for Council to adopt a Cat Curfew By-law. Some questions have arisen about whether the proposed times are the most appropriate. Council may wish to consider alternative options regarding time. Some suggestions were to align the curfew times to sunrise and sunset and mirror to daylight savings or even a 24/7 approach. Other comments suggest that the proposed times will only work for the 9-5 workforce and do not take in to account shift work or those called away to work/care at short notice.

Some members of the community raised concerns about animal welfare issues and the use of traps by members of the public. Many comments received saw additional benefits of a cat by-law for the potential positive impact on native wildlife and a reduction of wandering cat's toileting outside of their own property.

Some of the more individual comments related to issues with the implementation and practical enforcement of the By-law.

Attachment

#	Attachment	Type
1	Appendix 1 - Community Engagement report - Proposed Cat Curfew Bylaw	PDF File
2	Appendix 2 - Cat By Law Survey Responses - Members of Public Names Redacted	PDF File

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Community consultation was undertaken during May 2019 and has now concluded.

WHAT IS BEING PROPOSED?

Council is proposing changes to by-laws on cats that would:

- Create an offence of “cat wandering at large”. This means cats cannot wander from their owner’s property during times determined by Council.

Council has given in-principle support for this to be from 9pm to 7am daily.

In this case the proposed variation to By-law no. 7 is to be read in conjunction with the existing Cats By-law no. 6.

WHAT THIS WOULD INVOLVE:

In addition, the by-law would also allow:

- Residents requesting cages from Council to help catch wandering cats on their property
- Giving Council’s Community Safety Inspectors the powers to seize and detain cats. If owners cannot be identified, cats could be impounded at the RSPCA
- Fines of \$187.50 could be issued to owners who don’t keep their cats indoors during the proposed times
- Removing the microchipping and desexing requirements in By-Law no.6 as they are now contained in the Dog and Cat Management Act

HOW WE ENGAGED:

Feedback on the Proposed Cat Curfew By-law was sought via our Making Marion community engagement website and promoted via the City of Marion communications channels, including:

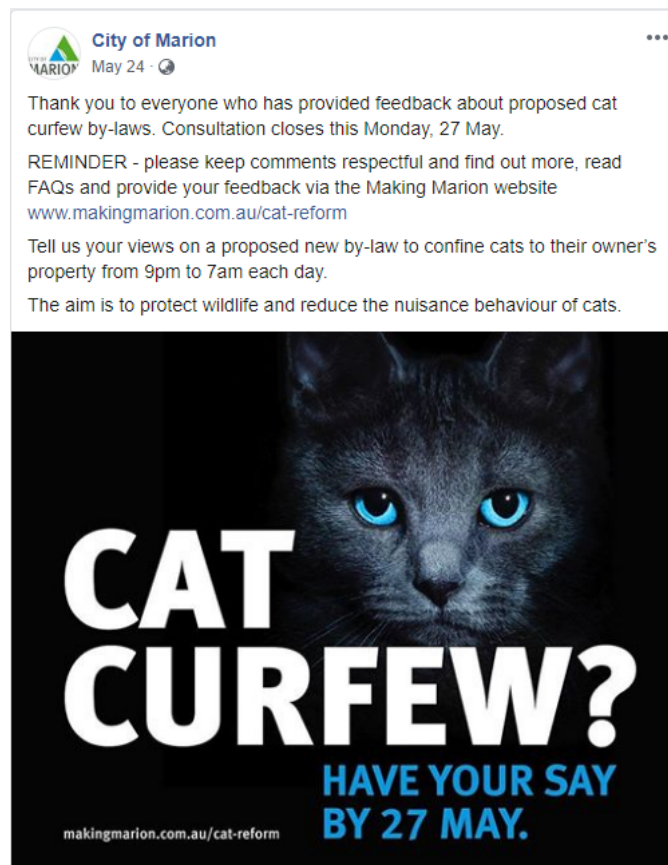
- Media release with articles appearing in The Advertiser, Coast City Weekly Newspaper, and interviews and discussion on radio
- Posters and flyers displayed at Council venues and distributed to local community groups, sports clubs and vets
- City of Marion website and Facebook page
- Digital screens at Council venues
- Messages on hold
- Adverts in the Coast City Weekly newspaper

Information promoting engagement opportunities was also provided via email and letters were sent to the key stakeholder groups such as the RSPCA, AWL, Cat Supporters Group, Marion Small Animal Hospital, Hallett Cove Vet. Somerton Park Vet, CATS Inc, Cat Tracker Uni SA, Department for Environment, Water and Natural Resources and the Dog and Cat Management board. During the process the Dog Cat Management Board were kept informed and engaged in seeking their response.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Example of a Facebook post

The engagement was published on the front page of the council website, inviting people to read the proposed by-law change and provide feedback via a short survey.

Hard copies of the survey were made available at our Administration centre, Neighbourhood Centres and Libraries and included a contact phone number and email. A downloadable copy of the survey was also available via Making Marion with hard copy responses scanned and assessed by council staff in line with other responses post consultation.

The engagement asked people to respond to a short survey which asked three specific questions relating to the proposed Cat Curfew By-law variations. They were:

1. *'Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)?'*
2. *'If Council were to introduce the requirement that cats must not "wander at large" during certain times (cat confinement), do you support the proposed times of 9pm to 7am?'*
3. *'Do you have any further comments about the Cats (Confinement) Variation By-law No. 7 2019?'*

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Further contact details and preferences to being kept informed were also asked should participants want to be kept updated when Council makes its final decision. Effectively to aid closing the loop.

WHO WE ENGAGED:

The consultation was open to all residents of Marion and potentially could have been accessed by those beyond the city's boundary as was promoted via social media. There was no requirement to sign in to Making Marion to take the survey so some responses were anonymous.

Community feedback statistics

The consultation via Making Marion was viewed by just under 1500 people.

Those engaged in the consultation on the proposed Cat Curfew By-law include:

- A total of 482 unique participants making 513 survey submissions online
- The relevant By-Law documents were downloaded 97 times
- 24 hard copies of the survey were downloaded
- FAQs on the proposed changes were viewed 106 times
- 31 hard copy surveys were received
- 13 Emails / letters written responses were received

Online Survey responses

Q1: Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)?

- 74% of people who participated in the survey indicated that they either strongly support or support the introduction of a cat curfew at defined times.
- 26% of people who participated either opposed or strongly opposed the proposed by-law.

A breakdown of the numbers who support, strongly support, oppose and strongly oppose can be seen in the chart below.

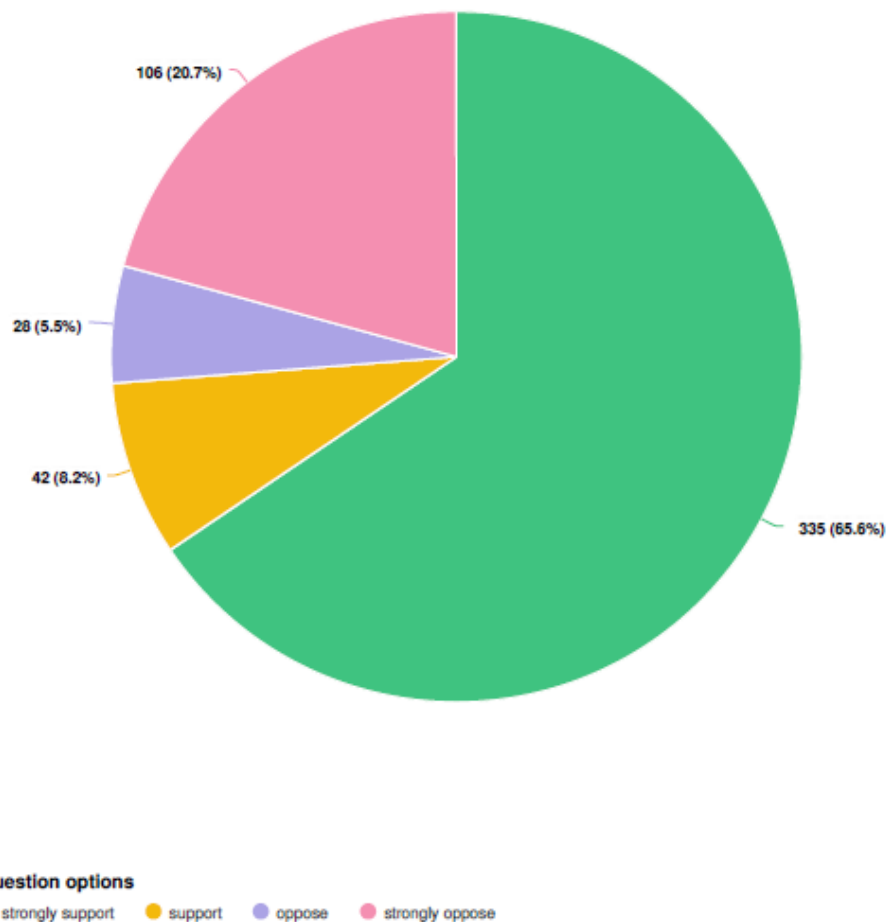
Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)?



Q2: If Council were to introduce the requirement that cats must not "wander at large" during certain times (cat confinement), do you support the proposed times of 9pm to 7am?

- 65% of participants supported the proposal.

Q3: Do you have any further comments about the Cats (Confinement) Variation By-law No. 7 2019?

- This question had 346 text responses (analysis of the comments is listed below)

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Paper Survey responses

Q1: Do you support the introduction of the requirement that cats must not "wander at large" during certain times (cat confinement)?

- 67% of people who participated in the survey indicated that they either strongly support or support the introduction of a cat curfew at defined times.
- 23% of people who participated either opposed or strongly opposed the proposed by-law.

Q2: If Council were to introduce the requirement that cats must not "wander at large" during certain times (cat confinement), do you support the proposed times of 9pm to 7am?

- 70% of participants supported the proposal.

In this case the increase in support for the time curfew is due to the fact a few people voted to oppose the requirements (but support the times of a curfew) due to not supporting the high fines proposed or the ability for community members to have cages to capture cats for fear of cruelty to animals with no policing.

Email/letter response

Responses were also received directly from organisations like the RSPCA South Australia, Cat Protection Society SA and Animal Welfare League (AWL).

One response to highlight here is from the RSPCA which while acknowledging the issues around cat management raises concerns about the knock on effect a by-law like this would have on itself and the AWL with a potential influx of unwanted cats which it neither has the space or money to care for.

Specific feedback

346 comments were received online and 27 via the hard copy surveys relating to the proposed Cat Curfew By-law. Initial analysis of these has shown that there are six themes arising from the comments. As well as comments that are clearly for or against the proposal the themes are:

- Proposal of different times for the curfew (suggestions like - dusk till dawn / daylight savings / 24/7)
- Disgust for reasons of cruelty to cats, rate raising and not being practical.
- Concerns about implementation issues (policing, training cats to come in and cost)
- Support to save native wildlife (some mention of a problem with feral cats but in the main stopping cats killing birds and lizards)
- Support, as against cats using their property as a toilet and;
- Ideation, comments where a community member has added a further idea.

A more specific summary of the 346 comments from the online survey is listed below.

- 68 were completely against, of which 22 cited cruelty to cats being a fear.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



- 163 comments wanted the curfew to be at a different time, many expanding it to sunset to sunrise. However I'd say the biggest call was for 24/7.
- 76 comments supported the curfew to help protect native wildlife. However some against wanted proof of this. A number of comments here also mention feral cat issues. (I don't know if the Uni SA Discovery unit Cat Tracker project was cited in research, but this shows amazing data on how far and wide domestic cats roam from homes in SA).
- 25 comments offer further ideas about implementation (such as a three strike rule) and education.
- 24 comments raise specific implementation issues.
- 34 comments support the by-law changes to stop cats 'toileting' on their property

Unedited comments from the online survey on Making Marion can be viewed in appendix B

Conclusion

With a majority support, the community who participated in this consultation have shown they would like to see Council adopt a Cat Curfew By-law. However some questions have arisen about whether the proposed times are the correct ones and that maybe some further investigation should be done in to whether times relating to sunrise and sunset and mirrored to day light savings would be more suitable. Comments suggest that issues with cats are not only at night and therefore a 24/7 approach could also work. Other comments suggest that the times suggested will only work for the 9-5 workforce and don't take in to account shift work or those called away to work/care at short notice. A concern has also arisen about the by-law being in-humane to cats and could also lead to animal cruelty as the cage system could encourage abuse to cats and that there is no way to monitor the use of these beyond hiring them from the council Administrative Centre. Many comments received also see the additional benefits of a cat by-law such as the positive impact on native wildlife and potentially a lower number of cat's toileting where they shouldn't.

Some of the more individual comments relating to issues with the implementation of such a by-law should be assessed and considered in relation to Council adopting the proposal and staff rolling it out. One outcome here would be the need for a structured roll out with time for the community to adjust, a communication plan and possibly an educational period briefing the community on how to adhere to the new by-law. .

This feedback is due to be presented to Council on 27 August 2019.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



Attached at the end of this report are copies of the hard copy submissions in two parts.

Unedited comments from Making Marion – online survey

Report generated at: 2019-07-16 14:53:56 by City of Marion	
Project: Proposed Cat Curfew By-laws	
SurveyTool: Short Online Survey	
Question: Do you have any further comments about the Cats (Confinement) Variation By-law No. 7 2019?	
No.	Contribution
1	The time should be 10pm - 6am. I have a cat who is in every night so I agree with them having a curfew. I do not agree with giving cat hating people cages as there will no doubt be cruelty involved and the council is making this legal. Are the council going to cover any relevant vet bills you need to think long and hard about this as cruelty to animals in this state is on the rise.
2	The cat curfew laws will not actually address the problem of unowned or semi owned cat that live in the community.
3	I would go so far as to want cats contained before sunset. My yard is the neighbourhood cat toilet and fighting ground and I am sick of it.
4	I believe cats should be controlled at all times for the benefit of small native wildlife and surely for the peace of mind of pet owners. What responsible cat owner wants their pet exposed to potential attack by other animals and out playing dodgems with cars? I have dogs and yet still constantly see cats in my front yard, and keep coming across their toilets, it is unpleasant to say the least! Note that I do not know where these cats reside.
5	Good move as a first step, longer term I would like to see cats confined to their owners properties at all times, unless on a leash.
6	Why 9pm? In other Australian states, the Start Time is *SunSet*. Many of the at-risk Native animals start to become active at dusk, not "9pm"
7	Would rather a total 24/7 confinement on all cats as they kill wildlife in the day time too. Also proposed hours would be impossible to implement and monitor, owners would say oh he didn't come home what am I supposed to do. Total confinement is the only option that would work

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



8	Neighbourhood cats are doing their part in keeping the massive rodent problem down. Council is unfairly targeting cats by providing the untrained general public with the ability to catch owned animals. Cats are already targeted by undesirables at all times of the day and night, without giving those people the ability to cause hurt and distress to an animal. There is nothing that will stop any person catching a cat at any time and then claiming it was between curfew hours. This bylaw contains no protections for people doing the right thing and being falsely accused.
9	How will you police this issue?
10	I think it's absolute madness!
11	Only that its taken Council too long to bring this to a satisfactory result.
12	As a renter and a cat owner it was incredibly hard to find a property that allows you to have a pet. I was only able to keep my pet on the proviso that she is kept outside. My backyard is not suitable for a cat run/ cage and therefore I have no choice but to leave her outside.
13	A fantastic idea! We do not have any pets but have spent so much money trying to stop our neighbours cats peeing and pooing in our garden so our kids can play freely. It is so annoying!
14	THIS IS AN ABSOLUTELY RIDICULOUS PROPOSAL MADE BY IDOTS WHO DO NOT UNDERSTAND ANIMAL BEHAVIOR AND SPECIALLY CATS! IT ALSO IS AN OUTRAGE TO IMPOUND AND DETAIN SOMEONES CAT. ARE PEOPLE SUPPOSE TO LOCK THEM UP!! ARE YOU PEOPLE CRAZY!!!!!! THIS IS PATHETIC IN SO MANY WAYS, IT IS ANIMAL CRUELTY AND CRUELTY TO THE OWNERS.
15	THIS IS THE MOST RETARDED PROPOSAL!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! WHICH MORON SUGGESTED THIS.. YOU CANNOT CONFINE CATS... MY CATS ARE MY CHILDREN, THEY NEED TO GO OUT FOR TOILET, I'M NOT GOING TO RISK THEM GETTING TAKEN.....F**** OFF.. YOU CANNOT TRAIN A CAT LIKE A DOG.. YOU CAN'T JUST CALL FOR THEM. YOU IDIOTS...

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



16	<p>Responsible cat ownership doesn't start and finish with just locking them up. Sometimes the bigger picture includes extensive home gardening, organic food production, composting, habitat creation for wildlife - and associated problems with rats and mice. Unfortunately quolls, which would once have been the main native predator, are now absent from our city. Unless quolls can be successfully bred up, reintroduced and welcomed into urban gardens (not likely!), then I think there is still a role for well-managed cats on the Adelaide plains - neutered, microchipped, and kept indoors at night by preference (i.e. when rodents are not presenting an immediate issue) rather than by strict regulation. Keeping cats should be like keeping chooks: a bit of education, sensible consultation and negotiation with neighbours, and some adjustment if they become a problem. Certainly keeping them indoors at night when feasible should be part of that education process. The alternatives of rodent traps and poisons are not effective enough but can present their own dangers to wildlife. Cats do catch birds, though rats and mice are an easier target for them - but I'd wager that habitat destruction currently has at least as big an impact on the bird population, and yet we still have subdivision and unnecessary tree demolition running unchecked on private property. If we're going to compulsorily lock up all the cats, perhaps we should also lock up property developers in order to protect the remaining bird habitat.</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



17	<p>make confinement in the yard compulsory is absurd. Unlike dogs, cats can climb trees and trellises, and can jump over fences. Therefore there is a substantial cost involved in erecting a cat-proof fence.</p> <p>Will the government pay a "fence subsidy rebate" to people like pensioners, who depend on their feline companions, but don't have the money for high fences?</p> <p>Scratchcat</p> <p>Also cats are naturally free-ranging animals that do not adjust well to permanent confinement in small areas.</p> <p>Compulsory night curfews create unnecessary difficulties for people whose working hours don't allow them to get their cat inside by dark.</p> <p>There is also a problem of policing. How can it be verified whether or not cats are inside?</p>
18	<p>I think the ban on free wandering should be 24/7, keeping cats confined at all times just like dogs. Cats still kill wildlife during daylight hours and cause other issues such as marking people's yards and mating.</p>
19	<p>What a totally stupid proposal to have a cat curfew. The most stupid part is arming people with cages to catch cats. We all know some people are cruel to animals ,particularly cats and this would encourage some people to act cruelly. I believe that this is an extremely nasty and cruel idea and an example of a council.totally overstepping the mark.</p>
20	<p>The time should be midnight to 7am, how about the council make it easier to stop dogs from barking all night, having to keep a log and then report to council and in most cases nothing is done, make that against the law to leave your dog outside from midnight to 7am, and all the dog waste on footpaths needs sorting. Maybe the council could spend its money more appropriately instead of needless very hard to monitor laws and bringing in another law for getting more money out their rate payers.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



21	<p>Since Victoria changed their Domestic Animal Act 1994 in regard to cats in 1999 they encounter much less problems with roaming cats. Their legislation has a cat curfew where cats must be indoors from sunset to sunrise to encompass the winter months when darkness falls earlier.</p> <p>The Vic legislation also includes that cats be confined to their owner's property during daylight hours which should also be considered when Council is changing the By-law. I commend the City Of Marion for having the intestinal fortitude to do that which the Dog & Cat Management Board SA will not. I am sure once other Councils see the success which you will achieve many will consider following and then eventually the Board may see the light and finally realise that the Dog & Cat Management Act really only cover the aforementioned animal and rectify the situation.</p>
22	not before time, strongly support
23	Cats should be controlled 24/7 not just 9pm to 7am
24	There is no reason for domesticated cats to be allowed to "wander at large" at anytime. Dogs must be contained or restrained except for at certain gazetted locations/times. The same baseline should be applied to cats.
25	Cats should not be allowed to wander at large at anytime, it is the only animal (and one that causes most danger to native birds and wildlife at all times of the day) that people are forced to accept entering their property, opening the door and letting a cat roam free is a lazy owner, all other pet owners are required to keep their pets within their property at all times, time for cat owners to do the same
26	Curfew should be longer, say 6.00pm to 8.00am. Bylaws must have provision for routine expiation!
27	This is an absolutely idiotic law and embarrassing in it's stupidity. Concentrate on educating the owners. It is illegal in some countries to keep a cat indoors let alone the phycological impact it is going to have on both the owner and the pet. Cats cannot be contained like a dog and you cannot FORCE anyone to keep their cats indoors. This is animal cruelty at the very least!!!
28	<p>I support No free roaming at all. I believe cats should be safe and loved by their owners and allowed to enjoy outside time safely.</p> <p>We don't allow dogs to roam free, nor should we allow cats.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



29	Cats should be confined at all times and I think desexing of cats and dogs should be subsidised by the Government. I feel this would be a cost effective way of protecting native animals.
30	How are you proposing cat owners will get their cats to come home before 9pm? Other than having all cats to be confined inside all the time I can't see how this is going to work.
31	7am is much too late. We leave home before that each week day. This is also unfair against shift workers.
32	They should be kept in cat runs or peoples yards/houses 24/7
33	This is the latest in what is becoming an increasingly long list of ridiculous non issues that our elected representatives are wasting ratepayers money on. Perhaps we should push for people to replace their real cats with plastic ones so that they will be more in keeping with the plastic grass that the Mayor and certain councillors seem to prefer.
34	This can't come soon enough. I'm sick of neighbourhood cats pissing and shitting on my property!
35	no
36	Strong penalties for non compliance
37	Why do cats not have to be registered and pay a fee where the policing of this is coming from either residents general rates or dog owners registration fees.?
38	Cats should be confined at all times to reduce car accidents and contamination of vegetable gardens and children's sand pits and bird deaths etc.
39	<p>Finally some action on cat control!</p> <p>We are sick of stray cats wondering around our property at night activating our security lights and using our property as a toilet!</p> <p>I assume cat owners love their cats so why do so many allow their animals to wonder at night? If you love your pet you look after it.</p> <p>We live close to the Oaklands Wetlands and want to protect the small animals living there from cats. We also occasionally find dead birds on our property as well.</p> <p>Cat owners should have to register their cats or as your plan we should be able to trap them and return to the owner together with a fine.</p> <p>Thanks for the opportunity to comment.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



40	<p>If enacted needs exemption for older cats eg 4 yr old or older, these cats would be traumatised by the proposed changes.</p> <p>Good luck keeping collar on mature cats who are not used to them. Name and phone number tag is ridiculous. Our cat escapes lose his bell collar at least twice a year now. His micro chip identifies him. The whole proposal is aimed at minority complainants managing an exaggerated issue. Our cat will not stay inside all day and does not bring home wildlife which what the issue is supposed to be resolving. Dogs that are not effectively managed, cared for is a bigger issuer that needs addressing. The council can't effectively administer current dog laws. Cats by nature are very different to dogs and applying dog laws to cats is an impractical approach. In reality I believe this is an unnecessary legislation that is targeting non feral cats. Put cages on the edge of reserves an catch the true feral cats. Also does this mean that the rules will also be changed so that all dogs must be on a leash at all times outside their homes, in public areas. Also desexed and microchipped.? Feral dogs and uncontrolled dogs (with and without their owners) defacating on paths, jumping on at children and people, they are not being managed currently either and they can be far more dangerous than cats! This is over doing it for managing minority groups .</p> <p>Finally the rules appear written by people who do not have a practical knowledge of owning an average household cat</p>
41	<p>Cats are very quick to dart out the door when you don't even notice them. Our cat is fantastic at helping to manage the rats and mice. I would be furious to receive fines when we didn't even know the cat had escaped to go outside for a toilet visit in the garden. I feel we have more issues with people not picking up the dog's pooh than we do with some cats having some outside time at night! At least cats bury their own waste. This is ridiculous</p>
42	<p>I would support an expansion of the times. People who take on the responsibility of a pet should have it indoors and not expect all of society to deal with their free-roaming animal which is a predator and not suitable to be introduced to any ecosystem.</p>
43	<p>I believe the curfew should start at dusk not 9pm until 7am. This would then cover our none daylight saving part of the year, ie April to October.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



44	I support the proposed changes to protect native wildlife and inhibit nuisance cat behaviour in the defined hours. In the future I would like to see by-laws introduced that require cat owners to confine their cats to their property 24 hours a day.
45	Would prefer that they were kept in a cat run during the day. Our yard is used as the communal litter tray. Have had to abandon our vegetable gardens.
46	Allowing for daylight saving, the Australian Surveying and Land Information Group determines the hours of sunset and sunrise. The Bureau of Meteorology publishes the hours of Sunset and Sunrise daily. I believe these should be the times for containment as it is also the time that small animals and birds are most vulnerable.
47	The times for confinement need to be written into the by-law 7 to address concerns regarding notification of changes of time at short notice. Propose that times be changed to outside of 930pm and 6am to cater for workers who finish at 9pm and extended daylight hours during summer. What like to have more details about who will have cages/be catching cats and how they will be housed until owner collects.
48	I live on a quiet street with more than eight cats living on it. They are well behaved and avoid strangers, you'd never know how many lived there if you only walked about during the day. Their impact is minimal especially when you compare it with the noise disturbance caused by dogs regularly in the area. Cats are generally nocturnal and find it safest to be out at night when there is less noise and fewer people. Not all cats wander outside their territory and I've never found the cats on my street to be a bother or intrusive.
49	There are already feral cats in our area. I support any moves to make cat owners responsible for their pets especially with a view to protecting our native wildlife.
50	We need to be reducing predation of birds and reptiles as much as humanly possible
51	No
52	Any measure taken to protect wildlife is welcome. This appears to be a workable, sensible approach.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



53	<p>What is council planning to do about increased vermin (rats and mice) when there are no cats outside when it is dark.</p> <p>How is council going to handle people that work shifts and find it difficult to adhere to the recommended times because they are working?</p>
54	<p>My cat wants to go outside between 3am and 5am. I have to get up at night to let her out, we have already tried keeping her inside all night and all she does is keep us awake all night meowing and scratching doors</p>
55	<p>Yes, why doesn't the council look at the rubbish in homes that bring out rats and mice and spend money on issues that are more important. My cat is bring home 2-3 rats/mice to the back door that come from our behind neighbours who have overrun back yards. My cat goes out for a few hours most days but is normally home well before 1100pm. Is this another way for council to make more money without much thought.</p>
56	<p>Having replaced pond fish (allegedly taken by a cat) and cleaned up poorly buried excrement two to three times a week for at least two years we can only hope that the 9pm to 7am cat confinement will reduce this indignity.</p> <p>Clearly the commitment of responsible and reasonable cat owners will remain the allusive resolution to our (our Council's) efforts to identify and please all reasonable ratepayers.</p> <p>Thank you for the opportunity to comment.</p>
57	<p>Not allowed to wander at all. Owners to accompany with cat on a lead just like a dog plus should be registered and desexed and microchipped .</p>
58	<p>Can't wait. Would've good to stop the cat urine smell on car/ garden and not have to clean up remnants of birds and feathers from front porch. Cats should have same laws and restrictions as dogs. Be registered, desexed and contained on property. Cats should not be allowed to "wander" on any neighbouring property.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



59	People love to complain about cats killing native wildlife yet these same people still eat kangaroos? And then the excuse is "It's the food chain and we are at the top". Well then cats are above birds so on that note just let them be. Humans do much more damage than cats to the environment. ~60% of climate change is caused my animal agriculture. This is a far more serious matter than cats killing magpies. Why not spend time and money on something that will actually accomplish a positive change? Confining cats to a cage is cruel. This curfew is pure animal cruelty designed to pin environment issues onto cats, as opposed to taking responsibility.
60	Cats like dogs SHOULD be confined to the owners property. Why should the roam free causing other people problems. You what a cat you keep it in your yard
61	Needs to be all councils 24 hours like dogs ... contained otherwise its ineffective to the purpose which is to protect other species from futher predation
62	i believe a 9pm curfew should be extended until 10pm especially during daylight savings hours in summertime. i think the fine of \$187 is far to severe especially in cases where the cat may have escaped and is not a regular occurance. Perhaps a scaled fine rate, a smaller fine/warning for first time and repeat offenders having a larger fine. The cat curfew will need to be implemented in and cats that are not use to a curfew will need to be trained, as do their owners. on a personal note, my cat is usually inside everynight, however at times she has snuck out when a door is opened, she is very quick and escapes, only to return a short time later. i would be rather annoyed if on an irregular occasion, whilst i am trying to do the right thing by the environment, that i would receive such a hefty fine. oh and by the way, she has caught birds/wildlife during the daylight hours too!!!
63	I am a responsible cat owner who keeps both rescued cats indoors overnight and most of the day. I have had to go to the expense of purchasing sonic cat deterrents to stop the disgusting stink of non-desexed male tom cats spraying and marking all over my back patio every night leaving their stink on my pots, barbeque, gardening shoes and everything else. About time.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



64	<p>I strongly support such changes. I have cats come into my garden at night and kill birds and it is very distressing. In my opinion proposed changes should go further ... from 7pm to 9am. I would also like a limit to one cat per household.</p> <p>thank you David Bell (resident)</p>
65	<p>While I am very much in favour of protecting wildlife, and I keep my own cats in an enclosure, I want to see evidence that conclusively demonstrates that domestic cats are indeed a problem in the Marion area.</p> <p>I am very concerned that domestic cats are being scapegoated. Feral cats are killing millions of animals every year and there is evidence to show this. I am yet to see anything more that factoids when it comes to the impact domestic cats are having on Australia's wildlife, and particularly Marion's wildlife.</p> <p>There is a virulent anti-cat lobby in the community. Please make evidence-based decisions, not knee-jerk reactions.</p>
66	<p>It is utterly ridiculous to suggest that first of all cats need to be confined during the night. I am absolutely against it. There is much evidence and research which says that cats do not predate to such a degree to impose such sanctions! Perhaps you are referring to wild cats. If so there are none in our marion council area. Domestic cats like to roam at night, and again no evidence of native birds being killed by cats at night, no more than during the day. I feel that this is another stupid solution which will not only make it almost impossible for owners to keep their 'domestic' cats inside but is just another \$\$ grab for no reason at all. I am fiercely against this, as it is unfair, illogical and a high and mighty reaction to perhaps a few people complaining.</p> <p>Sandra Giancola (I live in the marion council area)</p>
67	<p>Allowing our neighbours to cage cats is a terrible idea, they'll be caging them regardless of time of day.</p>
68	<p>I strongly support this law. The time period however is not enough, it must be 24/7 to be effective. Cats hunt native lizards etc during the day. I have personally taken lizards from my property to the vet after they were attacked by cats in my area.</p>
69	<p>Cats should not be allowed to roam at all.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



