

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 25 February 2020 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



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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)

COMMUNICATIONS

Mayoral Communication Report

Date of Council Meeting 25 February 2020

Name of Elected Member Mayor - Kris Hanna

Report Reference GC200225R01

Details

Date	Event	Comments
23/1/20	Edwardstown Sports Clubs Meeting	
26/1/20	Citizenship ceremony and Hallett Cove Lions Club BBQ Breakfast	
26/1/20	City of Marion Australia Day Awards/ Citizenship Ceremony at Marion RSL	
27/1/20	South Coast Cycling Club Australia Day Track Carnival	
29/1/20	Active Elders Australia Day Lunch	
2/2/20	Marilyn Monroe Gathering World Record Attempt	Official witness
5/2/20	Water Sensitive SA Community Workshop	Opened event
6/2/20	Roundtable discussion with Jayne Stinson and Tony Piccolo re Planning and Design Code	
8/2/20	Citizenship ceremonies (3)	
8/2/20	Gymnastics SA 2019 Awards	
9/2/20	Palestinian Cultural Day	
13/2/20	5049 Community Association Volunteer Thank You Dinner	
14/2/20	Once And Again Book Cafe Fringe Festival Opening Event	Gave speech

CEO and Executive Communications Report

Date of Council Meeting 25 February 2020

Report Reference GC200225R02

Details

Date	Activity	Attended By
29 January 2020	Australia Day Lunch with Active Elders Seniors	Adrian Skull Ilia Houridis
30 January 2020	Incident Management Team (IMT) Commander Training	Tony Lines Ilia Houridis Sorana Dinmore
30 January 2020	Meeting Adrian Skull, Mat Kesting and Gail Kovatseff	Adrian Skull
30 January 2020	Meeting Cross Council Initiatives with CEO's from Port Adelaide Enfield, City of Charles Sturt and City of Marion	Adrian Skull
30 January 2020	Meeting Adrian Skull and Ian Tanner (DEW)	Adrian Skull
31 January 2020	Annual CEO Institute Summit	Adrian Skull
3 February 2020	KPMG Strategic Level Business Impact Assessment	Tony Lines Ilia Houridis
3 February 2020	Meeting Adrian Skull, Michael Cornish and Peter Chapple (SAPN)	Adrian Skull
3 February 2020	SRWRA Board Meeting	Adrian Skull
5 February 2020	Meeting Cross Council Quarterly Executives from City of Port Adelaide Enfield, City of Charles Sturt and City of Marion	Adrian Skull Ilia Houridis Sorana Dinmore
6 February 2020	Meeting Minister Piccolo and Minister Stinson re Planning & Design Code	Ilia Houridis
6 February 2020	Teleconference Adrian Skull, Colin Heath (City of Marion) and Andrew Johnston (Visy)	Adrian Skull
6 February 2020	Review Meeting KPMG Strategic Level Business Impact Assessment	Sorana Dinmore
7 February 2020	Meeting Adrian Skull, Warwick Deller-Coombs (City of Marion), Roberto Bria, Pam Jackson (City of Holdfast), Andrew Brazzale, David Tonellato (Seacliff JV Group) and Michael Visintin (Design IQ)	Adrian Skull
7 February 2020	Meeting Adrian Skull and David Speirs MP	Adrian Skull

8 February 2020	MC 3 Citizenship Ceremonies	Ilia Houridis
10 February 2020	Teleconference Adrian Skull, Tony Lines and Sam McInnes (Marion Hotel)	Adrian Skull Tony Lines
11 February 2020	Meeting Collaborative ICT Project Delivery with Cities of Marion, Charles Sturt and Pt Adelaide Enfield	Sorana Dinmore
11 February 2020	Meeting Adrian Skull, Ray Barnwell (City of Marion), Davin Lambert and Robert Hardy (LGFA)	Adrian Skull
12 February 2020	Meeting Cities of Marion, Pt Adelaide Enfield and Charles Sturt Cross Council ICT Program Board	Sorana Dinmore
12 February 2020	Meeting Cities of Marion, Onkaparinga, Holdfast Bay, Mitcham re RSPCA Animal Pound	Ilia Houridis
13 February 2020	LGA Delegations Briefing Session	Adrian Skull Ilia Houridis
14 February 2020	Meeting Clubs SA	Ilia Houridis
19 February 2020	Meeting Cross Council Collaboration with Cities of Marion, Pt Adelaide Enfield and Charles Sturt CRM	Sorana Dinmore
19 February 2020	Meeting re SAEDB Indigenous Tourism Trail	Tony Lines
19 February 2020	Council Solutions Final Board meeting	Adrian Skull
20 February 2020	Meeting CEO's from City of Marion, City of Charles Sturt and City of Port Adelaide Enfield	Adrian Skull
20 February 2020	Meeting Tonsley Project Control Group	Tony Lines Ilia Houridis
24 February 2020	Meeting KPMG Internal Audit, IT Governance	Sorana Dinmore
25 February 2020	Review Meeting KPMG Strategic Level Business Impact Assessment	Tony Lines

ELECTED MEMBER VERBAL COMMUNICATIONS

Elected Member Verbal Communications Report

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R03

REPORT OBJECTIVE

The purpose of this report is to give Elected Members the opportunity to provide an update or comment on any events they may have recently attended.

In accordance with the *Code of Practice - Procedures at Council Meeting 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).

RECOMMENDATION

That Council:

1. **Notes the verbal communications provided by Elected Members during this period.**

CONFIRMATION OF MINUTES**Confirmation of the minutes for the General Council Meeting held on 11 February 2020**

Originating Officer Governance Officer - Angela Porter

Corporate Manager Manager Corporate Governance - Kate McKenzie

Report Reference: GC200225R04

RECOMMENDATION:

That the minutes of the General Council Meeting held on 11 February 2020 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	GC200211 - Final Minutes	PDF File



MINUTES OF THE GC200211 - GENERAL COUNCIL MEETING

Tuesday, 11 February 2020 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 - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika, Councillor - Sasha Mason

DATE:

Tuesday, 11 February, 2020| Time 6:30 PM

VENUE:

Council Chamber

In Attendance

Chief Executive Officer – Adrian Skull
General Manager City Services – Tony Lines
General Manager City Property – Ilia Houridis
General Manager Corporate Services – Sorana Dinmore
Manager Corporate Governance – Kate McKenzie
Unit Manager Governance and Council Support – Jaimie Thwaites

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 Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

The following interests were declared:

- Councillor - Tim Gard declared a conflict of interest in the item 'Seacliff Park Residential and Centre Development Plan Amendment - Final Draft DPA' (Report Reference: GC200211R07)
- Councillor - Kendra Clancy declared a perceived conflict of interest in the item 'Edwardstown Memorial Sport and Community Club' (Report Reference: GC200211F02)

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 28 January 2020

Report Reference: GC200128R01

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Raelene Telfer**

That

1. the minutes of the General Council Meeting held on 28 January 2020 be taken as read and confirmed with the amendment that the motion for the 'Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting held 10 December 2019' (GC200128F01) to remain in confidence was moved by Councillor - Ian Crossland and Seconded by Councillor- Nathan Prior (Page 14 of the minutes).

Carried Unanimously

ADJOURNED ITEMS - Nil

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Nathan Prior**

That the following Recommendations be moved en bloc:

- Confirmation of Minutes of the Review and Selection Committee Meeting held on 4 February 2020 (Report Reference: GC200211R02)
- Confirmation of Minutes of the Special Urban Planning Committee Meeting held on 4 February 2020 (Report Reference: GC200211R03)

Carried Unanimously

Confirmation of Minutes of the Review and Selection Committee Meeting held on 4 February 2020

Report Reference: GC200211R02

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 4 February 2020.
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 Minutes of the Special Urban Planning Committee Meeting held on 4 February 2020

Report Reference: GC200211R03

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Receives and notes the minutes of the Special Urban Planning Committee meeting held on 4 February 2020.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.

Carried Unanimously

VARY ORDER OF THE AGENDA

The Chair sought and was granted leave of the meeting to vary the order of the agenda as follows:

- Bring forward the item ' Seacliff Park Residential and Centre Development Plan Amendment - Final Draft DPA' (Report Reference: GC200211R07).

Seacliff Park Residential and Centre Development Plan Amendment - Final Draft DPA

Report Reference: GC200211R07

Councillor Gard declared a conflict of interest in the item as he resides in proximity to the area concerned. He advised he would leave the chamber for the item.

6.34pm Councillor Gard left the chamber

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Endorses the Draft Seacliff Park Residential and Centre Development Plan Amendment, subject to the Execution of the Seacliff Park Development Deed for Ministerial Approval.
2. Authorises the Mayor and the Chief Executive Officer, to execute the Seacliff Park Development Deed (upon its completion) for the provision of major stormwater infrastructure.

Carried Unanimously

CONFIDENTIAL ITEMS

Presentation from Adelaide Film Festival

Report Reference: GC200211F01

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Ian Crossland**

That:

1. Pursuant to Section 90(2) 3(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, Ilia

Houridis, Sorana Dinmore, Kate McKenzie, Ray Barnwell, Craig Clarke, Jaimie Thwaites and Mat Kesting (Adelaide Film Festival) be excluded from the meeting as the Council receives and considers information relating to the Adelaide Film Festival, 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, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would on balance be contrary to the public interest.

Carried

6.50 pm meeting went into confidence

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Kendra Clancy**

That:

1. Council notes the presentation from the Adelaide Film Festival
2. Funding of \$35,000 for ADL Film Fest in the Burbs (Marion) be approved in the 2020-21 Annual Budget.
3. Council authorises the Chief Executive Officer to complete the sponsorship agreement between the City of Marion and the Adelaide Film Festival.

Carried

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

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that the report and the attachment, having been considered in confidence under Section 90 (2) and (3) (d) (i) and (ii) 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 publicly released by the Adelaide Film Festival or 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 2020.

Carried Unanimously

7.33pm meeting came out of confidence

Edwardstown Memorial Sports and Community Club

Report Reference: GC200211F02

Councillor - Kendra Clancy declared a perceived conflict of interest in the matter as her son plays for the Edwardstown football club. She advised she would remain in the chamber for the item.

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Tim Gard**

7.36pm Councillor Clancy left the meeting

That

1. Pursuant to Section 90(2) 3(b) (i) and (ii) and 3(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, Ilia Houridis, Sorana Dinmore, Kate McKenzie, Craig Clarke, James O'Hanlon and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Soldiers Memorial Community Club, 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, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would on balance be contrary to the public interest.

Carried Unanimously

7.39pm meeting went into confidence

7.39pm Councillor Clancy re-entered the meeting

8.13pm Councillor Shilling left the meeting

8.16pm Councillor Shilling re-entered the meeting

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Sasha Mason**

That Council:

1. Notes the Report.
2. Authorises staff to undertake investigations regarding alternate management models for the facility into the future.

3. Authorises staff to issue licenses to the 5 affiliated clubs of the ESMRG.
4. Note that a further report detailing amended changes to the ESMRG financial model for endorsement and implementation will be provided to General Council on 10 March 2020.
5. Seeks an independent financial audit to be undertaken to validate the findings of Council report.

Amendment:

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Bruce Hull**

That Council

1. Notes the Report.
2. Authorises staff to undertake investigations regarding a third party professional management group for major Council sport facilities.
3. Authorises staff to issue licenses to the 5 affiliated clubs of the ESMRG.
4. Note that a further report detailing amended changes to the ESMRG financial model for endorsement and implementation will be provided to General Council on 10 March 2020.
5. Seeks an independent financial audit to be undertaken to validate the findings of Council report.

The amendment to become the motion was **Carried Unanimously**

The motion as amended was

Carried Unanimously

8.31pm Councillor - Maggie Duncan left the meeting

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report and attachments, having been considered in confidence under Section 90 (2) and (3)(b) (i) and (ii) and (3)(d) (i) and (ii) 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 2020.
2. Notwithstanding the confidentiality order of the Council, as resolved with this report, the Council authorises the Mayor and/or CEO to provide information and/or make statements in the public realm where they consider it necessary.

Carried Unanimously

8.33pm the meeting came out of confidence

Council Assessment Panel Membership Review

Report Reference: GC200211F03

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Matthew Shilling**

That:

1. pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, Council orders that all persons present with the exception of the following persons: Adrian Skull, Iliia Houridis, Tony Lines, Sorana Dinmore, Craig Clarke, Kate McKenzie, Jaimie Thwaites, Warwick Deller-Coombs and Alex Wright, be excluded from the meeting as Council receives and considers information relating to Council Assessment Panel Membership Review upon the basis that 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 personal affairs of any persons.

Carried Unanimously

8.33pm Councillor- Ian Crossland left the meeting

8.34pm the meeting went into confidence

8.34pm Councillor - Maggie Duncan re-entered the meeting

8.35pm Councillor - Ian Crossland re-entered the meeting

8.36pm Councillor - Nathan Prior left the meeting

Moved **Councillor - Maggie Duncan** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Reappoints the current Presiding Member, Mr Terry Mosel as the Presiding Member (as one of the Independent Council Assessment Panel Members) for a 2-year term commencing on 1 July 2020.
2. Requests that Administration commence the recruitment process for the Presiding Member position should the current Presiding Member decline the offer of being reappointed.
3. Request Administration commence the recruitment process for 2 Independent Council Assessment Panel Members for a 12-month period.
4. Request Administration commence the recruitment process for 1 Independent Council Assessment Panel Member for 2-year period.

5. Endorses the reappointment of the current Independent Council Assessment Panel Member, Mr Gavin Lloyd-Jones as Deputy Member for a 2-year period commencing on the 1 July 2020.
6. Requests that Administration advise the Review and Selection Committee to appoint an unsuccessful candidate to the Deputy Member position should the current Deputy Member decline the offer of being reappointed or if the current Deputy Member is successful in applying for a full position as Independent Member.

Carried Unanimously

8.38pm the meeting came out of confidence

8.38pm Councillor - Nathan Prior re-entered the meeting

CORPORATE REPORTS FOR DECISION

Oaklands Precinct - Dwyer Road Reserve and Diagonal Way Detail Design

Report Reference: GC200211R04

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Notes the process of community engagement and program of works.
2. Notes the Diagonal Way road closure order has been submitted to the Surveyor General for decision as per council resolution GC1911022R14.
3. Notes detailed design drawings for Stage one (Dwyer Road Reserve) and Stage two (Diagonal Way to Crew Street).
4. Authorises tender and procurement for Stage one Dwyer Road Reserve (east of Diagonal Way) and Stage two Diagonal Way inclusive of road reserve west of Diagonal Way. Stage two works to be awarded subject to road closure gazette and finalisation of Section 270 (Local Government Act 1999) review.
5. Authorise commencement of stage two as per Oaklands Crossing Contributing works GC190326R13 be brought forward to enable award of contract prior to June 2020 subject to road closure gazette and finalisation of Section 270 (Local Government Act 1999) review. This will support smart cities funding acquittal time frames with the Federal Government.

Carried

8.52 pm Councillor Masika left the meeting

8.56pm Councillor Masika re-entered the meeting

Division called by Councillor - Bruce Hull

The vote was set aside to allow a vote for which individual Councillor decisions are recorded:

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

Carried

Call for Nominations for Member of GAROC - Casual Vacancy

Report Reference: GC200211R05

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the report '*Call for Nominations for Members of Greater Adelaide Regional Organisation of Councils (GAROC) - Casual Vacancies*'.
2. Nominates Mayor Hanna to the LGA for a position on the Greater Adelaide Regional Organisation of Councils (GAROC).
3. Notes that the above information will be forwarded to the LGA by 5.00pm Wednesday 26 February 2020.

Carried

Community Indicators for City of Marion's Strategic Plan 2019-2029

Report Reference: GC200211R06

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Adopts the suite of Community Indicators as a baseline for assessing progress of the Strategic Plan 2019-2029.

Carried

Joy Baluch Award Nomination

Report Reference: GC200211R08

Councillor - Raelene Telfer gave a personal explanation in relation to the item. She noted that:

- it never occurred to her that she would be put forward for the Joy Baluch Award, as there are many Mayors and Councillors across South Australia that are worthy
- her role modelling as a Councillor is about social cohesion, building social groups within in our society
- her diligence in all the planning and putting on land and infrastructure for licenses is the dream that when staff are in place these will come to fruition.
- her listening occurs by attending lots of events in the community and encouraging members to put their names forward for Awards.
- she believes it matters what is in front of your street and garden and it is all important to her.

Councillor - Raelene Telfer declared a perceived conflict of interest in the matter and the nomination related to her and she left the room.

9.06 pm Councillor - Raelene Telfer left the meeting

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Joseph Masika**

That:

1. Council notes the report 'Joy Baluch Award Nomination'
2. Council nominates Councillor Raelene Telfer to the LGA for the Joy Baluch Award.

3. Administration forwards the above nominations to the Local Government Association by Friday 28 February 2020.

Carried Unanimously

9.07pm Councillor Telfer re-entered the meeting

Formal submission on the Draft Planning and Design Code

Report Reference: GC200211R09

Meeting Extension

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

That

1. The meeting be extended until the conclusion of the item 'Formal Submission on the Draft Planning and Design Code' (Report Reference GC200211R09).

Carried Unanimously

9.27pm the meeting was extended

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Approves the submission regarding the Draft Planning and Design Code as attached to this report, to the State Planning Commission, with the following amendment:
 - On Page 403 - The reduction in on-site parking.... will inevitably result in additional pressures being placed on the local road network (add) *as these are the cause of constant complaints from residents to the Marion Council.*
2. Approves the inclusion of any submissions received by residents of the City of Marion as attachments to the Council's submission to the State Planning Commission.

Carried Unanimously

ITEMS NOT CONSIDERED

The following items were not considered at the meeting:

- Corporate and CEO KPI Report Quarter Two 2019/20 (Report Reference: GC200211R10)

- Rescission Motion - Spinnaker Circuit Reserve East (Report Reference: GC200211M01)

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 9.33pm

CONFIRMED THIS 25 DAY OF FEBRUARY 2020

.....

CHAIRPERSON

ADJOURNED ITEMS - Nil**DEPUTATIONS****Deputation - Mitchell Park Sports and Community Grounds**

Originating Officer	Elected Member Support Officer - Tom Matthews
Corporate Manager	Acting Manager City Property - James O'Hanlon
General Manager	General Manager City Development - Ilia Houridis
Report Reference:	GC200225D01

SPEAKER:

Kylie Weekley

ORGANISATION:

Mitchell Park Netball Club

COMMENTS:

Kylie Weekley - President of the Mitchell Park Netball Club, would like to make a deputation regarding the redevelopment of the Mitchell Park Recreation Reserve.

Deputation - Climate Change Emergency Declaration

Originating Officer	Governance Officer - Angela Porter
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference:	GC200225D02

SPEAKER:

Sharon Lindley

ORGANISATION:

Representing concerned residents and Greenpeace

COMMENTS:

Sharon Lindley has requested to give a five minute deputation regarding the Climate Change Emergency Declaration.

PETITIONS - Nil**COMMITTEE RECOMMENDATIONS****Confirmation of Minutes of the Infrastructure and Strategy Committee Meeting held on 4 February 2020**

Originating Officer	Executive Assistant to General Manager Corporate Services - Louise Herdegen
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC200211R05

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the Infrastructure and Strategy Committee meeting held on 4 February 2020.

EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below. Key discussion points for each item are outlined within the attached minutes (Appendix 1):

- Infrastructure & Strategy Committee - 2019 review and considerations for 2020
- Oaklands Precinct Pedestrian Movements
- Shaping our City

RECOMMENDATION

That Council:

1. **Receives and notes the minutes of the Infrastructure and Strategy Committee meeting held on 4 February 2020.**
2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.**

Attachment

#	Attachment	Type
1	ISC200204 Final Minutes	PDF File

**MINUTES OF THE INFRASTRUCTURE AND STRATEGY
COMMITTEE MEETING - 4 February 2020**

Tuesday, 04 February 2020 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT:

Councillor Jason Veliskou, Councillor Tim Gard, Councillor Sasha Mason, Mr Russell Colbourne, Councillor Bruce Hull (from 6:54 pm) Mayor Kris Hanna (from 7:36 pm), Councillor Raelene Telfer (from 8:26 pm)

DATE:

Tuesday, 04 February, 2020 | Time 6:30 PM

VENUE:

Council Chamber

IN ATTENDANCE:

Maggie Duncan	Councillor
Adrian Skull	Chief Executive Officer
Sorana Dinmore	General Manager Corporate Services
Ilia Houridis	General Manager City Development
Tony Lines	General Manager City Services
Brett Grimm	City Activation Senior Advisor
Georgie Johnson	Smart Cities Project Officer
Ashby Martin	Senior Systems Engineer, Smart Cities, SAGE
Cass Gannon	Performance & Innovation Leader / Strategy Leader
Louise Herdegen	Executive Assistant to the General Manager (Minute Taker)

OPEN MEETING

Councillor Veliskou opened the meeting at 06:32 PM

KAURNA ACKNOWLEDGEMENT

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

ELECTED MEMBER'S DECLARATION - Nil**CONFIRMATION OF MINUTES**

Confirmation of the minutes for the Infrastructure and Strategy Committee Meeting held on 3 December 2019 (Report Reference: ISC200204R01)

Moved Councillor - Tim Gard Seconded Councillor - Sasha Mason

That the minutes of the Infrastructure and Strategy Committee Meeting held on 3 December 2019 be taken as read and confirmed.

Carried Unanimously

BUSINESS ARISING

Review of the Business Arising from previous meetings of the Infrastructure and Strategy Committee Meetings

Business Arising Statement - Action Items (Report Reference: ISC200204R02)

Action: Add item description under item number in the Business Arising Statement table.

CONFIDENTIAL ITEMS - Nil

REPORTS FOR DISCUSSION

Infrastructure & Strategy Committee - 2019 review and considerations for 2020 (Report Reference: ISC200204R03)

The General Manager City Development explained the intention of the report was to summarise what the previous committee discussed.

The following discussion points were noted:

- Ensure we align with the future direction as outlined in the Strategic Plan.
- Invite specialists to address the committee.
- More emphasis on partnerships and explore the collaboration with private entities/companies with entrepreneurial qualities.
- Are we going to be fast followers, innovators or leaders? Choosing when we are the leaders/followers is key.
- Find examples of excellence around Australia and overseas and learn from them - information is publicly available.
- In our strategic planning methodology, we need to have particular regard for planning at the LGA level in relation to local government function, including such items as en masse council collaboration in respect to transport/connectivity, ie council boundaries should not limit the effects of general strategic processes and solutions.

Note: Further discussion regarding considerations/suggestions for 2020 continued under the Shaping our City item.

- Terms of Reference amendments:
 - remove items 5.1.2, 5, 7, 8 & 9 subject to no issues from statutory requirements
 - Keep 5.1.1, 3, 4 6 (only monitoring of, not development) and 10.
 - Objectives - remove 3rd last dot point. By removing 5.1.8 it makes this objective redundant - check with Governance regarding statutory requirements

Action: Follow up with Governance to ensure all statutory requirements are addressed within the amended Terms of Reference

- Major projects to be discussed at an Elected Member Forum to have input from the whole of Council
- Terms of reference are due for formal review in November 2020

7:55 pm Mayor Hanna left the meeting

7:59 pm Mayor Hanna returned to the meeting

Moved Mayor - Kris Hanna Seconded Councillor - Sasha Mason

That the Infrastructure and Strategy Committee:

1. Recommends to Council that this report and any directions minuted are provided to the 2020 Infrastructure and Strategy Committee to inform its considerations of a work program for 2020.
2. Notes the activity of the 2019 Infrastructure and Strategy Committee members and acknowledges the contributions of members:
 - 2.1. Presiding Member, Councillor Luke Hutchinson (concluding term)
 - 2.2. Councillor Ian Crossland (concluding term)
 - 2.3. Councillor Matthew Shilling (concluding term)
 - 2.4. Expert Member, Mr Christian Reynolds
 - 2.5. Councillor Tim Gard (continuing)
 - 2.6. Councillor Bruce Hull (continuing)
 - 2.7. Mayor Kris Hanna (continuing)

Carried Unanimously

Oaklands Precinct Pedestrian Movements (Report Reference: ISC200204R04)

The City Activation Senior Advisor presented the results of the pedestrian monitoring as outlined in Attachment 1 of the report. The following discussion was noted:

- Objectives of project “to gain insight into how the pedestrians move through the precinct between the new Oaklands Station and Marion Cultural Centre”
- SAGE automation were engaged by City of Marion to deploy sensor technology and capture data on pedestrian movement patterns
- Data capture:
 - SAGE data set is based on pedestrian trend analysis and not on total number accuracy. SAGE data sensors provide reference to trend patterns of movement across the intersection
 - data capture over a two week period December and January 2020. One week during Christmas period and one week post for normalisation of commuter/ pedestrians back to work.
 - data and assessment is provided as trend analysis and is not absolute numbers which would be much higher.
 - collected via WIFI detection of smart devices from 4 sensors located (Oaklands Station, intersection
 - Diagonal Rd and Morphett Rd, Diagonal Way and Crew Street and Marion Cultural Centre). The sensor detects pedestrian wifi and bluetooth signals and sends a signal to capture the movement at that point. Data is filters via time of 1 min 30 to simulate walking time frames between points thus removing motorist detections in the locality. Data is completely encrypted and anonymous. This method relies on the smart devices being detected and shows the number of times a smart device was detected between the sensors devices rather than head count.
 - ongoing data monitoring may help predict long term trends.
 - sensors will remain in place to collect data during the construction works to the precinct. Pedestrian monitoring will be a part of the “Smart Precinct” post construction.
 - Data results indicated fairly even distribution of pedestrian moving through both paths (Station – Morphett Road as compared to Station- Diagonal Way), slightly more currently utilise Morphett Road. Further analysis provides reference to a greater percentage of movement towards Trott Grove and Warracowie Way as compared to crossing the intersection on Morphett Rd heading to or from the south or south west
- Data indicates pedestrians have a slightly different preference when heading south than north. This could be due to a number of factors such as:
 - the area having the appearance of a construction site and therefore locals familiar with the area may choose a more direct route (Diagonal Way) whereas visitors may use the more defined

- path (Diagonal Road) and potentially use the aquatic centre as a way finding element
 - time of day and personal safety with passive surveillance a key consideration
- Public Safety - Concerns about people safely crossing at the traffic lights at Morphett Road. An option may be to have a crossing further south east along Diagonal Road closer to the entrance to the Marion Shopping Centre. Entering the shopping precinct from Warracowie Way raises safety concerns particularly for the elderly and people with prams/young children as there is currently no defined walkway.
- Community safety and asset protection is paramount in design and monitoring:
 - Community have raised concerns around foot traffic passing residential property all hours of the night given that anti-social behaviour is not uncommon in the area.
 - Pathway lighting will include sensors to detect movement to automatically adjust lighting levels increasing visibility when people are in the precinct and reducing energy when there are no pedestrians
 - Shelter will be light and central area lighting will be located to maximise the reach.
 - Site planning has considered CPTED principles with main focus of facilities centrally located with good passive surveillance and well lit along the central walkway. Landscape treatments proposed will maintain clear sight lines.
 - Administration commented that the proposed pathway connection to Diagonal Road considers CPTED principles with consideration of high volumes of motorists (approx. 24,000 average per day) and is well lit which provides good passive surveillance. Additional wayfinding and clear sight lines will enhance this movement corridor.
- One member expressed concerns of predetermined outcomes indicated by the devices being located on the opposite side of the road than where it needed to be and therefore no data has been collected for where it should have been. Due to the expediency of getting devices setup ASAP, the device #2 located within infrastructure that was already in place. There were only two sensors available without lead time to be deployed on poles.
- DPTI data on push button (green man activation) for Diagonal Road and Morphett Road intersection has been provided within the report. It indicates the average number of actions per day. This data has limitations as it does not express the number of people crossing the intersection only the green man activations. The data can't be correlated with SAGE pedestrian sensor data due to the relativity and variance in capture methodologies.
- Design:
 - Funding for pedestrian crossing - DPTI have provided in principle support and administration is working further with them for the opportunity for funding to be available. A report will be presented to Council in February.
 - There is a need for the City of Marion to promote the eventual route that is proposed as one that's designed to keep foot traffic away from local residences as much as possible.
 - Discussion on the detail design plans which respond to the movement patterns identified in the SAGE data. Both movement corridors illustrate improved amenity with tree planting, lighting, footpaths and wayfinding.
 - Designs illustrate new playground that responds to the community feedback including some smart play items, 3 on 3 basketball and netball court, nature play elements, shelters with solar panels and phone charging docks, smart lighting, irrigated turf and landscaping
 - Additional car parking provision on Diagonal Way and indented parks on Dwyer Rd. Total additional parks of 22.
 - Environmental impact statement considerations- it would be beneficial for projects of this size to assess watering, carbon footprints, refuse from people encouraging to use the area for periods of time such as the proposed BBQ's & playgrounds are addressed.
 - Project discussions should include estimates of whole of life costing to be assessed including maintenance and operational expenses.
- Protecting assets:
 - digital elements in the Smart Precinct will have GPS tracking in them.
 - While not currently in the design, it was discussed at the December meeting about the possibility of installing CCTV. This is being investigated further to ensure we consider all aspects of community and asset safety.

- Carparking sensor technology - will the sensors in smart car parking be able to detect if a motorbike is parked in a bay. G Johnson to follow up.
- Ethics of data storage and privacy constraints - Administration to provide recommendations to Elected members for consideration, for this and future projects, how data is captured, stored and used.
- Aligning strategies between Council and Westfield
 - Westfield have a vested interest in what Council are doing, administration are meeting with Westfield around precinct plans for both Council and their development.
 - The current proposal is to provide a pedestrian avenue/walkway from the eastern side of Warracowie Way to the main entry foyer of Westfield, connecting the plaza of MCC and provides key linkage to proposed pedestrian activated crossing to the railway station.

6:54 pm Councillor Hull joined the meeting

7:36 pm Mayor Hanna and Chief Executive Officer entered the meeting

Moved Councillor - Bruce Hull Seconded Councillor - Tim Gard

That the Infrastructure and Strategy Committee:

1. Notes the presentation and report (Attachment 1) on the Oaklands Precinct pedestrian movements
2. Notes that the Oaklands Precinct designs are scheduled to be presented to Council on 11 February 2020.

Carried Unanimously

REPORTS FOR NOTING - Nil

WORKSHOP / PRESENTATION ITEMS

Shaping our City (Report Reference: ISC200204R05)

The Chair sought and was granted leave of the meeting, for the workshop notes displayed on screen during the meeting, to be attached as an appendix to the minutes.

8.26 pm Councillor Telfer joined the meeting

OTHER BUSINESS

Mitchell Park

- Monitoring Mitchell Park design - Administration to be mindful of resourcing capabilities so community expectations are not raised unrealistically.
- Demands to be carefully managed to ensure available budget is utilised to achieve the best value for the whole community.
- Management model needs very careful consideration.

MEETING CLOSURE - Meeting Declared Closed at 9:24 PM

CONFIRMED THIS 7th DAY OF APRIL 2020

.....

CHAIRPERSON

Workshop Key Points

- What are the hot buttons?
- Leadership and engagement
- Marketing mindset/approach, products of ourselves eg. each of the 27 suburbs, are we talking about ourselves enough to attract businesses etc marketing research, distribution and pricing the outcome is that the City of Marion becomes a success
- The things that are hard – good transport, helping young and old – Making life easier
- Human side, Infrastructure other end, then in the middle is the environmental element
- Greening improves communities
- General community awareness of Ward Councillors in key demographic groups eg. Mums, Dads, Elderly
- Leveraging campaigns that exist
- Communicating with the community what we do
- Maximising our intended land use eg. State land parcel vacant, Club Marion Ladies bowling club change rooms vacant. Hall hire under the same category.
- Maximising the use of our Assets, many topics fall under this
- Perception of Council eg. Media
- Community Vision Linkages –
 - o Liveability, Arts vs Sports funding, bringing people to City of Marion, greater than sporting facilities
 - o Prosperous, Edwardstown business precinct, Urban activation project
 - o Environment, not good close followers, greening and the right species and looking after them
 - o Partnerships, relationships with the Federal and State Governments
- Partnerships
 - o Glenthorne Farm and destination playground
 - o Edwardstown and Castle Plaza
 - o Westfield Transformation
 - o Cove – BMX and Soccer will leave and opportunity to transform
 - o Tonsley – Alawoona Gateway, entrances
 - o Darlington – Marion along Sturt Rd, Blvd Sturt Rd to Sea HFB
 - o Greening our City – State Gov
- Ageing Well
- Pitching projects on a case by case basis
- Invite local members of parliament to have dinner with EM's
- Website strength, relationships etc doesn't come across to anyone else outside of council
- 7 days of Marion Tour is great
- More communication about what CoM are delivering, sharing with the broader community
- Collaborative consumption
- Increase social engagement, how we do it and can improve it
- Safe spaces for people in need
- Facilities where people can gather
- Access and equity, not spending as much in suburbs, but better off in SEIFA index
- What is City of Marion's role in lifting people up?
- Youth – shaping the next generation
- Rates, roads and rubbish – get this right to have the license from the community to focus on the other areas that may not be seen as the key focus of the council
- Dover Gardens Primary School, social housing failures, residents' concerns of impact on suburbs
- Know our infrastructure capacity, not only the wishlist
- Knowing the level of influence we have in the work we are engaging in
- Careful not to respond only to the loud voices

APPENDIX 1 – Shaping our City (ISC200204R05)*Minutes of the 4 February 2020 Infrastructure & Strategy Committee Meeting*

- Clear leadership vision
- Complexity of communications – hearing what is needed in a timely way
- Reactive vs proactive uses of financial resources
- Hear the voice of our communities
- **Spotlight on best practice (BP) – Greening, Drains, BP from around Aust – Action Item**
- **Next Meeting Proposed Items:**
 - o **Best Practice Spotlight: Wicked Labs: Greening Marion Complexity Science**
 - o **Futurist eg Peter Ellyard, Flinders Uni New Venture Institute or IBISWorld Philip Rutheven**
- **Proposed June Meeting:**
 - o **Best Practice Spotlight: Neighbourhood Centre Service Review**
- Environmental Scan regularly provided to the ISC and leads the BP spotlight
- Investigating public/private partnerships eg. Marion Hotel Quick Rd co-funding, BAE Systems
- Panel through a municipal lens
- Climate Change/Risk, challenges and awareness
- Select a focus theme for the meeting
- **Draft Agenda Structure**
 - Each meeting to be based on a Community Vision Theme**
 - 1. Standing Item: Environmental Scan update**
 - 2. Best Practice Spotlight**
 - 3. Strategic Item – potential for guest speakers/experts to attend**

CONFIDENTIAL ITEMS - Nil

CORPORATE REPORTS FOR DECISION

Marion Vineyards Signage

Originating Officer	Manager Community Connections - Liz Byrne
Corporate Manager	Manager Community Connections - Liz Byrne
General Manager	General Manager City Services - Tony Lines
Report Reference	GC200225R06

REPORT OBJECTIVE

To inform Council about the investigation regarding appropriate signage for recognising the historical significance of the Marion Vineyards.

EXECUTIVE SUMMARY

Council endorsed a Motion on Notice at a Special General Council Meeting (SGC191125M04) requesting an investigation into appropriate signage options to recognise the historical significance of the Marion Vineyards site located on Oaklands Road.

The aim of the signage is to acknowledge the local cultural heritage and the significance of the vineyards. The investigation included re-purposing an existing brick wall sign as the most cost effective option.

Four signage options are presented for Council's consideration.

RECOMMENDATION

That Council

- 1. Notes this report.**
- 2. Endorses option X as the design to appropriately recognise the significance of the Marion Vineyards.**
- 3. Allocates up to \$xxx from within the 2019/2020 Land and Property budget to undertake the required works.**

DISCUSSION

The Marion Vineyards are well over 100 years old and is the world's oldest urban, commercial vineyard. The vines are owned by Council, however Patriitti Wines are the custodians of the impressive vines, part of only a few tiny vineyards remaining in the once-renowned 'Garden of Adelaide' district. The village of Marion was first settled by Europeans in the 1830s, and the rich, fertile soils of the area produced copious vegetables, almonds, and stone-fruits. However, by the 1950s population growth and the demand for housing meant that much of the area was converted to residential land. The Marion Vineyards are an iconic reminder of the history of the district.



Since June 2016, the Marion Outdoor Pool has had a LED sign promoting its services and this is situated on the corner of Oaklands Road and Hendrie Street. The brown brick wall is physically located in front of the vineyards and can easily and cost effectively be re-purposed to reflect accurately the historical significance of the vines.

Council engaged a graphic artist/sign writer to consider options (Refer to Attachment 1).

The final sign will include factual and appropriate wording on the site's history and heritage, include reference to Marion Ewell, and will remember those who contributed to the vineyards establishment and protection.

Attachment

#	Attachment	Type
1	Attachment 1_Marion Vineyards Signage Designs	PDF File

City of Marion
Marion Heritage Vines Entry Statement

A design and production company that embraces graphic, architectural, landscape, and industrial design disciplines with the visual aspects of way-finding and interperative graphics to create experiences that are....

connecting people to place.







MARION
HERITAGE
VINES
EST 1837

Marion heritage vines were
established in 1925 and are
significant to the ownship
Marion heritage vines were
established in 1925 and are
significant to the ownship of
Marion heritage vines were
established in 1925 and are
significant to the ownship of



Similar exaples of design intent





QUOTATION

OPTION ONE:

Full poduction and installation
Outer bricks cleaned and painted.
Inner brick section covered with rendered painted blue board
Metal plate, main type and border waterjet cut from 6mm aluminium plate
All painted to match colour spec
Interp type vinyl cut
\$ 3980.00 + GST

OPTION TWO:

Full poduction and installation
Outer bricks cleaned and painted.
Inner brick section covered with rendered painted blue board
Metal plate, main type and graphic plate waterjet cut from aluminium
All painted to match colour spec
Interp type solvent print
Timber To be sourced and best match existing timber on site.
\$ 3850.00 + GST

Please note the attached conceptual design works is the property of ecept and can not be reroduced or fowarded without written permission of ecept.