70	You get enough of our working pay and pensions now in taxes, council rates, levys etc how would a pensioner afford this extra burden this is nothing but revenue raising exercise from a heartless council...which one of your councillors has neighbours with cats...i find this appalling..what next reform and charge us for the air we breathe
71	I have three regular cats visit mark and defecate in my yard daily between them as well as some special guest visits from other cats . Two of the owners I have made complaints on several occasions only to get off hand "that is what cats do". One evening a cat was staring into my gum tree odd behavior I thought until I realized there is a Koala . Scared the cat off the Koala climbed down and walked away and has not returned. I thank council for having the foresight to help the native animals. If I can be of any help please contact me 0467002185 Regards Mark Grope
72	We have cats roaming on our property at night and occasionally find dead and mutilated geckos. They also disturb us by activating a motion sensor security light.
73	We currently have a cat, which is an inside cat. Unlike our neighbour. Since they moved in with their multiple cats they have decimated the bird population in our back They have ruined two of our shade sails by using them as scratching posts, costing us close to \$3000 to replace, defecated on our pool deck, constantly tormenting our cat through the window at night, which constantly wakes us up. This is the reason we require these laws to combat irresponsible pet owners .
74	I believe that cats should be treated just the same as any other pet, and confined to a person's property at all times, 24/7. This should include suitable caging or runs in the person's own yard so as to protect all native wildlife and birds from attack and death. If owners wish for their cat to have a wander further than their property, then it should be the same as for dogs, on a leash. While it is true that most nuisance behavior such as vocalisation and fighting tends to occur during the night, cats can attack native animals at any time.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



75	Residents requesting cages from Council to help catch cats wandering at their property. This should be at no charge as we have already had to put up with damage and visitation hassles already!
76	This is a great idea, cats should not be outside at all but especially at night because they are in danger themselves, can kill local wildlife and annoy other people's cats who may be indoors.
77	Who/What is on the list next? Budes, Gold fish, etc...
78	Definitely agree with the fines and use of cat cages. We have stray cats that often fight in our yard in the middle of the night and use our children's vegie garden as a toilet.
79	This will legalise cruelty to cats. People who hate cats will bait & cage cats like wild animals. Cats kill hardly any native animals. This is a total beat up. They catch mice & rats doing us a huge favour in reducing vermin. This needs to be acknowledged. Without cats vermin will run rife. No one is even considering this. There is no huge problem. Council needs to focus on it's core responsibility. We always hear how tight the budget is. There is no huge problem only a massive beat up. Cats are pets not ferocious predators.
80	With a possible extension of the above hours. When do they kill the most native birds, I wonder.
81	Our cat is predominantly an indoor cat, but occasionally gets out. We are responsible cat owners, but cannot control at these times, when he makes his way home. I consider this a crazy idea. It would be very unfair if we were to be fined for something over which we have no control.
82	I think that 7am in the morning is unreasonable. A lot of people need to leave for work before 7am. I think 9pm is satisfactory, and I would suggest 5am in the morning. (this is daylight in summertime.)
83	I would change the proposed hours to be 7pm to 6am.
84	Looking forward to this finally being enacted. Hoping there be better control on nuisance dog barking soon too - people dont seem to know how to look after their pets properly

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



85	Cat registration should also be included. I question whether a cat can tell the difference between Daylight Saving times. What is being put in place should the cat be stolen and then dumped. Im concerned shift workers make have difficulty in complying. Also workers who suddenly get called into to work, or have to work additional hours with very little notice or required to work overtime without notice. it doesnt effect us as we already confine our animals 6PM - 9AM 7 days
86	We believe most cat owners act responsibly and try to do the right thing. We agree with desexing, micro-chipping and event cat registration. You will find most owners do lock their cats up at night (which we do) but invariably their are times when they are out e.g. gone out for dinner, not home from work, etc.
87	costly to implement for rate payers, ,unpracticable, reasons to introduce questionable, cats can catch wildlife at any time not just at night,, cats have certainly helped keep rats and mice under control .
88	Great initiative, I hope the by-law is adopted.
89	Do not support the proposed times. I leave for work at 5:30am and do not want to leave the cats locked inside the house all day as the proposed curfew ends at 7am.
90	<p>I agree with it in principle, however 9pm seems a too early to start a curfew! How about late night shopping? Shift workers?</p> <p>I'd support one if it started a lot later ... 11pm or even midnight. Same with the curfew end, 7am is way too late for it to end. In summer my wife lets them out around 6:30 for a quick run before I leave after 8am when they come in again.</p> <p>If we could haggle on times I'd support the bi-law, as it currently stands I oppose it.</p>
91	This will prevent Grandchildren being upset when they see Partly eaten birds on their lawn in the morning.
92	Cats should not be allowed to wander outside yards at all. I regularly have allergies triggered by a cat that enters my yard during the day when I am not home. Plus they kill wildlife that exists in the backyards of houses, which still have yards.
93	Maybe the curfew should start earlier as in winter it is dark by 7.30pm

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



94	i think the 9pm time slot is to late and it needs to be moved forward to 6pm and maybe think of increasing the fee to \$300 plus
95	I have two cats at my home that have been desexed, immunised annually, and of course registered as per. Council regulations. My cats are generally inside at night times except when they visit their toilet (outside). I don't believe my cats stray to the neighbours as they have dogs. One of my cats is very good at catching mice and rats and kills them & leaves them on the door step for me to see. I think if you prevent cats from being outside at night there will be in time a plague of rodents which will be far worse. There may be some cats that stray at night and might attack 'native wildlife' - maybe these cats don't have owners that care enough to feed their animals properly, but why are we all having to keep our cats inside? Actually, I haven't seen any native wildlife in our area in Edwardstown. Therefore I don't agree to having my cats confined at night times when they do no harm. As for the Fines of \$187.50 that is exorbitant. Pam Skurray.
96	Cats generally hunt & wander in the darkness, so I think 7pm to 7am is more suitable. Not only do they kill wildlife but by wandering in yards they also agitate neighbouring dogs who then bark as a consequence & cats also use neighbours gardens as their personal toilet.
97	I really don't think it's a good idea, more money in fines which aren't fair. Considering desexing and microchipping are already a law. My cat doesn't disturb native wildlife. And it's really hard to always keep a cat inside if they are outdoor cats Normally. It's just not fair.
98	My cat is a well behaved cat and I work after 9pm at night this isn't fair and there is too many laws for pet owners already especially when animals sometimes do things out of your control! Put in the curfew but don't fine us! Council are getting enough money from us in every other way!
99	We took on two stray cats many years ago. They mainly stay indoors but are not staying indoors most nights. Would there be any support from council to pay for outdoor cages, or are there any suggestions to avoid these cats ending at animal welfare again if these curfews are being introduced?

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



100	7am is to late for those that start work at 6:30/7am. The curfew needs to finish earlier or these cats will be locked up all day.
101	It is a much needed reform as there are too many irresponsible cat owners and their cats pee and defecate on neighbours property on a nightly basis!!
102	I think dusk 7AM would be even better
103	I believe cats should remain on their owner's property at all times.
104	all cats should still be desexed just like all dogs should be.make it simple unless you are a registered breeder all desexed.
105	<p>How is the effectiveness of this cat confinement (on native wildlife mortality) going to be evaluated?</p> <p>How does the benefit of saving "x" number of wildlife in the Marion Council area weigh up against the considerable burden of this for cat owners?</p> <p>Is this by-law really going to have much impact on reducing wildlife mortality in a suburban environment?</p> <p>If reducing wildlife mortality is the real concern, perhaps action needs to be taken on feral cats, or windows, or cars, or habitat destruction, which are likely to cause more damage to wildlife populations than domestic, owned cats.</p> <p>Will the Council be providing cat owners with free indoor cat activity toys/stations if cats have to be kept indoors?</p>
106	<p>Cats level messes in the garden on the back lawn, they are dirty animals that kill our native wild life. They will kill for pleasure as this is their in bread instinct .</p> <p>The owners should be made to clean up their cats messes like dog owner do!!!</p>
107	<p>Cats do a fine job of controlling rats and mice ,yes,unfortunately there are casualties in the form of birds and reptiles but, in my experience, most of these occur during daylight hours ,not at night in a suburban environment.</p> <p>Take note of the recurrence of rat infestation at West Beach when the council removed the cats from the area.</p> <p>Most of the disagreeable behaviour from cats that disturbs people at night comes down to the owners not being responsible and desexing their pets,desexing is most important.</p> <p>In the end cats are not dogs and it will be difficult to maintain the curfew for many owners.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



108	<p>The statistics do not support a change to the current By-Law.</p> <p>During my phone conversation with Luke Manuel (who was very polite and professional) he mentioned that there were only 30 odd cat related incidents needing attention during the whole of last year in the Marion Council zone.</p> <p>Contrast this with the enormous amount of dog related problems.</p> <p>I am also annoyed that cat owners are pilloried by Marion Council while tens of thousands of dollars are spent on dedicated dog parks.</p> <p>I have walked through the Hallett Cove Conservation Park on a daily basis (come rain or shine) for over 20 years and I have seen a cat there only once.</p> <p>In stark contrast to this I see dogs there almost every day, some on a leash but most just running unchecked.</p> <p>Less bias an hysteria towards cats, please.</p> <p>We do not want to see a repeat of the awful beheading of a cat that recently happened in Golden Grove.</p>
109	<p>I would suggest 7-7 or 8 pm. Cats in the summer months in particular will be off .I am close to Marion council. My cats have been house on my property since 1996 . They have enclosure off the house. My last cats lived 15 and 18 1/2 . We must protect cats and wildlife life. Good on you for talking this on</p>
110	<p>Cats should be under the same laws as dogs and not allowed to wander off property at any time except on a lead under supervision.</p>
111	<p>We have dogs and cats that wonder my street day and night. I'm tired of the cats fighting and male wee on my doorstep.</p>
112	<p>Adopt the Kangaroo Island solution and eradicate cats from our environment completely.</p>
113	<p>should be 7pm to 7am</p>
114	<p>Cats should be locked up before it gets dark in winter</p>
115	<p>Brilliant idea</p>
116	<p>I strongly oppose the proposed bylaw regarding cats. This is a useless waste of taxpayer money, resources and manpower. I never see cats wandering at night and I walk my dog often. Please rethink this draconian proposal.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



117	While the proposed times of 9pm to 7am are a good start, I believe cats should be confined to the owner's property at ALL times. Other animals (dogs, chickens, birds etc.) are not allowed to roam freely, why should cats be any different?
118	I agree cats wandering into wetlands/ national parks should be trapped. However, allowing home owners to trap domesticated cats may lead to necessary trapping of wildlife that are nocturnal.
119	How do you police it? Who pays for it? How do you kill off the rats and mice? How do you insure against accidental poisoning of children while removing the rats and mice plague that results.
120	Are you serious in thinking that every cat owner has the ability to force their cat inside at a specific time every single day? This will create much stress, pressure and anxiety to millions of people who will be forced to stay home at a specific time to ensure their cat is inside. Some cats can be stubborn like children and refuse to come inside, resulting in them running off. What then? Cats unfortunately don't understand english and therefore we cannot inform them of this curfew. You have no right in giving thousands of people daily stress at the thought of getting a fine or some stranger caging up their beloved pet.
121	Cats need to be locked up before 9pm When it's dark.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



122	<p>I am a responsible cat owner. My cat does go outside and wanders the neighbourhood. She is never involved in fights and is friendly with my neighbours. I am only on Newstart, due to back injury I had to resign from police force, so I cannot afford to build an 'outdoor area' for her. 80% of this time she is asleep outside in the confines of my property. During the winter months she is inside from approximately 8pm, so purposed laws not a problem. However, in the summer months she likes to spend longer in my garden or immediate neighbourhood. I would ask that that curfew be extended in summer to say 10pm. She is getting old now so would be hard to change her behaviour. people are so trivial, if this is their biggest problem in life good luck to them . I also think there are more serious issues that need to be addressed....ie my neighbour at 375 having a back yard full of sheds , constantly smell of dope and for someone who doesn;t work lives a lifestyle beyond pension</p>
123	<p>I believe responsible cat owners should erect cat runs from their house into their property to stop cats wandering at anytime. I currently have a new neighbour with 2 cats who are frequenting my back yard everyday and toileting under my deck. Apart from being allergic to cats I should not have to clean up after their pets, they should not be coming into my yard. The biggest problem is our native birds and animals that are being killed, I encourage bird life into my garden but have noticed not as many flying in since the cats from the new neighbours.</p>
124	<p>Sick of cats scratching my cars at night under my carport, spraying urine in my yard and irritating my dogs. Neighbours refuse to contain their cats indoors over night despite my raising these issues with them. Its not acceptable for dogs to roam and do their business in the yards of others, but cats have done this indiscriminately forever! The sooner this curfew is instated the better!</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



125	<p>Leave cats alone!</p> <p>They are part of balanced eco system. Where is the proof of damage? What is the cost to ratepayers to run this bylaw? Who calculated the fine of \$187.50, why not \$187.99???</p> <p>Just ridiculous!!!</p> <p>It looks like too many people are employed by the coucil, if council don't have better things to do!!!</p> <p>Or maybe, ratepayers pay too much and coucil has too much money to waste! Create, don't destroy!</p>
126	<p>I have been unsuccessful in capturing roaming cats that walk over my vehicles and urinate on them , while parked up in my driveway behind the roller door, they also go to the toilet in my backyard . Perhaps timed video recording could also result in fines</p>
127	<p>The current fines are inadequate</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



128	<p>We are responsible pet owners and almost always bring my daughter's two microchipped and desexed cats inside from about 8.30pm and then into the shed for the night. However, my daughter works late shifts and leaves for work at 2 - 4.00pm and does not return until 9.30 - 11.30pm. On these occasions I bring the cats in at night for her. However, when I need to be away from home for work or other reasons, it has to wait until my daughter gets home from work. When my daughter is away and I bring them in at night, it is not always possible to only let them out after 7am as I often have to leave for work before then.</p> <p>In our circumstances an outdoor cat enclosure with indoor access or purpose built shelter would be the only means we would have for complying with the proposed new law. My daughter is a low paid aged care worker and the purchasing/building of an outdoor cat enclosure is well beyond her means financially (she has investigated this). In warm/hot weather it is not possible to lock any living being in a hot shed at 2pm as this would not only be cruel, but probably lethal. Furthermore, I am not comfortable having animals locked in the house all day - especially in summer when we would need to leave the air conditioner running as it is a timber frame house and gets very hot, and I am sure I don't need to mention the prohibitive cost of power.</p> <p>I do not see how any set time curfew would work for everyone and would be interested to know on what basis the 9pm-7am is being proposed e.g. is there any evidence that cats wandering at large are a nuisance between these times, but not, say, between 7.01am - 8.59pm? what consideration has been given for daylight saving times (especially when it is barely dark at 9pm)? I also question the notion of an expiable offence being created for a cat that is simply, for example, sitting outside the property boundary and not causing any nuisance or damage. Is this just a new revenue raising scheme? I also have concerns about imposing new requirements and penalties on existing cat owners. Is this fair and reasonable in terms of community standards? in a Court of Law? For example, when my daughter acquired her cats she a) did not live with me, and b) had no way of knowing that laws she could not afford to comply with would come into being. It is highly likely she would not have acquired a cat if she had known, or even suspected this might be the case.</p> <p>Clearly, the only way to ensure a cat does not leave its property is to close it in, so if arbitrary curfew times are to be set, I wonder if the City of Marion might consider options for providing significant practical/financial assistance to cat owners to comply e.g. subsidising cat enclosures? involving 'Men's Shed' type community programs in erecting cat enclosures, or providing DIY plans and advice, or manufacturing 'flat-pack' kits? or something else that might even provide a win-win outcome for cat owners and the broader community?</p> <p>In closing, I agree that cat owners should be responsible and not let their cats wander around all night - particularly in suburban areas due to the nuisance of cat fights. I do not agree that the proposed new laws involving arbitrary curfews based on poorly or un-quantified reasons (e.g. how much "wildlife" in suburbia, other than vermin, is impacted by cats?) are an appropriate or effective way to deal with any issues. I do not agree that it is fair or reasonable to retrospectively apply the proposed new laws to responsible cat</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



	<p>owners.</p> <p>Thank you for considering.</p>
129	<p>9pm is too late during winter time...it's dark about 6pm. You'd never catch a cat after dark.</p> <p>A cat that is allowed to roam is really not a loved pet. Many, many years ago, council made it law that dogs had to be kept on the owners property at all times, unless on lead for their walks. As it should be with all cats.</p> <p>This confinement is a good start. Some owners already keep their loved cats inside at night. Please notify your rate payers of surveys such as this by email or post. If I hadn't popped into Council last week, I wouldn't have seen the cat on your notice board. I do not stand alone on my feelings towards loose cats...this is the fault of their owners.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



130	<p>As a responsible cat owner to two vaccinated, neutered and microchipped cats I have a few concerns about this law, that will not only affect me but other people.</p> <p>I currently live with my mother and work as a shift worker in an aged care facility working only afternoons. The situation at present has been a perfect set up as most of the time my mother lets them out when she gets up for work(she can sometimes leave before 7am)and brings them in when she gets home or before 9pm, resulting in them generally settling inside until I get home from work, they are then in the shed for the rest of the night so they aren't wandering at large at night. This has been the case since I moved home in 2015. I work the hours anywhere between 3-11pm (shift times vary in those hours), so I leave home anytime from 2-430pm and get home anytime between 930-1130pm depending on my shift. My mother and I do go away separately from time to time (more so my mother) so they are out until either one gets home.</p> <p>I have looked into getting a cat enclosure built, but being a low-income worker, I cannot financially afford it and even if I could, I will be looking to move into a property of my own once my financial situation is sorted. Also, I am strongly apposed and refuse to put my animals in a shed, especially in the summer months when its daylight savings and hot, this is dangerous and could have a high chance of it being fatal. I also cannot leave them inside the house, my mother's house is a flat roofed timber framed home and gets just as hot as the shed and with the cost of power we are not willing to leave air conditioning running while we are not at home.</p> <p>My concerns:</p> <ul style="list-style-type: none"> • With the times of my shifts, according to the curfew I will be fined, how is this fair when I'm at work? Will I be fined if my cats are just on the outskirts of the property and just sitting there? Even though my cats are out later when my mother is away, my cats generally come straight inside when I get home from work and aren't let out till I get up in morning(in summer I get up early to ensure they aren't affected by the heat, I don't think its fair I should be fined for that. • At the time I got my cats I wasn't living with my mother and had no idea that these laws could even be thought of, however I have been a responsible cat owner and got them neutered when I was supposed to, they have been vaccinated(even though I couldn't afford to at the time) and microchipped and kept them inside at night to prevent cat fighting and breeding, also not fair that I will be held in a curfew and fined if my cats are out past a time limit. • I am happy to discuss the use of a cat enclosure when I'm more financial, I am quite supportive of that, but as its not my property would have to be discussed with my mother. <p>I am looking at moving into a place of my own when my financial situation improves and whether that will be into a house I buy or rent, I am unsure, but if I do will I then have to build/buy a new enclosure? and what if I am renting and my landlord doesn't want one built at their property or want the cats inside? Also, I would have spent money buying/building one at my mothers just to move and possibly do it all over again, how is this fair? Maybe some kind of funding for people to afford such things?</p> <p>I am also very against neighbours being allowed to have traps, I can see horrific things</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



	<p>happening as a result, like what if someone has a strong dislike towards cats? Or what if a neighbour has a problem with you that hasn't been resolved? Or what if a cat is trapped and the occupants aren't home or don't realise the poor animal is in these traps?. Considering things that has been happening to these poor cats recently, is a good enough reason on its own to not allow this.</p> <p>I completely support the need for owners to be responsible and understand the frustration and implications of cats roaming at large (ie: The wildlife, cat fighting, stray cats and breeding etc), but I don't feel like this law has been well thought out.</p> <p>Thank you for reading and taking into account my concerns and opinions.</p>
131	<p>This is a ridiculous idea! Is this what we pay our rates for? Does this mean that the Council has nothing else to do except to pounce on cats that happen to be out on the streets? Does this mean that cats' owners should be at home at the same time as otherwise cats won't lock their flap doors to keep themselves inside? And if I need to leave home before 7am I either need to keep the cat inside for a whole day or get fined. How thoughtful!</p> <p>And then the Council will need to hire pest control to fight mice and rats that we have aplenty around. So here comes yet another reason to increase rates. Very inventive. Please stop this embarrassment and do something useful.</p>
132	<p>That is a terrible idea. That is a pure act of animal cruelty. The whole idea is inhuman!</p>
133	<p>Cats should be confined 24/7.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



134	In summer, 9pm is good as it is night. However in winter, I think it should be 6pm which is night. In other words, in line with daylight savings.
135	I adopted a cat that had been abandoned and lived wild for several years. I tried to keep it in at night for 3 months; it never stopped miaowing, and was worse than having a newborn. Consequently, I don't believe that having a cat curfew is practical.
136	I think during daylight saving hours it should be earlier. 7am - 7pm.
137	Very progressive initiative
138	I think this is a great law that needs to get put in place . As a bird owner I can't leave her outside overnight in fear of the cats roaming the neighborhood at night. Many actually come to our door step and scratch to be let in.
139	Would look to make it earlier than 9Pm as it is dusk or sunset when birds are roosting yet still moving that Cats get an idea where they are. so before dark I suggest.
140	.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



141	<p>I generally support better control mechanisms for both dogs and cats (people like to whine about how annoying cats are while completely neglecting the dangers presented by roaming, unsecured or untrained dogs). Having said that, my primary concern with this by-law is that it relies on community members to enforce it, which, in essence, promotes vigilantism. I don't think it is acceptable (or legal) to allow members of the public to deliberately entrap the pets of others. If this by-law were to pass, I would expect somebody operating in an official capacity to enforce it. As it is, this by-law is open to abuse people who may choose to be vindictive as a result of their distaste of cats. There is no mechanism in place to ensure that people don't capture cats at other hours and claim that they were caught outside of curfew.</p> <p>I consider myself a responsible pet owner. My cat is locked inside at 10 PM every evening, and even when she isn't, we try to manage our yard in a way that prevents her from leaving it. Having said that, she is a cat, and when interested enough (this is rare — she is old and mostly sleeps on our outdoor setting all day), she does occasionally find ways to briefly wander. I'm concerned that on the rare occasion that she were to find a way out, and we were unable to bring her in before curfew hours begin, her fate would now be in the hands of the members of the public.</p> <p>I believe this also adds undue strain to the RSPCA, who are already overworked and underfunded.</p> <p>I'd like to reiterate that I don't believe by-laws that require this sort of public policing and vigilantism to be legal.</p>
142	Cats should be treated no different to the registration and rules as dogs.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



143	<p>Although I support cats being kept indoors overnight (and do this with my two cats who are also desexed and microchipped) I oppose the draft Bylaw No. 7.</p> <p>Having read the relevant Act as well as the current and proposed bylaws, I am concerned that the draft bylaw removes the useful practices of desexing and microchipping as well as introduces potential for the harm of animals deemed to be "at large".</p> <p>To avoid confusion, Paragraphs 6 and 7 should be retained and amended, not removed.</p> <p>Collars alone are not effective in identifying cats as they can be easily lost or removed by a person or by the animal itself, and some collars also present a strangulation risk. Microchipping with ear tattoo is a proven effective and permanent form of ID for cats.</p> <p>Encouraging trapping ("Residents requesting cages from Council to help catch wandering cats on their property") is not a good option, particularly without mandatory microchipping/tattooing.</p> <p>Catching a frightened or stressed cat is dangerous. Trapping is also time-consuming and expensive to the resident, and merely transfers the responsibility for the cat away from the owner, to a resident or to a shelter which is likely already overburdened.</p> <p>Animals that are actually compliant with the bylaws may be unintentionally caught and destroyed. A very low percentage of trapped pets are ever returned to their lawful owners.</p> <p>The Animal Welfare League of SA has useful information on dealing with a cat that may be "at large". This can involve a printable paper collar to send a message to a cat's owner (or learn if it has one), a practice that has been successful in the UK.</p> <p>I very strongly support the adoption of this measure in Marion Council to promote a cat curfew. It is a kind, low-cost and humane first step in the approach to a community problem.</p> <p>See more about this here: https://awl.org.au/advice-education/pet-advice/cat-tips-advice/stray-cats</p> <p>In short, although I definitely support keeping cats indoors at night, I do not support Bylaw No 7 and urge council to reconsider its approach.</p> <p>At a minimum, retain Paragraphs 6 and 7, and introduce other means besides encouraging trapping to deal with cats "at large".</p>
144	<p>This is a great idea. I don't dislike cats but like wildlife a lot more.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



145	<p>Variable times for season can be introduced as per below due to weather conditions affecting the cats behavior.</p> <p>Summer (day lights savings) from 10pm to 6am.</p> <p>Winter 9pm to 7am</p>
146	<p>How on earth this is going to be policed in a fair manner? If the general public can request cages, how are you going to ensure that any cat captured was at night and not during daytime hours by a begrudged neighbour? What about someone who has fostered a cat whom was a stray and has taken them in as their own but there are issues with it being contained for a whole night? What if an owner goes out to a function - say a wedding - that will go from early hours of the morning and do not get home after the curfew time to look their cat away? Or even shift workers?</p> <p>This proposal has far too many flaws for it to be approved! I am also concerned that it will promote cruelty to cats in general.</p> <p>I think it fair to limit the number of cats each property can have.</p>
147	<p>My cat is only outside for about an hour every day when I'm home. And has always been brought up like that. But I feel for the ppl that have had an outside adult cat, and now the laws have to change - how are they going to teach their cat. It will take time. Cats have a mind of their own. Can ppl have warnings?</p> <p>I also feel that bad neighbours will take advantage of this, maybe trap the cat until the curfew? And then report it?</p> <p>If you give cages to ppl to trap cats, I feel as if this will increase abuse?</p> <p>I agree they should be inside at night, but maybe some Lea way.</p>
148	<p>How can anyone make sure there cat is home by 9 o clock?</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



149	<p>I think this time is good but I believe it should be more 7pm to 7am (if not full time like dogs) this way cats will be inside for the majority of dark hours</p> <p>I strongly believe cats should not be allowed to wander at large at anytime, I work in wildlife rescue and sick of having to care for birds attacked in the area or having to contact a wildlife rescue like Minton Farm or Fauna Rescue if the care involves more than rest/food/water for the night before release at first light the following day</p> <p>It breaks my heart when I go out early in the morning and see multiple deceased cats on the street which are almost impossible to see during day light rather than night</p> <p>This is coming from someone who has a Mum who took in a stray cat over 10 years ago who lived outside and she gradually limited the cats time outside and now will only go outside confined to the backyard for an hour or two a day and she is a perfectly happy cat</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



150	<p>The hours of confinement proposed are unreasonable and I cannot see it working for the public - 12pm - 6am would be more achievable and allow flexibility should people be out, have events to attend in the evenings, struggle to get their cat in, have early starts in the morning etc. I have a cat who is 12 and has been trained to come in when called and is in by 10pm every day though when the weather is warmer I bring him in earlier as he tends to want to stay out. He is locked inside all day while I work so he also gets let out for fresh air in the morning, usually before 7am. He is never left out during the day unattended. So, it is possible to have cats in at certain times of the day, but only through years and years of training and even still, they will do their own thing at times. How does the council propose to help owners train older cats to abide by these new laws?</p> <p>What will be the grace period for people to train their cats in order to be able to comply with these new laws?</p> <p>What consideration has been given for cats who become violent towards their owners for being locked inside at night when they are not used to it?</p> <p>What consideration has been given and what professional veterinary consultation has been undertaken in regards to the mental health of cats and impact on their over all health should new restrictions and routines be forced upon them? What support will the council provide to owners in this instance?</p> <p>Will the new law apply to all cat owners or only cats owners from a certain year onwards? Why not have compulsory registration so that this could be possible, like Mitcham City Council do?</p> <p>Section: 11.3.2 states " the cat may be destroyed or otherwise disposed of by an authorised person if...:". What does "dispose of" mean if not destroyed?</p> <p>What happens if a cat from a neighboring council is picked up by Marion City Council? How will the owners be notified and what penalty applies if the residents do no live in Marion City Council?</p> <p>Has the council considered free education programs around training for owners to aid them in training their cats so they can abide by the new proposed laws should they be approved?</p> <p>If the law is put in place to help protect wildlife, why are dogs not also required to be kept inside after hours? Fauna Rescue SA statistics alongside RSPCA stats will likely prove that dogs are the majority cause of injury to native possums when it comes to wildlife being attacked, quite possibly also the case for larger reptiles such as blue tongues and stumpy lizards.</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



151	Support from council to install outdoor cat enclosures would likely assist here. Either a financial subsidy, in-person assistance or "how to" guidelines (eg low cost DIY options). I have my cats enclosed in the yard so they can be outside but do not wander. I think many in the area would do the same but perhaps finances or ability prohibits this, eg elderly unable to construct, rental tenants not permitted to add structures.
152	Yes - can we let our dogs "wander at large" at certain times so they can defecate in people's gardens and dig them up!!!
153	Our cat is an indoor / outdoor cat. It is not humane to contain a cat indoors that has become accustomed to space. In addition the practicality of bringing a cat indoors within certain time frames is challenging to say the least. We keep our cat indoors at night, but to ensure the cat comes home we have to feed the cat in the evening. Summer is a particular challenge when it is light late into the evening and the nights are warmer, the 9pm deadline is too early. My wife and I also on occasions leave for work before 7am. To introduce a law without a significant period of time before it comes into affect is irresponsible, the law would have been taken into consideration when we purchased our cat, it will prove difficult for us to comply with the proposed new law and we will have to consider euthanasing our pet. We also consider it a violation of our privacy should it be required that our name, address and phone number be recorded on a disk on an animals collar, micro chipping should be sufficient and protects our privacy.
154	Confinement should be a 24/7 requirement
155	Best for the cats and all should be registered
156	Cats should be confined (and not wandering at large) at all times
157	I believe that cats should not be allowed to "wander at large" at all. They should be confined to their homes like dogs.
158	I think cats should be allowed outside in nature. Most don't roam very far from their house. My cat is 13 years old and wouldn't be able to adapt to being an inside cat.
159	Cats should never be allowed to wander, ideally.
160	Yes. I am sick to death of neighbouring cats using our lawn as a cat tray. Fully support this proposal.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



161	I believe that the hours should be all the time as cats wander in the afternoon, etc and dig in garden and spray on patios, etc.
162	Cats are nocturnal creatures that love their freedom by night. Curtailing that freedom is curtailing their basic right to be their true natural selves. How would we as Human beings feel if our basic right to freedom is taken away from us ?
163	Please do not go down this draconian path to attack responsible cat owners. Thi said agenda is driven by a "green" minority and does not reflect the views of the greater Marion community.
164	Times are too restrictive for cat owners who work or are home later. Support midnight to 6am, but people need to get in with their lives and their jobs. What concern it would be if you couldn't get home in time or your cat didn't return. You can't call them in or throw a valuable a dog. Unfair I think.
165	Cats are not evil native wildlife hunters as is made out. If anything my cats catch the mice in my yard which would be caught in mouse traps anyway. I believe this to be a revenue raiser for the council. I have seen the neighbours dog catch birds during the day so is confining a dog to indoors during the day on the agenda next?
166	Cats are beloved pets and should be treated as such. By pet cats wondering at large the community risk losing the few native birds and other wildlife we do see in our gum trees and other park areas.
167	I support fully. About time cat owners become more responsible. I'm all in favour of an even longer curfew, protect our precious beautiful birdlife and stop these pesky felines fighting.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