Regards

Ian Widdop
ecept

BUDGET

OPTION THREE:

Full poduction and installation
48mm dianater stainless steel pipe
Rolled and fabricated into sections and profiles to represent grape vines
6mm Corten type welded to inner section of rolled vines
Interpretive sign, fabricated from corten
Lettering 3d type.
\$ 25,000.00 + GST

OPTION FOUR

Full poduction and installation
Hardwood timber
Profiles to represent grape vines laser cut and applied to face of timber
Type laser cut from 6mm aluminium welded to top frame, painted matt black
Sign blade clad with aluminium faces, 3D header, printed face, matte finish
\$ 15,000.00 + GST

Please note the attached conceptual design works is the property of ecept and can not be reproduced or fowarded without written permission of ecept.

Regards
Ian Widdop
ecept

Cats (Confinement) Variation By-law

Originating Officer	Team Leader Community Safety - Luke Manuel
	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC200225R07

REPORT OBJECTIVE

The purpose of this report is to present the Cats (Confinement) Variation By-law for Council's consideration, making and gazettal, and then consider a report to be forwarded to the Legislative Review Committee.

EXECUTIVE SUMMARY

At the Special General Council Meeting on 25 November 2019, Council made the following resolution:

That:

1. *Council endorses Administration to pursue the following option:*
 - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
3. *A microchip reader be hired out with Council owned cat traps.*
4. *A report be provided to Council with various options to support the community to abide by the curfew and deal with the issue of feral and unidentified cats.*

This report provides the next steps in relation to making the Cat (Confinement) Variation By-law including the following documents (attached for reference):

- Attachment 1 - Final Cat (Confinement) Variation By-law (the By-law)
- Attachment 2 - Cat Curfew Community Consultation GC190827R13
- Attachment 3 - Local Government Act Extract - Section 249
- Attachment 4 - Solicitor's Cert - By-law 7 - Cats Variation
- Attachment 5 - Report to the Legislative Review Committee
- Attachment 6 - National Competition Policy Report for the By-law
- Attachment 7 - Response from David Speirs MP

RECOMMENDATION

That:

1. Pursuant to Section 246 of the Local Government Act 1999:

1.2 having considered the:

- Cats (Confinement) Variation By-law 2020; (the By-law)

(reproduced at Attachment 1 to Item # on the agenda for the meeting of Council held on 25 February 2020) in light of the National Competition Policy and the Report prepared on the National Competition Policy with respect to the By-law (reproduced at Attachment 1 to Item # on the agenda for the meeting of Council held on 25 February 2020); and

1.3. having considered the public submissions made on the By-law and the recommendations made by the Dog and Cat Management Board,

Council makes the By-law in exercise of the powers contained in the Acts Interpretation Act 1915, the Dog and Cat Management Act 1995 and the Local Government Act 1999.

2. The Chief Executive Officer be authorised to sign the By-law as made by Council.
3. The Chief Executive Officer be authorised to publish notice of the making of the By-law in The Advertiser newspaper.
4. The Chief Executive Officer be authorised to arrange for the By-law to be published in the Government Gazette.
5. The report to the Legislative Review Committee on the By-law (reproduced at Attachment 5 to Item # on the agenda for the meeting of Council held on 25 February 2020), be adopted and be signed by the Chief Executive Officer on Council's behalf.
6. The Chief Executive Officer be authorised to arrange for the By-law and all other necessary documentation to be provided to the Legislative Review Committee.
7. Endorse the establishment of a curfew time where wandering is not permitted between the hours of 9.00pm to 7.00am and then 10.00pm to 6.00am during the daylight savings period.
8. Endorse budget of \$2,150 to initially procure microchip readers and cat cages and provide recurrent funding for ongoing maintenance and replacement of microchip readers and cat cages through Council's annual recurrent budget process.
9. Endorse budget of up to \$5,000 for a communications strategy including the development of promotional and advisory material and paid advertising.

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.

BACKGROUND

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 2020.

The draft Cats (Confinement) Variation By-law 2020 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 9.00 pm -7.00 am. A copy of the draft By-law is included in Attachment 1.

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 9.00 pm-7.00 am. 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.

The results and summary of the community consultation were presented at the 27 August 2019 General Council meeting (Report Reference: GC190827R13). A copy of this report is included in Attachment 2.

Consultation also occurred with the Dog and Cat Management Board (DCMB) and their response was presented to Council at the 25 November 2019 Special General Council meeting in a Confidential report (Report Reference: SGC191125F03).

At the Special General Council Meeting on 25 November 2019, Council made the following resolution:

That:

1. *Council endorses Administration to pursue the following option:*
 - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
2. *A microchip reader be hired out with Council owned cat traps.*
3. *A report be provided to Council with various options to support the community to abide by the curfew and deal with the issue of feral and unidentified cats.*

This report outlines the next steps in relation to adopting the By-law.

DISCUSSION

Section 249 of the LG Act prescribes the process for a Council to make a By-law (Attachment 3).

Following consultation on the proposed By-laws, Council must give reasonable consideration to a written or other acceptable submission made to the Council on a proposed By-law.

A By-law requires a resolution supported by an absolute majority of the members of the Council at a meeting where at least two-thirds of the members are present. This means that at least eight members must be present and seven members must vote in favour.



A certificate of validity, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner the council has the statutory power to make the By-law and the By-law is not inconsistent with the Local Government Act is required. A certificate of validity is included in Attachment 4.

Generally, By-laws come into effect four (4) months after the day on which they are published in the Government Gazette. A notice of the making of the By-law must be placed in a newspaper circulating in the area of the Council.

The Chief Executive Officer is authorised to certify the By-law as being made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 25th day of February 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present. Once made, the By-law must be forwarded to the Legislative Review Committee under s10A of the Subordinate Legislation Act 1978 accompanied by a report including National Competition Policy implications. Note: Norman Waterhouse Lawyers have drafted the proposed By-law and have provided the necessary Certificates of Validity and National Competition Policy reports. The report for the Legislative Review Committee is included in Attachment 5 and the National Competition Policy is in Attachment 6.

On 23rd January 2020 a response was received from David Speirs MP, Minister for Environment and Water (Attachment 7). The response confirms the advice received from the Dog and Cat Management Board (DCMB) relating to its position on the proposed By-law. The Minister has advised the Dog and Cat Management Act is scheduled for review in 2022 and in anticipation the DCMB is maintaining a record of concerns that are being raised, which includes cat management. The RSPCA's Cat Management Plan for South Australia is also cited, noting recommendations for Councils to consider adopting (as identified in the previous report on this matter - SGC191125F03).

This By-law covers the whole Council area

The By-law as drafted presently prevents cats wandering at large in all parts of the Council's area. Although unlikely, in order for cats to be able to wander in specific areas, Council may resolve to establish locations in which wandering is permitted should such locations be desired. At this time the Administration has not identified or is aware of any areas where wandering should be permitted.

Microchip Readers

Microchip readers will only be of assistance in helping the resident to work out if a trapped cat is identified. If the cat is identified they will need to contact Council to arrange for a Community Safety Inspector (CSI) to attend. The By-law empowers a CSI to seize and detain a cat, therefore a CSI will need to attend where an identified cat has been trapped by a member of the public in order for the animal to be returned to its owner and enforcement action taken (where appropriate).

When a CSI attends, the officer will attempt to identify the cat. Once identified, the CSI will return the cat to its owner or detain and impound the cat until the owner can be contacted. CSIs utilise the same process when dealing with wanderings dogs.

Consideration should be given to the safety risks associated with untrained and unequipped members of the public trying to microchip scan caged cats. Caged cats can often be very volatile and cause significant injury to people if the correct safety equipment is not used. Operationally, guidance can be given to residents at the time they hire a cage, to only attempt to scan the cat from the outside of the cage. If the resident cannot determine that the cat is identified, then the resident will be able to impound the cat an authorised pound such as the RSPCA or AWL.



Microchip readers can be purchased for a cost of \$137.50 each and provided to residents when a cat cage is hired. It is anticipated ten (10) microchip readers will initially need to be purchased and ongoing replacement for damaged or lost microchip readers will most likely be required. The deposit to hire a cat cage is currently \$40 and an increase to \$80 is recommended during Council's 2020/2021 Fees and Charges review, to contribute towards the cost of purchasing microchip readers. However, there is a risk that increasing the deposit fee may discourage some residents from hiring a cage.

It is anticipated that there will be an increase in the number of residents wishing to hire cat cages with the implementation of the By-law. To cater for this, an additional six (6) cat cages will need to be purchased at a cost of \$129.58 each. The cost to procure microchip readers and cat cages is at this stage \$2,152.50. The additional costs will need to be approved as there is no existing allocation for the initial and replacement purchase of these items. It is recommended that Council endorse budget for the initial purchase of these items and recurrent funding for ongoing purchase and maintenance of these items.

Community Information campaign

A community information campaign will be required to inform the general community of the new By-law and its relevant requirements, specifically the curfew elements. The Community Safety Team, with the assistance of the Communications Team, will develop an appropriate communications strategy to deliver this information to the community. As part of this communication strategy promotional and advisory material will be developed including a fact sheet and information will be published on Council's website. There is currently no funding for the paid advertisements and promotional material that will be required. It is recommended that Council allocate budget up to \$5,000 for this. Information on Council's website and social media can be achieved within existing resources.

The community will still be required to conduct their own cat trapping as is the case currently. The Customer Service Team will continue to facilitate the hire of cat traps and microchip scanners if the Council endorses wishes. The Community Safety Team will be available to provide information and education on cat trapping as required and will only assist with trapping cats if the customer is over sixty-five (65) years of age, is living with disability, is physically unable to do so themselves, or does not have the ability to transport the animal. The Dog and Cat Management Board has a range of cat specific publications available to the public to help educate the community on responsible cat ownership.

Finalising the By-law making process

With respect to the finalisation of the By-law making process, the following additional requirements are relevant:

- The By-law as drafted, presently prevents cats wandering at large at all times of the day. In order for cats to be able to wander at certain times, it will be necessary for the Council to separately resolve (at a later date or at the same meeting once the By-law has been made) to establish times during which wandering is permitted. A time for permitting 'wandering' has been included in Resolution 7 for Council's consideration;
- The By-law as drafted, presently prevents cats wandering at large in all parts of the Council's area. In order for cats to be able to wander in specific areas, it will be necessary for the Council to separately resolve (at a later date or at the same meeting once the By-law has been made) to establish locations in which wandering is permitted (should such locations be desired);
- If any determinations are made per dot points 1 and 2 above, the Council must give:
 - public notice of same in the Gazette and on a website determined by the Chief Executive Officer; and
 - notification of the fact of publication of the notice and the website address at which the notice is available for inspection is published in a newspaper circulating within the area of the Council;



- The Council is required pursuant to Section 252 of the LG Act to cause a separate register to be kept of all by-laws made or adopted by the Council;
- The Council may, by resolution, authorise or delegate certain employees of the Council to grant exemptions under Clause 7.3.3. Absent such a resolution, exemptions available under the By-law can only be granted by the Council by resolution.

If the By-law is endorsed by Council, Administration will undertake the steps listed above to progress the By-law through the Legislative Council and into affect if successful.

Once in operation, the Community Safety Team will enforce the By-law in accordance with Council's Enforcement Policy.

Attachment

#	Attachment	Type
1	Appendix 1 - Cats (Confinement) Variation By-law	PDF File
2	Appendix 2 - Cat Curfew Community Consultation GC190827R13	PDF File
3	Appendix 3 - Local Government Act Extract - Section 249	PDF File
4	Appendix 4 - Solicitors Cert - By-law 7 - Cats Variation	PDF File
5	Appendix 5 - LRC Report - By-law 7 - Cats Variation	PDF File
6	Appendix 6 - NCP Report - By-law 7 - Cats Variation	PDF File
7	Appendix 7 - Response from David Speirs MP	PDF File



*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

CATS (CONFINEMENT) VARIATION BY-LAW 2020

City of Marion By-law No. 7

To vary the Council's *Cats By-law 2014* and for related purposes.

Part 1 - Preliminary

1. Short title

This by-law may be cited as the *Cats (Confinement) Variation By-law 2020*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Variation provisions

In this by-law, a provision under a heading referring to the variation of a specified by-law varies the by-law so specified.

Part 2 - Variation to *Cats By-law 2014*

4. Variation of Paragraph 3

4.1 Paragraph 3.1 – delete the paragraph and substitute:

‘3.1 **authorised person** has the same meaning as in the *Dog and Cat Management Act 1995*;’

4.2 After paragraph 3.4 insert:

‘3.4A **effective control by means of physical restraint** for the purposes of paragraph 3.10 means:

3.4A.1 the person is exercising effective control of the cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat;

3.4A.2 the person has effectively secured the cat:

3.4A.2.1 by placing it in a cage, vehicle or other object or structure; or

3.4A.2.2 by tethering it to a fixed object by means of a chain, cord or leash that does not exceed 2 metres in length;

4.3 Paragraph 3.7.2 after the word 'land' delete '.' and substitute ';

4.4 After paragraph 3.7 insert:

'3.8 **prescribed premises** means:

3.8.1 a cattery;

3.8.2 a veterinary practice;

3.8.3 a pet shop; or

3.8.4 any premises for which the Council has granted an exemption;

3.9 **public notice** has the same meaning as in Section 4(1aa) of the *Local Government Act 1999*;

3.10 **wander at large** means the cat is in a public place or a private place without the consent of the occupier, and no person is exercising effective control of the cat by means of physical restraint.'

5. Variation of Paragraphs 6 and 7

Paragraphs 6 and 7 - delete the paragraphs and substitute:

'6. **Cats not to Wander at Large**

6.1 A person who owns or is responsible for the control of a cat must not allow the cat to wander at large.

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;

6.2.2 within a designated area.

6.3 In this paragraph:

6.3.1 **designated span of hours** means the span or spans of hours determined by the Council, by resolution, when the requirements of this paragraph will not apply;

6.3.2 **designated area** means a part or parts of the Council that the Council may, by resolution, determine that the requirements of this paragraph will not apply.

7. Identification of Cats

- 7.1 Every cat must be identified in the prescribed manner at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier.
- 7.2 If a cat is not identified in the prescribed manner required by paragraph 7.1 any person who owns or is responsible for the control of the cat is guilty of an offence.
- 7.3 A person is not guilty of an offence by reason of the fact that the cat is not identified in the prescribed manner if:
 - 7.3.1 the cat:
 - 7.3.1.1 is travelling with the person; and
 - 7.3.1.2 is not usually kept within the area of the Council; or
 - 7.3.2 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises; or
 - 7.3.3 the Council has granted the owner of the cat an exemption from the requirements of this paragraph.
- 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:
 - 7.4.1 the name of the owner of the cat, or of a person entitled to possession of the cat; and
 - 7.4.2 either:
 - 7.4.2.1 the address of the owner or other person; or
 - 7.4.2.2 the telephone number of the owner or other person.'

6. Variation of Paragraph 8

Paragraph 8.3 – delete the words 'a cat management officer' and substitute: 'an authorised person'.

7. Insertion of Paragraphs 11 and 12

After paragraph 10 insert:

'11. Seizure, Detention and Destruction of Cats

- 11.1 An authorised person may seize and detain a cat in any of the following circumstances:
- 11.1.1 the cat is wandering at large in circumstances that would constitute an offence against this By-law;
 - 11.1.2 the cat is found on local government land to which paragraph 5 of this By-law applies and the owner or person responsible for control of the cat:
 - 11.1.2.1 cannot immediately be located; or
 - 11.1.2.2 refuses or fails to comply with a direction of the authorised person to remove the cat from the land.
- 11.2 If an unidentified cat is seized under this paragraph, it may be lawfully disposed of, destroyed or injured by the authorised person.
- 11.3 If an identified cat is seized under this paragraph:
- 11.3.1 the provisions of Section 61(1)-(3) of the *Dog and Cat Management Act 1995* apply to the cat as if it were a dog seized under Section 60 of the *Dog and Cat Management Act 1995*; and
 - 11.3.2 the cat may be destroyed or otherwise disposed of by an authorised person if:
 - 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;
 - 11.3.2.2 a person who owns the cat declines to take possession of the cat; or
 - 11.3.2.3 all fees incurred by the Council in seizing and detaining the cat are not paid within 7 days after a request for payment.
- 11.4 Despite any other provision of this By-law, an authorised person may cause a cat detained under this By-law to be destroyed if the circumstances in Section 62(3) of the *Dog and Cat Management Act 1995* arise with respect to the cat, as if it were a dog detained under Section 60 of the *Dog and Cat Management Act 1995*.

12. Requirement to Publish Determinations

If the Council makes a determination under paragraph 6 of this by-law, the Council must give public notice of the making of that determination.'

The foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Marion held on _____ 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Adrian Skull
Chief Executive Officer

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:

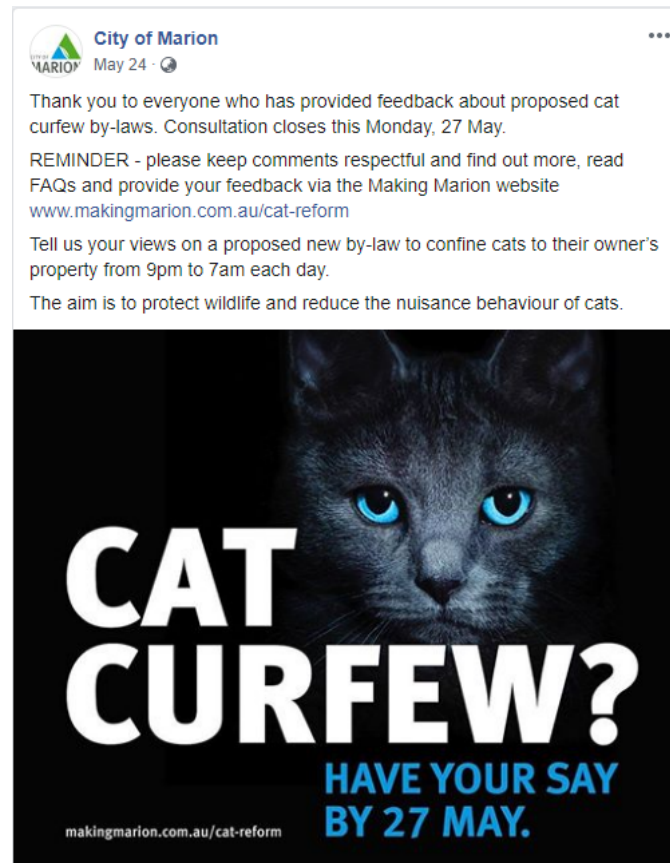
- Media release with articles appearing in The Advertiser, Coast City Weekly Newspaper, and interviews and discussion on radio
- Posters and flyers displayed at Council venues and distributed to local community groups, sports clubs and vets
- City of Marion website and Facebook page
- Digital screens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

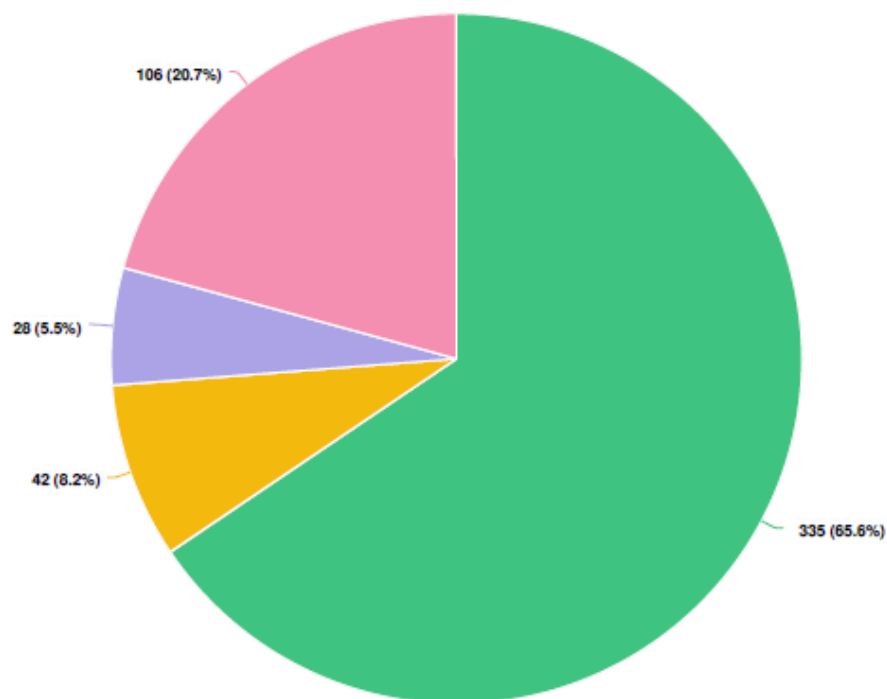
- 74% of people who participated in the survey indicated that they either strongly support or support the introduction of a cat curfew at defined times.
- 26% of people who participated either opposed or strongly opposed the proposed by-law.

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)?



Question options

● strongly support ● support ● oppose ● strongly oppose

Optional question (511 responses, 2 skipped)

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

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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>

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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>

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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>

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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>

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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.

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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>

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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 by 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 they 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 further 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 too severe especially in cases where the cat may have escaped and is not a regular occurrence. 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 used 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.

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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>

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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.

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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

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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	I agree with it in principle, however 9pm seems a too early to start a curfew! How about late night shopping? Shift workers? 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. If we could haggle on times I'd support the bi-law, as it currently stands I oppose it.
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

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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?

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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>

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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>

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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.

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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>

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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>

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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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	<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>

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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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	<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>

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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	.

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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.

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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	This is a great idea. I don't dislike cats but like wildlife a lot more.

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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>

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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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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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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.

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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.

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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>

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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>

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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.

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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.

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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.

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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

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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>

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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 aat 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 thete is ambulance ramping going on, hospital staff want you in, tbeh 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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	<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>

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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

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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.

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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>

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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

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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

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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

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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>

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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.

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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	<p>I think the curfew should be 24 hours per day. Cat are just as deadly during the day as in night.</p>
310	<p>I don't agree with 24hrs a day.</p>

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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>

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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]

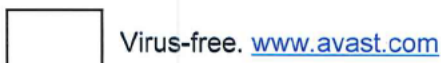
thank you again for getting things done.

"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

[REDACTED]



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

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]

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.

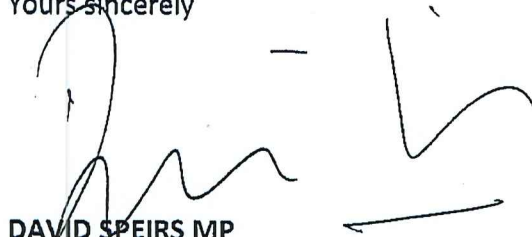
Any of the nominated receivers of a trapped cat would usually first check to see if it is microchipped and able to be reunited with its owner.

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 the 'i' 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.

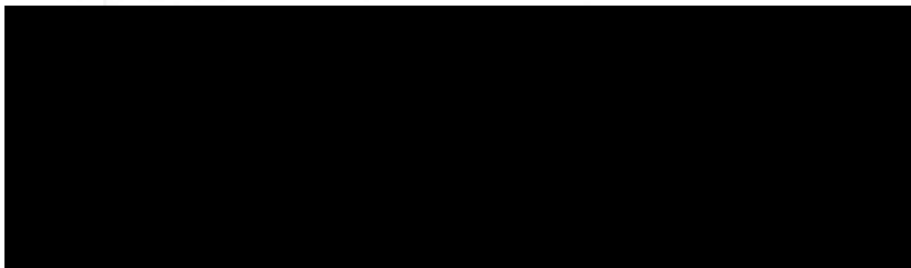
I am sure that Peter Collins, at NPSP Council would be happy to discuss their Animal Management Plan with any Councillor who contacted him.

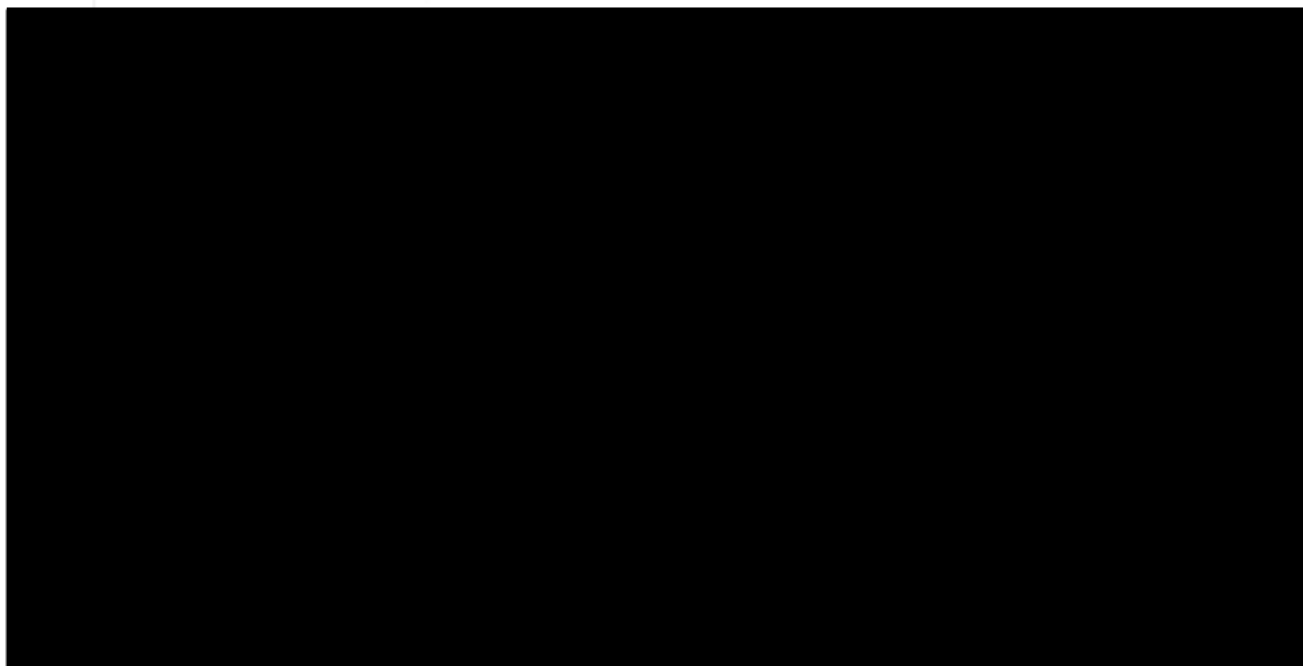
There is no such thing as a "wandering" cat and confining cats and trapping patrolling cats will create problems, not solve them, as new cats will simply infiltrate the vacant space.

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
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E contactus@awl.org.au
ABN 11 397 137 539

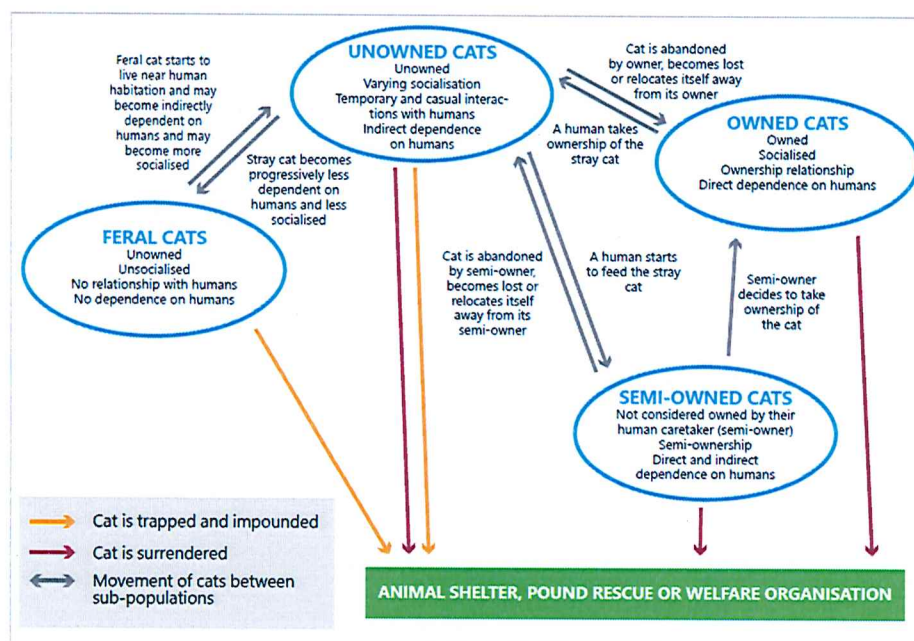
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Appendix A-Excerpts from the 2019 AWL Cat Messaging

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.

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.

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Whyalla
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Whyalla Norrie 5608
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Whyalla Norrie SA 5608

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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.

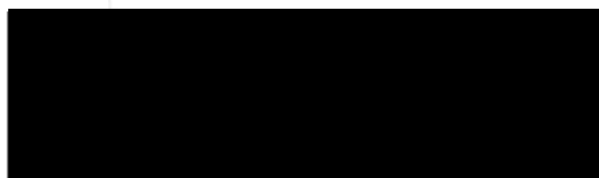
It will also not save native wildlife.

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.

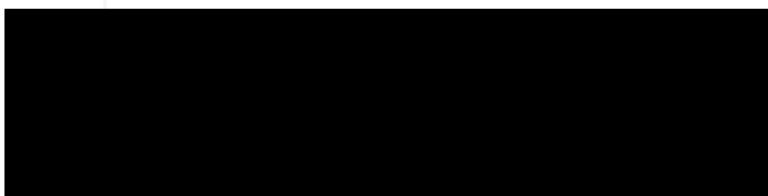
The study by Billie Lazenby, "Culling cats may do more harm than good" (via Google,) supports the studies of Cats Assistance To Sterilise, showing an increase in cat numbers after trapping. This method destabilises the ecosystem, which is the worst thing for native wildlife.

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.



Look at the science **CoastCity Weekly**

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



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 (Lloyd 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) (Lloyd 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

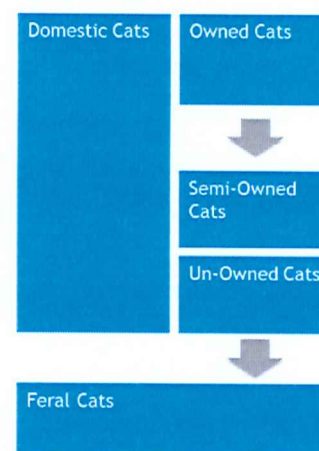
With 37% of South Australian households owning on average 1.4 cats, RSPCA estimates the owned cat population of Marion Council to be about 20,612 cats, and with far less accuracy, the unowned or semi-owned population between 5,000 to 9,000 animals.

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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- Loyd KAT, Hernandez SM, Carroll JP, Abernathy KJ, Marshall GJ (2013). Quantifying free-roaming domestic cat predation using animal-borne video cameras. *Biological Conservation*, 160, 183-189.
- Toukhsati SR, Young E, Bennett PC, Coleman GJ (2012a). Wandering cats: Attitudes and behaviors towards cat containment in Australia. *Anthrozoös*, 25, 61-74.
- Moore S (2008). Humane cage trapping of domestic, unowned and wild cats. Biosecurity Victoria, Bureau of Animal Welfare. Available from: <http://agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare/humane-vertebrate-pest-control/humane-cage-trapping-of-domestic-unowned-and-wild-cats>. Accessed 19 April 2017.
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Appendix 3

Excerpt of:
Local Government Act 1999—24.11.2011
Chapter 12—Regulatory functions
Part 1—By-laws
249—Passing by-laws

- (1) If it is proposed that a council make a by-law, the council must, at least 21 days before resolving to make the by-law—
 - (a) make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the council, and so far as is reasonably practicable on the Internet; and
 - (b) by notice in a newspaper circulating in the area of the council—
 - (i) inform the public of the availability of the proposed by-law; and
 - (ii) set out the terms of the by-law, or describe in general terms the by-law's nature and effect.
- (2) A council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed by-law.

CERTIFICATE OF VALIDITY
LOCAL GOVERNMENT ACT 1999
SECTION 249

I, Dale Jason Mazzachi of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which The Corporation of the City of Marion intends to make, being the *Cats (Confinement) Variation By-law 2020* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Dog and Cat Management Act 1995, Sections 90(1), 90(2) and 90(3);

Local Government Act 1999 246(1), 246(2) and 246(3);

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 8th day January 2020.


.....
Dale Jason Mazzachi, Legal Practitioner

THE CORPORATION OF THE CITY OF MARION
CATS (CONFINEMENT) VARIATION BY-LAW 2020
BY-LAW NO. 7

REASONS, OBJECTIVES AND IMPLEMENTATION
REPORT TO THE LEGISLATIVE REVIEW COMMITTEE

REASONS

This By-law varies the Council's current *Cats By-law 2014* to provide the Council with improved provision for the management and control of cats within the Council's area.

OBJECTIVES

To vary the Council's existing *Cats By-law 2014* in order to establish additional requirements for the management and control of cats within the Council's area by requiring cats to be identified, preventing them from wandering and enabling the Council to take action to deal with cats found in contravention of the By-law.

REFERRAL

This By-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*. The Council has considered the recommendations of the Board which are discussed in more detail below, but has determined not to make any changes to the By-law.

CLAUSES

Part 1 - Preliminary

- Clause 1: Creates the short title for the By-law, namely Cats (Confinement) Variation By-law 2020.
- Clause 2: Creates a commencement date for the By-law, namely four months after the day in which it is published in the Gazette.
- Clause 3: Provides that specific provisions of the By-law will vary the existing by-law of the Council specified in the Part heading.

Part 2 - Variation to *Cats By-law 2014*

- Clause 4: Varies Clause 3 to delete the superfluous definition of 'cat management officer', and include new defined terms 'authorised person', 'effective control by means of physical restraint', 'prescribed premises', 'public notice' and 'wander at large'.
- Clause 5: Varies Clauses 6 and 7 to delete superfluous requirements regarding desexing and microchipping which are now dealt with under the *Dog and Cat Management Act 1995* and the *Dog and Cat Management Regulations 2017* and include new provisions which:
- prohibit, at Clause 6, a person from allowing a cat kept by them to wander

- 2 -

at large, provided the clause does not apply to a person whose cat wanders during a designated span of hours determined by Council or within a designated area determined by Council;

- require, at Clause 7, cats to be identified by a tag specifying the name and prescribed contact details of the owner whenever the cat is outside of premises of the owner unless the cat is not usually kept within Council's area, the cat is being kept for business purposes at prescribed premises or the Council has granted an exemption under the By-law.

Clause 6: Varies Clause 8 to delete the superfluous term 'cat management officer' and include new term 'authorised person'.

Clause 7: Inserts new Clauses 11 and 12 which respectively:

- provide, at Clause 11, a scheme for the seizure, detention and destruction of cats found in breach of the requirements of the By-law in a manner that is generally consistent with the scheme available for wandering dogs under the *Dog and Cat Management Act 1995* and which operates to fill a void in the current provisions available for dealing with such cats under the *Dog and Cat Management Act 1995*. Importantly, these provisions give the Council's authorised persons the ability to seize wandering identified cats (ie those that have been microchipped and/or wearing an identification tag) and prescribe the steps that must be taken to return such animals to their owners; and
- requires, at Clause 12, the Council to give public notice of the adoption of permitted wandering times or areas.

IMPLEMENTATION

The By-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary. It is anticipated that complaints by members of the public will bring a breach of most parts of the By-law to Council's attention.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this By-law and is satisfied that this By-law will not restrict competition.

CONSULTATION

This By-law has been submitted to the Dog and Cat Management Board for comment.

The Board recommended the removal of proposed Clause 11 of the By-law on the basis it is the Board's view the Clause is inconsistent with the *Dog and Cat Management Act 1995* and at risk of being found invalid. The Board did not make any recommendations in relation to any other clauses of the By-law.

The Council has considered the recommendations of the Board and formed the view that proposed Clause 11 is not inconsistent with the *Dog and Cat Management Act 1995* on the basis that:

- 3 -

- the By-law fills a gap in the legislative framework to assist it in managing cats in light of the new restrictions created by the By-law which were not contemplated by the State at the time of the making of the *Dog and Cat Management Act 1995*; and
- it would be incongruous to consider the By-law is inconsistent with State law in circumstances where the State has:
 - elected not to regulate cats to the same degree as the Council is able to by a by-law made under the *Dog and Cat Management Act 1995* and the *Local Government Act 1999*; and
 - left the regulation of cat behaviour largely to councils.

Under Section 63 of the *Dog and Cat Management Act 1995*, the Council's authorised persons are empowered by State law to seize, detain and destroy any unidentified cat(s) found by the officer.

The provisions of the proposed Clause 11 (which are effectively equivalent to those available to deal with dogs in analogous circumstances) are critically necessary provisions within the By-law. These provisions fill a void with respect to identified cats. Without these provisions, the Council's powers to enforce the By-law with respect to identified cats will be dramatically curtailed.

Accordingly, no changes to the By-law are proposed arising from the recommendations of Board.

This By-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. Submissions were received from the public via online and paper based surveys.

482 unique participants made 513 survey submissions online.

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

31 hard copy surveys were received.

- 65% of people who participated in the paper based survey indicated they either strongly support, or support the introduction of, a cat curfew at defined times under the By-law.
- 35% of people who participated either opposed or strongly opposed the proposed By-law.

Overall, 69.5% of people who submitted an online or hard copy response strongly supported, or support the introduction of, a cat curfew as proposed under Clause 6 of the By-law.

373 persons made written comments in their online or paper responses. The key themes to emerge from those responses were:

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- 4 -

- proposals of different times for the curfew than those contemplated by the Council (suggestions included - dusk till dawn, daylight savings or 24/7). The curfew times will be determined later, once the By-law has been made;
- disgust with respect to the proposal for a cat curfew, 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 for the By-law on the basis it would save native wildlife (with some mention of a problem with feral cats, but in the main stopping cats killing birds and lizards);
- support for the By-law, as they were against cats using their property as a toilet; and
- ideation, by way of comments where a participant has added a further suggestion for consideration by Council.