168	<p>I think this is an excellent change. It will help to reduce the number of native bird/small mammal deaths, which is already too high.</p> <p>Also, I think it is fair that cat owners have more onus for their pets. Will cat owners need to register their cats like dog owners? I own dogs and have them registered. If they were caught outside of my property I would be fined. Will this be the same for cat owners?</p> <p>If the cats aren't registered then how will this rule be enforced?</p>
169	<p>This just doesn't make any sense at all. Does this mean that you effectively control when the owner should be at home? What about people who either start early or finish very late?</p> <p>We also have great time at nights sometimes when dogs are barking or howling or koalas are calling or possums have fun fighting each other. Shall we try to stop these sounds too?</p> <p>Please, do something important for all people, not to a group who prefers one kind of animal to another. That is not what we are paying for.</p>
170	<p>I feel that this is an unreasonable request to be placed on responsible cat owner residents and families, especially when cats have been in the family unit for awhile and have adapted to their happy content life within the family structure and lifestyle.</p>
171	<p>The 9pm time seems a little late perhaps 8pm?</p>
172	<p>Some financial assistance for concession holders/pensioners and the elderly to help purchase some form of containment - as cat enclosures are extremely expensive!</p>
173	<p>Long overdue .. it's time cat owners took responsibility.. tired of cats fighting spraying and producing unwanted kittens. I'm tired of them killing what little wildlife we have left. Bring in the fines. Dog owners are often targeted while there's been a sissy soft approach to cats.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



174	<p>We have never owned a cat.</p> <p>We regularly have:</p> <p>Cat fights in our front and rear gardens.</p> <p>Cats "marking" on our front doormat.</p> <p>Cats defecating in our front garden.</p> <p>Cats knocking over the bird bath in our front garden.</p> <p>I hope your cages work because the last one we used didn't operate properly.</p>
175	<p>Should be at all times, dogs are not able to wander at large and cats in my area are more aggressive than the dogs. Also they use other people's yards at toilets at all times, not just overnight.</p>
176	<p>Strongly support for safety of wildlife and also safety of cats.</p>
177	<p>My cat likes to go out side and take a piss & shit. Yes we have a litter box but it meows at the door to come back inside. It largely is indoors sleeping but it also need to roam freely.</p>
178	<p>I have always kept my cats in overnight. I have tried various time frames including the time currently being suggested by the council. The time frame I find easiest to enforce is from 10pm to 6am, particularly through summer. I feed my cats before they go out in the hope that it will stop them eating/chasing our wild life. I have great concerns about people being able to call for cat cages to catch cats on their properties. I think this makes cats vulnerable to being maimed, tortured or killed. I think animal cruelty is rife in communities. Although I understand the need for some form of cat control, it feels to me like responsible pet owners are being punished for what less responsible pet owners do. Council regulations are taking some of the joy out of my pet ownership.</p>
179	<p>7pm-7am All cats should be on a leash as in the case of dogs. After our cat started killing birds it was taken to the Vet and deleted.</p>
180	<p>Bells should also be mandatory</p>
181	<p>Cats should also be registered same as dogs.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



182	I think it is absolutely ridiculous. There is no way I am going to be able to get my cats inside at night and keep them inside. We are renovating the house and have holes in the ceiling that the cats get out off. There is no way that this is going to work and I strongly disagree with this and think it is totally unfair. What about the stupid dogs that are barking all night long, what's the plan with that. Cats are peaceful so what's the issue with them wandering?
183	Thank you for introducing stronger measures to protect wildlife. We've already had our nesting native birds attacked and killed in the nest from stray cats, despite taking measures to stop them getting into our yard and climbing the trees to pursue the birds.
184	I think it should be before sundown. 9pm is too late.
185	They should be kept within the owners property 24hours a day, the same as current requirements for dogs. Only off property if on a leash or carrier etc.
186	This is complete stupidity and will cause hatred towards cats for no reason. This will end with innocent pets being murdered for being outside.
187	I'd like to see a longer curfew starting earlier. 9pm is all well and good in summer but in winter the sun sets at about 6pm, meaning there are 3 hours of dark cats can go kill wildlife. Ideally a 24 curfew where cats must be confined to their owners property would be the best outcome.
188	Make it publicly clear that it is as much for ththe cats' safety as for wildlife; cat owners often get very defensive at the argument that their cats kill birds, but in fact there is a significant difference in life expectancy between roaming cats and contained ones.
189	Cats being confined 24/7 would be better.
190	I'd like the law to be, that cats must be confined to their premises at all times.
191	Our native animals need further protection. As many of our native animals eat at dusk and Dawn, the curfew should begin 1/2 hour prior to sunset. And a clear penalty of what will happen to the cat if it's found outside beyond these hours.
192	8pm is more realistic to 7am Although they should never wander at large
193	24 hour curfew strongly encouraged.
194	It needs to be 24/7 but this is a good place to start.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



195	Cats need to be contained 24 hours a day. The impact they have on native wildlife is deplorable. It is also much safer for the cat, protecting them from other cats, disease, cars and dogs.
196	I think cats should be confined 24 hours a day to save our birds and wildlife eg lizards etc.
197	Cats should be prevented from "wandering at large" AT ALL TIMES. They are capable of hunting both night and day. Our 13 yr old cat has happily been contained either inside our home or in his aviary, without any suffering to the cat or the wildlife that visits our garden. This has been very easy to achieve.
198	Cats has the same right that dogs to wonder around
199	My suggestion is to make it sunset to sunrise so it changes with the season. I always Lock my cats in at night from 6-7pm in winter but in summer it is 8-9pm as it is still daylight and we are all still outside together at this time. In the morning 6am would be fairer. Some families have to leave for work earlier than 7am.
200	Before supporting such an act, I would like to know what the penalties are for owners who do not follow the law. I don't feel it fair the animal be punished in any way. It is also possible that owners try to abide by the law but are then unable to find their cat when the curfew kicks in.
201	Our neighbours cat used to jump the fence 'into our property' and kill lizards. They were wild lizards and not pets but they still deserved to live happily in OUR backyard without being viciously mauled by a cat.
202	Cats should be kept from 'wandering at large' at all times. But a curfew is an excellent start.
203	I think cats should be registered and confined at all times just like dogs.
204	We don't let dogs wander, why should we let cats? The neighbours cats regularly come into my yard and stalk our chickens! The chooks now have to be supervised!!
205	Great start but needs to go further to prevent cats killing native wildlife
206	Enforce further laws to only allow cats to be inside. Over a billion native Australian animals die each year because of cats and it is crucial that this number is decreased
207	Should be 24 hours
208	Cats shouldn't be allowed to wander at any time.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



209	I do support there being a curfew. But it would be even better if they weren't allowed to roam at all. Not only because they kill or injure other animals, use other peoples gardens as a litter tray, spread disease for example feline aids, pee on peoples property, but they are in danger of being hit by cars, injured by other animals or people. Dogs arent allowed to roam by law so why should cat owners be allowed to let cats roam. There's also the issue with them breeding. So i think its a no brainer to do something about it. I keep my animals on my property and they arent allowed to roam because thats what a responsible pet owner should be doing with any pet they own.
210	Too many of our native wildlife are falling victim to pet cats
211	i am absolutely against this. Cats wander by nature and it is hard for cat owners to always call their cat inside. The fine is too high and the allowing of people to trap cats is going to encourage cruelty.
212	Should be 24/7 !!! Cats kept indoors, cat enclosure or confined to their yard with cat proof fencing
213	This is a good start but I think it would be better for cats to be confined 24/7. I say this as a cat owner
214	Cats should not be out at any time..they should remain on their owners property!
215	Should be 24 hour curfew - cats hunt at all times and are becoming a nuisance.
216	All cats should be confined 24/7. No exceptions. Same as dogs.
217	Cats shouldn't be wandering at large at all and should be confined to the owners premises.
218	If fines are taken, cats taken to pounds and nothing is given back to the cat community from the profits then it's not worth it. Communities also need education on correct cat care methods e.g indoor only or cat enclosures in yards.
219	Strongly support registration If dogs need to cats should For years I have had neighbours let their cats breed and wander and pooping in my yard. They had 19 at one point. Desexing should be compulsory unless a registered breeder
220	The impact of cats roaming freely is well recorded and as many cats are allowed this freedom, the bylaw is a critical step towards reducing the impact.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



221	The issue is dawn and dusk. During Winter this includes the hours of 7-9am and 5-9pm. Cats must be kept indoors during these times also.
222	It's safer for everyone. My cats only go outside when it's full sun and I'm home, to stop them wandering out of my yard. It isn't hard to do.
223	I would suggest 9pm til 6am as some people leave for work early.
224	If you finally acknowledge the disastrous impact cats have on our native wildlife, why aren't they required to be confined or on a leash at all times? What other pets do we allow to roam? I get fined if my dog's off the leash despite him being 15 years old and extremely slow.
225	I agree with it but I think it should be 24/7. I think that cats should have the same rules as dogs; they should not be able to wander at large at all. For their own safety from predators, cars, other cats and arseholes as well as for the protection of our native wildlife.
226	What a fantastic idea. Cats hunt at night. It's the poor wildlife that suffer. Fingers crossed this new rule comes in and we can save a bunch. I am a cat owner myself(inside 24/7)
227	Should be confined at a minimum during nighttime with encouragement for cat owners to never let thier cats roam.
228	Marion Council must lead the way in creating a state wide cat curfew. Go Marion!!!
229	Wonderful idea, great work.
230	Rather than restricting the outing for cats there should be strict laws to keep the numbers/breeding of cats under control. Owners should be fined for not neutering their cats. There shouldn't be more than one "bought" cats should be allowed. That way number of cats will be in check.
231	7pm to 7am would be better. 24 hour mandatory confinement would be best.
232	Cats should be contained to property 24/7 unless on harness, similar to dogs

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



233	<p>I strongly believe this will increase hatred towards cats and animals. I can also imagine the stress owners will be placed under trying to keep a cat inside during these hours, especially older animals. Cat ownership are great for mental health and I feel that people will be discouraged from owning a cat. Cat hate will increase and our society will become less kind and considerate. Not something I would like to see the council support. Please continue to support responsible cat ownership, limit ownership, microchipping and work with the RSPCA to make sure cat adoptions support this too.</p>
234	<p>While 9pm to 7am is better than nothing, a 24 hour confinement would do a much better job of enforcing responsible pet ownership. 24 hour confinement would, most importantly, protect our remaining wildlife, remove the neighbourly nuisance factor and be beneficial for the welfare of the cat itself.</p> <p>Recently, it seems as though people are getting complacent. In my area, it had been several years since I had seen cats outside. In the last year, there have been two unwanted cats hell bent on decimating the fairy wren population in my garden, that I have spent much time and effort on creating a suitable garden environment for. I absolutely support a 24 hour curfew and have had no issues doing so with my own cat who is 100% indoors.</p>
235	<p>All cats should be kept in doors or have an out door cat run to prevent our beautiful native animals being killed. Eg ring tail possums.</p>
236	<p>As a cat owner I am in agreeence with the proposed law but I think there should a strike system and the fine should be less. And possibly instead of the curfew law there should be a bell collar requirement to deter cats from killing wildlife.</p>
237	<p>This seems unfair on the animal to keep them confined inside.</p> <p>As a cat owner I also do not like my cat having to use the toilet inside and keeping a litter tray.</p> <p>Happy to comment further</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



238	<p>Im very scared for cats and kittens being locked inside traps or cages. Im scared that a cat is going to be trapped and a predator is going to harm them and they will have nowhere else to go and no way to defend or protect themselves. Gardens and backyards are getting smaller and the housing and way of living has changed too where most people these days have small rental properties, some units joined together to create more space for more properties. These days not too much room for pets that's if with a rental property the landlords even allow pets. If a predator did try to attack me i do have a right to defend my self, escape from harm eg fire, i have a right and responsibility to protect my family and cats i believe are part of the family we give them names, a home, a collar, food, milk, we love them, we take them to the vets like a mother takes her child to the doctors we have the right and responsibility to protect our home, family, maybe help save somebody elses life even. Take a look at the person sitting right next to you left and right. I know you have a camera that turns around so that you can all see yourself well that person who you are all looking at is the most dangerous living species of our lives and are we caged in and having traps set up for us? Do we have a curfew? "No" we all heard the latest news stories recently that traumatised me and scared some friends of mine where a suspect was or still is on the loose after decapitating the heads off of cats leaving some owners extremely distraught. If someone is this mentally ill what's going to happen to a innocent or stubborn, or senior deaf cat, or a playful kitten who doesn't want to go inside while their owners are constantly calling them and they run up a tree, or where there owners cant get to them and a cat gets trapped and a predator comes along? "Sorry for your loss" doesn't bring our loved ones back and some people rely heavily on their pets for comfort, company, disabilities, anxiety, depression, and you know what for some people having a pet is sometimes the one thing that people like me get up in the morning for.</p> <p>I was rushed to hospital unexpectedly after collapsing just last year. When i was rushed to hospital i wasn't allowed out for at least 3 weeks until i was diagnosed with cancer, but if this curfew was in place at the time and my cat was out when an inspector came does that mean i would be fined \$187 all the time while in hospital? Or if someone is too sick in bed to get out of, or seriously injured? I know alot of people are saying "should have stayed in hospital" but there is ambulance ramping going on, hospital staff want you in, then want you out. I was sent home and because i was sent home too early i ended up in icu. So What happens to a cat during this curfew if no one is there to help you. Cats and humans are programmed differently What if you are a senior person being taken to a care facility and there is a pet? These things need to be taken into consideration please. I live on top of a reserve in this area and every year we are on bushfire alert, snakes alert, foxes alert, other predators that i dont want anywhere near my home or my family if we trap a cat it's not so much other species im worried about, birds can fly away, they fall out of their nests, they too can be eaten by snakes, sometimes, they accidentally fly into windows, and slowly die, mice get eaten by snakes, mice and rats caught in traps themselves set up by humans, poison gets sent out for them and i dont see any of us trying to catch a snake, or a fox, foxes run faster sometimes than what the eye can see i dont think it's cats that a fox needs to be worried about, i think it's the fox the cat needs to be worried about, koalas have sharp claws to fend themselves off. We had a major mice infestation a couple of years ago and cats in the area pretty much saved our homes, mice in our house were being caught within minutes of traps being set, there were mice fiesces everywhere, the house stank, and</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



	<p>carried germs, we had an inspector come in to help us as electrical wires had been chewed, and could have caused a fire, there are still to this day mice holes in the walls and they got into our pantry and food. The inspector said that the cats have helped steer them away and a rat which we didnt know was on the property had been found well before it got into the house. In conclusion for me trapping cats is trapping other predators food. If a cat is trapped for too long not only is it at risk of predators but dehydration, starvation, heat stroke, and what about the cold winter coming. I'd like to see us only wearing a short coat and crying all night when there is no help available, and what about water if a drain explodes or if there is a storm and heavy flooding, a fallen tree, bushfire? Trust me we aren't going to hear the words "im sorry it was my responsibility" we are definately going to hear "it wasn't my fault it was someone elses". A cat owner does not want to be up all night or even waking up in the night wondering if their cat has been caught and wondering if it is ok. There are some beautiful animal enclosures where cat and owner can be together and my grandad who is in his 90's has put up his own wooden block between his and his neighbours fence to actually stop a cat from getting into the yard. Some can be expensive but im sure if we all help one another we can get through this community gap together.</p>
239	<p>The confinement needs to be permanent. Cats should not be allowd outside at all, dogs are not allowed to wander ever so cats shouldn't be either.</p>
240	<p>Cats should be strictly confinded to properties during all hours! As a cat owner myself it is not hard to keep your cat indoors only! This not only protects wild life, protects unwanted cat pregnancies, cat fights or harm to cats by cat haters, also protect some people's beloved beloved pets from being run over and protects the ability for the cat to go missing or stolen, also prevents the risk of cat aids and infections. This said also protects the cat from going into properties of dogs and being hurt, prevents people having unwanted cat poo in their gardens. If I can keep my 5 year old cat strictly indoors only since he was six weeks old so can everyone else</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



241	Make it 24 hours, cats are responsible for killing wildlife and their own deaths by illness (FIV) and cars is a horrific thing that can be prevented. Cats can thrive indoors with the right enrichment and catios (outdoor cat enclosures) are also an amazing tool.
242	I have an issue with cats being caught/trapped and taken to the RSPCA. This is my animal, and try as I might to keep her within my fences (I am renting, therefore unable to change the fencing, and the back of my property is unfenced and opens onto an empty property) should she get out, I would prefer she could freely return and not be captured by some grumpy neighbour.
243	I think cats should be confined inside and not free to kill wildlife - they can't help it as it is in their nature but their 'footprint' is unacceptable. Regulation is necessary and it must be implemented, well communicated, well shared for buy-in and well policed
244	Sunset tonight sunrise. When daylight starts so early on summer 7am is almost two hours after daylight and 9pm is far too late after sundown in winter.
245	24/7 would be more appropriate. Or at least dusk to dawn. 9pm is too late if protection of wildlife is part of the motivation. Council would need to be pro-active with enforcement. This was introduced in Yarra Ranges, Victoria when I lived there, but was largely ignored by cat owners. Council was not pro-active.
246	I am a cat owner and they are confined 34 hours a day on our property
247	Should be 7 to 7 so they are in by dark
248	It should be 24/7 not just at night. Other councils such as the Kangaroo Island Council do this.
249	Cats should not be allowed to wander off their property at all for their own protection as well as our wildlife's.
250	It should go further. Like dogs, cats should be kept on their own properties at all times.
251	Cats should be registered
252	Thank you for acting on this critical issue to create a real strategy for reducing biodiversity loss.
253	Support 24 hour confinement

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



254	Preferably the time be extended from 9pm - 7am to all day or even enforce cat owners to keep their cats inside or in an outdoor cat run. This is because the damage that cats do to wildlife as well as to themselves is unacceptable. We do not let dogs wander the street as they please so we should not let cats do the same.
255	Cats should be kept inside at all times, unless they are in an enclosed area such as a cat run. We need to be putting Australian wildlife as a number one priority over our household pets
256	No
257	Protect our wildlife please
258	Sometimes cats just won't come home. There is no way on this earth that I can locate my cat when they do that. It usually happens on nice calm warm nights. It is beyond my control. They can just slip out if we go in/out to bins or whatever, even though the cat flap is locked. They do NOT come when called. They deliberately ignore us and run off. They are NOT like dogs in obedience. It is unfair on us as owners when they just won't come back in those cases. We do our best to keep them in from sundown. Beyond that control is fantasy land.
259	Although 9pm - 7am is a good start, I think they should be confined 24/7 as they are not native and are slowing killing our precious native animals. Just recently I saw my neighbours cat prowling through my backyard with a dead New Holland Honeyeater in its mouth. How disheartening.
260	Although I've had to tick yes for the proposed times, I don't actually agree, but there is not a third option available. These half hearted measures are not enough. Cats need to be confined 24/7 indoors or in enclosed cat runs. They still attack and kill native wildlife during the day too - indeed, most bird attacks are during the day & plenty of possums, lizards, etc. They still poo in other peoples gardens & children's sandpits. Keeping a cat enclosed at all times is better for the cat & easier for the owners too. Cats aren't good at looking at their watches to make sure they're home in time for curfew - best to not be allowed out at all.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



261	<p>They should be confined all the time.</p> <p>The fact we allow one species to effects 100s of vulnerable species is something we need to take responsibility for, there's no reason for them to be out it's also safer for the cat. 5pm should be the minimum as birds will be looking to perch/next for the night around this time but birds and lizards are vulnerable 24/7</p>
262	Poorly thought out idea.....
263	<p>Cats catch rats and mice. I would hate to see the result of such a ban. We have a cat who brings home up to 6 rats/mice every week. Maybe you should consider banning bird aviaries and chicken runs first, then compost bins and other places that rats and mice breed.</p>
264	<p>Why are the desexing and microchipping requirements being removed? These should be mandatory for all cat owners.</p> <p>I also am not opposing a cat curfew as I keep our cats in overnight every night, however, I would be happier seeing it set at 9pm-6am.</p> <p>I almost always leave the house for work before 7 and my partner is fifo, so when he is away, I have to let the cats out between 6:30 and 7, otherwise they get shut inside all day, with no access to even the back garden. One of my cats does not wander out of our property, but the other one explores during the day, and comes home at night (usually around 8pm).</p> <p>I also think there should be some concessions made for day light saving hours, as during the warmer months, cats are more active, and wander for Longer hours.</p> <p>Finally I would like to make the comment that it is all very well to place a curfew on cats, as I understand the effect on the environment and native wildlife. However, I think a total 24hour curfew is impractical. Cats are by nature wanderers, and are so imbedded in our society, that very restrictive measures on cat owners, is similarly impractical. It may also be prudent to allow for exceptions with regard to individuals certain circumstances.</p> <p>Also, in this by law, what provisions are being made to distinguish feral cats from domestic cats. And is there something being done to reduce the feral cat population?</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



265	Cat owners should be responsible and contain their pets. Our property is continually soiled by cat droppings which seem to occur mainly at night. Please expedite this introduction!
266	<p>I would like the confinement of a cat to their owner's premises to be 24/7.</p> <p>I have chosen not to be a cat owner, yet I have other people's cat's trespass into my property.</p> <p>I have young children and a sandpit, and if my children forget to close the sandpit, other people's cats use it as a litter tray. This becomes very expensive to rectify.</p> <p>I have a dog, whom I keep within my yard, and on a lead when I walk him. But, being a Husky, it is his nature to kill a cat if it comes into our backyard. The perfect solution is to have laws that state cats remain on their owners property, just like I keep my dog on my property. It protects their cat, and my dog.</p> <p>I have a veggie patch. I should not be having to be responsible for keeping other people's cats out of my garden. It becomes expensive trying to protect my property and the enjoyment of my property from other people's animals. If my dog pooped on someone else's garden, they would be quite angry. I would be asked why I didn't take measures to stop it and asked to clean it up. It is much harder to enforce this with cats who roam without their owners.</p> <p>I bought my property because of it's proximity to a reserve, and native wildlife. Cats are ferocious hunters, killing all the beautiful native wildlife that we all enjoy.</p> <p>There are plenty of suitable products on the market to help keep cats safe and on your property, from cat enclosures to fence top spindles that prevent cats from straying from your yard. These measures protect people's cats from harm, while protecting wildlife and other people's property from the harm cats cause.</p> <p>If you choose to own a cat, you should also choose to keep that cat on your property.</p>
267	24hour confinement is needed to protect our wildlife.
268	Further I would strongly support a 24/7 confinement (I have cats)
269	24/7 confinement is preferable
270	<p>Cats should be refined to inside at all times unless in a cat run that is enclosed.</p> <p>How would this be monitored and how would you ensure that this is being done?</p>
271	I think cats should not be allowed to wander at large at all. Domestic animals like cats and dogs should have the same rules. Cats kill too many native wildlife

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



272	Thank you for doing this!
273	While overnight confinement is a start, cats should be indoors only. They kill wildlife all day long, not just at night.
274	Excellent idea that is a huge benefit to the environment. The 9pm time should be made earlier, cats should not be wondering anytime of the day.
275	Needs complete confinement 24/7 like dogs. No cats allowed to wander the streets at all
276	with recent events of cats being harmed, i am concerned that cat haters will take this as excuse to harm cats found outdoors. There should be a penalty for people who harm cats and try to enforce the law themselves. i see no mention of how the law will be enforced and that humane methods will be used to get cats. People with cats that are used to free roaming may need help and education to keep cats enclosed. Education should be provided to people needing help to build cat runs etc. no cats should be harmed as a result of this law and steps should be taken to ensure that this is the case. tv and radio advertising should be used to educate the public on containment of cats and desexing.
277	Could Council please publish the evidence that they have obtained to support the statement that domestic cats are killing significant numbers of native wildlife and are causing a nuisance in neighborhoods, and what anticipated effect a night time curfew would have.
278	Any responsible cat owner is already following these rules for the safety of their pet and the local wildlife. Any one inconvenienced by them probably shouldn't own a cat.
279	I own a cat. He is an inside only pet, there is absolutely no reason for him to be roaming into someone else's property. Any responsible pet owner would do the same. If someone wants a cat they will get one they don't need someone else's coming onto their property. I would prefer for the confinement variation to be 24 hours not between certain times.
280	Should be all times
281	the time for confinement should end earlier in the morning, at 6 am for people who start work early and want to let the cat out before they leave for work
282	I think all domestic cats should have a cat run and not be free range, mine is

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



283	and and there should be traps set in high risk eras and any cat caught should be put down immediately and a bill sent to the owners and there should be a 1 cat per house hold no matter how many tennants live in the house
284	Yes - 9pm to 7am curfew is not enough! I cant understand the mentality of some pet owners. I think cats should be treated like any other pets, eg dogs, and controlled by their owners within the owners property at ALL TIMES and accept no soft options like a curfew and making other people responsible for managing peoples cats! All pets must be treated equally in my opinion. We control our dog inside our fences at all times. We have neighbours cats shitting in our garden beds, chasing birds, annoying our dog, running across our roof and jumping/banging on fences at all hours waking us from our sleep and I've had enough. I have at my own cost installed an electronic deterrent device in my front yard which works somewhat - but why should I have to control other peoples cats? I haven't spoken to my neighbours about this but this I fear will alienate my neighbours. This curfew doesn't go anywhere near far enough in my opinion.
285	It's a people curfew, someone has to be home to bring cat indoors, may be difficult for single person households. Cats are often the pet of choice for elderly pensioners who will struggle to pay \$187.50 fine. Will pit neighbour against neighbour, is open to abuse by anti cat neighbours who could trap my cat at 8pm and claim it was there after 9pm. Will make it very hard for RSPCA to re-home cats as this kind of punitive approach will discourage people from taking rescue cats.
286	I think this is utterly ridiculous. Cats cause minimum disruption.
287	It can only be a good thing for nocturnal native animals such as possums etc. that fall prey to pet cats.
288	I strongly support the introduction of 24/7 cat confinement. 9pm till 7am is simply not enough. I can't believe cat owners would not want their pets to be safe, even if they don't care about the natives their cat kills. I also strongly support mandatory desexing of companion animals.
289	I think this essential. The damage to our native wildlife by cats needs to be recognised. Cats should be treated equally to dogs with registration, confinement and fines for non compliance.
290	Support 24 hour confinement

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



291	Disproportionate response to a non-problem
292	This is a step in the right direction for our natural wildlife. Pets don't have an intrinsic right to hunt at night.
293	<p>Terrible thing for many cats. Older cats, cats used to go out, i will comply, but not happy at all. Particularly the neighbourhood watch mentality that will follow: cages to catch cats on your property!! Really! Dont we have more urgent matters to deal with? Barking dogs on peoples own property? Imposible to do something about this issue ir get proper help from the council.</p> <p>I hope we will be spared. Many cats are already waiting in a shelter, more will be dumped there after the cat curfew becomes active.</p>
294	I think it is so bad my cat is 12 years old desexed what a life a cat would have to stay inside also mice and rats would be take over
295	9pm is too late to require cats inside, especially in winter. 7am is good for letting out
296	<p>Cats hunt 24/7, decimating native populations. Cats should be confined 24/7.</p> <p>Thank you so much for consulting the community regarding this.</p>
297	This should be 24/7, the same as dogs.
298	I don't agree that cats should be totally confined but we do always get ours in overnight. Unfortunately during the warmer months they now and again don't respond to our numerous calls and stay out overnight but not much we can do. One of my cats brings back the odd mouse the other doesn't hunt at all. I don't believe they personally impact too much on nature around our house .
299	I think 7pm- 7am would be more appropriate.
300	I do believe this proposed law will be ineffective and only punish responsible owners while allowing sick twisted individuals to trap and harm cats when ever and however they feel like it. This law will make the situation worse.
301	<p>Please provide data showing cat curfew reduces damage to native wildlife. This is a simplistic solution to a complex problem which is unlikely to have a meaningful impact. This is just going to impose restrictions on cat owners and incur a financial burden of building enclosures.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



302	24 hr confinement would be better
303	I support the cat curfew in principal, but as the owner of 1 cat, I am not sure how we will be able to keep our cat confined to our property at night, due to the fact that we also have 2 dogs that require outside access at night for toileting.
304	<p>My understanding is that the aim of the cat curfew is to save native wildlife. However, my experience is that cats will hunt birds during the day and at night cats will hunt rodents. I'm concerned that the curfew will have minimal effect on native animals in the city areas while the introduced rodent population will increase and create health issues. My other concern is that many people can not keep their cats inside at night due to allergies. Another option for these people is to install an outside cat enclosure but this takes time and money. People on low incomes will be disadvantaged by either not being able to keep a cat or having to pay multiple fines.</p> <p>There have already been some excellent changes in laws to reduce any feral cat issues and hoarding, such as only being able to keep two cats and all cats needing to be micro-chipped and desexed. My understanding is that if someone is concerned about a cat entering their property they can catch the cat by obtaining a council cat cage/trap. If the cat is found to be feral or have no owner, the cat can be managed appropriately by the RSPCA. More effort could be placed on managing feral cats, rather than harassing and penalizing people who are doing the right thing by having their cats micro-chipped and desexed.</p>
305	I think the hours should be from 6pm at least. Cats kill wildlife all hours of the day and I personally think they should be contained 24/7 but realise this is a big step. I'd be happy if they could be contained from dusk to dawn.
306	I hate cats coming into my yard. It's not fair. I have birds that she be left alone but I have to worry about cats stirring them up in the middle of the night. Maybe it will help to stop the breeding and producing of more feral cats
307	As long as animals aren't punished if they are caught, it's not their fault.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



308	<p>We are pensioners who love cats in a largely similar demographic who love cats. We live in Plympton Park. When we go on holidays we help our neighbours look after each others cats. In 45 years of living here and owning probably 12 cats in that time we have never had one complaint. We are very responsible with our cats and have catflaps in use. Our one cat usually sleeps inside or sometimes in a cat "cubby" in our backyard. We can't afford to be paying fines as proposed. You should not underestimate the joy cats bring to children and even young adults in our street. Kids coming home from school or older ones living in the street like to sit and have a cuddle. You cite protecting wildlife as a reason. We do that as long term conservationists. You are not proposing a curfew on possums who do a lot more damage in the neighbourhood. They keep the hours you are proposing for the curfew. This proposed legislation could also be open to abuse by people with a vendetta on cats who could manipulate the situation by trapping our cats. We strongly oppose this proposed legislation.</p>
309	I think the curfew should be 24 hours per day. Cat are just as deadly during the day as in night.
310	I don't agree with 24hrs a day.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