Full details of the public consultation responses are outlined in a report to Council dated 27 August 2019 and 25 February 2020.

Given the strong support for the By-law, no changes to the By-law are proposed arising from the public consultation process.

.....
Mr Adrian Skull
Chief Executive Officer

THE CORPORATION OF THE CITY OF MARION
REPORT TO COUNCIL - NATIONAL COMPETITION POLICY
CATS (CONFINEMENT) VARIATION BY-LAW 2020
BY-LAW NO. 7

STATUS

This by-law has been identified as one which of itself will not restrict competition.

REPORT

This by-law has been reviewed in light of the National Competition Policy.

OBJECTIVES OF THE BY-LAW

The objectives of the by-law are to amend the Council's existing *Cats By-law 2014* to make improved provision for the management and control of cats within the Council's area.

The objectives of this by-law include:

- protecting the comfort and safety of residents in the Council area;
- reducing public and environmental nuisance caused by cats by establishing a cat confinement regime;
- establishing effective identification for certain cats in the Council area; and
- providing for the management of cats found in contravention of the by-law.

There is no potential to restrict competition within the provisions of the *Cats (Confinement) Variation By-law 2020*, taking into account any likely benefit or detriment to the community.

RECOMMENDATION:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Cats (Confinement) Variation By-law 2020* as drafted.



**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

19EW0006542

Mr Adrian Skull
Chief Executive Officer
City of Marion
Email: ceoea@marion.sa.gov.au

Dear Mr Skull ,

Thank you for your letter dated 9 September 2019 regarding cat by-laws.

I am advised that the Dog and Cat Management Board (the Board) has considered the City of Marion's proposed by-law dealing with cat confinement – including seizure and detention. With the benefit of legal advice, the Board has concluded that any proposals for the seizure, detention and destruction of cats are inconsistent with the *Dog and Cat Management Act 1995* (the Act) and there is a risk that these measures could be found to be invalid, if an application were to come before a Court.

I am advised that the Board has formally conveyed its position to the City of Marion's legal representatives and it has formally recommended that council review its proposed by-laws, having regard to the existing provisions of the Act.

The Act is currently scheduled for review in 2022, and in anticipation of that review, the Board is maintaining a record of concerns that are being raised in relation to the operation of the Act, which will be incorporated into the review.

The Board will continue to work with key stakeholders, including individual councils, the Local Government Association, the RSPCA and the Animal Welfare League, to discuss the complex challenges of cat management being faced in local communities and to explore all possible viable and effective solutions.

As you are no doubt aware, the RSPCA and Animal Welfare League have recently launched a Cat Management Plan for South Australia, which recommends that local councils adopt a number of actions to improve the management of cats within the community, including in respect of seizure and mandatory detention of cats. I am interested to see practical improvements progressed in this space and have asked that the Department of Environment and Water and the Board consider options that are available within the existing legislative framework.

For further information, please contact Linda Allery, Manager, Dog and Cat Management Unit within the Department for Environment and Water on 8207 7750 or linda.allery@sa.gov.au.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Speirs', with a horizontal line underneath.

DAVID SPEIRS MP

Minister for Environment and Water

Date: 23/01/2020 .

Club Liquor Licence Application - Hallett Cove Lions - The Barn, Perry Barr Farm

Originating Officer	Property Management Officer - Bianca Robinson
Corporate Manager	Acting Manager City Property - James O'Hanlon
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC200225R08

REPORT OBJECTIVE

To seek Landlord Consent and endorsement to enable the Lions Club of Hallett Cove (LCHC) to apply to Consumer Business Services (CBS) for a Club Liquor License at their premises.

EXECUTIVE SUMMARY

An application has been made by the LCHC for a Club Liquor Licence at The Barn, Perry Barr Farm, 36 Quailo Avenue, Hallett Cove. This license will cover events held at the facility by community groups that undertake the service of alcohol. An aerial photo of the subject land is contained in **Appendix 1**.

The Club Liquor Licence being sought proposes the following operating hours:

- Monday to Sunday 12:00pm to 10:00pm inclusive

The Licence would encompass the Barn. The proposed licensed area is illustrated on the accompanying 'Licence Plan'. A copy of the request and supporting documentation is contained within **Appendix 2**.

RECOMMENDATION

That Council:

1. **Endorse the submission (Appendix 4) which recommends that Council advise the Liquor and Gambling Commissioner that it supports the liquor licence in its current form.**
2. **Provide the Liquor and Gambling Commissioner with a summary of the concerns residents have raised during the Council public notification process.**

GENERAL ANALYSIS

The subject land is located at 36 Quailo Avenue, Hallett Cove. The site is a large parcel of land on a reserve bordered by Residential housing. An aerial photo of the subject land is contained in **Appendix 1**.

A Club Licence is proposed. The licensed area encompasses the building/hall only and is not on any of the surrounding land. Alcohol is only to be consumed inside the licenced area, the proposed licenced area is illustrated on the accompanying 'Site Plan' in **Appendix 2**.

Liveable:

HCLC provides the community with fundraising, support and events for the

elderly, sick and disadvantaged

Valuing Nature:

HCLC values people from all backgrounds and age groups and encourages volunteers from all walks in life

Engaged:

HCLC is heavily engaged with the community and hosts regular BBQ's, Morning teas, christmas sleigh and cake selling and other community events

Additional Resource Impact

We anticipate this will have minimal impact on the premises and neighbourhood, the HCLC already apply for limited Liquor Licences for any major events

DISCUSSION

The HCLC are part of the largest service club in the world Lions Clubs International (LCI) worldwide, over 46,000 Clubs with over 1.4 million members.

In 2019 alone HCLC have given back over \$53,000 to community organisations, sporting and kids clubs and towards lions projects. The Lions Club International Foundation (LCIF) is the charitable arm of the LCI and is a public, non-profit corporation. Donated funds are disbursed as grants for humanitarian projects in local communities as well as for projects that have global impact.

CONSULTATION:

In accordance with the Council's Liquor Licence Applications Policy, Council undertook its own informal public consultation to all residential properties within a 100 metre radius of the subject land.

26 Residents were contacted and the public notification period ended at 5:00pm on 21 January 2020. 3 letters were received by Council in relation to the subject application comprising 3 letters of objection. Concerns raised by these residents include:

- Late parties causing noise disturbances
- Intoxicated people leaving the premises with school and residential homes in close proximity
- Minimal car parking in the area

The applicant originally sought a Club Liquor Licence for the operating hours of Monday to Sunday 9:00am to 12:00am.

As a result of the public consultation, all residents who submitted comments were contacted and 2 out of the 3 agreed that the amendment of the operating hours to Monday to Sunday 12:00pm to 10:00pm would address their concerns.

The residents were also advised that the Lions Club of Hallett Cove had no intention of turning their tenancy into a bar or similar club and would only be consuming liquor at committee meetings and some smaller community events held on site. Most alcohol consumption would be BYO with occasional events having liquor supplied for a gold cold donation or similar.

Refer to **Appendix 3** for further details of representations received by Council.

Council has sought advice from the South Australian Police (SAPOL) regarding the proposed licence. SAPOL have confirmed that there have been no relevant incidents observed by SAPOL relating to the premises and therefore they have no issues with the application

CONCLUSION:

For the reasons outlined in the report, it is recommended that the Liquor and Gambling Commissioner and the applicant be advised that Council supports the licence in its current form.



A letter to this effect is contained within ***Appendix 4.***

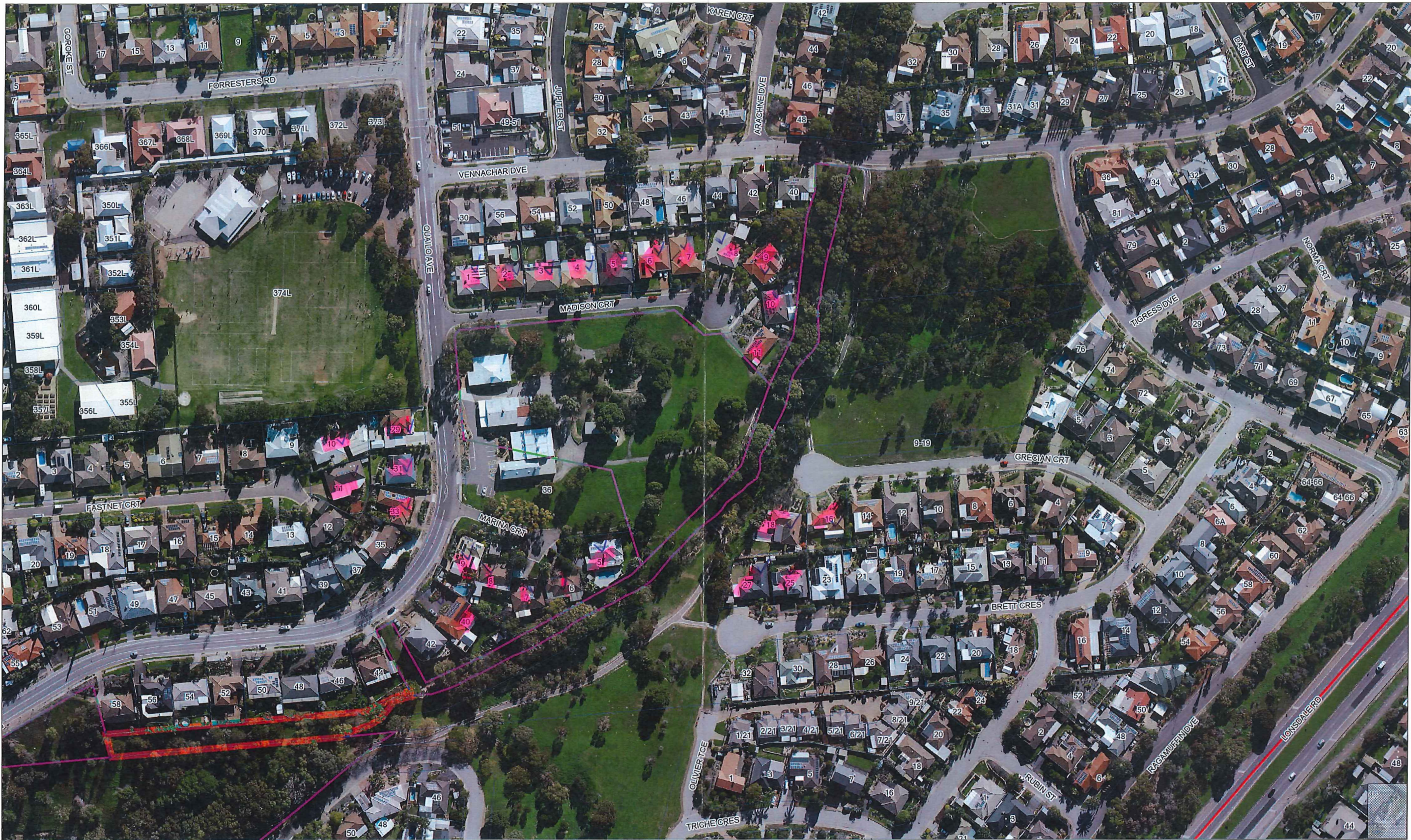
Attachment

#	Attachment	Type
1	Appendix 1	PDF File
2	Appendix 2	PDF File
3	Appendix 3	PDF File
4	Appendix 4	PDF File

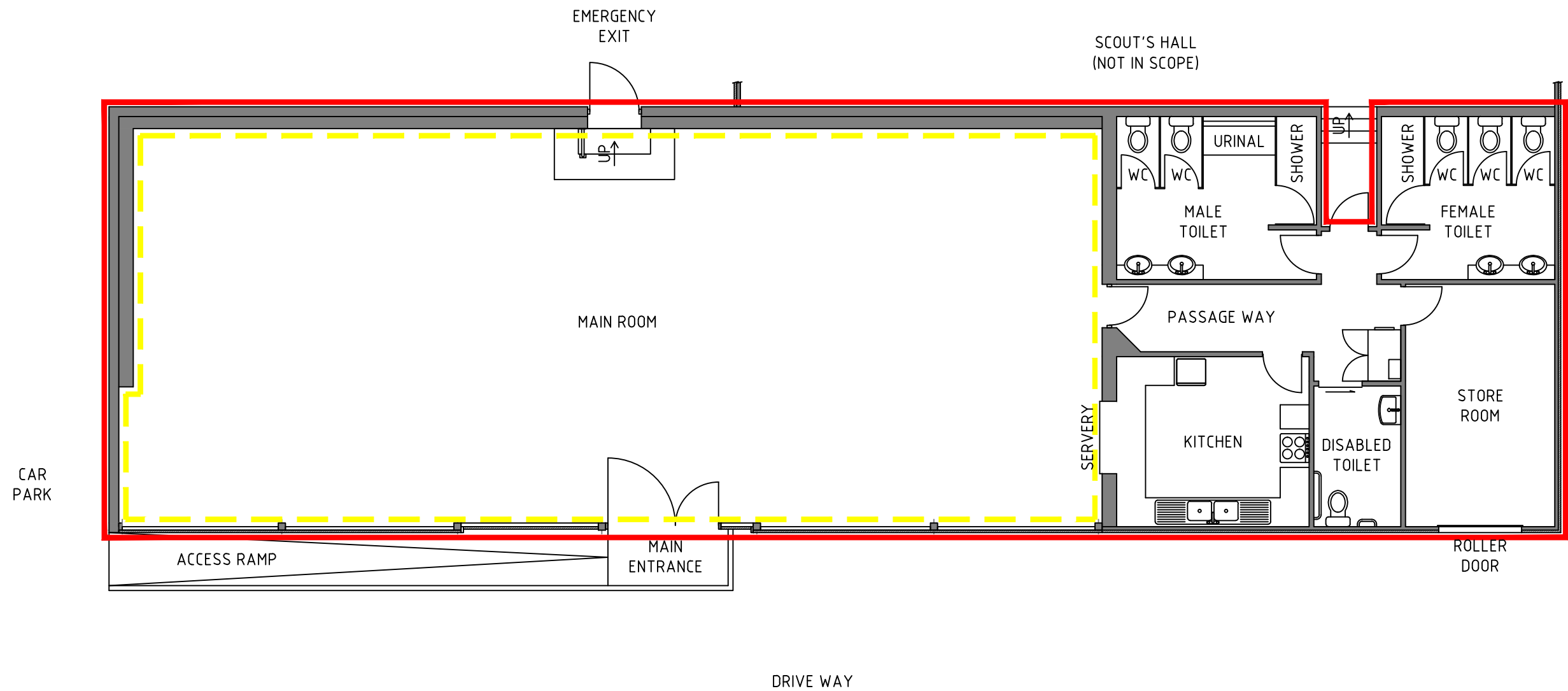
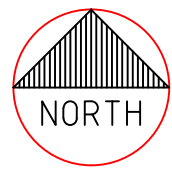


About this Document	Disclaimer
This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.	While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

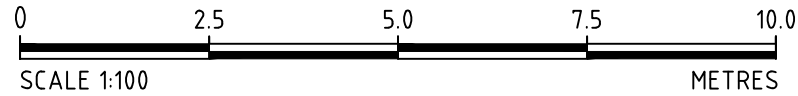
Map Width: 773.2 m
Created by eng
Wednesday, 6 November



public consultation map.



FLOOR PLAN
SCALE 1:100



- KEY**
- LICENSED AREAS
 - CONSUMPTION ON PREMISES
- NOTES:**
- TOTAL FLOOR AREA 240 SQ. M APPROX.

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Number	Details
1	<p data-bbox="801 237 1070 264">Dear Bianca Robinson,</p> <p data-bbox="801 309 2101 373">We are horrified by the Club liquor licence application by the Lions Club. We absolutely and unequivocally do not support or agree with this application, especially not for 7 days a week or even just for weekends.</p> <p data-bbox="801 418 2092 517">Our home, situated at 29 Quailo Avenue, is directly opposite the Lions club. We bought our family home, 18 months ago, for our two young boys due to the fantastic family oriented community and beautiful access to Perry Bar farm and walking trails as well as my son's school, Hallett Cove East Primary, being right next door.</p> <p data-bbox="801 561 2136 625">This licence will seriously impact our quality of life as well as the safety and well-being of our children, ourselves and our community. It will also negatively impact the resale value of our property over time.</p> <p data-bbox="801 670 2042 734">This licence application is purely a greedy, commercial decision and will add no value to the Hallett Cove community.</p> <p data-bbox="801 778 2074 842">The Hallett Cove Tavern is within 1km of the Barn and services the community appropriately within a retail environment with no intrusion on the wellbeing and quality of life of the local residents.</p> <p data-bbox="801 887 2128 1021">Our bedroom is directly facing the Barn and we will have no sense of privacy or rest every single day and my children won't be free to walk to Perry Bar farm out of fear of what they would be exposed to or if they would be harassed. The recent and very public sexual harassment issues at the nearby Cove Football club, is a perfect example of the consequence and impact of a liquor licence on vulnerable people like females and children.</p> <p data-bbox="801 1066 2092 1129">My husband and I work full time and our home is our safe haven, to rest and sleep - well before 12 midnight every day - and raise our children far away from the influences of alcohol and rowdy music and people.</p> <p data-bbox="801 1174 2136 1308">The Lions Club held their Christmas party at the Barn the week before Christmas 2019 and committed to only playing music until a certain time - they played music we'll after the time they committed to. As good neighbours we grinned and bared it as a 'once-off' but we absolutely do NOT condone or trust their ability to be good neighbours with a liquor licence as a commercial interest.</p> <p data-bbox="801 1318 2056 1382">We trust that you will do the right thing for the families and community of Hallett Cove and not enable or support this Club Liquor Licence application.</p>

	Regards,
2	<p>Dear Sir/Madam,</p> <p>My concerns are as a resident residing next to The Barn will cause noise late into the night especially if bookings are made for parties, as a shift worker this will impact on my ability to function with the amount of sleep needed to perform my job at my peak performance.</p> <p>Night time parties generally do not have intoxicated people leaving quickly and quietly at the end of the liquor license ceasing at 12pm. This will create people hanging around waiting for taxis/rides to pickup which causes more noise and chaos.</p> <p>We already have a problem with parking when events are on at the centre due to the narrow street where people park whereby if 2 cars are parked side by side as a resident we are unable to get to our home without getting out the car and having to find the person to move their car this is a huge inconvenience. We have had huge issues already with graffiti on the said property and problematic people hanging around.</p> <p>I would prefer it to stay quiet and peaceful there are enough options to attend licensed premises within the Hallett Cove area being the Cove Tavern just at the local shopping centre and already 2 retail places in the same are to purchase liquor.</p> <p>My other concern is that there is a primary school across the road where young children and families work to and from school that doesn't need a licensed facility so close where we could have people leaving the premises intoxicated and causing a horrific death or accident.</p> <p>I hope you will look into these concerns and reconsider the application of issuing a liquor license to the above premises.</p> <p>Kind regards</p>
3	<p>Hello Bianca</p> <p>I am writing to you in response to a letter I received recently concerning the Hallett Cove Lions club application for a Liquor Licence.</p>

	<p>I do not understand why any club would need a licence to be granted for Monday to Sunday 9am – 12.00 Midnight.</p> <p>This facility is surround by private residential housing – all with working tax payers & school children.</p> <p>All of whom DID NOT purchase their homes to have this facility (an old farm house & supporting builders) turned into a premise that will impact on the tranquillity of our lives.</p> <p>Nor does this facility have the infrastructure to support the additional car & foot traffic that this licence would be granting on a day/nightly basis.</p> <p>I understand that this facility can be currently hired out & over the years there has been issues with parties spilling into the street, car drag races, drunk adolescents yelling in the street & broken glass left in gardens etc.</p> <p>I think it is more than reasonable for the licence to only include Friday & Saturday nights till 12.00 Midnight – Sunday to Thursday should still be alcohol free.</p> <p>I look forward to hearing back from you.</p> <p>Kind Regards</p>
--	--

2 March 2020

Hallett Cove & Districts Lions Club
James A Edson
Villa 101, 89 Serafino Drive
NOARLUNGA DOWNS SA 5168

Dear James Edson,

Proposed Club Licence – The Barn, Perry Barr Farm, 36 Quailo Avenue, Hallett Cove

We refer to your request on 17 October 2019 seeking consent to obtain a Club Licence at the above mentioned property/land as per the following details:

Date/s: Monday to Sunday

Time/s: from 12:00pm to 10:00pm

The City of Marion have assessed your request and would raise no objection to your application to Consumer and Business services for a Club Licence subject to the following conditions: -

1. Under no circumstances is liquor to be consumed outside the area detailed in the liquor licence
2. The designated *Responsible Officer* to be in attendance at all times
3. The written approval of Consumer and Business Services to be sought and obtained prior to the event
4. All conditions of that approval to be adhered to at all times
5. A copy of the Licence to be forwarded to City of Marion prior to the event.
6. The Licensee shall at all times ensure that noise levels are in accordance with EPA Guidelines and the Liquor Licencing Regulations.
7. All entertainment shall cease one hour prior to closing time.
8. Garbage or refuse (including empty bottles and cans) is not to be collected for kerbside waste disposal (or similar) between the hours of 11pm and 7am the following morning. Council encourages you to recycle and dispose of waste responsibly.
9. The Licensee shall have displayed at all exits from the premises clearly visible signs with wording that reflects that patrons should leave the premises as quietly and quickly as possible to reduce disturbance to nearby residents.
10. The Licensee shall ensure that security personnel are present at the subject premises for a minimum period of 1 hour following closure of the premises.