311	<p>I do not support the statement " to protect native wildlife " because I think most native wildlife in the suburbs - if there is any left - is sleeping during the night hours. I would like to see a list of native wildlife that would be saved by this curfew.</p> <p>I do agree that in areas such as Warriparinga , Oaklands Wetland, etc that "feral" cats may be a problem to native wildlife at ALL TIMES.</p> <p>As far as the "nuisance" issue is concerned, I use to have a next door neighbor who had a dog that was either barking or whining all day and most of the night but I could not find any organisation - Council, RSPCA, EPA that was interested in doing anything about the poor animal or it's owner, so that the rest of the neighborhood could get some peace and quiet.</p> <p>I do have a cat which is mostly inside and especially at night, probably 95% of the time, but on some hot nights she may stay outside and usually on my property.</p> <p>What about the poor, lone pensioners who may have a cat as a companion but have trouble training / disciplining their animal to come inside at 9:00pm every night ?</p> <p>I think the fine is a good option for repeat offenders / irresponsible owners but that there should a warning option also for 1st and maybe even 2nd offences, then a fine for third time non-conformance.</p>
312	<p>How is the council going to legally prove that a cat was caught at night? Cat haters can catch it at day time and claim it was caught at night.</p> <p>What if I leave or return for/from work earlier than the curfew hours? Does it mean that a cat has to be home bound???</p> <p>Cats, if desexed, are not posing any real threat to wildlife in suburbs and are less nuisance, than dogs barking, defecating on footpaths, in parks and beaches and urinating everywhere, not to mention attacking and scaring passing people and dogs.</p> <p>Before council inspectors are given more responsibilities, they can try to better enforce the dogs bylaws first.</p> <p>As a ratepayer, I am not happy for the council to spend money on introduction and enforcement of such silly cats bylaws!</p> <p>Find better projects to fund or reduce the rates!!!!</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



313	<p>Believe that it would be more appropriate to link the times cats need to be indoors to sunrise/sunset - eg cats can't be off the owner's property before sunrise and must be back on the property within 2 hours of sunset.</p> <p>At 9pm in summer, the sun had barely set which can be problematic to getting cats inside.</p> <p>Cats can't tell time.</p>
314	<p>As a responsible cat owner and rate payer, this proposal is something that I did not vote for and will not support. If cats can be trapped in cages it can lead to abuse and torture as well as retaliation from owners on neighbours suspected of doing this to the cats. The population of undesexed abandoned cats won't change. The curfew is an inappropriate response to a much wider issue. Also, dogs, foxes and most of all humans are responsible for the diminished native wildlife population, including the constant urban overdevelopment in this area.</p>
315	<p>Cats should not be allowed to wander at any time.</p> <p>A strong education campaign is needed to alert people to alternatives such as cat runs, the danger of snake bite in summer months, the decimation of wildlife by cats, the results of the Prospect 'Cats at night' study.</p> <p>Curfews are difficult ie cat can't be found and impossible to be policed.</p>
316	<p>It is a great way to encourage responsible pet ownership. We have a problem with noise from cats fighting at night. Also cats on roads at night. Also great to protect native wildlife.</p>
317	<p>This is a great idea. I'm sick of irresponsible cat owners allowing their cats to wander the streets at night. We hear them fighting and having sex and not to mention the shit they leave in my yard. They even terrorise my chickens through the day (at least at night my chickens are locked up). They should actually have to be contained to owners property 24/7. Dogs would love to have free roaming and a night curfew as well so why are cats so accepted to have free run.</p>
318	<p>I fully support this by-law and suggest increased fines for repeat offenders and follow up visits by council enforcement officers.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



319	<p>Why does the proposed by-law only include night hours.? Dogs are not allowed to wander at large without being under supervision. Why are cats? When my neighbours got their animals they never asked my permission if the cats could wander into our yard and dig up my newly planted vegetable seedlings to foul my garden as their toilet in daylight hours..it was expected!. A dog will respect a fence, cats don't! Cats are natural predators and appear to kill for fun.. Since their arrival I have removed the bodies of several birds from our yard..coincidence?.. maybe!</p>
320	<p>Cats should be kept indoors or enclosed at all time just like dogs, if a fence cannot contain a cat than meeting should be required.</p>
321	<p>The cats should be confined 24/7 to protect themselves and the wildlife</p>
322	<p>We have problems with cats fouling and scratching up our garden at night. I believe a curfew on cats would solve this problem if it is enforced as envisaged in the proposed regulation changes.</p> <p>On a broader level, research has shown domestic cats are one of the most ecologically harmful invasive species on earth and a leading cause of human-influenced bird and small mammal mortality. Roaming cats also threaten wildlife through disease transmission, threaten human health by transmitting pathogens and parasites. Also, free-ranging cats are themselves at risk from such causes as motor vehicles, dogs and other cats, and contracting diseases.</p> <p>Marion's urban area is adjacent to O'Halloran Hill Recreation Park, Hallett Cove Conservation Park and Marino Conservation Park, all of which have sensitive ecosystems. These are threatened by the predation of cats from nearby houses, and a cat curfew with trapping in the parks would help sustain them.</p>
323	<p>Cats, like dogs, should be contained 24/7!</p> <p>Not all are hunters but those that are still kill wildlife during the day. Absolutely ridiculous to assume otherwise!</p> <p>In Belair every day I see 'at least' 4-5 cats wandering on my property during daylight. One cat entered my home & attacked my indoors cat resulting in a \$600 vet bill for me. My cat is trained to walk on a lead. Better education is needed so owners realise this can be done.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



324	<p>I would propose a more sensible time between 8pm and 6am particularly during winter times when it gets darker much earlier. This would also allow for people who own cats to let them out earlier as many would leave for work prior to 7am.</p> <p>I would also like to know what measures are in place to stop people taking advantage of this proposal and catching cats at any time of day just because they generally don't like cats.</p>
325	They should be kept indoors or in a run or on a leash period
326	<p>Our daughter's cat is an indoor cat and he only goes outside on a leash and our two 15 year old cats are confined at night and have been all their lives but I think it would be very difficult to change the habits of the many pet cats which have been used to roaming freely 24/7. Depending on what we are doing on a particular day sometimes our cats may be out later than 9pm or let out before 7am, more so in the warmer weather. Any cats we have in the future will be indoor cats as is our daughter's and they will be constantly supervised whenever they are outside. A cat is often the pet of choice for the elderly and less well off people and that is a pretty steep fine for transgressing. Apart from breeders' cats all cats should be microchipped and desexed whatever decision is made on their confinement.</p>
327	All cats should be leashed or under effective control as dogs do in our community. Dogs are less of a risk to our environment than cats.
328	Cats are a risk to our local environmental diversity. They should be confined to runs or on a lead at all times.
329	I would like to see this law implemented 24/7 to protect more wildlife (cats kill during daylight hours as well) and for the cats safety
330	<p>To Marion Council</p> <p>Cats are not dogs and they are natural wanderers. This proposal does not understand cat behaviour. Those who do not understand how important cats are to human beings will be given the green light to trap them and perhaps be less than kind to them. Chipping, desexing should be mandatory and protects the animal and over time will reduce unwanted animals. The funding for this can be used more productively in other areas.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



331	<p>Should be confined all the time so don't wander into other peoples properties and scratch car bonnet and 'dirty' garden.</p> <p>And registered.</p>
332	<p>Comments on proposed Cat Curfew Bylaw</p> <p>A 11.2 If an unidentified cat is seized under this paragraph, it may be lawfully disposed of, destroyed or injured by the authorised person.</p> <p>Remove reference to being lawfully injured – that does not read well. Sounds like you are advocating cruelty to animals!</p> <p>B 11.3.2.1 the cat is not claimed by a person entitled to the return of the cat within 72 hours from when notice of its detention is given under this By-law;</p> <p>For transparency the notice of its detention given needs to be within 72 hours from the receipt of a registered notice sent to owner – this will ensure the cat owner has received the letter.</p> <p>C The prescribed manner in which a cat is to be identified</p> <p>7.4.2.1 the name of the owner of the cat, and 7.4.2.2 either: (a) the address or (b) the telephone number of the owner ...</p> <p>Disagree with having your name on the tag as well as the phone number. The cat is microchipped with all this information so the cat owner's phone number with the cat's name only is required.</p> <p>There are privacy issues with the owners name being on the tag, making you an easy target for possible harassment in the community from people who do not like cats.</p> <p>Disagree with cat collar as not all cats like collars and can be very clever at getting out of collars. If too tight collars can be a strangulation issue especially if they get tangled when jumping up or down.</p> <p>D In the bylaw I did not see a mention of cages being given to residents to capture cats. I note on the makingmarion.com.au "cat curfew have your say" page that "Residents could request a special cage from Council to help catch wandering cats".</p> <p>Is this a trap or a carry cage?</p> <p>E In the bylaw it states cats not to wander at large at 6.2.1 within a designated span of hours.</p> <p>The Council has given in-principle support for this to be from 9pm to 7am daily.</p> <p>Recommend this be changed to 10pm to 6am daily to cater for the cat owners who work late and/or start their employment early, such as those in the retail and hospitality industry. Otherwise it can be seen as discrimination.</p> <p>F Spotlight on the integrity of the process</p> <p>How will the council prove a cat actually had been captured in a cage by a resident during the "wander at large" curfew hours. That is someone who does not like cats may trap them (and not necessary through roaming but by enticing them into their yards) during the day and then claim they were captured in the curfew hours.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



	<p>G It is worth considering “X” number of infringements before being fined? Responsible residents will abide by the curfew, in fact we always will bring in our cat at night however, on rare occasions the cat for some reason does not come in – does this mean we will be fined immediately – there needs to be common sense and a system of demerits implemented whereby residents are allowed an “X” number of infringements before fines are issued during a certain period of time.</p> <p>H Question effectiveness of proposal I am uncertain how effective this proposal will be as even with controls on dogs there is still a problem with people allowing their dogs to defecate on the footpaths and particularly to use the reserve as an area to allow their dogs to run free to defecate. One only has to read the facebook “Sheidow Park Crime Reporting Page” to see a dog is continually biting children.</p>
333	<p>Not always possible to get cat to return home by 9pm. Most responsible cat owners try to do the right thing. Feel it may unfairly penalise elderly and disabled members of community, who on occasions may not be able to abide by curfew for health or other reasons and be penalised with fines.</p>

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



334	<p>Some of the main issues I see are as follows:</p> <p>Council proposal: "Create an offence of "cat wandering at large". This means cats cannot wander from their owner's property during times determined by Council."</p> <p>- The issue with this proposal is that it assumes that cats have the same behavioural characteristics as dogs in that they will return when called. Most of the time there would not be an issue but I think its unfair that owners be potentially fined \$187.50 on the odd occasion that they are unable to find their cat before 9pm. Perhaps a smaller fine would be reasonable?</p> <p>Council proposal: "Residents requesting cages from Council to help catch wandering cats on their property"</p> <p>1- This is completely unreasonable and open to being abused by people who hate cats if not strictly monitored by the council. It will be a very quick way of creating disharmony in the community. My cats are members of my family and if they are detained unreasonably and/or harmed by a member of the public, the council will be held legally accountable. Who will monitor whether the cat was caught within curfew and whats to say that people don't lure cats or catch them in areas other than their property?</p> <p>2- How can the council ensure that my cat is treated humanely whilst being detained from member of the public? Will they be given food and water? What duration of time will my cat be detained?</p> <p>3- IF this is to be implemented it must be carefully monitored in that any resident must provide evidence/documentation that a cat is a serial offender on their property in the same way that someone must document a barking dog. ONLY then should they be loaned a cage. Additionally, residents must obtain written council permission to be allowed to trap a cat under all circumstances.</p> <p>Council proposal: "7.4 For the purposes of this paragraph, the prescribed manner in which a cat is to be identified at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier is by means of a collar around its neck to which a tag is attached legibly setting out . . "</p> <p>- This will be impossible for owners to adhere to. My cats are microchipped but I have lost count of how many collars that they have lost over the years. Again the distinction between dogs and cats must be made.</p>
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Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



335	Would there be time registers attached to the cages in which people may capture the cat/s in. As this would certify and or confirm the time that the cat was outside during the curfew and on their property. I feel as though if this proposal of a curfew was to go ahead daylight savings should be considered as well. The proposed time of 9pm to 7am would work for the summer months of daylight savings but for the winter months the consideration of maybe 8pm to 6am would work better. Many people leave for work early and are often out of the house before 7am so an earlier time like 6am may be more appropriate.
336	I do not support the proposed time of 9pm to 7am. Many people leave for work before 7am . Another issue to consider is daylight savings. A non wandering time between 8pm to 6am in winter and 9pm to 6am during summer would be a better option. I am also wondering how the council would monitor that if a cat was trapped in a cage, what would be the proof that the cat was caught during the confinement time. Would the cage be equipped with a time register?
337	Leave our cats alone. We pay very high rates for very little peace from you lot
338	Cats should also be registered and confined to their own property boundaries!
339	I adopted a rescue cat. She refuses to stay in at night. If you impose this law then unfortunately like many others I will need to have the cat destroyed. Many elderly & disabled people have this problem. Shame on you.my cat is wonderful at catching rats. If this law is imposed are you enlisting the services of a pied piper. I am one of the few rate payers who actually pays there rates and on time. 🐱🐱🐱🐱
340	Cats should not be allowed on the streets at any time of day. They should remain on their owners property. If found elsewhere, they should be removed and not returned.

Appendix 1

Proposed Cat Curfew By-law

Community Engagement Feedback



341	<p>Why are cats always blamed for everything?.....Rats eat birds' eggs, foxes kill birds, pesticides and chemicals kill birds.....URBAN INFILL strips the green belt of backyards away, leaving no habitat for birds, possums, insects etc.....and btw..if there were no cats there would no doubt be a rat plague in Adelaide.</p> <p>if this is not handled with sensitivity it will result in cat hating cretins taking it upon themselves to trap, torture and slaughter cats...</p>
342	<p>I would like to see the proposed by-law adopted and actively enforced.</p> <p>Cats present a massive environmental problem and I would like to see the confinement of cats between 9pm to 7am as just a starting position to eventually requiring confinement for 24hours.</p>
343	<p>Not enough research has been done in regards to a curfew helping wildlife</p>
344	<p>Has anyone considered the fact the cats in surburba, reduce vermin such s rates and mice.- The marion council area has ever increasing human population. My cat alone in the spring /summer period reduced the vermin population by around a dozen, most of this came from the next door neighbours, as they hoard. A perfect breeding ground. Maybe a reasonable solution is to have cat traps near the local conservation areas - example the wet lands.</p>
345	<p>Fantastic idea!!! Safer for cats and wildlife</p>
346	<p>I would accept a cat curfew at night, but would prefer the curfew to be at all times. I have neighbourhood cats entering my property at all times, day and night. I have bird aviaries, and am constantly chasing cats away from my expensive and much loved birds. The cats defecate in my garden and harass and kill the local birds and reptiles.</p>

**Appendix 1
Proposed Cat Curfew By-law
Community Engagement Feedback**



[REDACTED]

From: [REDACTED]
Sent: Friday, 10 May 2019 8:56 AM
To: [REDACTED]
Subject: RE: Proposed Cat Curfew

Hi [REDACTED]

Thank you for your email.

I'm not the decision maker in this process, the decision making is undertaken by the elected members. My role is facilitating the community engagement, reporting the results and feedback to the elected members to inform their decision in July.

If you are having problems with nuisance cats we do offer cat taps for residents to hire (and have done for many years), please contact our customer service team on 8375 6600 if you would like more information or you can visit our website at <https://www.marion.sa.gov.au/services-we-offer/animals-and-pests/cats>.

Kind Regards

From: [REDACTED]
Sent: Thursday, 9 May 2019 9:52 AM
To: [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] ne survey yesterday but wanted to add some comments if I may, please.

We've been having 'nuisance' cats wandering in our yard for months now, leaving their feces throughout our garden (both front and back). Now to top things off, we've woken this morning to find that a cat has 'sprayed' all over our back door.

I live with my elderly Mother and she is finding this quite upsetting as we shouldn't be cleaning up someone else's mess.

I hope you take this (and other residents concerns), into consideration when deliberating your decision in July.

I am happy to chat regarding this if you would like more feedback.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 13 May 2019 8:27 AM
To: [REDACTED]
Subject: RE: cat responsibility reform

Hi [REDACTED]

Thank you for the email.

I would encourage you to submit the below feedback in the online survey or directly to the elected members as they are the decision makers in this process. I will add this email to the hardcopy file and provide it in the report going to Council in July.

Kind Regards

From: [REDACTED]
Sent: Saturday, 11 May 2019 12:12 AM
To: [REDACTED]
Subject: cat responsibility reform

Dear [REDACTED]

thank you again for getting things done.

"Residents requesting cages from Council to help catch wandering cats on their property." These cages should be available and supplied at no charge as we have already had to put up with damage and visitation hassles already from these problem cats! The fines (of \$187.50) should cover any costs incurred. Even people who are keeping their cats inside have problems from these wandering cats.

Nothing seems to work, we have tried them all; electronic animal repellents, sprays, moth balls, dogs, hoses, security lights, and far too many late nights chasing down other people's cats. Letterbox drops helped a few times temporarily, without knowing who owns the animal. Perhaps now with these affirmative enforceable changes the word may hit home and no more ignorant excuses from those who wish to own a cat therefore take responsibility for their animals.

regards



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[REDACTED]

From: [REDACTED]
Sent: Monday, 13 May 2019 8:30 AM
To: [REDACTED]
Subject: RE: Why I agree with proposed cat law.

Hi [REDACTED]

Thank you for your email.

I would encourage you to submit the below feedback in the online survey or directly to the elected members as they are the decision makers in this process. I will add this email to the hardcopy file and provide it in the report going to Council in July.

Kind Regards

From: [REDACTED]
Sent: Saturday, 11 May 2019 11:57 AM
To: [REDACTED]
Subject: Why I agree with proposed cat law.

Hi [REDACTED]

I just wanted to give you some background information on me and why I agree with the proposed new laws.

I have been a vet nurse for 19 years. I currently have 4 cats. 2 of them have an enclosure so never roam. The other 2 come and go as they please. Beacuse they dont get along with each other.

I will find it difficult to keep my 2 cats inside at night initially, and they will probably wee where they are not supposed to.

However the injured wildlife I have seen as a vet nurse is horrendous, and that is the few that survive long enough to be brought in.... then usually humanely euthenased. Hence I completely agree in their defence.

Being a compasionate cat owner it makes sense to keep them inside as injuries to cats at night from being hit by cars, in fights with other cats, and potentially targeted by people who really dont like cats will likely be reduced by at the very least 70%.

For cat owners the financial costs for all of the above can be anywhere from \$200 -\$4000! Not to mention the emotional costs!

Also FIV is the cat equivalent of HIV which seems to be spreading, it is transmitted cat to cat from cat fights and sexually activity. So that would be another positive for cat owners to keep their beloved pets safe, indoors at night.

Hopefully this law will come in to effect and when people are considering owning a cat having an enclosure or just knowing they are not to go outside at night is acceptable and common knowledge. And maybe one day in the future, to have a cat you must have an enclosure to keep it on your property 24/7 the same as owning a dog :)

Thanks for taking the time to read my opinion.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 8 May 2019 3:06 PM
To: [REDACTED]
Subject: [REDACTED]

Dear [REDACTED]

I am concerned about the welfare of cats and the duties required of residents using Council traps in the proposed regulation.

I have been advised by the SA Minister for Environment and Water that custody of animals must be consistent with the Animal Welfare Act of 1985.

1. Will it be an offence for a resident to use a trap outside the curfew hours? Unless this is regulated and enforced, traps could be in use 24 hours a day for an indeterminate period, including unsupervised holiday periods.
2. Will it be obligatory for a resident to notify the Council of a trapped cat? What would be the timeframe requirement?
3. What requirements would be imposed on a trapping resident regarding the care of a trapped cat? Think of 40 degrees without shelter or water.
4. How will such cat welfare obligations be made known to residents intending to use Council traps?

Regards,
[REDACTED]

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For more information please visit <http://www.symanteccloud.com>



Government
of South Australia

Office of the Minister for
Environment and Water

81-95 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001

Tel 08 8463 5680
minister.speirs@sa.gov.au

18EW0002728

Dear [REDACTED]

Thank you for your email regarding the animal welfare implications of the City of Marion's service to ratepayers in hiring out cat traps. I apologise for the delay in responding. I share your concern for animal welfare and can advise that while trapping cats is permissible in certain circumstances, the *Animal Welfare Act 1985* still applies.

Under the *Dog and Cat Management Act 1995* local councils remain responsible for cat management in their area and for determining what dog and cat management services they provide to the community.

It is legally permissible for a person to trap an *unidentified cat* (i.e. a cat that is not microchipped and not wearing a registration disc or identification tag) for the purpose of delivering it within 12 hours to a registered vet, or facility run by the RSPCA or Animal Welfare League, or a facility nominated by a council. I am advised it is not generally legally permissible to destroy a cat in the suburban area and any person with the custody and control of any animal must treat it in accordance with the *Animal Welfare Act 1985*. This includes providing it with food, water, protection from the elements and ensuring that it is treated humanely.

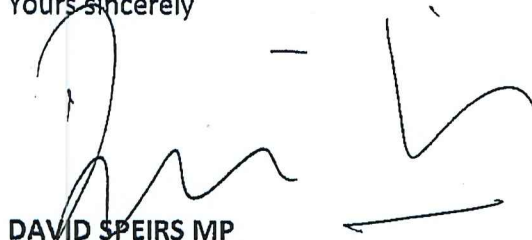
Any of the nominated receivers of a trapped cat would usually first check to see if it is microchipped and able to be reunited with its owner.

The introduction of mandatory microchipping from 1 July 2018 will make it easier to identify a cat and its owner. Most cats born after 1 July 2018 will be required to be desexed and anyone who breeds a dog or cat is now required to register with the Dog and Cat Management Board. Over time, these measures should assist to reduce the numbers of dumped, semi-owned and unowned cats in the community.

If you require further information on this matter, please contact Ms Linda Allery, Program Manager at the Dog and Cat Management Board, on telephone (08) 8207 7750 or by email at [REDACTED]. Alternatively, if you would like to speak to the City of Marion directly, a council customer service representative can be contacted on telephone 8375 6600.

Thank you for writing to me and I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Speirs', with a horizontal line above it and a checkmark-like flourish to the right.

DAVID SPEIRS MP
Minister for Environment and Water

Date: 01/04/2019.

In General

The proposed curfew and trapping procedures offer no effective protection for the rights and wellbeing of cat owners and their families or for the welfare of trapped cats. The requirements of the Animal Welfare Act 1985 are absent from the relevant Council documents. These requirements should be explicit and fundamental in all these documents and procedures. The Council cannot proceed on the convenient fiction that it is providing a service at a distance. It is engaged in a radical proposal which departs very significantly from current arrangements for cat management.

Animal Welfare Issues

The intended linking of curfew restrictions, penalties and trapping of cats, both family pets and feral, is likely to lead to the intensification and increased presence of anti-cat sentiment or disregard for the rights of cats.

During holiday periods, including times of 40 plus degrees of heat, cats could be trapped in cages unsupervised for days, even weeks. Council should require residents using traps to inspect them at intervals not more than 12 hours to ensure that they are in compliance with the Animal Welfare Act 1985. A Council penalty should apply for breaches of this requirement.

An explicit condition of the Cat Trap Agreement should be that a resident understands and accepts that he/she has the custody of a trapped cat and must comply with the requirement of the Animal Welfare 1985 to provide food, water, shelter from the elements, and effective supervision of the trapped cat. [I am not sure whether breaches of this requirement should be a matter of Council penalty or RSPCA prosecution.]

This is a novel, radical and potentially inhumane by-law in which Marion is taking the initiative; yet Council has not demonstrated a commitment to educate the community about animal welfare issues such as the requirement to provide food, water, shelter from the elements, and effective supervision in the use of traps. It is legislation without effective education and deterrence of misuse, abuse, and neglect.

Regrettably, on the Making Marion web page, the image of a menacing cat against an ominously dark background will add to anti-cat sentiment.

Elsewhere on the web site, cats are acknowledged as loved family pets, and this is to be welcomed.

The RSPCA

It is not adequate for Council to assert that it would inform the RSPCA of any animal welfare issue after the event. Council should take an unequivocally preventative approach in its documentation on the use and abuse of traps, especially on the application form for the issuing of traps. The avoidance of inhumane outcomes should not be a peripheral or assumed matter.

Identified Cats

The directives relating to "identified cats" in the Dog and Cat management 1995 are an important aspect of animal welfare and, by extension, the wellbeing of cat owners and their families. I sought confirmation of the following from the designated Council officer:

"Can you therefore confirm that it is not an option for residents to detain identified trapped cats in order to deliver them to an authorised person or to have them collected by an authorised person as such detention is bound to take hours, even days in some cases, in violation of the Act?"

To this the officer replied:

"Yes that is correct. If an identified cat (as described in the act) is trapped then the resident will need to release it."

The visible presence of the required information on the required tag, together with the microchip ear marking, should be taken by the resident as confirmation that the cat is "identified."

It should be an offence for a resident who has custody of a cat in these circumstances to engage in any act for the purpose of subverting the intention of the Act to limit the suffering of the trapped cat and the unnecessary distress of cat owners and their families.

All of this should be made clear to residents in the relevant documents, including the application form for trap hire.

Legal Issues

Legal aspects of the proposed by-law are also concerning. The capacity of the procedures to establish that an offence has occurred is extremely insecure, vulnerable to uncertainty, recklessness, or falsehood, leading to unsafe legal outcomes.

I refer to the draft document:

6.2 A person is not guilty of an offence by reason of the fact that a cat is wandering at large if the cat is wandering at large:

6.2.1 within a designated span of hours;

Insofar as I understand the fragmented and convoluted formulation in the draft, it is not an offence for a cat to be wandering at large outside the curfew hours. Since there is no constraint on a resident having a trap in place 24 hours a day, seven days a week, the evidential basis for establishing the offence is problematic.

The problem is exacerbated when traps are unsupervised for extended periods of time during the daily work commitments of residents using traps without time constraints, even more so during extended holidays.

In these situations, how can Council safely come to a determination that a cat has been trapped during the curfew hours and that an offence has been committed?

Where there is manifest doubt, the benefit should go to the cat owner, not the uncertain procedure.

Some of the uncertainty could be removed by the Council requiring the use of cat traps by residents to be within the curfew hours only.

The protection of the legal rights of cat owners in the proposed by-law is inadequate, and these rights should be acknowledged, clarified, and strengthened in the documents.

Need for Formal Witness Statements

A resident claiming to have trapped a cat within the curfew hours is in effect providing evidence that the owner of the trapped cat has committed an offence and is accordingly liable for a substantial fine. This is no trivial or casual responsibility.

The evidence to support this should take the form of a formal witness statement, itself subject to penalty for a false claim. I note that claims regarding dog attacks in Marion are subject to such evidential requirements.

Regarding the Public Consultation

On the basis of the information currently available to the community, I believe that the consultation is simplistic and defective and will not yield the comprehensive range of information that is appropriate for decision-making in Council

Some months ago, a Marion councillor expressed the view to me that “most people” approved of the proposed curfew changes. To this I replied, “Approved of what, exactly?”

The present public consultation is more like the cat equivalent of Brexit than an informed assessment of the issues; people are not adequately informed about what they are approving of.

“Most people” would not have the time to battle with the fragmented format of the draft document, with its “delete” here, “insert” there, and “the new paragraph 7 should be read in conjunction with the current paragraph 6,” etc. Draft documents for public use do not have to be presented in this fragmented manner. A cohesive draft should be a minimal requirement for public consultation.

Couple this with the absence of explicit information on animal welfare issues and the presence of legal uncertainties in the documents and a distorted outcome will emerge from the consultation.

Conclusion

The whole curfew project should reviewed and revised to address animal welfare issues and to achieve more reliable legal outcomes. All of this should be effectively expressed in the relevant public documents.

The public consultation will yield oversimplified and poorly informed information for Council.

The Marion community, whether it knows it or not, is being given considerable responsibility in the curfew procedures; it needs to be appropriately educated by Council in the lawful and humane exercise of that responsibility.

The eyes of the State will be on Marion Council as it works through its novel by-law and the curfew procedures. In my view, haste cannot be justified.

I am also sending a copy to Mayor Hanna, the RSPCA, the Minister for Environment and Water, and the Dog and Cat Management Board

From: [REDACTED]
 Sent: Friday, 3 May 2019 4:15 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: RE: Cat Curfew By-Law

Hi [REDACTED]

Please see my responses below in red.

Feel free to call me if you want to discuss further.

Kind Regards

From: Matthew Shilling <Matthew.Shilling@marion.sa.gov.au>
 Sent: Friday, 3 May 2019 1:16 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Cat Curfew By-Law

Good Afternoon [REDACTED]

I not the talking points for the Cat urfew By Law and consultation dates.

Could you advise on the following if approved and implemented:

-Will people requesting cages be required to bring caught cats to Council?

No, The customer will call Council when they trap a cat and a CSI will attend their address. The officer will obtain a quick statement to confirm the times the cage was set and checked (this will establish the offence), scan the cat and if identified attempt to rehome. If unidentified the officer will impound to the RSPCA.

-What happens if people don't bring to Council and destroy the animal themselves?

Members of the public legally can't destroy a cat so they need to contact council. Destroying a cat without authority would be an offence that the RSPCA or potentially SAPOL would have to investigate.

-How was a fine of \$187.50 determined?

This is legislated in the Local Government Act, a bylaw expiation can only be a maximum of \$187.50 which is a pre-determined percentage (25%) of the maximum penalty (\$750). I have included the relevant sections below.

Part 1—By-laws

246—Power to make by-laws

- (g) fix a minimum as well as a maximum penalty for any breach of a by-law maximum penalty only, or a general maximum penalty applicable to several by-laws, provided that the maximum penalty so fixed does not exceed \$100 and in the case of a continuing offence fix a further penalty not exceeding \$10 for every day on which the offence or breach of the by-law continues; and
- (5) Expiation fees may be fixed for alleged offences against by-laws by—
- (a) by-laws; or
 - (b) the council,

but an expiation fee fixed by the council cannot exceed 25 per cent of the fine for the offence to which it relates.

-Will we charge for cages?

Yes. We currently charge a \$40 deposit which is refundable once they return it in working order. If not returned or if they damage it we charge for the replacement cost of the cage (approx. \$150).

-How will this impact on staffing rosters?

Staff will only collect cats within hours of operation. The staffing roster which was recently modified will be reviewed in 12 months and as part of the review we will consider the impact of the cat bylaw enforcement (if it is endorsed). Another report will go back to council to consider future service delivery in approximately mid-2020.

-Will we have staff roaming the streets 24/7?

No, we will only have CSI's available during normal roster hours. Monday to Friday 8am-6.30pm and Saturday 8.30am-5pm (parking and emergency matters only eg. dog attacks and wandering)

Thanking you in advance.

Kind regards,





Subject - Nuisance Dogs.

At about 0700 hrs Friday 3rd May, 2019, I heard a member of the Marion Council giving an interview on ABC Radio of actions being considered by that Council in regard to wandering at night by domestic cats.

The actions included a curfew between 9pm and 7am when the animals were to be kept indoors and the availability of traps to residents to apprehend wandering cats on their property during the hours of curfew.