Should you have any queries please do not hesitate to contact Bianca Robinson – Property Management Officer on 7420 6468.

Yours sincerely

Ilia Houridis
General Manager City Development

2nd Budget Review 2019/20

Originating Officer	Assistant Accountant Partnering - Katherine Galea
Corporate Manager	Manager Finance - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R09

REPORT OBJECTIVE

The purpose of this report is to provide the financial results for the 2nd Budget Review for 2019/20. The budget review is a revised forecast of the original 2019/20 budget and as such any savings identified during the budget reviews will not be confirmed until the financial statements are prepared and audited at the end of the financial year.

EXECUTIVE SUMMARY

The completion of the 2nd Budget Review identified a favourable cash adjustment of \$0.861m. After adjusting for expenditure allocated through Council Resolutions of \$0.053m, the net movement is a favourable cash adjustment of \$0.808m. Adding this to the 1st Budget Review surplus of \$0.027m brings the revised forecast full year cash surplus to \$0.835m. The 2019/20 2nd Budget Review adjustments are attributable to the following:

Cash Position

Cash Surplus forecast at 1st Budget Review	(26,500)
--	----------

2nd Budget Review Adjustments

Add:

SA Power Network Settlement (favourable)	(541,722)	
Income from Sale of Fleet Vehicles (favourable)	(148,021)	
Investment Interest Income (favourable)	(50,000)	
Corporate Postage & Courier (favourable)	(20,000)	
Other various net adjustment (favourable)	(252,061)	

Less:

Recyclables Processing (unfavourable)	<u>150,000</u>	<u>(861,804)</u>
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Revised 2019/20 Cash Surplus before Council Resolutions	(888,304)
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Less Council Resolutions:

Planning Reforms & Communications Update (GC200128R08)	46,500	
Multicultural Forum (GC191126R13)	3,800	
Reconciliation Action Plans (GC191210R05)	<u>2,725</u>	<u>53,025</u>

Revised 2019/20 Cash Surplus - 2nd Budget Review	<u>(835,279)</u>
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RECOMMENDATION

That Council adopt the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows .

GENERAL ANALYSIS

BACKGROUND

Council is required to reconsider the approved budget three times during the year in accordance with Section 123 (13) of the Local Government Act 1999 and Section 7 of the Local Government Regulations.

The original 2019/20 budget was developed within the context of a long term framework to achieve a balance between meeting the objectives of the Strategic Plan and attaining financial sustainability in the long term.

FRAMEWORK

This budget review continues the focus on achieving the framework set by Council when developing the 2019/20 budget, this being:

- Support the achievement of the City of Marion's Strategic Directions;
- Address issues arising and opportunities identified from internal audit reviews and business excellence assessments;
- Maintain, on average, a break-even or positive funding (cash) position over the Long Term Financial Plan;
- Continue to improve the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance before renewal, and renewal before new where it is cost effective to do so;
- Review existing services and assets to ensure they meet prioritised community needs;
- Council only approve new Major Projects where it has the identified funding capacity to do so;
- Maintain Council's position for an average residential rate which remains among the lower rating metropolitan councils

DISCUSSION

Appendix 1 contains the 2nd Budget Review analysis including the detailed adjustments made during the 2nd Budget Review.

Appendix 2 contains the financial statements following the 2nd Budget Review including comparatives to the 1st Budget Review for 2019/20 as well as comparatives to the actual results from 2018/19.

Attachment

#	Attachment	Type
1	Appendix 1 - GC200225R - 2nd Budget Review 2019-20	PDF File
2	Appendix 2 - GC200225R - 2nd Budget Review 2019-20	PDF File

APPENDIX 1**2nd Budget Review 2019/20****Cash Position**

The completion of the 2nd Budget Review has identified a favourable Cash adjustment of **\$0.861m**. After adjusting for expenditure allocated through Council Resolutions in 2019/20 of \$0.053m, the net movement is a favourable cash adjustment of \$0.808m. Adding this to the 1st Budget Review Surplus of \$0.027m leaves a revised full year cash surplus forecast of \$0.835m (refer Appendix 2 Budgeted Funding Statement – “Movement in levels of Cash/ Accruals”).

This budget review’s favourable adjustment is attributable to the following adjustments to 1st Budget Review from 2019/20:

Cash Statement Reconciliation		\$
1st Budget Review Cash (Surplus)/Deficit		(26,500)
2nd Budget Review Adjustments		
SA Power Network Settlement (favourable)	(541,722)	
Income from Sale of Fleet Vehicles (favourable)	(148,021)	
Investment Interest Income (favourable)	(50,000)	
Corporate Postage & Courier (favourable)	(20,000)	
Recyclables Processing (unfavourable)	150,000	
Other various net adjustments (favourable)	(252,061)	(861,804)
Revised 2019/20 Cash (Surplus)/Deficit before Council Resolutions		(888,304)
Less Council Resolutions funded from Rates		
Planning Reforms & Communications Update (GC200128R08)	46,500	
Multicultural Forums (GC191126R13)	3,800	
Reconciliation Action Plans (GC191210R05)	2,725	53,025
Revised 2019/20 Cash (Surplus)/Deficit		(835,279)

The cash result:

- Identifies the cash difference between total revenues and expenditures of Council after allowing for funding from loans, investments, cash draw-downs and reserves.
- Includes capital expenditures, which are excluded from the operating result.
- Provides information of changes in uncommitted financial resources available to Council.
- Returns a cash surplus where savings arise from the original budget, representing an increase in uncommitted financial resources or returns a cash deficit when costs are greater than the original budget, representing a decrease in available financial resources.

The 2nd Budget review is based upon actual results to the end of December 2019 and forecast to June 2020. In accordance with the Local Government (Financial Management) Regulations 1999 a revised budgeted income statement, balance sheet, statement of changes in equity and statement of cash flows are provided in the Attachments to Appendix 2.

APPENDIX 1**Operating Position**

The 2nd Budget Review forecasts a full year operating budget surplus for 2019/20 of \$2.803m, an increase of \$0.228m from the 1st Budget Review budget surplus of \$2.575m. This increase is mainly attributed to SA Power Network Settlement Refund (\$0.542m), an increase in the forecast investment interest income (\$0.050m) and other various minor adjustments. This is offset by the reclassification from Capital to Operating expenditure of capital projects \$0.403m.

Operating Statement Reconciliation		\$
Original Budget Operating (Surplus)/Deficit		(2,574,834)
2nd Budget Review Adjustments		
SA Power Network Settlement (favourable)	(541,722)	
Investment Interest Income (favourable)	(50,000)	
Corporate Postage & Courier (favourable)	(20,000)	
Recyclables Processing (unfavourable)	150,000	
Other various net adjustments (favourable)	(242,250)	(703,972)
Non Cash Adjustments		
Depreciation increase (unfavourable)	18,935	
Reclassification from Capital to Operating (unfavourable) *	403,398	422,333
Total 2nd Budget Review Adjustments		(281,639)
Revised 2019/20 Operating (Surplus)/Deficit before Council Resolutions		(2,856,473)

Less Operating Council Resolutions		
Planning Reforms & Communications Update (GC200128R08)	46,500	
Multicultural Forums (GC191126R13)	3,800	
Reconciliation Action Plans (GC191210R05)	2,725	53,025
Revised 2019/20 Operating (Surplus)/Deficit		(2,803,448)

*Relates to accounting classification only, no change in cash requirements

The 2nd Budget Review operating budget surplus of \$2.803m (2.96%) currently meets the target set in the Annual Business Plan of \$0 - \$9.205m (0 – 10%).

Council Resolutions

The following Council Resolutions have been included in the 2nd Budget Review for 2019/20:

Council Resolutions included in 2nd Budget Review		
Funded from Rates:		
GC200128R08	Planning Reforms & Communications Update	46,500
GC191126R13	Mayor's Multicultural Forum	3,800
GC191210R05	Reconciliation Action Plans	2,725
Total Operating Resolutions		53,025
Funded from Reserves:		
GC200128M01	Hamilton Park Reserve Community Court	150,000
		150,000
Total Council Resolutions included in 2nd Budget Review		203,025

APPENDIX 1**Capital Budget**

The 2nd Budget Review forecasts expenditure on capital assets increasing by \$0.020m from \$34.540m to \$34.560m (Renewal \$12.027m, New \$22.533m).

The net increase in forecast capital expenditure includes the following:

Increase in forecast capital expenditure	\$'000
Oaklands Wetlands balancing Tank & Filtering System	300
Hamilton Park Reserve Community Court	150
Purchase of 29 The Esplanade Hallett Cove (Land)	25
Reclassification of Capital expenditure to Operating	(403)
Other minor capital adjustments	(52)
	<u>20</u>

There are a number of capital works projects, primarily funded from Council Reserves, that remain in the budget for 2019/20 however there is uncertainty on what expenditure will be incurred during 2019/20 as they are dependent upon external influences. It is prudent to retain these works in the 2019/20 budget until such time as it becomes clear on what funding will be required in 2019/20. It is proposed that these budgets be reviewed in detail during the 3rd Budget Review process when more information is known as to the likely requirements for 2019/20.

These projects include the following:

Significant works with potential for retiming to future years	\$'000
Regional Football Facility	2,500
BMX Track Development	3,095
Replacement of the Enterprise System	800
Replacement of the Asset Management System	510
Cove Sports Club Female Changerooms	317
Marion Golf Park Clubroom upgrade	300
Grand Central Roundabout	284
	<u>7,806</u>

Borrowings

The 2nd Budget Review forecasts no change to the original budget level of required loan funding or loan principal repayments.

Council also currently has substantial cash backed reserves and further consideration of the timing of taking out future borrowings will be reviewed as part of the 2020/21 Annual Business Planning process. Interest charged on borrowings is generally higher than that earned through investments. Therefore, it is not prudent to borrow money when Council has cash reserves available to meet immediate and foreseeable funding needs. In everyday terms this could be compared to paying a minimum credit card payment, and incurring large interest charges, while sitting on money in the bank for a rainy day.

Reserves

The 2nd Budget Review reports an increase in the use of Reserves of \$0.581m. This includes Oaklands Wetlands Balancing Tank & Filtering System (\$0.300m), Hamilton Park Reserve Acrylic Court (\$0.150m) and Heron Way Reserve Stage 6 (\$0.131m).

APPENDIX 1**Employee Costs**

Labour budgets remain constant at \$35.905m in the 2nd Budget Review which includes an allowance for vacancy management of \$747k.

Capital Carryovers

The current unspent balance of capital works budgets carried over from 2018/19 (\$5.697m) as at the 31st January 2020 is \$1.035m. A breakdown of these budgets is provided below:

	Carry Over Budget	Completed	Retimed to 2020/21	Budget Remaining
Infrastructure	2,620,809	2,284,985	40,510	295,314
Land & Property	1,571,515	1,152,370	0	419,145
Open Space Planning	986,743	688,991	175,000	122,752
Other	518,470	320,884	0	197,586
Total	5,697,537	4,447,230	215,510	1,034,797

APPENDIX 2**Budgeted Funding Statement**

The following report details the proposed budget changes for the 2nd Budget Review.

CITY OF MARION			
Budgeted Funding Statement			
	2019/20 1st Review \$000's	2019/20 2nd Review \$000's	Variance \$000's
OPERATING REVENUE			
Rates			
General	77,296	77,296	0
Other - NRM	1,972	1,973	1
Statutory Charges	2,216	2,171	(45)
User Charges	2,304	2,502	198
Operating Grants and Subsidies	6,071	6,132	61
Investment Income	813	863	50
Reimbursements	564	1,126	562
Other Revenues	1,502	1,512	10
Share of Profit - Equity Accounted Investments	1,278	1,278	0
	94,016	94,853	837
OPERATING EXPENSES			
Employee Costs	35,905	35,905	0
Contractual Services	27,192	27,630	438
Materials	5,157	5,211	54
Finance Charges	397	397	0
Depreciation	15,508	15,526	18
Other	7,281	7,380	99
	91,440	92,049	609
Operating Surplus/(Deficit) before Capital rev's	2,576	2,804	228
<i>Add</i>			
(a) Capital Revenue			
Capital Grants and Contributions	491	491	-
Physical Resources received free of charge	-	-	-
Asset disposal and fair value adjustments	-	-	-
<i>Equals</i> Net Surplus/(Deficit) resulting from operations	3,067	3,295	228
<i>Add</i>			
Depreciation	15,508	15,526	18
(Gain)/Loss on disposal of assets	-	-	-
Share of Profit SRWRA	(1,278)	(1,278)	-
<i>Equals</i> Funding available for Capital Investment exp	17,297	17,543	246
Capital			
<i>Less</i> Capital Expenditure - Renewal	12,378	12,027	(351)
<i>Less</i> Capital Expenditure - New	22,162	22,533	371
<i>Less</i> Capital - contributed assets	-	-	-
<i>Equals</i> Net Overall funding Surplus/(Deficit)	(17,244)	(17,017)	226

APPENDIX 2

CITY OF MARION			
Budgeted Funding Statement			
	2019/20 1st Review \$000's	2019/20 2nd Review \$000's	Variance \$000's
Funding transactions associated with accomodating the above net overall funding deficit (or applying the net overall funding surplus) are as follows:			
	LOANS		
	Loan Principal Receipts (Net)	-	-
	Loan Receipts from Sporting Clubs (Net)	-	-
Less	Loan Principal Payments	1,170	1,170
	Loan funding (Net)	(1,170)	(1,170)
	Movement in level of cash & accruals		
(b)	Cash Surplus/(Deficit) funding requirements	27	835
Less	Reserves (Net)	(18,441)	(19,022)
	Cash/Investments/Accruals Funding	(18,414)	(18,187)
Equals	Funding Transactions	17,244	17,017
			(227)

(a) Capital Revenue excludes book gains/loss on sale of assets

(b) Relates to use of cash to fund major projects

Analysis of Budgeted Funding Statement

This section of the 2nd Budget Review provides an analysis of the movements in the Budgeted Funding Statement (revenues, expenditures, capital, loans and reserves).

The 2nd Budget Review reports a cash (funding) surplus of \$0.835m.

APPENDIX 2

Financial Indicators

To assist Council in meeting its objective of financial sustainability a series of financial indicators endorsed by the Local Government Association are provided. Where a Council target has not been adopted, the recommended Local Government Association (LGA) target has been provided. The following table provides a matrix of indicators of the 2nd Budget Review 2019/2020 and whether the target has been achieved.

Key Financial Indicator	Target	Forecast 2019/20
Operating Surplus/(Deficit)	\$0 - \$9.205m	\$2.804m
Operating Surplus Ratio	0 - 10%	2.96%
Net Financial Liabilities Ratio	0 - 50%	-19.45%
Debt Servicing Ratio	0 - 5%	-0.82%
Asset Renewal Funding Ratio (formerly Asset Sustainability Ratio)	95 - 100%	77%
Asset Consumption Ratio	80 - 100%	75.70%

In most instances the 2nd Budget Review 2019/20 is meeting or exceeding the required targets or is within range of Council meeting its objective of financial sustainability.

Further detail is provided below which explains the basis of each indicator:

Operating surplus – being the operating surplus (deficit) before capital amounts

Operating Surplus Ratio – This ratio expresses the operating surplus (deficit) as a percentage of total operating revenue

Net Financial Liabilities Ratio – indicates the extent to which net financial liabilities of Council can be met by Council's total operating revenue

Debt Servicing Ratio – indicates the extent to which Council's borrowing expenses (principal and interest) are met by total operating revenues excluding investment income

Asset Renewal Funding Ratio – (formerly Asset Sustainability Ratio) indicates whether Council is renewing or replacing existing assets at the rate of consumption.

Asset Consumption Ratio – indicates the remaining useful life of Council's assets or the asset stock at a point in time.