This member went onto describe the activities of these wandering cats as creating a nuisance by caterwauling, pissing on doors and laundry (his words not mine) and generally creating havoc with wildlife.

My immediate action to all this is fine, BUT, WHAT ABOUT DOGS? Dogs appear to be untouchable. Dogs may spend most of the time alone, locked in a yard while the owner(s) are absent and bark and howl through sheer boredom and create a very stressful environment on neighbours who are at home and forced to endure countless hours of these uncontrolled animals. It is obvious that unless you are able to confront Council with a petition from just about every resident in your area to back up any complaint you have it is a waste of time approaching Council under the present legislation. It is the prerogative of Council to decide what is "nuisance barking" and what is "reasonable." It is obvious that Councils fail miserably at this function. If there is such a concern about wandering cats caterwauling, please extend this mantle to cover dogs which create a more on going problem with on going nuisance barking.

Yours Faithfully,



06.05.2019.

Dear Councillor

We have been asked by the City of Marion to respond to the following...

Response to Marion Council's Public Consultation on "Cats Wandering " and a Cat Curfew

Technically and scientifically there can be no response to this Public Consultation because it is invalid.

There is no such thing as a "wandering" cat so whoever called for this consultation shows a total lack of understanding and knowledge regarding cat behaviour, management and control.

The definition of "wandering ...

Wandering means

"travelling aimlessly from place to place; itinerant"

wander verb (WALK) B2 [I or T] to walk **around** slowly in a relaxed way or **without any clear purpose or direction**: We spent the morning **wandering around** the old part of the city. She was found several hours later, **wandering** the streets, lost.

aimlessly. When you **do** something **aimlessly**, you have no plan or purpose. You might **wander aimlessly** through the zoo on a summer afternoon, not sure which animal you feel like looking at.

There is no scientific evidence anywhere that cats behave in this manner so the whole purpose of this public consultation is invalid so anything that is presented to solve this so called

“problem” does not exist because there are no “wandering cats” so there can be no solutions.

Cats do not “travel or move about aimlessly or unsystematically”. Cats travel with a purpose and for a reason and it is the purpose and reason that needs to be addressed, and this will solve the problems.

To discuss cats “wandering” will achieve nothing.

If Council needs advice or information about patrolling cats and what reason cats have to travel then that is what they should have asked for but apparently this is beyond the understanding of the council which called for the consultation on “wandering” cats, regarding a cat bylaw.

Now that we have clarified what we are discussing here I will try to present such feed-back.

Every cat has a territory which it resides in and holds. This territory it protects with its life and it prevents new cats from entering, unless it decides that it wants the new cats to stay.

Generally this territory is also occupied by its mates and its young with which it forms strong bonds. The number of these cats depends on the amount of food that is available within the territory or in the surrounding area from where it can retrieve it.

If these cats in the area are all desexed then the colony will reduce in number to the minimum required to hold that particular territory, and the food supply includes mainly rats and mice and whatever is provided by the human species, either intentionally or from rubbish bins etc. The amount of native wildlife is small by comparison as there is very little food in a small bird and birds are not generally a favourite of

the cat except some introduced species such as feral pigeons are sometimes chosen; probably because these pigeons are also introduced species and more in line with the introduced diet of the felis catus.

If cats move out of their territory they are not “wandering” **they have a reason and a purpose and they know full well what they are doing.**

Firstly, If the cats are fed but are not desexed then the main reason they leave their own territory is to mate with other cats. The urge to mate is extremely strong and when a female comes into season they will travel considerable distances to reach her. When in season female cats give off a scent that we don't smell but entire male cats do and they cross roads and take dangerous chances to reach the smell. This is not “wandering”.

Generally a female cat will be visited by an entire male but in the case that she isn't then she may well travel to find an entire male to mate with. This is not “wandering” either.

If, however, the cats are desexed then they do not go long distances looking for females and the females do not go looking for males either.

Given that caterwauling all night over mates and spraying of tom cat urine on cars, doors and patios are a considerable source of complaint it stands to reason that if the cats are desexed then this will solve the problem.

Generally desexing encourages cats to stay closer to home and provided their needs are met at home they will be more likely to stay at home.

So desexing is essential to solving almost all the problems reported to Council, and no cat management plan will be successful without it. Desexing of cats, however, is best achieved through cooperation, education and assistance NOT through threats of fines, seizure of cats and cat laws.

Indeed the recent State Government legislation trying to force people to desex cats has been a massive failure as requests for desexing have plummeted by up to 60%. There are now at least 5 thousand more undesexed cats in the community breeding than there would have been without the new laws.

Secondly, the next most likely reason for a cat to leave its territory is to find a suitable toilet. If it only has lawn and cement at home it will search for a vegetable garden, a flower patch, a freshly dug piece of ground or leafy place in the neighbour's garden. This is another main complaint that is cited to council regarding cats. **This is easily solved by all cat owners providing freshly dug earth and plenty of leaves and soft soil to provide for the cats' toilets and if there is no garden then an undercover, well maintained litter box needs to be supplied.**

The cat then has no need to go in search of a toilet elsewhere.

Thirdly, the other main complaint received by council is the vague statement that cats are attacking the wildlife. These anecdotal and emotional reports rarely ever have any substance. Rarely have the complainants actually seen the cat attack the wildlife, they are generally cases where the complainant has found feathers or remains of dead animals and birds. Almost never can the complainant provide any

scientific data to substantiate the actual attack. Cats also pick up road kill and other dead creatures as they do eat them.

It is well known that the Adelaide Museum has already stated that most people are mistaking bird strikes as cat attacks and this is explained simply by finding feathers in the open it will almost certainly be an attack from another bird. Cats take their prey and hide it underneath something and well away from predators that are likely to steal it from them.

I have even seen published letters that people have found dead, adult magpies and have blamed the cats for killing them. In all my decades of studies and surveys I have never known a cat to touch a large magpie and they certainly will not go near strong beaked birds such as a galah or eagle (unless it is already very sick, dying or dead which is nature's way of preventing the spread of disease to healthy birds) They will not touch brushtail possums as they are no match for a brushtail and they certainly will not go near a baby when it has its mother with it, which is most of the time.

Now to the birds that are supposed to be preyed upon. Many of these are already introduced species and many of those that are native are carnivorous. So here we have a dilemma. Do we confine all these introduced species which can be such a threat to the native birds and do we confine the native Birds of Prey so that they do not attack other birds? More birds are likely to be killed by other birds than are killed by cats so what do we do about that? In addition the Birds of Prey kill lizards, small mammals and many other native creatures and more of them than the cats, so do we confine these birds of Prey as well?

It is important to note that the Grey Shrike- thrush, (for example) is an aggressive killer. (Source - Birds in

Backyards.net) It eats small mammals, lizards, frogs, birds' eggs and young ; comparable with the contents found in the stomach of cats, in the so called studies of cat predation.

"Although their song is pleasant to human ears, it is less so for many nesting birds as Grey Shrike-thrushes are notorious predators at nests, regularly eating eggs and nestlings"
(Source quote – birdlife.org.au)

The list of birds killing birds is long and can be sourced with reference to the web or from the Adelaide Museum.

One can see that if we start interfering between the species we are going to create far more problems than we solve and given that these species include rats and mice are we going to stop the cats from controlling the rats and mice as well by introducing a cat confinement bylaw?

If we are then the knee-jerk reaction will be baiting and this is far more dangerous to the native wildlife, pets, all animals, children and the environment. Already we have seen dead birds that were poisoned by rat bait placed in bread and left at Campbelltown which endangered everything including children. (Northeastern Weekly "Poisoned birds in frontyard 13 June 2018) We have also seen articles in the Portside Weekly that pet cats and dogs have been poisoned by rat bait and quite possibly by Council's own rat baiting actions. No doubt if pets have been baited then so too will have the native wildlife.

Cat management is a complex issue and one which requires years of experience and research. It is not a quick fix solution passed through Council by elected members who have no understanding of the basic, fundamental behaviour of cats. How can councillors be expected to make informed decisions without this knowledge?

If Council did have a good understanding of successful cat management it would not have requested public consultation based on confining "wandering" cats with a curfew bylaw, because **there is no such thing as a wandering cat.**

I respectfully ask that Council looks at the success achieved by Norwood Payneham and St Peters Council which states that its **"Council does not experience significant problems with cats"** in its **Animal Management Plan** and has never has a cat bylaw. It has concentrated on assistance with mass desexing and holding territories with desexed cats, without cat confinement.

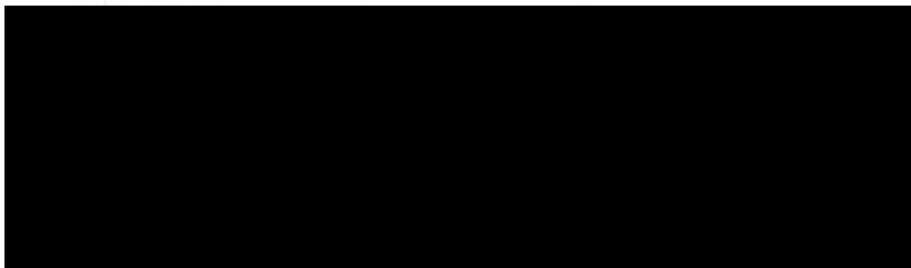
I am sure that Peter Collins, at NPSP Council would be happy to discuss their Animal Management Plan with any Councillor who contacted him.

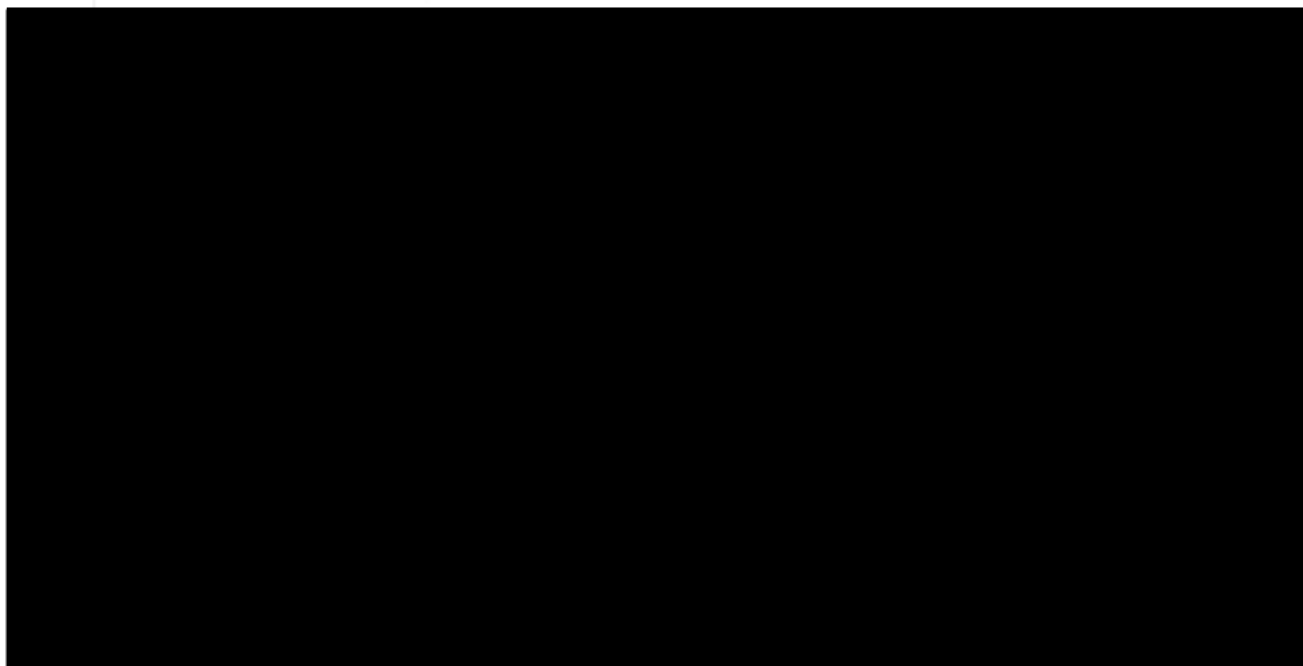
There is no such thing as a "wandering" cat and confining cats and trapping patrolling cats will create problems, not solve them, as new cats will simply infiltrate the vacant space.

This scientifically proved " Vacuum Effect' scientifically shows that removal and confinement of one lot of cats results in a new lot of cats moving in to restore, and usually increasing numbers and problems.

Please do not hesitate to contact me if you would like further information.

Yours faithfully





[REDACTED]

From: [REDACTED]
Sent: Thursday, 23 May 2019 2:13 PM
To: [REDACTED]
Subject: Proposed Cat Curfew By-Laws

Good afternoon

I write to provide my feedback in relation to the proposed Cat Curfew By-laws.

For your information I have made two attempts, from two separate devices to submit my response via the online survey and both times the server timed out.

I strongly oppose the introduction of the By-laws and do not support the proposed times.

Further comments are provided in dot point below:

- Fear that cats could be targeted by neighbours who have a history of unwarranted grievance
- Fear that people would torment/ injure trapped cats
- Distress caused to cats while trapped
- Undue financial pressure to owner to have cat released by Council. \$187.50 is an excessive fine.
- During daylight savings, cats would need to be confined during daylight hours, and this would not be practical
- Difficulty of confining cats during to a property. Cats runs expensive to install and not always physical possible to install
- Difficult for shiftworkers to abide to by law ie working afternoons and not home in time to confine cats
- Psychological distress caused to cat owner if cat doesn't come inside at curfew commencement

I wish to be kept informed of the consultation.

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

22 May 2019

Dear [REDACTED]

RE: Draft for proposed Cat Curfew By-laws.

I have become aware through The City of Marion dedicated community consultation website of your draft for Proposed Cat Curfew By-laws. As an animal welfare organisation it is fantastic to see that your Council has been taking an active approach to cat management.

Although having a cat management plan in place is a great start and will certainly help with addressing owner compliance in your council district, it is unlikely to address the issue of unowned entire cats, which are the biggest contributors to the incidence of public and environmental nuisance caused by cats.

The AWL has released our Cat Messaging 2019 to address concerns that the number of cats in the environment is not decreasing with traditional trapping and disposing management methods. We expect the financial outlay for Councils for trapping programs is quite significant as well as the potential welfare issues for the shelters such as ours dealing with increased numbers of non-rehoming cats.

Attached are excerpts from our Cat Messaging 2019 information booklet (Appendix A), for your consideration as alternatives to your current trap and dispose techniques.

I will be happy to meet with you if I can offer further information or assistance in this matter. Please do not hesitate to contact me on [REDACTED]

Kind regards,

[REDACTED]
[REDACTED]
Local Government and Community Services Coordinator.

 Pet Adoptions : Boarding : Pet Cremations : Grooming : Training : Microchipping : Foster Care

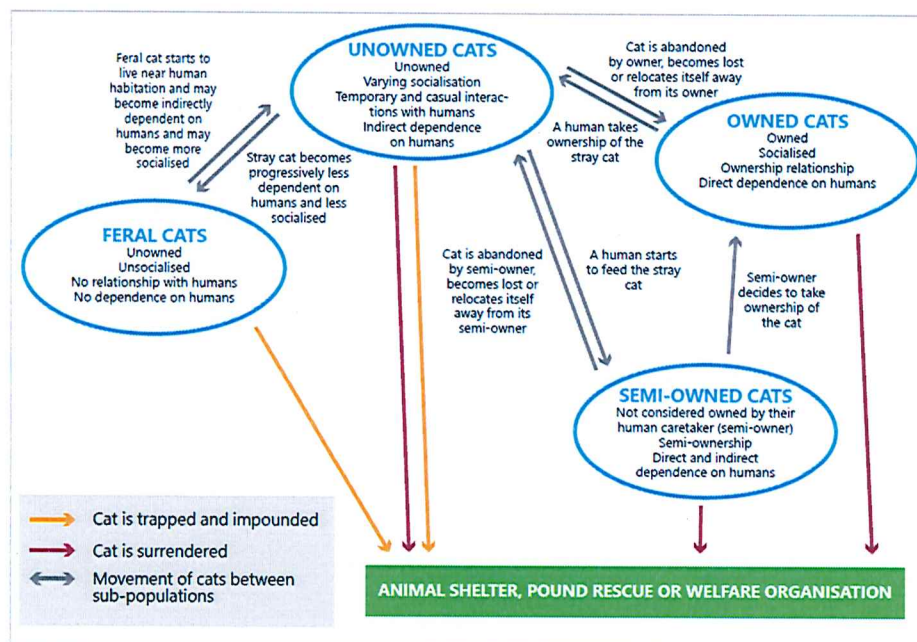
1-19 Cormack Rd, Wingfield SA 5013 Australia
 PO Box 1525, Port Adelaide SA 5015
 T 08 8348 1300 | F 08 8268 9545
 E contactus@awl.org.au
 ABN 11 397 137 539

 facebook.com/awlsa
 @awlsa
 @awl_sa
awl.org.au

AWL Cat Messaging 2019 (page 3)

In addition to the 3.3 million owned cats there are approximately 700,000 unowned cats living on the borders of towns and cities (Legge et al. 2017). These cats are known as "Community cats". Community cats are defined as those typically un-owned and semi-owned and comprise of lost, abandoned former pets, and un-socialised feral and semi-feral cats (ASPCA 2019, RSPCA 2018, Humane Society 2014). Due to cats being able to move between these various categories, highlighted in Figure 1 (RSPCA 2018), this makes cat management a complex task

FIGURE 1: POPULATIONS OF CATS AND THEIR INTERACTIONS WITH HUMANS (RSPCA 2018)



The introduction of new mandatory laws are a great step forward in being able to place responsibility on cat owners to provide better welfare for cats help and prevent many of these concerns regarding lack of identification, de-sexing and over-population, and containment. However, these laws cannot be enforced against cats that do not have owners (Humane Society 2014. pp.12) and with only approximately 2% being spayed or neutered, it is thought that 80% of kittens born every year are from community cats (Humane Society 2014). This group is therefore a major contributor the current problems with cats.

Because there is no current system for community cats to be properly managed though, the responsibility has been placed on councils, shelters and rescues to deal with these problems (RSPCA 2018; Humane society 2014). The problem with this is that these cats are unlikely to be socialised to humans making them not suitable for re-homing and are likely to be humanely euthanized.

Appendix A-Excerpts from the 2019 AWL Cat Messaging

It is estimated that shelters and pounds take in approximately 5% of the community cat population in any given community, euthanizing 3-5%; the equivalent to the numbers used for sustainable farming (Rand 2017). In fact, research may even suggest that low level culling can increase cat populations in areas like suburbia where cat populations are unlikely to be closed (Lazenby, Mooney & Dickman 2015). At the rate which is currently being performed, it is impossible to have any significant impact on the population with research suggesting that 50-70% of the population would need to be culled to have any dramatic effect on population numbers. This would require thousands of cats to be culled at substantial cost to the tax payer, a strategy unlikely to be supported by the public (Rand 2017). The general public are also unlikely to support a program which increases the risk of owned cats being culled by mistake (RSPCA 2018, pp.45).

Euthanasia also provides unique challenges for shelters, particularly in this case. When euthanasia is performed on animals that are not necessarily sick, suffering or dangerous, it can be called into question as to whether this is the best outcome for the animals (Humane Society 2015). There is also a substantial human 'cost of caring' for those working in shelters with 50% of workers involved in euthanasia practises developing post-traumatic stress (Tan, Rand & Morton 2017. pp.2). Not only is this a burden placed on organisations trying to do the right thing but also adds substantial costs to the organisation and tax payer funding the support and treatments for these workers. Therefore, with the current cat management strategies not working and the likelihood of cat populations increasing over time, the issues surrounding cats are only likely to worsen and something needs to change.

Possible solutions

Being a shelter that has been receiving cats from council areas with active cat trapping plans for many years, we have the data to show there has not been a decrease of numbers within the community and are now looking at other methods of cat control.

Below is an excerpt of what the AWL is looking at doing to reduce the overpopulation of unowned/semi owned cats in South Australia.

AWL Cat Messaging 2019 (page 6)

Keep happy and healthy cats in the community (semi-owned and unowned) where they are but de-sexed

The ideas that community cats are suffering or at great risk in the wild are not necessarily true (Humane Society 2014, pp.22). Although community cats are at greater risk of traffic-related injuries, disease, starvation, and shorter life-spans (ASPCA 2019), data has shown that less than 1% of those brought to vet clinics required euthanasia to end suffering (Wallace & Levy 2006). Besides, as discussed earlier, the only management technique for community cats currently in place is to take them to shelters where they are likely to be euthanized due to unadoptable qualities, providing no consideration for their welfare and quality of life.

Appendix A-Excerpts from the 2019 AWL Cat Messaging

An alternative to culling which research indicates a much better welfare outcome for these cats are programs that return cats to their communities de-sexed, vaccinated, with identification, and monitored. There are a number of benefits to this type of programs including:

- *Reduce the number of kittens born in the wild and therefore reduces increase in cat population*
- *Helps to prevent new un-de-sexed members joining*
- *Allows for monitoring of new cats to the area*
- *Allows those kittens born in the wild to be monitored, socialised to humans and eventually taken away for de-sexing, microchipping, vaccinations and adoption*
- *Decrease volume of cats requiring care and rehoming from shelters and rescues and therefore save these organisations time, money and resources which could be spent on other things*
- *Decrease euthanasia rates in shelters*

(ASPCA 2019; Edinboro, Watson & Fairbrother 2016; Humane Society 2014; Rand 2017; RSPCA 2018; Tan, Rand & Morton 2017)

Although more research is required in this area, based on the information that has been collected so far about these de-sexing programs, cat populations can be decreased, cats can enjoy better welfare outcomes and all with the use of non-lethal methods which the AWL supports. The AWL would therefore like to attempt to return de-sexed cats to their colonies and be monitored.

Objectives:

- *Target people caring for semi-owned cats*
- *Explore de-sexing community cats initiatives to address cat over population*
- *Control reproduction of cats to reduce unwanted litters and decrease population numbers*
- *Reduce number of unowned cats coming to shelters*
- *Decrease in euthanasia rates in shelter*
- *Education for people caring for semi-owned cats in community*
- *Provide better management and education surrounding pregnant cats and unwanted litters*

Adopt (de-sex, microchip, vaccinate) all unowned sociable kittens and cats to loving homes

The AWL still wishes to continue the wonderful work of its staff rehoming animals truly in need. These include surrendered, abandoned, semi-owned and unowned cats and kittens. As stated within AWL policies, this must be at the consideration for the health and welfare of that animal, the risk to society, the wider shelter population and in accordance with State regulations. For those cats considered as 'adoptable', the AWL will continue to de-sex and microchip cats before adoption to ensure that every cat that leaves our shelter is not responsible for contributing further to the cat population and is identified.

Appendix A-Excerpts from the 2019 AWL Cat Messaging

The proposed by-laws would also lead to an increase in the RSPCA's euthanasia rates, whilst potentially not actually controlling the issue of un-owned cats in the environment.

The AWL believe based on the above studies that allowing for a community cat de-sexing program will be a much more successful method of unwanted cat numbers in communities than removal.

[REDACTED]

From: [REDACTED]
Sent: Friday, 17 May 2019 1:35 PM
To: [REDACTED]
Subject: Correspondence from Paul Stevenson, RSPCA South Australia re: Cat Curfew

Hi [REDACTED]

Cat Curfew feedback from RSPCA

[REDACTED]

[REDACTED]

[REDACTED]

PO Box 21 Oaklands Park SA 5046
245 Sturt Road Sturt SA 5047

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From: [REDACTED]
Sent: Thursday, 16 May 2019 4:22 PM
To: [REDACTED]
Subject: Re: Attn. Mayor Hanna - Correspondence from [REDACTED] RSPCA South Australia

acknowledge, pass on to those taking in feedback

From: [REDACTED]
Sent: Thursday, 16 May 2019 3:24:21 PM
To: [REDACTED]
Subject: FW: Attn. Mayor Hanna - Correspondence from [REDACTED] RSPCA South Australia



15 May 2019

Mayor Kris Hanna
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Email: council@marion.sa.gov.au

Dear Mayor Hanna,

RSPCA has read with interest Marion Council's proposal to introduce cat curfews by way of a new by-law and will certainly be responding with a formal submission by the 27 May due date.

Cat management is an extremely complex and contentious issue that councils have struggled with for some time. To assist, in the coming months RSPCA will be releasing our "Cat Management Plan for South Australia" which outlines a comprehensive plan to address cat overpopulation in South Australia. Cat curfews and ultimately full containment form part of that plan, but we do have concerns about the implementation of a curfew initiative in isolation. While this will be explained in our formal submission, I would like to invite you to meet with me, possibly to include a tour of our Lonsdale shelter (where animals from Marion Council are cared for), in order to explain our position in more detail. I would also be more than happy to speak at a council meeting on the issue of cat management.

It is a current reality that both RSPCA and AWL bear the vast bulk of the cost of cat management in this State. It costs each organisation about \$1,000 to rehome each cat or kitten, so while we applaud Marion Council's initiative in starting to address cat management, it will have a direct and significant impact on RSPCA that I would like to explain.

While I have interstate commitments on 29-31 May, I can make myself available to meet at other time convenient to yourself.

Thank you.

Yours sincerely,

Paul Stevenson
Chief Executive Officer
RSPCA South Australia

The Royal Society
for the Prevention of
Cruelty to Animals
(SA) Inc.

ABN 60 740 135 753

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E info@rspcasa.org.au
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GPO Box 2122
Adelaide SA 5001

Shelters

Lonsdale
25 Meyer Road
Lonsdale SA 5160
PO Box 260
Morphett Vale SA 5162

Whyalla
7 Cook Street
Whyalla Norrie 5608
PO Box 2287
Whyalla Norrie SA 5608

Port Lincoln
Lot 1-5 Happy Valley Road
Port Lincoln 5606
PO Box 2566
Port Lincoln SA 5606



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PO Box 21 Oaklands Park SA 5046

From: [REDACTED]

Sent: Wednesday, 15 May 2019 4:14 PM

To: [REDACTED]

Subject: Attn. Mayor Hanna - Correspondence from [REDACTED] RSPCA South Australia

Good afternoon

Please find attached correspondence for Mayor Hanna.


Thank you.
Best regards,

[REDACTED]
Executive Assistant to CEO
RSPCA South Australia





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My Response to the Public Consultation for the Marion Council Cat Curfew and Confinement

I strongly oppose any form of confinement for cats in The Marion Council District. This whole obsession over little animals, like cats, is quite unreasonable and unnecessary.

We should be using common sense based on scientific evidence.

On the Issue of “Saving Wildlife”

Most of the native wildlife in Marion Council has been either bulldozed for infill or evicted from its homes, thanks to the State Government which has forced this massive destruction of vegetation and habitat and tried to cover it up by blaming the cats!

Let's get real.

What native wildlife do we have anyway?

Brushtail possums which would seriously injure and possibly kill a cat.

Birds, many of which are introduced species, such as the big feral pigeons, already being killed and persecuted as pests by humans. The native corellas and noisy miners which are being culled by councils and the Birds of Prey which are killing far more native animals and birds than ever the cats are.

Lizards and ground dwellers which are run over with lawnmowers every day, that is what is left of them after the

massive clearance of blocks of land for housing, cement and brick paving.

Really the Council needs to take a look at what it is doing and feel ashamed that they are blaming the little cats, which have done so much for us, as humans, for generations.

And furthermore, cat confinement is not going to save native wildlife anyway. It is going to make it far worse by upsetting the balance and the natural rapport already established between the resident cats and the native fauna.

Don't you people actually do any research on cat behaviour? Read the research on the "Vacuum Effect". New cats simply move into the vacuum left by the trapped cats that you are planning on removing and killing.

A little research is needed here by staff and councillors. Obviously none has been done or there would not be plans to destabilise the ecosystem and throw it out of whack, by proposing cat confinement.

About all the wildlife that the Marion Council is going to save will be the rats and mice which will attract the snakes.

Snakes are already becoming a real threat because there are not enough cats to control the rodents which are the snakes' favourite food. So what are we looking at here with saving?

Not the brushtails, not most of the native birds, because birds can fly, so it is usually the sick and weak birds that the cats catch, keeping the birds species stronger. Also the cats eat road kill and dead birds anyway, so seeing a cat with a bird in its mouth in no way means the cat killed it.

And, as I said, more birds are killed by Birds of Prey than by cats. Feathers found in the open are almost always from a

bird strike, not a cat because a cat takes its prey and hides away with it. The Adelaide Museum confirms this.

In addition without enough cats to control the rats, there is an explosion of these rodents which are a far greater danger to the birds than the cats. Rats eat the eggs and the fledglings. Birds can build their nests on the waving branches of trees, provided that the trees and vegetation are left intact, where cats can't get to them, but rats can. And poisoning the rats is going to poison the water supplies which the birds drink. It doesn't take much to poison a bird. Cats are far less of a threat than poison baits. A whole family of tawny frogmouths was wiped out by eating baited mice. This is just one of many examples.

A few ringtailed possums are endangered by cats but here again, these ringtailed possums are also the prey of birds which kill them. Are you going to confine all the Birds of Prey?

The grey Shrike-Thrush is notorious for raiding birds' nests and killing the fledglings. Quote from "Birdlife Australia'
The **Grey Shrike-thrush** is considered to be one of the best songsters in Australia. ... **Although their song is pleasant to human ears, it is less so for many nesting birds, as Grey Shrike-thrushes are notorious predators at nests, regularly eating eggs and nestlings"**.

Hawks kill masses of smaller birds such as the doves, I say the results of what happened when hawks were at my property, there were dead birds all over the ground.

Just watch a Peregrine Falcon at work. Why just blame the cats for attacks on native birds.

And as far as the lizards and little ground dwellers are concerned, the ones that are left, in the reserves and conservation parks, trying to eliminate cats will see a steady flow of new cats, due to the Vacuum Effect, so night curfews and confinement are not going to help these. The confinement will exacerbate the problem.

In addition after the cats are trapped and removed (almost all of these are killed as soon as they get to the so called "shelters") there is an immediate explosion of mice and rats. Rats are a far greater threat to the small native mammals than the cats are.

Has Marion Council staff done any research on rats? I have, years of it.

Then the reaction is to spread poison baits to kill the rats, and the mice. So that's right, pollute the environment with poisons and kill the native wildlife by either eating the baits or the baited rodents. This is already happening; just get your staff to read the research.

Poison baits are a far greater danger to wildlife, and children, than the cats ever are or ever have been or ever will be.

This massive propaganda spread by our governments is working. People are so gullible that they can't see that the cats are being used as scapegoats for the destruction of the environment by the governments' infill, mining, agriculture, especially cattle and sheep breeding, wood chipping etc , etc.

Read Tim Flannery's book and he has done a lot of study on this and he claims the government are using the cats as a scapegoat, so it is not just my opinion. Tim Flannery has done the research on this.

Marion Council needs to get hold of the experts in this field in regard to cat management and stop being steered by emotional screams from cat-hating minority voices.

There have been educational letters in the papers lately from organisations who do know what they are talking about.