APPENDIX 2

Attachments to Appendix 2

- Attachment 1 – Budgeted Income Statement
- Attachment 2 – Budgeted Balance Sheet
- Attachment 3 – Budgeted Statement of Changes in Equity
- Attachment 4 – Budgeted Statement of Cash Flows
- Attachment 5 – Consultants

APPENDIX 2**ATTACHMENT 1**

CITY OF MARION		
Budgeted Income Statement		
	Actual	2nd
	2019	Review
	\$000's	2020
		\$000's
OPERATING REVENUE		
Rates		
General	75,242	77,296
Other	1,933	1,973
Statutory Charges	2,277	2,171
User Charges	2,468	2,502
Operating Grants and Subsidies	10,917	6,132
Investment Income	1,214	863
Reimbursements	641	1,126
Other Revenue	732	1,512
Net Gain - Equity Accounted Council Businesses	213	1,278
TOTAL OPERATING REVENUE	95,637	94,853
OPERATING EXPENSES		
Employee Costs	34,861	35,905
Contractual Services	19,887	27,630
Materials	5,144	5,211
Finance Charges	467	397
Depreciation	15,018	15,526
Other Expenses	8,126	7,380
Net Loss - Equity Accounted Council Business	-	-
TOTAL OPERATING EXPENSES	83,503	92,049
Operating Surplus/(Deficit) before Capital Revenues	12,134	2,804
CAPITAL REVENUES		
Capital Grants, Subsidies and Monetary Contributions	4,639	491
Physical resources received free of charge	5,320	-
Asset disposal and fair value adjustments	(2,149)	-
Net Surplus/(Deficit) resulting from Operations	19,944	3,295

APPENDIX 2

ATTACHMENT 2

CITY OF MARION		
Budgeted Statement of Financial Position		
	Actual	2nd
	2019	Review
	\$000's	2020
		\$000's
<u>CURRENT ASSETS</u>		
Cash & Cash Equivalents	46,584	28,397
Receivables	8,312	8,312
Inventory	243	243
TOTAL CURRENT ASSETS	55,139	36,952
<u>CURRENT LIABILITIES</u>		
Creditors	6,248	6,248
Provisions	5,765	5,765
Borrowings	1,170	1,245
TOTAL CURRENT LIABILITIES	13,183	13,258
Net Current Assets/(Liabilities)	41,956	23,694
<u>NON-CURRENT ASSETS</u>		
Investment in SRWRA & Council Solutions	6,028	7,306
Infrastructure, Property, Plant & Equipment	1,151,845	1,170,879
Other Non-Current Assets	4,290	4,290
TOTAL NON-CURRENT ASSETS	1,162,163	1,182,475
<u>NON-CURRENT LIABILITIES</u>		
Provisions	614	614
Borrowings	5,635	4,390
TOTAL NON-CURRENT LIABILITIES	6,249	5,004
NET ASSETS	1,197,870	1,201,165
<u>EQUITY</u>		
Accumulated surplus	397,167	419,484
Asset Revaluation Reserves	762,292	762,292
Other Reserves	38,411	19,389
TOTAL EQUITY	1,197,870	1,201,165

APPENDIX 2**ATTACHMENT 3**

CITY OF MARION		
Budgeted Statement of Changes in Equity		
	Actual	2nd
	2019	Review
	\$000's	2020
		\$000's
ACCUMULATED SURPLUS		
Balance at beginning of period	380,504	397,167
Net Surplus/(Deficit)	19,944	3,295
Transfers from Reserves	0	22,489
Transfers to Reserves	(3,281)	(3,467)
Balance at end of period	397,167	419,484
ASSET REVALUATION RESERVE		
Balance at beginning of period	760,237	762,292
Net change this year	2,055	-
Balance at end of period	762,292	762,292
OTHER RESERVES		
Balance at beginning of period	35,130	38,411
Net change this year	3,281	(19,022)
Balance at end of period	38,411	19,389
Total Reserves	800,703	781,681
TOTAL EQUITY	1,197,870	1,201,165

APPENDIX 2

ATTACHMENT 4

CITY OF MARION Budgeted Statement of Cash Flows		
	Actual 2019 \$000's	2nd Review 2020 \$000's
CASH FLOWS FROM OPERATING ACTIVITIES		
<i>Receipts</i>	99,015	93,575
<i>Payments</i>	(75,300)	(76,523)
NET CASH PROVIDED BY OPERATING ACTIVITIES	23,715	17,052
CASH FLOWS FROM FINANCING ACTIVITIES		
<i>Receipts</i>		
Loans Received	-	-
Proceeds from Bonds & Deposits	-	-
<i>Payments</i>		
Principal	(1,100)	(1,170)
Repayment of Bonds & Deposits	-	-
NET CASH (USED IN) FINANCING ACTIVITIES	(1,100)	(1,170)
CASH FLOWS FROM INVESTING ACTIVITIES		
<i>Receipts</i>		
Capital Grants/Subsidies & Contributions/Investments	4,639	491
Sale of surplus assets	132	-
Sale of replaced assets	2,233	979
Distributions from Equity Accounted Investments	-	-
<i>Payments</i>		
Purchase of IPP&E	(39,344)	(35,539)
NET CASH (USED IN) INVESTING ACTIVITIES	(32,340)	(34,069)
NET INCREASE/(DECREASE) IN CASH HELD	(9,725)	(18,187)
CASH AT BEGINNING OF REPORTING PERIOD	56,309	46,584
CASH AT END OF REPORTING PERIOD	46,584	28,397

APPENDIX 2**ATTACHMENT 5****CONSULTANTS**

Consultants are defined as an expert called on to provide professional or technical advice not currently available within the organisation. An analysis of Council's accounts reveals the following information of actual year to date (to 14th February 2020) expenditure versus full year actuals for 2018/19 relating to expenditure on Consultants of an operating nature:

Legal Consultants <i>(As at 14th February 2020 2nd Budget Review)</i>	Full Year Actual 2018/19	Actual YTD 2019/20
Human Resources (<i>Employment advice</i>)	122,039	626
Environmental Health	3,551	511
General Inspection (<i>Dog/Cat & Parking Control</i>)	14,733	15,987
Governance	14,065	13,279
Financial Services	0	194
City Activation	4,518	0
Asset & Property Management	25,520	9,439
Development Assessment	55,628	58,995
Infrastructure Management (<i>Engineering</i>)	5,413	0
Open Space Services	882	0
Community Development	4,268	0
Communications & Public Relations	1,234	0
Information Management & Technology	624	0
Process Improvement	28,078	0
Cultural Development	163	0
	280,716	99,031
Full Year Budget		330,030

APPENDIX 2

Other Consultants (Not including legal) <i>(As at 14th February 2020 2nd Budget Review)</i>		Full Year Actual 2018/19		Actual YTD 2019/20
Strategic Development	(a)	61,932	(a)	4,108
Human Resources		37,928		27,641
Community Facilities Development		37,976		54,169
Information Mgt & Technology		58,754		7,800
Governance		32,209		22,662
City Activation		11,909		14,157
Strategy, Performance & Innovation		26,000		52,660
Development Assessment	(b)	94,993	(b)	44,148
Infrastructure Management (Engineering)		21,523		40,732
Civil Services		35,595		48,349
Open Space Services	(c)	77,899	(c)	48,926
Process Improvement	(d)	96,649	(d)	13,254
Asset & Property Management	(e)	3,750	(e)	120,088
Communications & Public Relations		38,125		18,000
Libraries		0		1,750
Recruitment		79,174		67,718
		714,416		586,162
Full Year Budget				1,575,095
Hallett Cove Sea Pool Feasibility	(a)	35,832		0
Coastal Management Plan Phase 3		17,500		0
Other Projects		8,600		4,108
		61,932		4,108
Urban Planning Policy	(b)	20,370		7,821
CAP Meetings		16,500		7,800
Other Projects		58,123		28,527
		94,993		44,148
Open Space Report & Project Management	(c)	41,442		15,895
Level 3 Playground Audits		19,060		0
Other Projects		17,397		33,031
		77,899		48,926
Optimisation Review	(d)	72,811		12,959
Other Projects		23,838		295
		96,649		13,254
Building Condition Audit	(e)	0		95,929
MCC Heritage Assessment		0		7,920
Other Projects		3,750		16,239
		3,750		120,088

CEO Performance and Remuneration Review Timeline and Approach 2019-2020

Originating Officer	Manager Human Resources - Steph Roberts
Corporate Manager	Manager Human Resources - Steph Roberts
General Manager	Chief Executive Officer - Adrian Skull
Report Reference	GC200225R10

REPORT OBJECTIVE

To provide Council with a suggested approach and timeline for managing the Chief Executive Officer (CEO) Performance and Remuneration Review for the 2019-2020 financial year.

EXECUTIVE SUMMARY

The employment of a CEO is a critical function of Council and ensuring a best practice CEO Performance and Remuneration Review will bring further accountability and benefits to Council and its community. This report outlines a proposed approach and timeline recommended by the Review and Selection Committee, which meets the requirements of the CEO's employment contract and other relevant documents.

RECOMMENDATION

That the Review and Selection Committee:

- 1. Recommends the proposed approach and timeline for the CEO's performance and remuneration review as outlined in Appendix 1 subject to the following amendments:**
 -
 -
 -

GENERAL ANALYSIS

Council has the ultimate responsibility for setting strategy and the performance of the organisation and it exercises this responsibility through its only employee (the CEO). The CEO is entrusted with the organisation's day to day management with direction set from Council. As such, there is a unique relationship between the CEO and Council and the evaluation of the CEO's performance can impact this relationship in either a positive or negative manner. Therefore, when setting a CEO performance and remuneration review, consideration should be given to leading practice principles:

- Alignment of CEO performance with the objectives of the organisation.
- Clarity of expectations developed and agreed in advance with the CEO.
- Transparent and agreed link between performance and remuneration.
- Conducted in a manner conducive to ongoing good governance.
- Compliance with relevant standards for accountability and communication.

The proposed approach outlined in Appendix 1 has been developed with these principles in mind and the requirements of the CEO Employment Contract, agreed Key Performance Indicators (KPIs), the Review and Selection Committee Terms of Reference and the Local Government Association (LGA) Code of Conduct for Assessment of the Chief Executive Officer.

DISCUSSION



The Review and Selection Committee has the responsibility for making recommendations to Council regarding the CEO performance and remuneration. The proposed approach has been developed with the CEO's employment contract requirements in mind, including:

- The performance rating agreed by the Council and the CEO as outlined in Schedule 4 of the CEO Employment Agreement
- The position description
- The KPIs agreed by Council and the CEO
- The discharge of the duties, and
- Any other factors considered relevant.

Process

As referenced in the CEO's employment contract, the Committee may engage the services of an external consultant to assist in the assessment of the performance of the CEO. This is considered to be a best practice approach for managing a CEO's Performance review as it ensures independence and mitigates potential conflicts of interest. In prior years, a 360-degree feedback process has been conducted through an external consultant Kathryn McEwen incorporating feedback from people the CEO works directly with, including Elected Members, key leaders and staff, as well as the CEO's self-assessment.

The Review and Selection Committee has recommended the removal of the 360 degree feedback process for one year, given the consistency of the results over the past three years, and re-visit in the 20/21 performance year, whilst thanking Ms McEwan for her contribution over the past three years.

The outcomes of the CEO's performance is to be determined by aggregating the assessment of the performance criteria and all persons providing feedback against the performance rating scale set out in Schedule 4 of the Employment Agreement.

The Review and Selection Committee would then provide a recommendation to the Council on the outcomes of the CEO's annual performance review.

Council is required to consider and if agreed, adopt the recommendation from the Committee. The Mayor or Review and Selection Committee can provide feedback to the CEO on outcomes of the performance review and jointly determine appropriate courses of action.

Remuneration Review

The ASX Corporate Government Council recommends within principle 8 of their guideline that an organisation should design its executive remuneration to attract, retain and motivate high quality senior executives.

It is noted that if the CEO performance review achieves an outcome of acceptable or higher, the remuneration review as defined in the contract would be triggered. It is noted that any consideration for increase is determined by Council at Council's absolute discretion.

The Review and Selection Committee will be required to recommend to Council the CEO's remuneration package and performance criteria to be applied for the following year.

Adopting a formalised, structured approach to the CEO performance and remuneration review, gives Council a greater likelihood of not only optimising their relationship with the CEO but also improving the overall performance of the organisation.

Attachment

#	Attachment	Type
1	Appendix 1 GC200225	PDF File
2	Appendix 2 GC200225	PDF File

Appendix 1 Proposed timeline for conducting the CEO's 2019/2020 Performance and Remuneration Review

Timeline: CEO Performance and Remuneration Review					
Date	Activity	Meeting	Dependency	Contract / LGA Code of Conduct of the CEO	
4 Feb 20	- Review proposed Timeline and process for CEO performance/ remuneration review and make recommendation to Council.	Review and Selection Committee (RSC)	CEO engagement		
25 Feb 20	- Report to Council to seek resolution regarding the process and timeline for CEO Performance and Remuneration Review	General Council meeting	CEO engagement		
March 20 EM Forum TBC	- CEO and Organisational KPIs 2020/2021 financial year	Elected Member Forum	budget process timeline (refer appendix 2)		
5 May 20	- CEO and organisational KPIs 2020/2021 financial year and make recommendation to Council (consider if there are any CEO KPIs required on top of the organisational KPIs. If not, no recommendation to Council required)	RSC	April/May Elected Member Forum		
26 May 20	CEO and organisational KPIs 2020/2021 financial year	General Council meeting	May Review and Selection Committee		
Sept 20	CEO to present to Elected Members on the year's performance and elicit feedback from all members.	N/A	N/A		
Oct 20	Assess performance against KPIs	N/A	Audited Financial Statements considered at - FAC 13 October - Council to adopt October date TBC		The entire process to take no longer than 6 weeks
Oct 20	HR conduct a remuneration assessment (market testing, using available data), to inform R&S committee (if required/dependent on the performance outcome)	N/A			
3 Nov 20	<ul style="list-style-type: none"> Results of the performance review presented: <ul style="list-style-type: none"> Feedback KPIs Remuneration review recommendation CEO to provide an overview of the year in review / assess own performance (KPI results and 360 Elected Member discussions) and provide to Review and Selection Committee Contract review / extension recommendation to Council 	RSC			Remuneration review to be conducted within two (2) months of the performance review (unless a review of 'less than Acceptable' performance is achieved)

Timeline: CEO Performance and Remuneration Review				
Date	Activity	Meeting	Dependency	Contract / LGA Code of Conduct of the CEO
24 Nov 20	Recommendation CEO performance review, remuneration and contract review/extension, seeking resolution. CEO to attend at the end of the confidential item to be informed of decision.	Council Meeting		
Week of 23 Nov 20 (post 24 Nov CG meeting)	The Mayor provide feedback to the CEO on outcomes of the performance review and in conjunction with the CEO, determine appropriate courses of action.	N/A	November GC resolution	Written report shall be compiled with respect to the annual performance review and a copy provided to the CEO
Week of 23 Nov 20 (post 24 Nov CG meeting)	Letter from Mayor to CEO outlining outcomes of the performance review and any required contract amendments			

Appendix 2**2020 - 21 Planning and Budgeting Process**

Stage	Focus	Timing
1	Staff analysis of planning inputs – committed projects/programs, labour budgets, new initiatives, review of WAPs.	October- January
2	High level draft budget model development: <ul style="list-style-type: none"> Elected Members' input in setting tolerance/ key assumptions, parameters for management Elected Members' consideration of current unfunded initiatives, new priority initiatives and staff new initiatives Draft Budget Model developed based on parameters set 	19 November- January
3	Finance & Audit Committee - Feedback on the proposed framework, assumptions and associated risks in setting the Annual Business Plan for 2020/21 and the Long Term Financial Plan	10 December
4	<ul style="list-style-type: none"> LTFP aligned with set parameters, Council resolutions and prioritised new activities High Level draft Budget/LTFP model presented to Elected Members 	January 18 January
5	Finance & Audit Committee – Update provided on Development Draft Annual Business Plan & LTFP, Framework and Assumptions – FAC feedback sought	25 February
6	Draft Annual Business Plan /LTFP Framework and Assumptions endorsed and adopted	March
7	<ul style="list-style-type: none"> Elected Member Forum – Rating data, rates discussion, 2020/21 priority projects list modelling, Draft Annual Business Plan and Comprehensive Draft Budget 	March
8	Set Tentative Rates Set draft priority projects list for consultation	March-April
9	Draft Annual Business Plan endorsed and adopted for Community Consultation	April
10	Community Consultation period (Min. 21 Days)	April - May
11	Community Consultation Feedback to Council	26 May

Appendix 2

12	Final rates discussion Final priority projects discussions	May - June
13	Finance & Audit Committee – Update on Community Consultation Feedback	19 May
14	Final Draft Annual Business Plan and LTFP endorsed by Council for Adoption	9 June
15	Annual Business Plan / LTFP adopted	23 June

Finance & Audit Committee Terms of Reference and Elected Member Representative

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R11

REPORT OBJECTIVE

The purpose of this report is to review the Finance and Audit Committee (FAC) Terms of Reference and appoint an Elected Member representative on the Committee.

EXECUTIVE SUMMARY

Terms of Reference

The FAC is a formally constituted Committee of Council pursuant to Section 41 of the *Local Government Act 1999* (the Act) and is responsible to Council.

Pursuant to section 126 of the Act, the Council must establish an Audit Committee. The functions of an audit committee prescribed by the Act include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A of the Act (efficiency and economy reviews);
- liaising with the council's auditor;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The Council last reviewed the FAC's Terms of Reference in November 2018 and the FAC reviewed the Terms of reference in 2019. Minor changes (noted in red) have been recommended in sections 3.4, 3.9, 4.16 and 5.6.3 (see Appendix 1).

Membership

The structure of the committee comprises of five members, two Elected Members (who are not the Mayor) and three expert independent members.

Ideally, the Elected Member representative will have experience in business, legal, audit or financial management / reporting knowledge and experience.

Appointment of the Elected Member representative will be made by Council for a term of 12 months.

Council may resolve to re-appoint an Elected Member representative for consecutive terms.

The current Elected Member representatives are:

- Mr Tim Gard - current term expires November 2020
- Mr Matthew Shilling - current term expires November 2020

However, Councillor Shilling has tendered his resignation as of 11 February 2020 from the FAC due to other commitments. Council is required to appointment another Elected Member to the Committee until November 2020.

Nominations will be sought during the meeting for the vacancy and a ballot will be held if more than one nomination is received. The process for the ballot is provided in Appendix 1.



No sitting fee is payable to Elected Members on the FAC. The FAC has adopted the following meeting schedule for 2020:

- Tuesday 25 February 2020 (2 - 5 pm)
- Tuesday, 19 May 2020 (2 - 5 pm)
- Tuesday 18 August 2020 (4 pm to 6 pm plus followed by joint workshop with Council from 6.30 pm onwards)
- Tuesday, 13 October 2020 (2 - 5 pm)
- Tuesday, 8 December 2020 (2 - 5 pm)

RECOMMENDATION

That Council:

1. **Adopts the City of Marion Finance and Audit Committee Terms of Reference, as set out in Appendix 1 of this report.**
2. **Appoints Councillor X to the Finance and Audit Committee for a term commencing on 25 February 2020 and concluding on 30 November 2020.**

Attachment

#	Attachment	Type
1	Finance-and-Audit-Committee-Terms-of-Reference	PDF File

FINANCE AND AUDIT COMMITTEE TERMS OF REFERENCE



1. ESTABLISHMENT

- 1.1 The Finance and Audit Committee is a formally constituted Committee of Council pursuant to *Section 41 and 126 of the Local Government Act 1999* and is responsible to Council. It operates as an independent and objective advisory Committee to Council and does not have any delegated decision making or authority to implement actions in areas over which the Chief Executive Officer.

2. OBJECTIVES

- 2.1 The primary objective of the Finance and Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are being used efficiently and effectively. It will assist Council accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.
- 2.2 As part of Council's governance obligations to the community, Council has constituted the Finance and Audit Committee to facilitate:
- 2.2.1 Oversight of relevant activities to facilitate achieving the City of Marion's objectives in an efficient and orderly manner.
 - 2.2.2 Enhancing the credibility and objectivity of internal and external financial reporting.
 - 2.2.3 Effective management of risk and the protection of Council assets.
 - 2.2.4 Compliance with laws and regulations as well as use of best practice guidelines.
 - 2.2.5 The effectiveness of the service reviews function and maintaining a reliable system of internal control.
 - 2.2.6 The provision of an effective means of communication between the external auditor, service reviews provider, management and Council.
 - 2.2.7 The City of Marion's ethical development.