"The Advertiser" published a letter on Saturday 25 May 2019 which follows...

Cat law claws out

CONGRATULATIONS to [REDACTED] for standing up to Campbelltown Council (" Feline the heat over pet laws" , The Advertiser, yesterday) to oppose a counter-productive cat by-law that will not reduce cat numbers or cat-related problems.

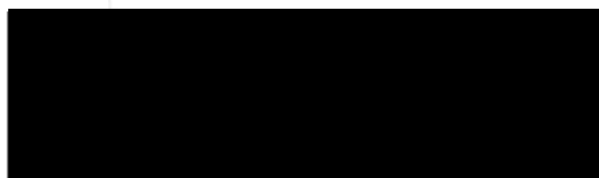
It will also not save native wildlife.

In addition, [REDACTED] stated details of the financial cost these bylaws have, not only the cat owners, but the ratepayers.

These bylaws can run into tens of thousands of dollars.

Attendees in the public gallery got together after the council meeting, vowing to set up a cat-support group and oppose this unfair and cruel bylaw.

I wish them well.



And the following two letters from our Messenger Community News this month...

Knee-jerk reaction

The proposal for cat confinement and trapping of cats ("Marion cat curfew bid on table", CoastCity Messenger, May 8) raises some serious issues. Feedback for this bylaw to confine cats and remove patrolling cats needs to be based on sound scientific evidence.

There is no such thing as a cat-free zone in an open system that can sustain cats, such as Marion Council. This is a proven scientific fact. Confinement and removal of one lot of cats simply results in an influx of new of cats.

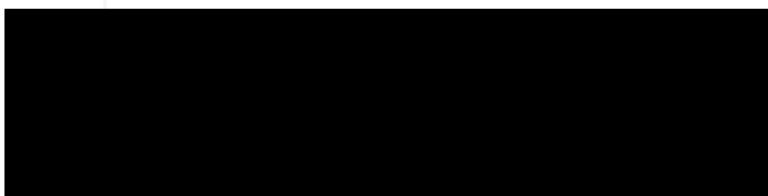
The study by Billie Lazenby, "Culling cats may do more harm than good" (via Google,) supports the studies of Cats Assistance To Sterilise, showing an increase in cat numbers after trapping. This method destabilises the ecosystem, which is the worst thing for native wildlife.

A recent newspaper article stated that the survival rate of bilbies that lived with feral cats is better in an open system than for those that had not lived with feral cats.

Furthermore, this knee-jerk reaction will cause an immediate increase in rats and mice before the new cats move in.

The "vacuum effect" is a proven scientific fact.

No cat management plan will be successful unless it is understood and adhered to, so the proposed cat bylaw is flawed and would fail.



Establishing cat curfews “may increase their numbers and in areas where cats are removed new ones come in to increase their numbers”.

I refer to [REDACTED] letter (CoastCity Weekly, May 15). The opening statement is from the author of the study cited by [REDACTED] (wildlife biologist Billie Lazenby) which found that far from creating better outcomes for wildlife, culling cats actually resulted in an increase in cat numbers.

It is an absolute law that nature abhors a vacuum and that removal of existing cats will result in spaces waiting to be filled by other less dominant cats moving in. It is a flawed idea which will not work. Councils must look at the science behind cat culling before imposing curfews – to act smart rather than striking out blindly.

I want an effective solution – not ineffective knee-jerk reactions. Studies must be examined closely before legislating blindly.

Both councils and residents are responsible for “unnatural selection” in the case of bird species such as noisy miners by planting eucalypts with lawn and no understorey – and then people complain and, worse still, talk about culling the birds, without realising they’re responsible for the imbalance.

Culling always results in catastrophic consequences; new miners move in and the real reason they are in imbalance is due to elimination of the understorey where our small birds and native animals seek refuge.

Curfewing cats may not be the answer. Councils and home owners need to check multiple solutions such as reinstating understorey as bird and wildlife refuge as open spaces are predatory felines’ favourite hunting grounds.

[REDACTED]

It is obvious that these people know what they are doing so why not get them to organise your cat management? Maybe it's because they apparently donate their time and don't charge massive consultants' fees, which place a huge burden on our ratepayers????

I heard that the CATS organisation has organised the desexing of 120,000 cats, many in our Council and they have access to cost price desexing rates through their cooperating vets, for the same service as the full price.

Why are you not working with them?

On the Issue of Cats Being a Nuisance

Almost all cat-related problems of nuisance are caused by undesexed cats and almost all complaints stem from undesexed cats. Removing these cats solves nothing as new cats move in as stated by the experts who have done scientific research required.

The answer then is simple... Just get as many cats desexed as possible and get help through the experts who have the means to do so at very low costs through the goodwill that they built up with over 60 veterinary surgeons.

I have been following the letters from these people and they have done a massive job. After they began 30 years ago they halved the death rate at the Animal Welfare League in a matter of about 5 to 6 years after mass desexing of thousands of cats. All cats need to be addressed and this cat confinement bylaw is useless in solving any of these problems. It will simply exacerbate them.

Yours truly

A solid black rectangular box used to redact the signature of the author.

26 May 2019



Submission from RSPCA South Australia to the City of Marion Regarding the Proposed New By-Law Implementing Cat Curfews Within the Council Area.

24th May 2019

RSPCA SA has reviewed the Cats (Confinement) Variation By-Law 2019 – City of Marion By-Law No. 7 and submit the following feedback to council for its consideration in deliberations about introduction of the new by-law.

While RSPCA SA commends the City of Marion in taking the initiative of starting to address the issue of cat over-population in your council area, our organisation does have a number of concerns with the proposal:

- There are a number of changes we recommend to the proposed process to ensure that the animal welfare risks to cats are minimised.
- While a positive initiative, RSPCA SA does not believe that curfews in isolation will have any material impact on cat populations, and that the By-Law change needs to include a more comprehensive range of measures to effectively address cat over-population.
- RSPCA SA does not believe the Council has considered the full cost of implementation of this proposal, especially when the majority of cost is incurred post-seizure of the cats.

This submission includes ten recommendations to the City of Marion in addressing these concerns.

RSPCA SA gives qualified endorsement of the Council's proposed new by-law, supporting in principle the initiative of introducing a curfew as an effective transitional step towards full containment of cats.

Our support for containment is based on research indicating that such management:

1. Reduces the risk of harm to cats from contracting diseases or being injured or killed from traffic, fighting, dogs and human cruelty (Loyd and Hernandez 2012; Toukhsati et al. 2012a). A recent study conducted in SA fitted suburban owned cats with individual cameras and found a high frequency of potentially life threatening hazards to these cats (for example, road crossings, encounters with other cats, consumption of potentially toxic substances, and exploration of storm drain systems and crawlspaces of houses) (Loyd et al. 2013).
2. Has the potential to reduce or prevent reproduction (especially of young cats that are sexually mature but not yet desexed) reducing the population of unwanted, unowned, semi-owned or feral cats.
3. Has the potential to reduce wildlife predation.
4. Can contribute towards reducing cat related community nuisance

Full cat containment however currently has relatively low community support and will need to be a longer term goal following extensive programs promoting a "Responsible Cat Ownership" philosophy and education on containment measures that avoid negative animal welfare outcomes. As an interim measure however, night time curfews;

- are relatively easy for owners to implement, and require minimal education about additional animal welfare considerations;
- represent a relatively low cost of implementation for owners and therefore do not disadvantage lower socio-economic groups;
- eliminate the period in which the range cats roam is at its greatest, and;
- represent a valuable incremental step in building an understanding of responsibilities to the broader community of cat ownership.

RSPCA SA Recommendation 1

That Council communications explaining this initiative focus on the cat welfare benefits – the *Responsible Cat Ownership* concept - rather than the wildlife predation benefits. The most vocal objectors to this proposal will mainly be cat owners and it is this group that must be convinced of the benefits for their own animals.

RSPCA SA Recommendation 2

That the Council undertakes a comprehensive education program for residents explaining techniques for ensuring their cats can be captured for containment overnight, and addressing the physical needs of cats being contained indoors overnight.

RSPCA SA has a number of animal welfare concerns with the process proposed by council.

A major concern for RSPCA SA is the trapping of cats by members of the public. Even the best practice use of well-designed traps cannot fully alleviate the significant welfare risks associated with trapping cats. Welfare outcomes are affected by a range of factors including the type of trap used, positioning of a trap with regard to environmental exposure, frequency of checking, potential for injury during escape attempts and distress caused by containment (Robertson 2007). These risks are significantly amplified when the trapping is undertaken by unqualified and untrained members of the public, with cats potentially remaining in traps for extended periods during adverse weather conditions and subject to external stressors such as dogs. Cats must also be protected from members of the public who may seek to deliberately cause harm to the animals. Some councils require that trapping is only to be done by authorised officers who will set up, monitor and remove trapped cats (usually individual cats that are causing a nuisance) to a local cat management facility. There is obviously an additional staffing cost associated with this, but such a requirement would assist Marion Council in gaining community acceptance for this By-Law by reducing the animal welfare risks. As a minimum, any residents requesting a trap from the council should be required to comply with a code of practice such as 'Humane cage trapping of domestic, unowned and wild cats' (2012) publication developed in Victoria (Moore 2008), with penalties for non-compliance.

RSPCA SA Recommendation 3

Traps should not simply be provided to members of the public from council offices, but rather, delivered to residents where Authorised Officers could properly demonstrate use of the traps, advise on location setting and explain humane use.

RSPCA SA Recommendation 4

Council should develop a Code of Practice for use of their traps and include provisions for fines and penalties into the By-Law for residents who do not adhere to that code. This will assist in protecting the welfare of the cats, many of which will be owned pets.

RSPCA SA gives qualified support for the proposed paragraph 7 requiring identification by collar with tag to augment microchipping and allow for easy owner identification in the absence of microchip reading devices.

Our support is based on research showing that providing cats with collars and a visible identification tag has been successful in reuniting cats with their owners (Lord et al. 2007; Lord et al. 2010) and that cats generally can tolerate wearing a collar. Over a 6-month study period, most (73%) cats successfully wore a collar (including some owners replacing collars), with 56% of owners claiming their cat tolerated the collar better than expected (Lord et al. 2010).

Collars do however represent some additional welfare risk with cats getting their forelimb caught in their collar, the collar being caught on an object and potentially strangling the cat, or the collar being caught in their mouth. These risks however are reduced with the use of elastic or break-away collars.

RSPCA SA Recommendation 5

Change the proposed paragraph 7.4 from “by means of a collar around its neck” to be “by means of an elasticated or breakaway collar around its neck”

RSPCA SA gives qualified support for the proposed paragraph 11.3 introducing detention periods for seized cats.

Even well managed cats will sometimes escape their owner or not return to their owner's property at night. It is therefore only fair and reasonable that like dogs, cat owners are provided with opportunity to reclaim their animals that have wandered. Such an opportunity requires a period during which the council post notices to the public describing the animals that have been seized. It is however the current nature of cat owners that cats that do not return to homes of an evening are often not considered "missing" for two or three days, by which time their cat if seized, may have been disposed of by the Authorised Officer. It is therefore advisable when introducing detention periods, to have longer detention periods for cats than dogs, especially for identified cats. This also provides another incentive for owners to have their cat microchipped and identified. Mandatory cat detention periods in other Australian states are shown in the following table:

State	Identified Cats	Un-Identified Cats
Victoria	8 Days	8 Days
WA	7 working days	3 working days
NSW	14 working days	7 working days
Tas	5 working days	3 working days

The lack of a State legislated mandatory detention period for cats is another area where South Australian cat legislation lags behind other states and Marion Council is to be commended in introducing such.

RSPCA SA Recommendation 6

Paragraph 11.3 be amended to provide for detention periods of 7 days for identified cats and 3 days for unidentified cats, with a provision for immediate euthanasia of truly feral cats.

Other considerations: Importance of enforcement

The best legislation and By-Laws have no impact if compliance is not effectively enforced. RSPCA has seen a number of initiatives introduced Australia wide for dealing with dog and cat management issues that have ultimately been assessed as failures. Yet the problem has often not been with the initiative but its implementation. Most commonly there have been insufficient resources applied to the task of enforcement of compliance, especially when the By-Laws are introduced.

RSPCA SA Recommendation 7

The City of Marion ensures that sufficient resources are applied to ensuring compliance with the By-Law once it is introduced.

Other considerations: Effectiveness of this Single Cat Management Initiative

Managing cats in South Australia in a way which adequately considers the associated animal welfare, social, and environmental issues is a very complex, difficult and ongoing task. Councils have struggled in finding adequate solutions to cat over population and nuisance issues, with many implementing various individual measures in an attempt to address the issue. Unfortunately this "piecemeal" approach is seldom effective in having any material impact on cat populations in their council area.

To assist councils with the challenge of cat management, in August 2019 RSPCA SA is planning to release our "Cat Management Plan for South Australia". This plan will give effect in the South Australian context, to the 21 recommendations of RSPCA's widely acclaimed 2018 report "Identifying Best Practice Cat Management in Australia". Our plan for this State specifies a comprehensive set of actions by all stakeholders involved with cat

management, all of which need to be implemented if we are to effectively address the issue of cat over population in South Australia.

RSPCA's concern with Marion Councils curfew proposal is that in isolation, it will not be effective in materially impacting the cat over population issue in your council area.

	Standard	South Australia	Adelaide	Marion
Human Population		1,712,843	1,333,927	92,308
Owned Cat population	No of Households	767,267	492,449	39,792
	% with Cats	37%	37%	37%
	No of Cats per household with cats	1.40	1.40	1.40
	Total Number of cats	397,444	255,089	20,612
Semi and Un-Owned Cat Pop.	Min 60 cats per 1,000 residents	102,771	80,036	5,538
	Avg 80 Cats per 1,000 residents	137,027	106,714	7,385
	Max 100 cats per 1,000 residents	171,284	133,393	9,231

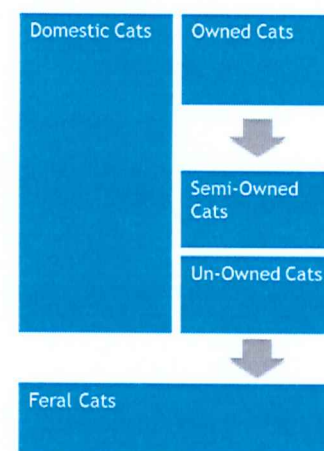
With 37% of South Australian households owning on average 1.4 cats, RSPCA estimates the owned cat population of Marion Council to be about 20,612 cats, and with far less accuracy, the unowned or semi-owned population between 5,000 to 9,000 animals.

An effective overall strategy has to address the different categories of cats and requires 23 cat management initiatives to be implemented together. These initiatives are specified in our Cat Management Plan for South Australia which is in its final stages of review, and for implementation would require further changes to the proposed By-Law.

RSPCA SA Recommendation 8

Changes to the City of Marion By-Law be delayed for review of the RSPCA Cat Management Plan for SA which will be released in August 2019.

TYPE OF CAT



Other considerations: Cost of Implementation

RSPCA SA is concerned that the Marion Council has not fully evaluated the potential cost of implementation of this By-Law. At present many council cat management initiatives such as this curfew proposal, involve the trapping of cats by residents, with the animals handed over to charities such as RSPCA or AWL for care and rehoming.

Unfortunately the rehoming of the stray animals is becoming increasingly expensive as community expectations of levels of care and rehoming rates increase. **It currently costs the major rehoming organisations such as RSPCA over \$1,000 to rehome each dog and each cat taken into care.** In the 2018FY the cost to RSPCA SA of rehoming animals was in excess of \$4.5 million. The Lonsdale Animal Care Centre has a veterinary team of 13 staff, 4 dedicated animal behaviourists, over 23 daily animal husbandry staff and nearly 200 unique volunteers assisting every month. During the summer and autumn months we usually have in excess of 500 cats in care at Lonsdale. Animals are not only provided with shelter, nutrition, exercise and enrichment, but are all microchipped, desexed, vaccinated, treated for various parasites and provided with other veterinary care – especially dental – as required. In addition to all of this, we incur significant marketing and advertising costs in attracting potential adopters of the animals.

Incurring this level of cost is becoming increasingly unsustainable for a charity which is 100% reliant on donations from the community for this activity.

With over 800 dogs and cats being received by RSPCA each year from the Marion Council area, our organisation is incurring costs in excess of \$0.8 million in dealing with companion animal management for the City of Marion alone. This service to the Council is funded by RSPCA donors from all over Adelaide and is becoming increasingly unsustainable for the organisation. In 2018FY RSPCA SA introduced a token fee to councils of \$50 for each stray cat received from their council area. Obviously this represents only a minor recovery of the \$1,000

per animal rehoming cost. Very clearly, the majority of the cost of introducing this new By-Law will be incurred in the impounding, care and rehoming of the seized cats and the City of Marion needs to seriously consider how this will be facilitated.

While RSPCA SA considers the Council's new cat management initiative a very positive step forward, we must advise that our organisation does not have the resources or facilities to be able to handle further increases to cat intake as a result of this program, or to incur the program costs in Council implementing this initiative.

While some individuals may propose euthanasia as a lower cost alternative to rehoming, it is clear that large scale killing of otherwise re-homable domestic cats would be utterly unacceptable to the vast majority of the community and would illicit a very significant negative public reaction directed at the council.

RSPCA SA Recommendation 9

The City of Marion needs to develop a costed plan for the post-seizure management, care and rehoming of seized cats.

In the eastern states and in fact all over the world, local government is increasingly assuming full and proper responsibility for their companion animal management. This includes constructing and operating their own impounding and rehoming facilities – often in conjunction with other councils.

This is yet another area of dog and cat management where South Australia lags the rest of Australia and it will need to be addressed in the near future, with councils assuming full responsibility for dog and cat management.

RSPCA Recommendation 10

The City of Marion immediately commences planning for the construction and operation of its own (or joint) dog and cat impounding and rehoming facility as an essential requirement for an effective companion animal management strategy for the council.

RSPCA SA is very prepared to work with and assist the council in achieving this outcome.

References

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Corporate Risk Report - Quarter Four 2018/19 including Annual Risk Profile

Originating Officer	Risk Coordinator - Karen Peake
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Acting General Manager Corporate Services - Ray Barnwell
Report Reference	GC190827R14

REPORT OBJECTIVE

The purpose of this report is to provide Council with assurance that the City of Marion is committed to managing its corporate risks and provide information on those risks currently rated as high through the provision of the 2018/19 Quarter Four Risk Report and the Annual Risk Profile which compares against the risk profile of the sector.

EXECUTIVE SUMMARY

Council last considered the Corporate Risk profile at its meeting on 28 August 2018 (GC280818R12). In this report, 10 risks, from a total of 109 identified risks, had a residual risk rating of high and therefore outside Council's risk tolerance.

Since the report presented in August 2018, a new risk has been identified as high and a number of risks have been rated down from high to medium or escalated from medium to high, which now results in 9 risks rated as high, from a total of 111 identified risks.

The result, when compared to the industry sector, illustrates that the high risks are being managed through appropriate mitigation strategies.

RECOMMENDATION

That Council:

- 1. Notes the progress report including the reduction of risk, the mitigation strategies of high rated risks and how the Risk Profile compares against the sector.**

DISCUSSION

The 2018/19 annual review of the corporate risk profile shows a continuing maturity of risk management across the organisation.

Over the past twelve months, whilst there has been a slight increase (as an overall percentage of 1%) in the number of high risks rated, this is in response to the more dynamic risk management approach as shown in **Appendix 1**.

Our maturing risk management has seen business risks reflected in a more timely manner, with several risk review workshops being undertaken during the year, addressing emerging and/or escalating risks such as:

- climate change
- reputation, both for the Council itself and the Local Government sector in general
- cybersecurity
- asset management

An extract from the Corporate Risk Register is attached as **Appendix 2** that outlines those risks currently rated as high (as at 30 June 2019). These risks are managed across the organisation at Senior Leadership level as the Risk Owners, with the Executive Leadership Team undertaking a review each quarter via the Risk Working Group.

Identified mitigating actions are outlined as 'Further Controls' in the extract of the Corporate Risk Register, and include due dates which take into consideration services and activities committed through work area planning, resourcing and other commitments. On completion, these actions will be referenced as current controls.

The identified high risks have 33 outstanding actions, 27 of these are scheduled for completion over the coming year, 5 extend into 2020/21 and 1, in relation to ICT service improvements, extends into 2021/22.

Although the primary focus of this report is to highlight current High risks, moving forward, there will be an increased focus on the treatment of Medium risks (as outlined in **Appendix 1**), with 16 of the 84 currently rated Medium risks forecasting a re-rating to Low.

The nine high risks are also presented in the annual Corporate Risk Profile, attached as **Appendix 3**, and summarised below to compare our high risks with the Local Government Risk Services Local Government survey 'Top Ten Ranking of Risks In The Sector' (May 2019).

LGRS Risk Heading	Risks
WHS Management	1
Contractor Management	1
Business Continuity & Community Safety	1
Governance Risks	0
Reputation Risk	1
Property & Infrastructure	2
Financial Sustainability & Fraud Control	0
Environmental Management / Climate	1
ICT Infrastructure / Cyber Security	2
Effective HR	0

This illustrates that the organisational risks, when mapped against the industry forecast, continue to be well managed at the City of Marion. Whilst financial stability, governance and effective HR risks are high ranking across the sector, the City of Marion is able to give them a Medium risk rating with the remaining areas of sector high rated risks being subject to robust and comprehensive risk review processes.

CONCLUSION

The ongoing quarterly reporting provides Council with the assurance that the City of Marion is working to manage and mitigate its high rated risks. This will benefit the business and provide a greater level of assurance for Council and all key stakeholders.

Attachment

#	Attachment	Type
1	Appendix 1 - Corporate Risk Quarterly Summary June 2019	PDF File
2	Appendix 2 Corporate High Risk June 2019	PDF File
3	Appendix 3 - Updated Corporate Risk Profile 2019	PDF File

Table of Corporate Risk Register Review Quarterly Outcomes

APPENDIX 1

Period:	Qtr 1: Jul to Sept 2018			Qtr 2: Oct to Dec 2018			Qtr 3: Jan to Mar 2019			Qtr 4: Apr to Jun 2019			Impact in 12mths	Risk Tolerance
Corporate Risk	I	C	F	I	C	F	I	C	F	I	C	F		
Extreme	16	0	0	16	0	0	17	0	0	20	0	0	↑	
High	76	8	0	75	8	0	74	9	0	74	9	0	↓	
Medium	15	84	63	16	80	64	16	79	64	17	84	68	↑	
Low	0	15	44	0	19	43	0	19	43	0	18	43	↑	
Total	107	107	107	107	107	107	107	107	107	111	111	111		
Current High Risk %	7%			7%			8%			8%				

* Key: I = Inherent, C = Current, F = Forecast

Corporate Risk Register - extract showing current HIGH risks (June 2019)

ELT Risk Owner (ELT)	SLT Risk Owner (SLT)	Strategic Link	Ref	Risk Description	Risk Causes /Sources	Potential Consequences	INHERENT Level of Risk			Current Controls in Place	CURRENT Level of Risk			Further Action	Further Action Due Date	Action Owner	FORECAST Level of Risk		
							Likeli-hood	Conse-quence	Risk Rating		Likeli-hood	Conse-quence	Risk Rating				Likeli-hood	Conse-quence	Risk Rating
City Development	Innovation & Strategy	Liveable	ASY02	Property & Maintenance: Failure to appropriately maximise CoM assets and asset management planning, to ensure appropriate acquisition, renewal, maintenance, management and disposal	<ul style="list-style-type: none"> - Lack of lifecycle and whole of life controls utilised in corporate decision making. - Limited renewal planning. - Lack of clarity regarding service standards - Poor implementation of data held within the CoM asset register - Change in strategic priorities from EMs - Increased workload/ inadequate staffing levels/specialised skills - Inadequate funds allocated for management of assets - Increased quality expectations from the community, Australian Standards and legislation 	1.Asset deterioration/ failure 2.Poor decision making leading to financial burden 3.Downturn in staff morale 4.Non compliance with legislation, regulations and industry standards 5.Dissatisfied community 6.Increased costs of ongoing maintenance, delays and penalties 7.Excessive service cuts and/or excessive rates rises to meet the commitments	Likely	Severe	EXTREME	1. Asset Management Plan 2. Asset Mgt Plan incorporated in 2017/18 budgets 3. Strategic Plan 4. Capital working group meetings 5. Valuations and Long Term Financial Plan (LTFP) 6. Asset management schedules 7. Meeting of compliance obligations 8. Building checks 9. Continual improvement in understanding lifecycle/whole of life costs & data (storage and recovery) 10.Recruitment of Asset Management Officer role. 11.Reviewed Asset Valuation process (AMIP10)	Possible	Severe	HIGH	1.Annual review & update of Asset Management Plan - ref AMIP 6 2.Review asset condition inspection regime - ref AMIP 11 3.Develop 'Single point of truth' for all asset data - ref AMIP 9 4.Finalise the review & setting of asset service levels - ref AMIP 8 5. Development of the City Property Strategic Asset Mgt Plan 6. Implementation of the City Property 10 yr Asset Mgt Forecast	1.30/12/20 2.30/12/19 3.30/03/20 4.30/12/20 5.30/06/20 6.30/06/20	1.UM Assets 2.UM Assets 3.UM Assets 4.UM Assets 5.Mgr Inno&Strat 6.Mgr Inno&Strat	Rare	Severe	MEDIUM
City Services	Customer Experience	Engaged	COM04	Business Continuity & Community Safety: Damage to the Local Government sector reputation impeding on CoM's successful delivery of services to the community	<ul style="list-style-type: none"> - Negative issues from other councils affecting the broader sector reputation - Traditional media sources are changing ie Messenger is planned to be cancelled 	1. Community dissatisfaction 2. Poor engagement 3. Adverse media coverage 4. Interruption to services	Almost Certain	Moderate	HIGH	1. Marketing Plan 2. Social media strategy 3. Intuitive website 4. City Limits 5. Messenger articles 6. Community Engagement 7. LGA marketing for the sector	Likely	Moderate	HIGH	1. Explore opportunities for representation on LGAS promo/marketing working group	1.30/09/2019	1.Mgr Cust Exp	Possible	Moderate	MEDIUM
Corporate Services	Finance & Contracts	Council of Excellence	CON03	Contractor Management: Failure to manage contractors appropriately to ensure that contractual obligations are met	<ul style="list-style-type: none"> - Inadequate awareness for the procurement and contracting process - Inconsistent approach for the procure-to-pay process - Lack of knowledge regarding corporate requirements for contract management - Lack of training regarding contractor management 	1.Death or critical injury to Workers, Contractors or member of Public 2. Weak internal controls and process assurance 3.Ineffective financial monitoring of contracts/budgets 4.Inappropriate contractor management 5.Inability to engage quality contractors 6.Non-performance of contractors 7.Ineffective use of staff resources 8.Lack of integrity in the process, frequent 'work arounds' 9.Disruption to works impacting CoM & team 10.Disruption to works impacting local community 11.CoM exposure to liability 12.Reputation damaged through adverse media coverage	Likely	Severe	EXTREME	1.Procurement and Contractor Management policy & procedures (reviewed 2016) 2.Staff training provided in procurement & contractor management 3.Business Partnering approach 4.Internal customer satisfaction surveys (every project) 5.Annual procurement planning (aligned to projects etc) 6.Contracting centralised through the Contracts Team 7.Existing Procurement and Contractor Management Policies and Procedures (including tender evaluation, contractor induction, site inspections);Tender Board process for contracts greater than \$200,000 8.Recruitment of appropriately skilled staff within Contracts Team 9. Sharepoint used to manage records 10. Staff trained in Contract Management Oct/Nov 2016 11. Review of Contract Management activities by Internal Audit has been undertaken and considered by F&AC & recommendations completed	Unlikely	Severe	HIGH	1.Transition contractor surveillance and monitoring into SkyTrust and formalise the Audit/Observation program 2.Opportunities for improvement identified in the Review of Contract Management activities by Internal Audit are being monitored as part of Internal Audit reporting (30/06/19)	1.30/06/19 31/12/19 2.30/06/19	1.UM Risk 2.Strategic Procurement Lead	Rare	Severe	MEDIUM
City Services	Engineering & Field Services	Connected	CSE03	Property & Maintenance: Lost opportunity or inability to create, renew, manage and maintain Infrastructure assets (roads, drainage, footpaths etc)	<ul style="list-style-type: none"> - Inadequate asset management planning - Lack of funds allocated in internal budgets - Reduction in external grant funding - Inability to access appropriate materials - Change in strategic priorities from EMs - Access to qualified staff 	1. Asset deterioration/failure 2. No new assets 3. Dissatisfied community 4. Early/late asset renewal 5. Higher costs of ongoing maintenance vs renewal 5. Stormwater flooding	Likely	Severe	EXTREME	1. Asset Management Plan 2. Civil budget 3. Civil works program 4. Budget for Asset Management Plan and Civil Works program 5. Streetscape Policy & service delivery standards	Unlikely	Severe	HIGH	1.Implement the results of the Asset Management Review (WIP) 2. Development of PM tools, governance and implement CAMMS	1.31/12/2020 2.31/12/2019	1.UM Civil 2.UM Civil	Rare	Severe	MEDIUM
City Development	Innovation & Strategy	Valuing Nature	ESU03	Environmental Management/ Climate Change: Failure to understand, plan and act to respond to the projected impacts of climate change.	<ul style="list-style-type: none"> - Lack of awareness and understanding for climate change issues - Poor project management - Inadequate communication - Poor inter-departmental working 	1.Catastrophic damage during extreme weather (e.g. flooding) 2.Cost of remedial works 3.Cost of mitigation works 4. Dissatisfied community 5. Damage to coastal zone from storm surge 6. Reduced rates revenue as property values go down 7. Increased difficulty in obtaining insurance cover 8. Increased difficulty in obtaining loans if financial institutions require evidence of responses to climate change impacts 9. Infrastructure damage	Likely	Severe	EXTREME	1. Valuing Nature CoM Community Vision 2. CoM Climate Change Policy 3. Resilient South regional Climate Change Adaptation Plan 4. Resilient South Local Government Regional Implementation plan 5. CoM Climate Risk & Governance gap analysis 6. Coastal Climate Change Adaptation Plan being developed including baseline monitoring to detect early changes to risk. 7. Professionally qualified staff 8. Education via events, networking, workshops etc. 9. Building community resilience through partnership & education	Possible	Severe	HIGH	1. Review of climate change projections/observations & use of pathways approaches in adaptation planning. 2. Evaluating the progress of the Regional Implementation Plan with program partners 3. Develop & implement a Climate Risk Governance program 4. Implement findings of Coastal Climate Adaption Plan 5. Elected Member engagement & education 6. Undertake a skills/capability audit & document training gaps in the TNA 7. Provide training & capability building opportunities with identified staff	1.31/12/19 2.31/12/19 3.30/06/20 4.30/06/20 5.30/06/20 6.31/12/19 7.31/12/20	1.UM ES 2.UM ES 3.UM ES 4.UM ES 5.UM ES 6.UM ES 7.UM ES	Rare	Severe	MEDIUM
Corporate Services	Corporate Governance	Council of Excellence	GOV06	WHS Management: Failure of CoMs officers to discharge Due Diligence obligations under the WHS Act	<ul style="list-style-type: none"> - Failure to advise and train staff of WHS obligations - Officers' having low levels of WHS knowledge & awareness - Lack of Due Diligence training - Inadequate WHSMS - Poor training in WHSMS - Poor WHS systems' management 	1. Criminal Charges 2. Incarceration 3. Financial Penalty 4. Reputation Risk	Likely	Severe	EXTREME	1.Skilled and experienced WHS Staff 2.TSLW WHS Management system (being transitioned to SkyTrust) 3.Specialist WHS Coordinator 4.Due diligence training 5.Ongoing consultation, training and advice to staff across CoM 6.ELT Support and briefings on emerging risk issues 7.WHS induction new staff 8.Monthly reporting to Council, ELT and SLT regarding hazard and incident management 9.Implementation of Skytrust inc. Doc Mgt/SkyLearn/Hazard Mgt/SkyPlan 10.Annual WHS KPI Action Plans 11.Temporary grant funded WHS Support Officer 12.Internal WHS Audits undertaken 13.Implementation of Work Area Inspections 14.WHS training with Elected Members	Unlikely	Severe	HIGH	1.Implementation of Contractor Mgt/ Skytrust S3 (Pilot undertaken but awaiting Contract team to identify system) 2.Review all SWMs, SOPs, related policy & procedures 3.WHS KPI Action Plan 2019	1.30/09/19 2.30/04/19 31/08/19 3.31/10/19	1.Contracts Leader 2.UM Risk 3.UM Risk	Rare	Major	MEDIUM
Corporate Services	Corporate Governance	Council of Excellence	GOV10	Governance Risks: Failure in Council's ability to prevent, prepare, respond to and promote resilience in the community in the event of an emergency ie earthquake, flood, extreme heat, bushfire and terrorism	<ul style="list-style-type: none"> - Absent, outdated or inadequate Community Emergency Plan, - Failure to undertake risk assessment and undertake mitigation activities for known hazards 	1. Death or critical injury to Workers, Contractors or member of Public 2. Disruption to works impacting CoM & team 3. Disruption to works impacting local community 4. CoM exposure to liability 5. Officers' exposure to criminal litigation 6. Reputation damaged through adverse media coverage	Possible	Severe	HIGH	1. Flood prevention activities 2. Fire prevention activities 3. Planning/Building Fire Committee 4. Community education / development 5. Community Emergency Management Plan 6. Workplace Emergency Management Plans 7. Business Continuity Plan 8. Training Needs Analysis and conduct of required training 9. Response personnel 10.Events Mgt (CSC) - implementation of Crowded Place Risk Assessment and Notification Processes issued by SAPOL 11.Monitoring and management of Emergency Management work program actions (via EPC/BCWG/ZEMC) 12.Generator installed and commissioned to provide ICT backup/select power for IMT/EOC activities at Admin Building 13.ZEMC Recovery Exercise - increased understanding of Council's roles & responsibilities (Exercise RUMBLE 4/9/18) 14.Key staff trained in iResponda and Swift Water rescue (as per TNA)	Unlikely	Severe	HIGH	1. LGFSG training of officers (booked for 16 July) 2.Implementation of new IMT communications process (xMatters) - 90% complete/working with LGA 3. Business Continuity training for Elected Members 4. Business Impact Assessment workshops	1.31/7/19 2.30/06/19 31/07/19 3.30/09/19 30/06/19 4.30/09/19	1.UM Risk 2.UM Risk 3.UM Risk 4.UM Risk	Rare	Severe	MEDIUM

Corporate Risk Register - extract showing current HIGH risks (June 2019)

ELT Risk Owner (ELT)	SLT Risk Owner (SLT)	Strategic Link	Ref	Risk Description	Risk Causes /Sources	Potential Consequences	INHERENT Level of Risk			Current Controls in Place	CURRENT Level of Risk			Further Action	Further Action Due Date	Action Owner	FORECAST Level of Risk		
							Likeli-hood	Conse-quence	Risk Rating		Likeli-hood	Conse-quence	Risk Rating				Likeli-hood	Conse-quence	Risk Rating
Corporate Services	ICT	Council of Excellence	ICT02	ICT Infrastructure /Cyber Security: Poor data quality and governance not supporting informed decision making Inappropriate use, ineffective or absent ICT system solutions to support data management to ensure accurate data collection, appropriately manage Council business and ensure informed decision making	Human error - Strategic awareness/oversight of corporate data and processes unknown - Lack of standardised Data Quality Assurance processes in place - Lack of awareness that there is a Data Governance Framework - Lack of organisational resource and capacity to oversee the Data Governance Framework and embed the principles - Poor capture of data due to inconsistent processes Increased workload of team - Lack of specialised skills across work units to capture quality data - Reluctance to use Corporate System databases versus personal spreadsheets due to systems not supporting business needs - Inadequate funds allocated in internal budgets for system improvements and ICT computer skills development for staff - Lack of ICT training for staff (no corporate ICT Trainer role) - Lack of mobility tools for outdoor staff - Ineffective use of end user reporting and query tools	1.Non compliance with related regulations/ legislation 2.Poor decision making 3.Failure to deliver identified IT business outcomes 4.Failure to address business issues. 5.Inability to provide innovation and improve efficiencies 6. Lack of data integrity 7. Failure to measure data value	Likely	Severe	EXTREME	1. ICT Steering Committee meets quarterly to discuss major initiatives and priorities 2. ICT working in line with the Strategic Management Framework, ICT Strategic Themes and Work Area Plan 3. Core application systems user groups in place with ICT business unit account manager roles (engagement partners / project co-ordinators) 4. Vendor management Reviews of required software enhancements and faults 5. Clarified roles and responsibilities of software ownership (org wide versus departmental) 6. Regularly reviewed policies, procedures & processes 7. ICT Digital Transformation Plan 2017-2022 and ICT Roadmap embedded into annual business plan and budget process, and updates provided to Council ISC committee 8. Business Systems "Fitness" Review completed & distributed to senior management with findings Dec 2018. 9. Development of the Information Technology Application Strategy 2019	Possible	Severe	HIGH	1.New business intelligence / data analytics reporting toolset (Microsoft PowerBI) to be deployed organisation-wide in 2019 2. Implementation of the Information Technology Application Strategy (ITAS) plan in 2019 3. Implementation of the ICT 19/20 Service Review recommendations 4. Embed the Data Governance Framework across the organisation 5. Seek endorsement of Data Governance/Database Administrator to implement and oversee the Data Governance Framework	1.31/12/19 2.30/06/20 3.30/06/20 4.30/06/20 5.30/08/19	1.Mgr ICT 2.Mgr ICT 3.Mgr ICT 4.Mgr ICT 5.Mgr ICT	Unlikely	Major	MEDIUM
Corporate Services	ICT	Council of Excellence	ICT04	ICT Infrastructure /Cyber Security: Failure to deliver key corporate initiatives/ IT improvement projects as identified by the business on-time and on-budget	- Lack of consistent organisation-wide project management framework - Lack of appropriate business and ICT resource for project delivery - Work area plans too ambitious - too many projects Business as usual work commitments under estimated resource-wise	1. Lack of Council endorsement 2. Ineffective time management 3. Lack of project brief/scope 4. Ineffective targets/outcomes 5. Ineffective monitoring & review process	Likely	Major	HIGH	1. ICT Project Manager recruited 2. Use of ICT project management methodology and templates 2. Full scoping of project to create accurate/relevant project initiation document (PID) 3. Clearly identified roles & responsibilities within project team 4. Regular team/partnership meetings 5. Regular monitoring and review 6. Regularly reviewed ICT policies, procedures & processes 7. Regular project status reporting, monitoring and reviews (ELT Project Control Group and Project Steering Committees) 8. Part of the annual business planning process, ensure Work Area Plans are resourced and achievable 9. Project Management software solution - pilot stage complete 10. CoM Project Management Office (PMO) framework pilot completed	Possible	Major	HIGH	1. Implement the ICT19/20 Service Review outcomes 2. Implement the ICT 20/21 Service Review outcomes 3. Implement the ICT 21/22 Service Review outcomes	1.30/06/20 2.30/06/21 3.30/06/22	1.Mgr ICT 2.Mgr ICT 3.Mgr ICT	Rare	Major	MEDIUM



CORPORATE RISK PROFILE 2019



HIGH RISK AREAS

Inherent Current Forecast

WHS Management

GOV06	Failure of CoMs officers to discharge Due Diligence obligations under the WHS Act	EXTREME	HIGH	MEDIUM
CSE01	Failure to appropriately manage high risk activities by CoM Staff (underground services, excavation, confined space, hot works etc)	EXTREME	MEDIUM	MEDIUM
GOV08	Failure to meet Work Health Safety statutory and legislative requirements to ensure provision of a safe workplace	EXTREME	MEDIUM	MEDIUM

Contractor Management

CON03	Failure to manage contractors appropriately to ensure that contractual obligations are met	EXTREME	HIGH	MEDIUM
CSE02	Failure to appropriately manage high risk activities by Contractors (underground services, excavation, confined space, hot works etc)	EXTREME	MEDIUM	MEDIUM

Business Continuity & Community Safety

GOV10	Failure in Council's ability to prevent, prepare, respond to and promote resilience in the community in the event of an emergency ie earthquake, flood, extreme heat, bushfire and terrorism	HIGH	HIGH	MEDIUM
DSE09	Failure to deliver Health & Safety services for the Community (eg: re Food Act, Public Health Act, animals, fire prevention, parking, Local Nuisance and Litter Control, Local Government Act, Council By-Laws)	HIGH	MEDIUM	MEDIUM

Governance Risks

GOV02	Break down of Council Administration and Elected Members working relationship, impacting on sound and effective decision making process for the delivery of aligned and strategic business outcomes.	HIGH	MEDIUM	MEDIUM
GOV03	Inappropriate, ill-advised or incorrect staff decision/action or advice	HIGH	MEDIUM	MEDIUM

Reputation Risk

CON02	Failure to consistently apply an effective procurement and contracting function/service for CoM business	MEDIUM	MEDIUM	LOW
COM04	Damage to the Local Government sector reputation impeding on CoM's successful delivery of services to the community	HIGH	HIGH	MEDIUM

HIGH RISK AREAS

Inherent Current Forecast

Property & Infrastructure

ASY02	Failure to appropriately maximise CoM assets and asset management planning, to ensure appropriate acquisition, renewal, maintenance, management and disposal	EXTREME	HIGH	MEDIUM
CSE03	Lost opportunity or inability to create, renew, manage and maintain Infrastructure assets (roads, drainage, footpaths etc)	EXTREME	HIGH	MEDIUM
DSE02	Failure to deliver significant projects, legislative reviews and/or priority workloads against tight timeframes eg: Housing Diversity DPA & new Public Development & Infrastructure Act	HIGH	MEDIUM	MEDIUM

Financial Sustainability and Fraud Control

FIN01	Failure to meet statutory and legislative requirements (eg: LG Act, AASBs, GST, FBT, grant funding)	EXTREME	MEDIUM	MEDIUM
GOV05	Failure to ensure appropriate Fraud and Corruption management processes to prevent, detect and respond to alleged fraud and/or corruption	HIGH	MEDIUM	MEDIUM

Environmental Management/Climate Change

ESU03	Failure to understand, plan and act to respond to the projected impacts of climate change.	EXTREME	HIGH	MEDIUM
ESU01	Failure to deliver environmental services that meet community expectations and environmental need	HIGH	MEDIUM	MEDIUM

ICT Infrastructure/Cyber Security

ICT02	Poor data quality and governance not supporting informed decision making	EXTREME	HIGH	MEDIUM
ICT03	Failure to maintain Cyber Security assurance across all CoM systems and worksites	EXTREME	MEDIUM	MEDIUM
ICT04	Failure to deliver key corporate initiatives/ IT Improvement projects as identified by the business on time and on budget	HIGH	HIGH	MEDIUM

Effective HR

HRE05	Ineffective strategic work force planning	HIGH	MEDIUM	LOW
HRE04	Non compliant, inappropriate and/or ineffective Human Resource processes to deliver key HR requirements & initiatives	HIGH	MEDIUM	MEDIUM

Questions Taken on Notice Register

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Acting General Manager Corporate Services - Ray Barnwell
Report Reference	GC190827R15

REPORT OBJECTIVE

The 'Code of Practice – Procedures At Council Meetings 2017/18' states that:

4.7 Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

Under Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013 (the regulations):

- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

RECOMMENDATION

That Council:

1. Notes the report "Questions Taken on Notice Register"

DISCUSSION

Attachment

#	Attachment	Type
1	Question on Notice Register - Appendix 1	PDF File

Questions Taken on Notice Register



Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
Warradale Kindergarten – Landlord Consent GC190813R05	13 August 2019	Councillor Hull	Fiona Harvey / Chloe McDonald	What is the current status of any negotiations with DECS regarding remuneration for the use of the buildings?	<p>We have finally received a draft template from DECD which is proposed for all of the Kindy ground leases. We are currently working through this document, although Land & Property are currently prioritizing the finalization of our commercial lease / license agreements.</p> <p>The Kindy leases are ground leases, which means that Council (as Landlord) are not responsible for any maintenance, improvements, Building Insurance, Utilities, Cleaning, or DDA upgrades of the Property. These are the responsibility of the tenant.</p> <p>We will engage Valuers to provide commercial Ground Lease Valuations noting that these Kindy ground rents are fairly low in value.</p>
Ascot Park Bowling Club Lease GC190813R06	13 August 2019	Councillor Hull Councillor Crossland	Fiona Harvey / Chloe McDonald	<p>Can we provide details of how many 21 year leases we have with the community groups?</p> <p>Does a 21 year lease impact on the ability to receive grants?</p>	<p>Marion Sports and Community Club have recently entered into a 21 year lease. Marion RSL has been approved by Council to begin negotiations to enter into a 21 year lease.</p> <p>Having a longer lease term is beneficial for the Club if applying for bank loans/finance.</p> <p>It also enables clubs to develop a longer-term vision for a Club and develop a more strategic future club strategy which supports clubs / groups applying for larger Capital grants.</p> <p>In this case, the Bowling Club are looking to apply for larger grants to upgrade the bowling greens and associated facilities.</p> <p>We are not aware of any grants that specifically seek a 21 year lease.</p>

Questions Taken on Notice Register



Review of Irrigation Program 2019-20 GC190813R09	13 August 2019	Councillor Hull	Tony Lines / Glynn Ricketts	Can we confirm the scoring of Warradale Park Reserve and whether this is 13?	The scoring of Warradale Park Reserve is 14. The designated irrigated area is inside the path.
Questions Taken on Notice Register GC190813R14	13 August 2019	Councillor Hull	Fiona Harvey	When will the Police Station be re-opened?	An update has been requested to SAPOL however we are still awaiting a response. (this item will remain on the register until a response is received)
Sex Worker Discrimination Legislation GC190813M03	13 August 2019	Councillor Hull	Fiona Harvey / Warwick Deller-Coombs	What is the current consultation on the legislation and will Council be formally asked for their opinion by the Government? What has been the previous feedback provided to the government on this same topic?	A response was emailed to Council Members on 22 August and is summarised below: <ul style="list-style-type: none"> • The Statutes Amendment (Decriminalisation of Sex Work) Bill 2018 is due to be debated by Parliament in the Lower House in September after passing the Upper House in June 2019 • There does not appear to be a formal consultation process underway other than the letter to the Mayor. • Should the Bill pass the Lower House, there will be a formal consultation process. • Councils more recent previous advice on this issue was sought in 2012 and 2015 (Council Report and correspondence attached to email to Members). • Administration is currently in the process of drafting a new letter to MPs as per Council instructions.

Work Health & Safety - Monthly Performance Report - July 2019

Originating Officer	Unit Manager Risk - Sherie Walczak
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Acting General Manager Corporate Services - Ray Barnwell
Report Reference	GC190827R16

REPORT OBJECTIVE

The objective of this monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012 and to monitor Council's core target of a 10% reduction of the Lost Time Injury Frequency Rate (LTIFR) from the previous year.

RECOMMENDATION

That Council:

- 1. Notes the report and statistical data contained therein.**

DISCUSSION

Targets and performance indicators have been established in order to measure the continual improvement of the program. Performance against these targets are measured in two ways:

- positive performance indicators (PPI's); and
- lag performance indicators (LPI's) both of which are outlined in **Appendix 1**.

Council KPI is the achievement of a 10% reduction on last year's LTIFR of 9.4, to reach 8.4 or less in 2019/20.

The rolling LTIFR, based on internal incident reports, is again 9.4 with 6 lost time injuries being recorded over the last twelve months.

The current LTIFR, based on LGAWCS (Schemes) claims data, is 0.0 with no lost time injury claims being accepted so far this financial year (as outlined in **Appendix 1**). It should be noted that further LTI data is yet to be processed by the LGAWCS for the 2018-19 reporting period which may alter the LTIFR target in future reporting. The LTIFR is the same when compared to last year's results and is currently 0% below the industry comparison LTIFR rate.

Key initiatives implemented aimed at the reduction of the LTIFR include:

- Implementation of a four year HSE 2019-23 Strategic Plan.
- Recognition of and rewarding our Safety Champions
- Delivering visible safety initiatives
- Further maturing of SkyTrust WHS Management System.
- Promotion of the Safety Observation program where front-line staff are observed by people leaders.

- Implementation of the internal WHS Audit and Contractor Surveillance program.
- Positive fit-for-work and well-being programs

CONCLUSION

The significant reduction in Lost Time Injuries of 67% from 28.8 in 2015-16 to 9.4 in 2018-19 has been a commendable achievement for the City of Marion as it continues in its commitment to place the community and safety at the forefront of everything we do in line with our corporate values. In the 2019-20 reporting period, we aim to further build on the good work already implemented in the aim to achieve Council's KPI of 10% or greater reduction in LTIFR compared to the end of 2018-19 reporting period.

Attachment

#	Attachment	Type
1	Appendix 1 - WHS Monthly Performance Report – July 2019	PDF File

APPENDIX 1 – WHS Monthly Performance Report – July 2019

The Think Safe Live Well program's vision is **'We can all make a difference and reduce harm'**. It specifically focuses on further developing our leadership styles, organisational culture and WHS systems by:

- Developing our people to lead the change across the City of Marion
- Embedding a culture of safety and wellbeing as a part of normal business practice
- Continually improving our WHS Management System (WHSMS) to achieve best practice

POSITIVE PERFORMANCE INDICATORS

Hazard and Near Miss Reports (Internal WHS SkyTrust reporting data)

Historical statistics inform us that when there is a healthy culture of Hazard/Near Miss Reporting, there is a consequential reduction in injuries to Workers. Hazards and Near Misses are reported to date for this financial year and are outlined in Table 1 and can be compared against those reported last financial year which are outlined in Table 2.

Table 1: Hazard and Near Miss Reports - Financial Year 2019-20

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total	Ave
10												10	10

Table 2: Hazard and Near Miss Reports - Financial Year 2018-19

Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total	Ave
17	9	13	12	3	10	6	8	9	1	11	15	114	9.5

Lost Time Injuries Reported (Internal WHS SkyTrust reporting data)

Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury. LTI's reported to date for this financial year are outlined in Table 3 and can be compared against those reported last financial year which are outlined in Table 4.

Table 3: Number of LTI's per month - Financial Year 2019-20

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
0												0

Table 4: Number of LTIs per month - Financial Year 2018-19

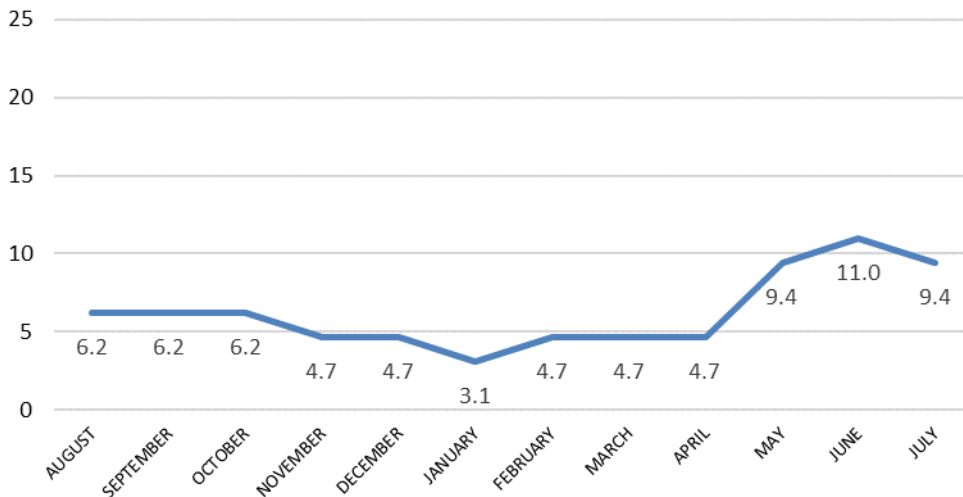
Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total
1	0	0	0	0	0	0	1	1	0	3	1	7

Rolling Lost Time Injury Frequency Rate (Internal WHS SkyTrust reporting data)

Rolling LTIFR, outlined with a solid blue line in Figure 1 from internal incident report data, provides analysis of the average LTIFR over the last 12 months. The dotted blue 'median' line tracks the trend.

Figure 1: Rolling LTIFR

The current rolling LTIFR for the City of Marion is **9.4**, which represents a **52%** increase over the previous 12 months.

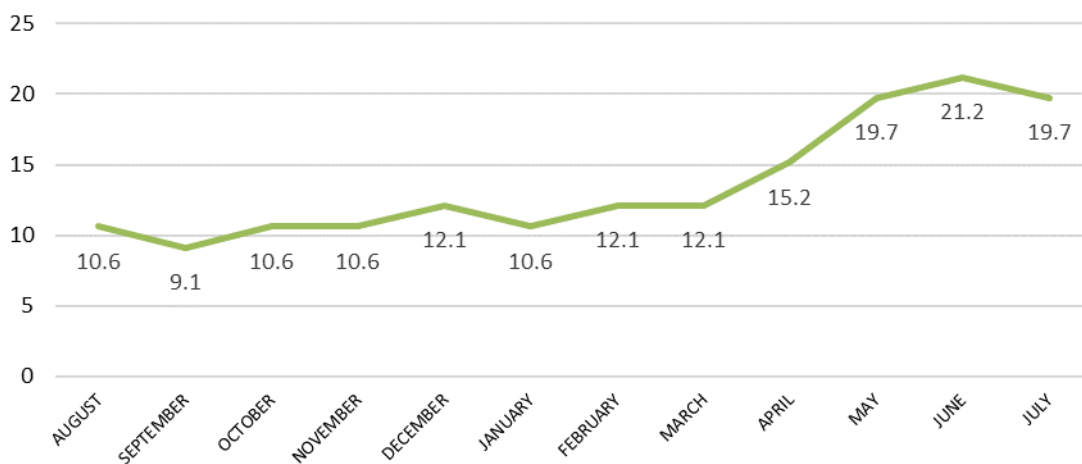


Rolling Total Recordable Incident Frequency Rate (Internal WHS SkyTrust reporting data)

Total Recordable Incidents include fatalities, LTI's and incidents resulting in the employee receiving medical treatment and/or is certified as only fit to undertake suitable duties. The Rolling Total Recordable Incident Frequency Rate (TRIFR), outlined with a solid green line in Figure 2 from internal incident report data, provides analysis of the average TRIFR over the last 12 months. The dotted green 'median' line tracks the trend.

Figure 2: Rolling TRIFR

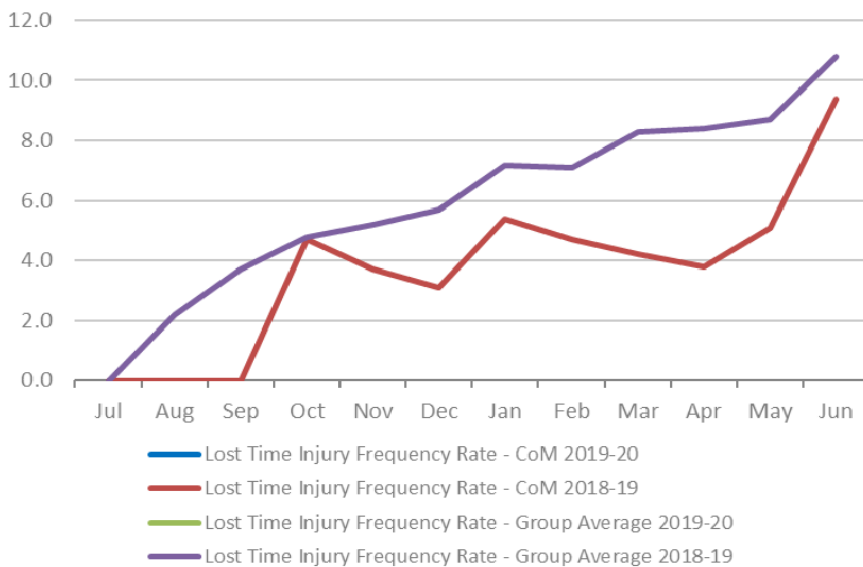
The current rolling TRIFR for the City of Marion is **19.7** which represents a **86%** increase over the previous 12 months.



Lost Time Injury Frequency Rate (LGAWCS Claims Data)

Lost Time Injury Frequency Rate (LTIFR), is an industry standard tool for measuring LTI's within a given reporting period which enables comparison to other organisations. Council's LTIFR is outlined in Figure 3, from the LGA's Member Portal data once claims have been determined and can be measured and monitored against our industry counterparts being the Group A Councils (1GaC).

Figure 3: LTIFR compared against Group A Councils

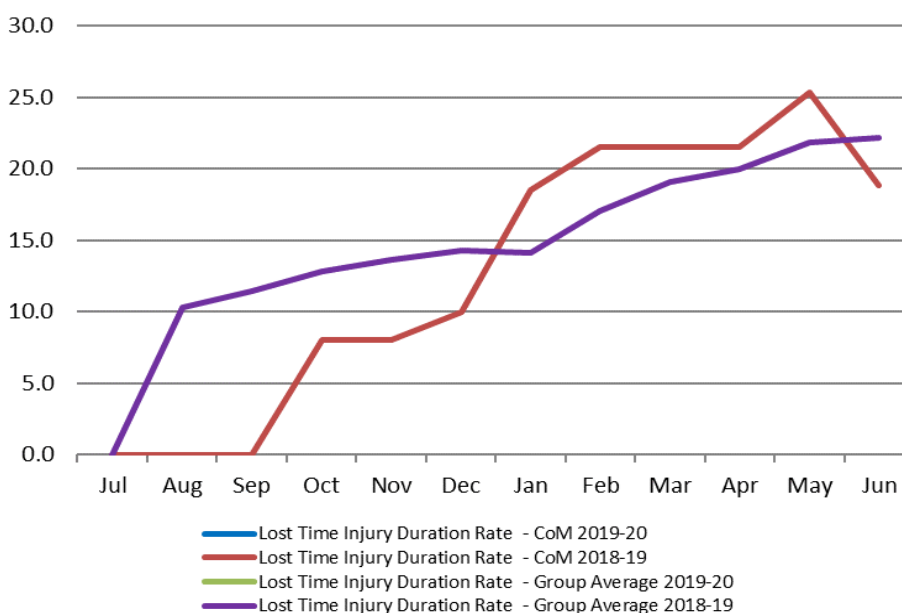


The current LTIFR for the City of Marion (represented in blue) is **0.0** with zero lost time injuries being claimed. It should be noted there is a lag in statistical data which should be corrected during the June reporting period. The LTIFR has reset to zero, with the start of the new financial year.

Lost Time Injury Duration Rate (LGAWCS Claims Data)

The Lost Time Injury Duration Rate (LTIDR), is an industry standard tool for measuring the average days lost from LTI's within a reporting period to enable comparison to other organisations. Council's LTIDR is outlined in Figure 4, data is sourced from the LGA's Member Portal once claims have been determined and can be measured and monitored against our industry counterparts being the GaC.

Figure 4: LTIDR compared against Group A Councils



The current LTIDR for the City of Marion (represented in blue) is **0.0** to start the new financial year.

Finance Report - July 2019

Originating Officer	Assistant Financial Accountant - Melissa Virgin
Corporate Manager	Acting Manager Finance - David Harman
General Manager	Acting General Manager Corporate Services - Ray Barnwell
Report Reference	GC190827R17

REPORT OBJECTIVE

This report provides Council with information relating to the management of financial resources under its control as at July 2019. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the LongTerm Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).

RECOMMENDATION

That Council:

1. **Receives the report “Finance Report – July 2019”**

GENERAL ANALYSIS

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council’s financial performance against budget.

APPENDICES

Appendix 1: Monthly Financial Reporting

Appendix 2: Capital Works Reporting including Major Projects

Appendix 3: Debtors Reports for Sundry Debtors & Rates Debtors

Attachment

#	Attachment	Type
1	Finance Report_July Appendix 1 pts 1, 2, 3, 4	PDF File
2	Finance Report_July Appendix 2 pts 1, 2	PDF File
3	Finance Report_July Appendix 3 pts 1, 2	PDF File

Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to its ongoing Financial Sustainability maintaining an Operating Surplus Ratio of between 0% and 5%, on average over each five-year period, which for 2019/20 means a targeted operating surplus of between \$0 and \$4.737m.

Comment: Council currently has a net operating surplus result of \$3.492m before capital revenues, against a year to date forecast budget of \$1.211m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 31.72% of the year to date Capital Renewal Budget has been spent.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: \$10.000m in new borrowings are included in the 2019/20 budget and principal repayments of \$1.171m mean that the overall loan liability balance is forecast to increase by \$8.829m to \$15.635m at 30 June 2020.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Council's Reserves are detailed in the below table. Transfer to Reserves of \$0.520m and Transfers from Reserves of \$9.959m are forecast to occur in 2019/20, and after accounting for amounts quarantined for specific projects or works, there is \$7.439m available.

Reserves (\$000s)	Asset Sustainability Reserve						Water Reserve - Oaklands Wetland	Open Space Reserve	Grants & Carryover Reserve	TOTAL ALL RESERVES
	Major Infrastructure Failure	General	Other	Major New Projects	CFPP	TOTAL ASR				
Opening Balance	2,000	8,118	600	1,525	6,015	18,258	531	2,187	5,186	26,162
Budgeted transfers to reserve	0	0	240	0	181	421	80	19	0	520
Budgeted transfers from reserve	0	(3,229)	0	(1,500)	(3,930)	(8,659)	0	0	(1,300)	(9,959)
Current Budgeted Closing Balance	2,000	4,889	840	25	2,266	10,020	611	2,206	3,886	16,723
Quarantined Funds	(2,000)	(2,545)	0	0	(692)	(5,237)	(161)	0	(3,886)	(9,284)
Projected Available Balance	0	2,344	840	25	1,574	4,783	450	2,206	0	7,439

The 2019/20 budget forecasts a net cash surplus of \$0.000m.

*CFPP: Community Facilities Partnership Program

*Other includes Walking & Cycling and Energy Efficiency.

**Funding Statement
as at 31 July 2019**

Original Adopted Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
Operating Revenue						
79,265 Rates	6,634	6,615	19	F	79,265	
2,203 Statutory Charges	157	131	26	F	2,203	
2,210 User Charges	120	142	(22)	U	2,210	
7,180 Operating Grants & Subsidies	483	431	52	F	7,180	
708 Investment Income	13	(7)	20	F	708	
530 Reimbursements	49	43	6	F	530	
1,361 Other Revenues	60	93	(33)	U	1,361	
1,278 Net gain - Equity Accounted Investments	-	-	-	-	1,278	
94,735	7,516	7,448	68	F	94,735	
Operating Expenses						
35,905 Employee Costs	1,569	2,176	607	F	35,905	A
23,812 Contractual Services	778	2,045	1,267	F	23,812	B
5,021 Materials	153	237	84	F	5,021	
397 Finance Charges	-	-	-	-	397	
15,056 Depreciation	1,255	1,255	-	-	15,056	
7,263 Other Expenses	269	524	255	F	7,263	C
87,454	4,024	6,237	2,213	F	87,454	
7,281 Operating Surplus/(Deficit) before Capital Revenues	3,492	1,211	2,281	F	7,281	
Capital Revenue						
5,000 Capital Grants & Subsidies	18	-	18	F	5,000	
- Contributed Assets	-	-	-	-	-	
- Asset Disposal and Fair Value Adjustment	-	-	-	F	-	
5,000	18	-	18	F	5,000	
12,281 Net Surplus/(Deficit) resulting from operations	3,510	1,211	2,299	F	12,281	
15,056 add Depreciation	1,255	1,255	-		15,056	
add (Gain)/Loss on Asset Disposal	-	-	-		-	
(1,278) less Share of Profit Equity Accounted Investments	-	-	-		(1,278)	
26,059 Funding available for Capital Investment	4,765	2,466	2,299	F	26,059	
Capital						
12,063 less Capital Expenditure - Renewal	72	227	155	F	12,063	D
32,265 less Capital Expenditure - New	45	1,810	1,765	F	32,265	E
- less Capital - contributed assets	-	-	-	-	-	
- add Proceeds from Sale of Surplus Assets	-	-	-	-	-	
(18,269) Net funding increase/(decrease)	4,648	429	4,219	F	(18,269)	

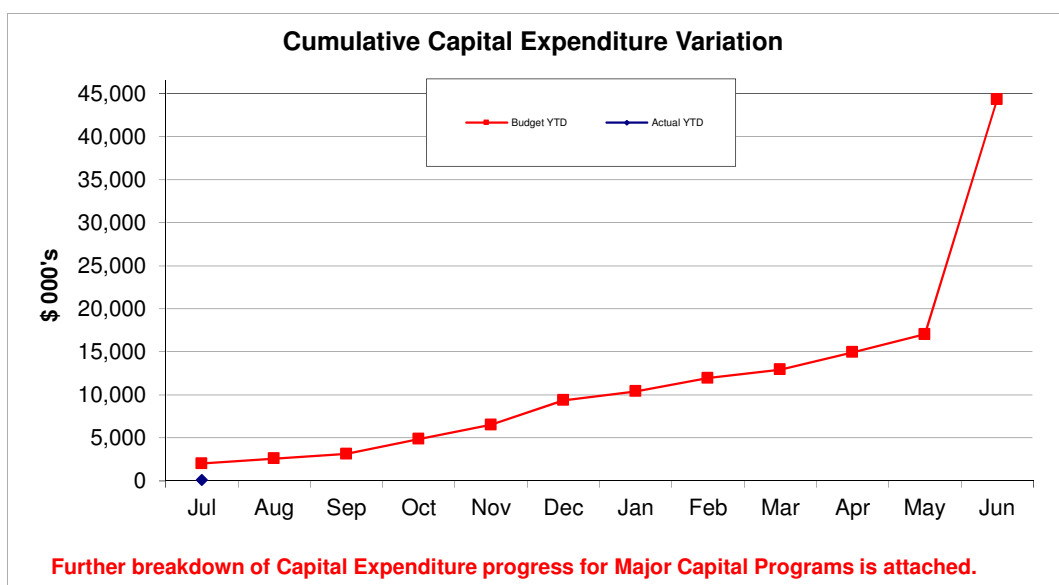
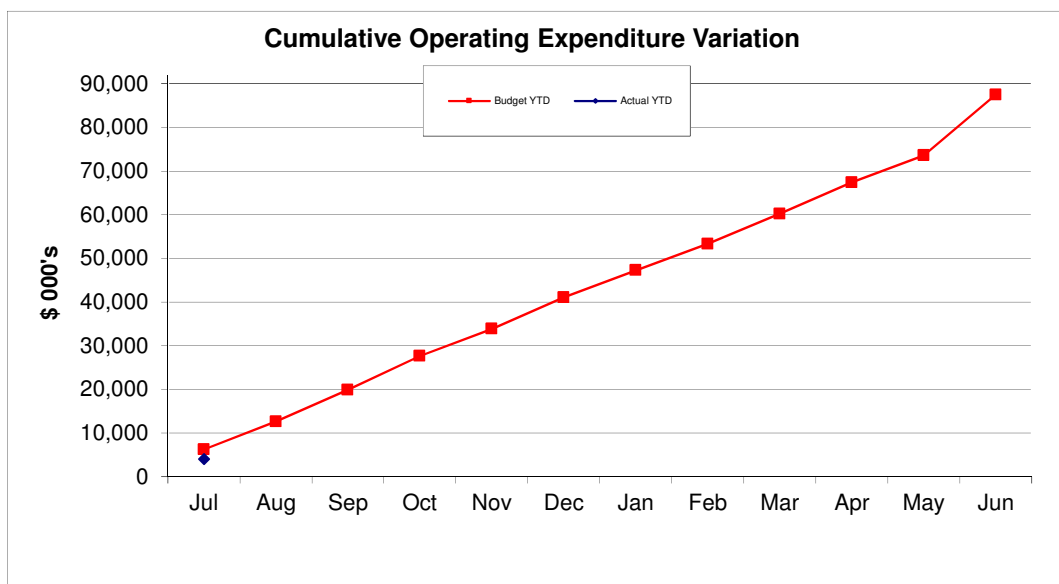
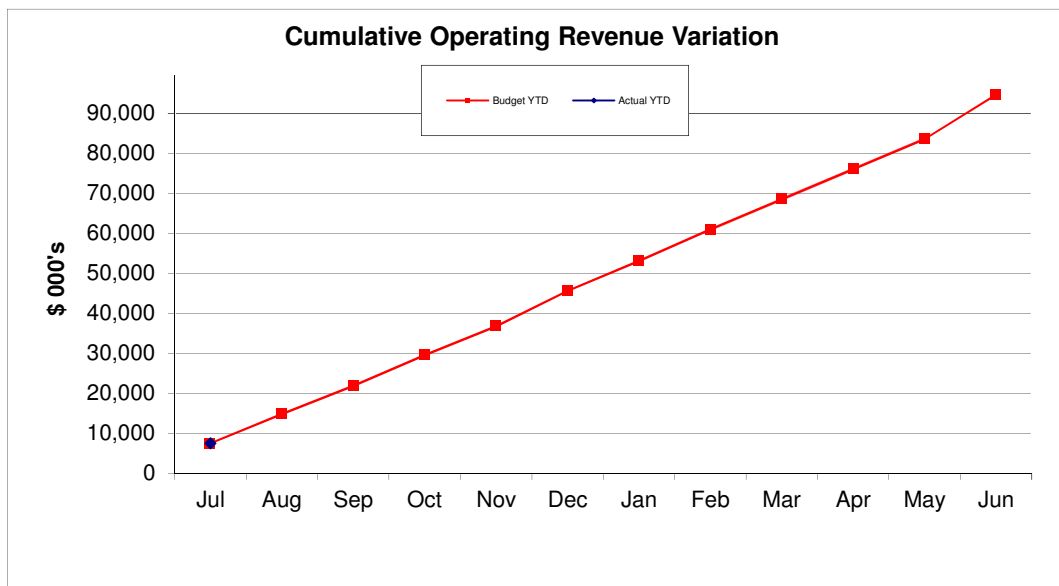
Original Adopted Budget		YTD Actual	YTD Budget	YTD Variance	Annual Budget	
\$'000		\$'000	\$'000	\$'000	\$'000	Note
Funded by						
Loans						
10,000	Loan Principal Receipts (Net)	-	-	-	10,000	
	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
(1,171)	Loan Principal Repayments	-	-	-	(1,171)	
8,829	Loan Funding (Net)	-	-	-	8,829	
Movement in level of cash, investments and accruals						
-	Cash Surplus/(Deficit) funding requirements	14,088	9,869	4,219	-	
(9,440)	Reserves Net - Transfer to/(Transfer from)	(9,440)	(9,440)	-	(9,440)	
(9,440)	Cash/Investments/Accruals Funding	4,648	429	4,219	(9,440)	
18,269	Funding Transactions	(4,648)	(429)	(4,219)	F	18,269
						F

Variation Notes

A	Employee Costs	Favourable \$607k	Predominantly reflects budget-timing variances in addition to savings from temporarily vacant positions.
B	Contractors	Favourable \$1,267k	Reflects budget-timing variances with regards to Waste (\$580k), Maintenance Agreements (\$287k) and a number of other variances that are individually insignificant.
C	Other Expenses	Favourable \$255k	Predominately reflects budget-timing variances with regards to Councils contribution towards the undergrounding of power lines on Alawoona Avenue (\$200k) and a number of other variances that are individually insignificant.
D	Capital Expenditure (Renewal)	Favourable \$155k	Predominately reflects budget-timing variances with regards to Reserve Development Projects (\$125k) and a number of other variances which are individually insignificant.
E	Capital Expenditure (New)	Favourable \$1,765k	Predominately reflects budget-timing variances with regards to Streetscape Development (\$1,600k), Reserve Development Projects (\$126k) and a number of other variances which are individually insignificant.
F	Funding Transactions	Favourable \$4,219k	This variance is the sum total of all variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

Funding Statement Cumulative Position - 2019/20



* Major Projects timed for June include Mitchell Park Sports Club Redevelopment (\$14.8m), Sam Willoughby International BMX Facility (\$2.1m) and Southern Soccer Facility (\$2.5m)

Capital Works Reporting

With the implementation of Capital Works Reporting in the CAMMS Project Management System, we are looking to replicate the existing Capital Works Reporting graphs. CAMMS allows integrated project reporting and links directly with our financial system with overnight updates of data allowing for more accurate and timely progress reporting.

Due to the customisation required to achieve this, we have been unable to present the graphs for the July update, but are well progressed towards having these finalised for the August report.

All scheduled programs have commenced and are on track, with the exception of the New Footpath Construction program not scheduled to begin until October.

Major Projects

Mitchell Park Sports Club Development

	2019/20 Actual YTD 31/07/2019	2019/20 Budget	Project Cost At Completion
Income			
State Budget Grant Contribution	-	5,000,000	5,000,000
Total Income	-	5,000,000	5,000,000
Expenditure			
Operating	-	-	-
Capital Construction	-	(15,000,000)	(15,000,000)
Total Expenditure	-	(15,000,000)	(15,000,000)
Project Result Surplus/(Deficit)	-	(10,000,000)	(10,000,000)

The net deficit forecast will be funded in the following manner:

**Funded By :
(Over Project Life)**

\$

Proposed Borrowings

10,000,000

10,000,000

The Mitchell Park Sports Club Development is subject to the approval of a prudential section 48 report.

Sam Willoughby International BMX Facility

	2019/20 Actual YTD 31/07/2019	2019/20 Budget	Project Cost At Completion
Income			
City of Onkaparinga Contribution	-	750,000	750,000
State Budget Grant Contribution		-	3,300,000
Total Income	-	750,000	4,050,000
Expenditure			
Operating	-	-	-
Capital Construction	-	(2,050,000)	(5,800,000)
Total Expenditure	-	(2,050,000)	(5,800,000)
Project Result Surplus/(Deficit)	-	(1,300,000)	(1,750,000)

The net deficit forecast will be funded in the following manner:

**Funded By :
(Over Project Life)**

\$

Reserve Transfer
- Asset Sustainability Reserve

1,750,000

1,750,000

The Sam Willoughby International BMX Facility is subject to the approval of a prudential section 48 report and the State Government funding the traffic management solution for Majors Road.

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
Employee Total	3,920.10	3,920.10	.00	.00	.00	.00	0%	
General Total	65,340.72	61,990.23	3,350.49	.00	.00	.00	0%	
Neighbourhood Centres Total	8,010.00	1,880.00	2,195.00	200.00	320.00	3,415.00	5%	Made up of 1 out of 12 debtors. This debtor is on a payment plan through the debt collector.
Regulatory Services Land Clearing Total	3,591.42	.00	867.15	.00	.00	2,724.27	4%	Made up of 3 out of 4 debtors, with one account totalling \$1,725.35.
City Property Facilities Total	35,106.51	5,308.15	18,429.81	1,117.23	67.78	10,183.54	16%	Made up of 5 out of 20 debtors, with one account totalling \$4,107.39. Two accounts totalling \$3,043.91 have subsequently been settled in August.
Civil Services Private Works Total	40,512.00	8,510.00	850.00	1,840.00	1,149.00	28,163.00	45%	Made up of 19 out of 30 debtors in this category, with eight of these totalling \$11,728.00 relating to works not commenced, awaiting payment, one of the remaining accounts totals \$3,190.00. Seven accounts totalling \$9,545.00 are on payment plans, payments of \$1,090.00 have subsequently been received in August.
Swim Centre Debtors Total	2,896.50	678.50	.00	.00	676.00	1,542.00	2%	Made up of 2 out of 4 debtors. One account totalling \$924.00 has subsequently been settled in August.
Grants & Subsidies Total	416,500.00	16,500.00	.00	.00	400,000.00	.00	0%	The \$400,000 relates to the final progress claim for Edwardstown Soldiers Memorial Recreation Ground from the State Government. Payment of this invoice will occur on submission of a final audit and acquittal, which is in progress.
Environmental Health Inspections Total	11,169.50	1,270.00	889.00	1,281.00	968.00	6,761.50	11%	Made up of 40 out of 70 debtors, with none individually significant.
Regulatory Services Other Total	18,933.00	4,460.00	3,675.00	830.00	.00	9,968.00	16%	Made up of 50 out of 87 debtors in this category, with none individually significant.
Living Kurna Cultural Centre Total	2,149.50	1,910.80	.00	238.70	.00	.00	0%	
Marion Cultural Centre Total	10,514.35	10,514.35	.00	.00	.00	.00	0%	
Total	618,643.60	116,942.13	30,256.45	5,506.93	403,180.78	62,757.31		
Total Aging Profile		19%	5%	1%	65%	10%		

Category	Description
Employees	Anything that relates to CoM employees.
General	Anything that does not fit into one of the below categories.
Neighbourhood Centres	For hire of rooms in Neighbourhood Centres, etc. - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Regulatory Services Land Clearing	When council has had to clear land due to non-compliance of owner.
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc. charged out to lessees.
Civil Services Private Works	Repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc.
Grants & Subsidies	Government grants and subsidies.
Environmental Health Inspections	Food inspection fees.
Regulatory Services Other	Vehicle impoundment fees and other regulatory services.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Development Services	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kurna Cultural Centre	Relates to programs run through the LKCC.
Environmental Health Testing	Environmental testing fees.
Local Government	Transactions with other Local Government corporations.
Communications	Anything related to communications.
Economic Development	Events, etc. relating to economic development within the City of Marion.
Marion Cultural Centre	Hiring of the Marion Cultural Centre.

*any category that does not have any outstanding invoices will not be displayed.

Rates Report - Collection of Rates to 31 July 2019

ANALYSIS OF OUTSTANDING RATES AS AT 31 JULY 2019

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 74,480,444	94.0%
OVERDUE	2	\$ 1,229	0.0%
ARREARS	3	\$ 2,732,770	3.4%
INTEREST	4	\$ 92,763	0.1%
POSTPONED	5	\$ 213,949	0.3%
LEGALS	6	\$ 24,964	0.0%
		\$ 77,546,120	97.8%
TOTAL ANNUAL RATES FOR 2019/20		\$ 79,264,817	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Interest

Interest represent the fines and interest applied to overdue rates and rates in arrears.

Note 5: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 6: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

WORKSHOP / PRESENTATION ITEMS - Nil**MOTIONS WITH NOTICE****Request to DPTI for a briefing on options for the North-South Corridor****Elected Member** Councillor Tim Pfeiffer**Report Reference:** GC190827M01**Motion:****That Council:**

1. **Endorse a letter from Council to the Minister for Planning Transport and Infrastructure requesting a briefing from DPTI to Elected Members on the options currently being considered by the South Australian Government for the north-south corridor.**

Supporting Information:

Nil

Response Received From: Manager City Activation - Greg Salmon**Corporate Manager** N/A**General Manager** Acting General Manager City Development - Fiona Harvey**Staff Comments:**

To date staff have not been provided any planning study information on the north-south corridor from the Department of Planning, Transport and Infrastructure staff.

If this motion is endorsed staff can draft a letter seeking a briefing for Elected Members.

Field River Valley Research

Elected Member Councillor Ian Crossland

Report Reference: GC190827M02

Motion:

1. That Council:

- Recognises the importance of preserving Heritage listed buildings and maintaining the biodiversity within the City of Marion**
- Writes to the Minister for Environment and Water and requests that the owners of the Field River Valley (Sheidow Park) are reminded of their obligations under the Heritage Places Act 1993 and “Declared Plant Policy under the NRM Act” which applies to their land.**
- Requests that the Minister considers appropriate action should the owners allow the ongoing degradation of the Worthing Mine or fail to remove declared weeds and olives from their land, as outlined in the aforementioned act and policy.**

Supporting Information:

The Field River Valley is a large private land holding which runs through Sheidow Park.

Standing in the Field River Valley is the heritage listed Worthing Copper Mine. Built in 1850-1851 it is identified as the oldest mine still standing in Australia as well as being one of only eight Cornish mines left in South Australia. It is well documented that the remaining building is continuing to fall into disrepair. Sections of this structure have already been lost with only the main engine building and chimney remaining. Urgent action is required to stabilise this building and to protect it from further neglect.

The Heritage Places Act 1993 requires people to take 'reasonable care' of a State heritage place. As with any property, it is in the owner's interest to carry out ongoing maintenance and repair work to protect the value of the property and avoid expensive remedial work.

Heritage Places Act 1993

s. 36—Damage or neglect

(3) A person who—

- (a) fails to take reasonable care of a State Heritage Place; or**
- (b) fails to comply with any prescribed requirement concerning—**
 - (i) the protection of a State Heritage Place; or**
 - (ii) the state of repair of a State Heritage Place, is guilty of an offence.**

Maximum penalty: \$50 000.

The valley itself is now surrounded by housing and contains a wide range of remnant native vegetation as well as a significant section of the Field River. Originally used for sheep farming much of the vegetation was grazed and weeds were kept at bay. After a large scale residential development on neighbouring land the Field River land was pretty much abandoned. The land has been used for illegal 4wd and trail bike activities which have caused damage to parts of the valley. Uncontrolled weeds, mainly Olives, are slowly smothering the remaining native vegetation. Olives within this land are now spreading to nearby sites under the care and control of the City of Marion. In the lower Field River Valley in Hallett Cove, volunteers and Council staff/contractors are constantly removing olives spread by birds. This is only one of the reserves affected and is evidence of ongoing cost to Council and very frustrating to landcare volunteers.

The Field River Valley is in the Adelaide and Mount Lofty Ranges region (see attached pdf) which are high in native vegetation, therefore that region has a standing regional action of 'manage weed' (vs limited action, protect sites or manage sites actions) which recognises that control of unmaintained olives may be necessary where they pose threats to biodiversity assets, as part of a landscape scale management program.

The information below (in italics) is from the attached document "Declared Plant Policy under the NRM Act".

NRM authorities may require land owners to control olives (other than planted trees that are used and maintained for domestic, public amenity or commercial purposes) on their land. NRM authorities are required to control wilding olives on road reserves, and may recover costs from the owners of adjoining land.)

Response Received From: Coordinator Biodiversity - Jock Conlon

Corporate Manager Manager Engineering and Field Services - Mathew Allen

General Manager General Manager City Services - Tony Lines

Staff Comments:

Council's Remnant Native Vegetation Plan has identified weeds as a significant threat to our remnant vegetation as they compete for space, light, water, nutrients and can change soil conditions suppressing the regeneration of native plants. Preventing weed spread is by far the cheapest and most effective form of weed management, and the impact of uncontrolled weed infestations on private property has significant implications on our natural environment.

The Field River Valley has a significant infestation of olive trees and other environmental weeds. Seeds from these weeds are moved through the valley via animals such as foxes and birds and deposited in locations often hard to access, and therefore the cost to control these weeds is significant.

The Worthing Mine is heritage listed and was confirmed as a State Heritage Place in the SA Heritage Register on 24 July 1980. The Heritage Places Act 1993 requires people to take 'reasonable care' of a State heritage place. As with any property, it is in the owner's interest to carry out ongoing maintenance and repair work to protect the value of the property and avoid expensive remedial work.

Declarations

The following sections of the NRM Act apply to wild olive (not planted and maintained for use) in the Adelaide and MountLofty Ranges region:

182 (2) Landowner must control the plant on their land

182 (3) Landowner must follow council regulations regarding olive

185 NRM authority may recover costs for control of weeds on roadsides from adjoining landowners

Should Council support this motion, a letter will be drafted from the Mayor to the Minister for Environment and Water requesting that the land owners of the Field River valley be reminded of their obligations under the Heritage Places Act and the NRM Act.

ATTACHMENTS:

#	Attachment	Type
1	GC190827 - Field River Valley Research - Appendix 1	PDF File



Government
of South Australia

Declared Plant Policy under the Natural Resources Management Act 2004

Wilding olives (*Olea europaea*)

Olives are evergreen trees that originate from the Mediterranean region. They were first introduced to South Australia in 1836 and have since become naturalised especially in woodland habitats. A distinction is made between olive trees that were deliberately planted and are used and maintained and wilding olives, defined as 1) feral olives that have grown from self-sown seed; and 2) olive trees that are no longer used and/or maintained such that they pose a high risk of giving rise to feral olives.

Management Plan for wilding olives

Outcomes

- To protect native vegetation from invasion by feral olives

Objectives

- Contain the spread of feral olives.
- Remove wilding olives from sites of high conservation value with appropriate buffers.
- Control high priority infestations according to regional management plans.

Implementation

- Biosecurity SA and NRM authorities to increase awareness of the environmental damage caused by wilding olives.
- High priority infestations that threaten native vegetation assets to be controlled as detailed in regional management plans.

Regional Implementation

Refer to regional management plans for further details.

NRM Region	Actions
Adelaide and Mount Lofty Ranges	Manage weed (native vegetation)
Alinytjara Wilurara	Limited action
Eyre Peninsula	Protect sites
Kangaroo Island	Protect sites
Northern and Yorke	Manage sites
South Australian Arid Lands	Limited action
South Australian Murray Darling Basin	Manage weed (native vegetation)
South East	Protect sites

Declaration

To implement this policy, wilding olives are declared under the *Natural Resources Management Act, 2004* throughout the State of South Australia.

NRM authorities may require land owners to control olives (other than planted trees that are used and maintained for domestic, public amenity or commercial purposes) on their land. NRM authorities are required to control wilding olives on road reserves, and may recover costs from the owners of adjoining land.

For the purposes of this policy, the uses of planted olive trees for domestic, public amenity or commercial purposes include fruit production for olive oil or table olives, as well as ornament or hedging. Maintenance of planted olive trees is activity that reduces the risk of giving rise to feral olives: regular pruning or harvesting of fruit. Wilding olive trees on public roadsides are not outside the requirement for control even if their fruit is frequently harvested.

Wilding olives are declared in category 2 under the Act for the purpose of setting maximum penalties and for other purposes.

The following sections of the Act apply to wilding olives throughout each of the NRM regions noted below:

Sections of Act	Region							
	AMLR	AW	EP	KI	NY	SAAL	SAMDB	SE
175(1) Prohibiting entry to area								
175(2) Prohibiting movement on public roads								
177(1) Prohibiting sale of the plant								
177(2) Prohibiting sale of contaminated goods								
180 Requiring notification of infestations								
182(1) Landowners to destroy the plant on their properties								
182(2) Landowners to control the plant on their properties	X	X	X	X	X	X	X	X
185 Recovery of control costs on adjoining road reserves	X	X	X	X	X	X	X	X

Review

This policy is to be reviewed by 2020, or in the event of a change in one or more regional management plans for wilding olives.

Weed Risk

Invasiveness

Olives are predominantly outbreeding, and those naturalised in SA appear to be generally self-compatible. Feral olive infestations have been shown genetically to be the offspring of nearby cultivated olive trees.

Seeds are spread from feral and planted trees by native and pest animals (such as foxes), which swallow the whole fruit and defaecate the seed hours later. Birds that regurgitate the pit instead of swallowing it will generally disperse it no more than 100 metres, but starlings may regurgitate or defaecate some seeds at their roosts up to 40 km away. Wilding olive

fruits are generally smaller than those produced by trees in cultivated orchards, and may consequently be eaten by a wider range of birds.

Impacts

Invasion by olives takes place on a slower time scale than most other weeds. Their seeds are long-lived in the soil and slow to germinate, due to both the resistant endocarp and an endogenous dormancy of the embryo even when the endocarp is removed. This endogenous dormancy varies widely between cultivars. Self-sown seedlings establish on roadsides, in bush and abandoned pasture and may be slow-growing at first, with a juvenile period of 5-10 years before they begin to bear fruit. But established olive trees form a dense and permanent canopy that prevents other vegetation from re-establishing. Individual trees live for many centuries and retain the ability to regenerate from stumps after felling or burning, as well as forming a large seedbank in the soil.

Olive infestations reduce the abundance and diversity of native plant species, altering the canopy structure of woodlands and preventing native regeneration. Native canopy cover may be reduced by 80% and native species diversity by 50%.

Olives are highly flammable due to their oil content and therefore increase fire risk compared to grazing or other horticulture.

Potential distribution

Olives can survive with an annual rainfall as low as 300 mm. However, they are vulnerable to root rot, and will not persist in waterlogged sites.

The majority of olive infestations occur in former areas of woodland vegetation. These areas were the first to be cleared and settled, and also provide an optimum environment for olives with 400-600 mm annual rainfall on generally well-drained soils. They are commonest on fertile and slightly acidic soils but will also tolerate alkaline and mildly saline soils. However, olives are not completely absent from uncleared forest or uncleared woodland. Areas with an annual rainfall over 700 mm are less susceptible to invasion, partly because they typically have higher watertables and may suffer transient waterlogging within the root zone.

Feasibility of Containment

Control costs

Mature plants can be controlled by the drill and fill, cut stump or basal barking methods using a non-selective herbicide. Seedlings are best hand pulled. Olive control for dense infestations costs at least \$15,000 per hectare, with an annual cost of \$500 per hectare each year for maintenance.

Persistence

Olives are very long lived and accumulate a large seedbank. It is estimated that individual olive trees in the Mediterranean region are more than 1500 years old.

Invasive olives form a stable climax vegetation on some sites and will continue to dominate these sites unless land managers intervene, either by planting and maintaining native vegetation or by adopting some other sustainable land use.

Current distribution

Wilding olives have been recorded in the Adelaide Hills, Fleurieu Peninsula, Yorke Peninsula, the Riverland, on Kangaroo Island, in the upper and lower South East, the mid and upper North and in the Kellidie Conservation Park and Mount Dutton on the Eyre Peninsula and West Coast. In the Adelaide Hills western slopes of the Mount Lofty Ranges have extensive infestations.

State Level Risk Assessment

Assessment using the Biosecurity SA Weed Risk Management System gave the following comparative weed risk and feasibility of containment scores by land use:

Land use	Weed Risk	Feasibility of control	Response at State Level
Native vegetation	medium 98	negligible 101	manage sites

Considerations

Risk assessment indicates a management action at State level of manage sites in native vegetation. However, the local weed risk of wilding olives in the Adelaide and Mount Lofty Ranges is high in native vegetation, therefore that region has a management action of 'manage weed' and recognises that control of unmaintained olives may be necessary at some sites where they pose threats to biodiversity assets, as part of a landscape scale management program. In the South East, on Eyre Peninsula and on Kangaroo Island the weed risk is also high in native vegetation but because the distribution of wilding olives is more localised in these regions a management action of 'protect sites' has been adopted. These actions are aimed at managing the weed risk of wilding olives under the NRM Act, rather than any diseases of olives that may be harboured by wilding infestations.

The domestic olive is a group of cultivars and semi-wild forms of *Olea europaea* subsp. *europaea*, a long-lived evergreen tree. Olive cultivation began around 6,000 years ago. Compared to other tree crops, olives have been little modified by selective breeding. Up to 2600 named cultivars are recorded but these are either heterozygous clones selected from spontaneous, uncontrolled crosses or at most a few generations removed from 'wild' land races. Scientific breeding programs only began in the late 20th century.

Olives were first introduced to South Australia in 1836. Five selected cultivars from Marseilles were imported by the South Australian Company in 1844, and accessions later arrived from Portugal, Spain, Provence and northern Italy. Wilding olive trees generally produce smaller fruits than trees in cultivated orchards, both because the trees are unpruned and because they are no longer under selection for maximum fruit size. The pits of the smaller fruit are more easily dispersed by birds, facilitating their further spread.

The African olive, *Olea europaea* subsp. *cuspidata*, is an environmental weed in New South Wales but is not naturalised in South Australia. This declaration of the whole species covers both subspecies.

Synonymy

Olea europaea L., Sp. Pl. 8 (1753).

Taxonomic synonyms:

Olea africana Mill., Gard. Dict. ed. 8 n. 4 (1768).

Olea chrysophylla Lam., Tabl. Encycl. 1: 29 (1791).

Olea cuspidata Wall. & G.Don, Gen. Hist. 4: 49 (1837).

There are many named cultivars of olive, including 'Barnea', 'Kalamata' and 'Manzanilla'.

References

Besnard, G. H., Henry, P. Wille, L. Cooke, D. Chapuis, E. (2007) On the origin of the invasive olives (*Olea europaea* L., Oleaceae). *Heredity* 99: 608-619.

Crossman, N.D. (2002) The impact of the European olive (*Olea europaea* L. subsp. *europaea*) on grey box (*Eucalyptus microcarpa* Maiden) woodland in South Australia. *Plant Protection Quarterly* 17: 140-146.

Mekuria, G.T., Collins, G.G., Sedgley, M. (2002) Genetic diversity within an isolated olive (*Olea europaea* L.) population in relation to feral spread. *Scientia Horticulturae* 94: 91-105.

Hon Ian Hunter MLC Minister for Sustainability, Environment and Conservation
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Date: 18 July 2017

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE

QUESTIONS WITHOUT NOTICE

OTHER BUSINESS

MEETING CLOSURE

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.