3. MEMBERSHIP

- 3.1 The Finance and Audit Committee will comprise five members:
- (i) Two Elected Members (who are not the Mayor)
 - (ii) Three external expert members.

Elected Member Representative

- 3.2 Ideally, the Elected Members on this Committee will have experience in business, legal, audit or financial management / reporting knowledge and experience.
- 3.3 Appointment of the Elected Members to this Committee will be made by Council on a rotational basis, as resolved from time to time. Council may resolve to re-appoint the Elected Members on this Committee for consecutive terms.
- 3.4 **In accordance with the Remuneration Tribunal determination**, no additional allowance will be paid to the Elected Member representative over and above the allowance already received by the Elected Member.

- 3.2 If required, training and development will be sourced and provided to the Elected Member Representatives on matters/subjects within the Finance and Audit Committee Terms of Referenced
- 3.3 The Elected Member representatives will raise matters (within the scope of the Finance and Audit Committee Terms of Reference) with the Committee, on behalf of Council and act as a conduit of information between Council and the Committee, and the Committee and Council
- 3.4 The Elected Members representatives will provide a verbal report to Council on the key matters and recommendations within the Committee meeting, when the minutes and / or Committee recommendation reports, are presented to Council for adoption.
- 3.5 The Elected Member representative will provide a report to the Committee on any Council decisions or discussions that are relevant to the Committee's Terms of Reference.

External Expert Members

- 3.6 External expert members will have senior business, legal, audit knowledge and experience, and be conversant with the local government environment.
- 3.7 At least one external expert member will have expertise and knowledge in financial management/reporting.
- 3.8 The Council will determine the process for appointing an expert member.
- 3.9 Appointment of external representatives will be made by Council for a term to be determined by Council. To ensure succession planning for the Committee, the terms of appointment should be arranged on a rotational basis and continuity of membership despite changes to Council's elected representatives. Council may resolve to re-appoint an external expert member for consecutive terms, **but no longer than a total of six (6) years.**
- 3.10 If Council proposes to remove an expert member from the Committee, it must give written notice to the expert member of its intention to do so and provide that expert member with the opportunity to be heard at a Council meeting which is open to the public, if that expert member so requests.
- 3.11 Remuneration will be paid to each expert member of the Committee to be set by Council from time to time. At a minimum, the remuneration paid to expert member will be reviewed within 12 months from the date of a Council (periodic) election. The basis will be a set fee per meeting, with an additional amount paid to the Chairperson.

4. BASIS FOR OPERATION

- 4.1 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to the Committee's Terms of Reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- 4.2 The City of Marion considers that the ability of the Finance and Audit Committee to operate in a manner that adds value and also maintain independent judgement is vital. As such, the City of Marion has based the Committee's Terms of Reference on the ASX Principles of Good Corporate Governance and the Australian Standard AS 8000-2003 Good Governance Principles.
- 4.3 Council or the Chief Executive may refer any matter to the Finance and Audit Committee within its Terms of Reference.
- 4.4 The Chairperson of the Committee shall be appointed from the external representatives of the Committee by the Finance and Audit Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.

- 4.5 A quorum shall be three members – 1 Elected Member and 2 expert members.
- 4.6 The Finance and Audit Committee, through the Chief Executive Officer, may seek information or obtain expert advice on matters of concern within the scope of its responsibilities.
- 4.7 The Chief Executive Officer will attend all meetings on an ex-officio basis, except when the Committee chooses otherwise. Other Elected Members or staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 4.8 The Finance and Audit Committee will review its performance on a bi-annual basis to ensure the continual improvement to its performance.
- 4.9 Representatives of the external auditor will be invited to attend meetings at the discretion of the Committee, but must attend meetings at which there will be consideration of the annual financial report and results of the external audit.
- 4.10 The Finance and Audit Committee will meet with both the external auditor and internal auditor without management present at least once a year.
- 4.11 The Chief Executive Officer will ensure appropriate support is provided to Committee.

Meetings

- 4.12 The Committee shall meet at least quarterly.
- 4.13 The time and place for the conduct of meetings will be determined by the Committee provided that all meetings will be held in a public environment within a City of Marion building.
- 4.14 The Committee will consider and determine its own meeting practice, processes and procedures within the parameters of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2000.
- 4.15 An annual schedule of meetings will be developed and agreed to by the Committee members. This schedule of meetings will include at least one joint workshop with the Council and the Committee.
- 4.16 Additional meetings shall be convened at the discretion of the Chairperson, the **Chief Executive Office**, at the written request of Council (**via the Mayor**) or Council's external or **internal auditors**.

Reporting

- 4.17 A copy of all agenda and reports forwarded to the Finance and Audit Committee will also be forwarded to Elected Members for information prior to the conduct of the Finance and Audit Committee meeting.
- 4.18 The minutes of each Finance and Audit Committee Meeting, shall be forwarded (as soon as practicable after the meeting) to a General Council meeting.
- 4.19 Where the Finance and Audit Committee makes a recommendation to Council on a matter within the scope of its Terms of Reference, the matter will be listed as a separate agenda item for consideration by Council at the next General Council meeting that is not being held on the same day as the Audit Committee meeting. An Elected Member Representative on the Committee will inform the Council during the Council meeting of the recommendation and any provide any relevant context.
- 4.20 Where the Council makes a decision relevant to the Committee's Terms of Reference, an Elected Member Representative will report the decision to the Committee at the next Committee meeting and provide any relevant context.

- 4.21 The Committee shall report annually to the Council summarising the activities of the Committee during the previous year.

Authority

- 4.22 The Committee is authorised to seek any information it requires from any employee of the Council (after advising the CEO) in order to perform its duties.
- 4.23 The Committee is authorised, at the Council's expense, (after consultation with the CEO) to obtain outside legal or other professional advice on any matter within its terms of reference

5. FUNCTIONS:

The primary functions of the Finance and Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are used efficiently and effectively. It will assist Council to accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of financial management, risk management, internal controls, and governance processes through the following activities:

5.1 External Audit

- 5.1.1 Review and recommend to Council the engagement of the City of Marion's external auditor. The review should look to satisfy Council that the provider of external audit services can demonstrate adequate independence from the operations of the City of Marion.
- 5.1.2 Critically analyse and follow up any external audit report that raises significant issues relating to risk management, accounting, internal controls, financial reporting and other accountability or governance issues. Review management's response to, and actions taken as a result of, issues raised.
- 5.1.3 Liaise with the City of Marion's external auditor including discussion on:
- 5.1.4 The scope and planning of annual audits.
- 5.1.5 Any issues arising from audits, including any management letter issued by the auditor and the resolution of such matters.
- 5.1.6 Recommend to Council, if considered appropriate, that the external auditor, or some other person suitably qualified in the circumstances, examine and report on any matter related to financial management, or the efficiency and economy with which the City of Marion manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of the annual audit (under Div. 4 of Part 3 of Ch. 8 of the Act).

5.2 Internal Audit and Service Reviews

- 5.2.1 Review and recommend to Council the engagement of the City of Marion's internal audit provider. The review should look to satisfy Council that the provider of the services can demonstrate adequate independence from the operations of the City of Marion.
- 5.2.2 Review, and provide information relevant to, the scope of the internal audit and service review programs, including whether the program systematically addresses:
- Internal controls over significant risk, including non-financial management control systems.
 - Internal controls over revenue, expenditure, assets and liability processes.

- The efficiency, effectiveness and economy of significant Council programs and activities.
 - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements,
 - Whether employees have sufficient competencies (facilitated by up to date training) to enable them to fulfil their roles.
 - A review of the City of Marion's strategic management plans and annual business plans to ensure appropriate allocation of resources necessary to achieve the objectives of the plans.
- 5.2.3 Critically analyse and follow up any internal audit or service reviews report that raises significant issues and review management's response to, and actions taken as a result of issues raised.
- 5.2.4 Review the appropriateness of special assignments undertaken by the internal audit and service reviews provider at the request of the Chief Executive.
- 5.2.5 Review the level of resources allocated to service review and the scope of its services and authority.
- 5.2.6 Facilitate liaison between the internal audit/service review provider, and external auditor to promote compatibility, to the extent appropriate, between their programs.

5.3 Service Reviews

- 5.3.1 Review and provide advice on service reviews, and in particular:
- a) the scope of the review before it is commenced
 - b) input into the questions to be asked and the data to be collected and analysed
 - c) comment on all draft service review reports before the final report is presented to Council.

5.4 Financial Reporting and Prudential Requirements

- 5.4.1 Review Council's annual financial statements to ensure that they present fairly the state of affairs of the City of Marion, including focus on:
- Accounting policies and practices and any changes to them.
 - The process used in making significant accounting estimates.
 - Significant adjustments to the financial report (if any) arising from the audit process.
 - Compliance with accounting standards and other reporting requirements.
 - Significant variances from prior years.
- 5.4.2 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan, Budget and Long Term Financial Plan), the consistency between plans, and the adequacy of Council's plans in the context of maintaining financial sustainability.
- 5.4.3 Recommend adoption of the annual financial statements to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 5.4.4 Review the recommendations of business cases developed by Management in association with significant activities or major projects. Such reviews should have regard to the requirements of Section 48 of the Local Government Act 1999 which

relates to prudential requirements for certain activities.

5.5 Internal Controls and Risk Management Systems

- 5.5.1 Review the City of Marion's annual Risk Profile and monitor the risk exposure of Council. Review risk management processes and management information systems.
- 5.5.2 Review the adequacy of the accounting, internal control, reporting and other resource and financial management systems and practices of the City of Marion on a regular basis.

5.6 Other

- 5.6.1 Where Council has exempted a subsidiary from the requirement to have an audit committee, undertake the functions that would have been performed by the subsidiary's audit committee.
- 5.6.2 Monitor ethical standards and conflicts of interest by determining whether the systems of control are adequate.
- 5.6.3 Provide governance oversight (on behalf of Council) for any unsolicited proposals.
- 5.6.4 Address issues brought to the attention of the Committee, including responding to requests from Council or the Chief Executive for advice that are within the parameters of this Terms of Reference.
- 5.6.5 Make recommendations to the Council to amend these Terms of Reference if the Committee forms the opinion that such amendments are necessary to improve its performance.
- 5.6.6 Review the Committee's performance on a bi-annual basis using performance indicators developed for that purpose.

Adopted by Council: 25 February 2020

Next Review: 2022/23

Previous Version: November 2018
 1 November 2016
 22 September 2015 – separate policy and terms of reference (GC250915R07)
 25 November 2014 (GC251114R06)
 27 September 2011 (GC270911R09)
 9 December 2008 (GC091208R18)
 28 November 2006 (GC281106R05)

Owner: Manager Corporate Governance

Applicable Legislation: Local Government Act 1999

Other related References: City of Marion Risk Management Policy (GC120313R01)
 Australian Standard AS 8000-2003 Good Governance Principles

Risk Management Policy and Framework Review

Originating Officer	Risk Coordinator - Karen Peake
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R12

REPORT OBJECTIVE

The objective of this report is to provide Council with a revised Risk Management Policy and Framework for adoption.

EXECUTIVE SUMMARY

In accordance with best practice (ASX Corporate Governance Principles and Recommendations - recommendation 7.2), a board (or in this instance, the Council) should review the organisations risk management framework to satisfy itself that it continues to be sound and that the organisation is operating with due regard to the risk appetite set by the board.

The Risk Management Policy and Framework formalise the City of Marion's commitment to the integration of risk management across all operations. It provides the organisation with the with direction and approach to create and protect value, manage risk and opportunity, achieve objectives and overall improve performance of the organisation.

The current Risk Management Policy and Framework were last reviewed by Council prior to adoption in January 2016. The Policy and Framework has progressed through a comprehensive review in 2019 and is now ready for Council consideration and adoption.

The key changes to the documents are the introduction of a risk appetite statement and alignment to the ISO 31000:2018 Risk Management Guidelines, to update terminology, including the addition of opportunity management.

RECOMMENDATION

That Council:

- 1. Adopts the Risk Management Policy (Appendix 1) & Risk Management Framework (Appendix 2) as set out in this report of 25 February 2020.**

DISCUSSION

As part of the review process, the following was undertaken;

- incorporation of changes from ISO 31000:2018 Risk Management Guidelines, to update terminology, including the addition of opportunity management
- completion of an Internal Risk Maturity Assessment with the Senior Leadership Team (SLT)
- stakeholder engagement via SLT session on risk appetite and risk matrix criteria to inform a revised 'Risk Criteria and Matrix'
- a Joint Elected Member and Finance & Audit Committee (FAC) Forum (22 August 2019) to provide an assessment of draft appetite statements
- Elected Member engagement via the Forum (12 November 2019)



- presentation of the revised Policy and Framework to the FAC (10 December 2019 - FAC191210R05) for review and feedback, with agreement to a final review out of session with identified issues addressed
- presentation of updated draft Policy and Framework to RWG (4 February 2020) for final review and endorsement for reporting to Council for adoption.

Further detail on the elements included within the 2019 Risk Management Policy and Framework review are outlined as follows:

Review of ISO3100 Risk Management Guidelines

The ISO31000 Risk Management Guidelines were revised and updated in 2018. The amendments to the Guidelines include:

- increased leadership and commitment of key stakeholders;
- emphasis on organisational integration;
- understanding of the organisation and its context;
- articulation of risk commitment through policy & objective;
- assigning governance through roles, responsibilities, accountabilities and resources;
- establishing communication and consultation;
- evaluating and continual improvement;
- creating and protecting value;
- emphasising the iterative and cyclic nature of risk management;
- simplification within the Risk Definitions

These principles are key to the entire Risk Management suite of documentation, predominantly the policy and framework, however also extending to the tools and templates used to support risk management across the business. The review against ISO 31000:2018 has resulted in the policy and framework changes below:

Risk Management Policy: (Appendix 1)

- Inclusion of a Risk Appetite Statement
- Inclusion of updates relating to the revised ISO31000:2018 Risk Management Guidelines
- Removal of references to the Business Excellence Framework

Risk Management Framework: (Appendix 2)

- Inclusion of a Risk Appetite Statement
- Inclusion of updates relating to the revised ISO 31000:2018 Risk Management Guidelines
- Increased clarity on risk analysis, priority ratings, reporting, monitoring and review
- Appendix 1 - updated list of Risk Definitions
- Appendix 2 - revised Consequence Criteria to update definitions within Health, Safety & Environment and Reputation & Public Administration (as highlighted)
- Appendix 2 - revised Likelihood Criteria with additional occurrence definition based on frequency (ie: years)
- Appendix 2 - revised Risk Matrix to reflect a likelihood of 'Almost Certain' & a consequence of 'Minor' to result in a risk rating of 'MEDIUM' - instead of previous risk rating of 'HIGH'

Stakeholder engagement via SLT workshops

Workshops were held with the SLT to seek feedback on the risk management process as well as draw key insight for drafting the initial risk appetite statements and update the consequence and likelihood matrices eg: revision of the Environmental classification to now include Health and Safety, provision of more relevant media impacts under Reputation and Public Administration and extension of descriptions on the Likelihood Criteria matrix to include a reference to annual frequencies.

Joint Elected Member and FAC Forum

Risk data generated throughout the risk review was drafted into a series of risk appetite statements covering:

1. Strategic Priorities
2. People/WHS
3. Customer Experience
4. Financial
5. Business Continuity & Organisational

At the Elected Member Forum on the 20 August 2019, the Elected Members and the FAC provided the following feedback:

1. Council has no appetite for risks assessed as extreme, however has a high risk appetite associated with innovation, partnerships and the pursuit of opportunities.
2. There is medium to high level of appetite for risk that may impact on the organisation's position as an employer of choice however, a low appetite for adversely affecting workplace safety and well-being.
3. There is medium appetite for risk associated with community engagement and activities that adversely affect the organisation's reputation, however, low appetite for trivial complaints with expectations of high levels of service delivery.
4. There is medium appetite for decisions that have a negative impact on Council's long term financial sustainability with a low appetite for processes that are non-compliant or ineffective.
5. There is low to medium appetite for risk associated with continuation of services and response to emergencies that affect our community with an expectation of effective controls and compliance activities.

This feedback was further reviewed to inform the creation of the following Risk Appetite Statement which was supported by Council at the Elected Member Forum held on 12 November 2019:

'The City of Marion is committed to the achievement of its strategic objectives and 'improving our residents quality of life; continuously, smartly and efficiently'. It acknowledges that it must take and accept risk to gain benefit. In so doing, it also accepts that failures and setbacks may occur. The Council therefore has a risk appetite which is HIGH for pursuing opportunities to become more innovative in the delivery of our services and creating partnerships which benefit our community through increased active participation in our services and facilities.'

The City of Marion expects that its people conduct themselves with integrity, respectfully strive for achievement and aim for continuous delivery of services. It has a MEDIUM risk appetite for activities that may impact on our role as a significant contributor within the community and a LOW risk appetite for legislative non-compliance or practices and behaviours that could reasonably be expected to harm the organisation, its people or the environment.'

Finance And Audit Committee Review

The draft Risk Management Policy and Framework were presented to the Finance and Audit Committee on 10 December 2019 (FAC191210R05). At this meeting they recommended the Risk Management Policy for endorsing, however, various areas were identified for further improvement with regard to the Risk Management Framework.

As a result, further review of the Risk Management Framework has been undertaken in collaboration with the Local Government Risk Services (LGRS) to incorporate elements of the LGRS Risk Management Framework template and existing frameworks at alternative Councils as identified by FAC.

All FAC feedback has been incorporated into the revised Risk Management Framework, resulting in the following;

- expansion of the risk management processes to include the monitoring and review undertaken by ELT, in particular in regard to the identification and prompt risk management of extreme and high risk issues once identified



- updates to several key diagrams to highlight the management of risk at strategic, executive and senior leadership levels
- an update to the inherent risk references

FAC agreed to circulation of the revised framework out of session for a final review prior to forwarding to Council for adoption. This was undertaken following presentation to the RWG with no further amendments advised.

Risk Working Group Review

The Risk Management Policy and Framework were reviewed by the Risk Working Group at their meeting on 4 February 2020 with note of one minor amendment and the opportunity to introduce a summary version and some one page illustrations when incorporating into the Risk Management training program.

Next Steps:

The Risk Management Policy and Framework will inform the continual maturity of risk management across the business and through the development of a strategic Risk Management Plan 2020 – 23.

Attachment

#	Attachment	Type
1	Appendix 1 Risk Policy & Framework Review_Risk Management Policy	PDF File
2	Appendix 2 Risk Policy & Framework Review_Risk Management Framework	PDF File

Risk Management Policy

1. RATIONALE

The purpose of this Policy is to formalise the Council's commitment to risk management and to establish responsibilities for the application of risk management within Council operations.

As risk is inherent in all aspects of the Council's activities, this Policy supports the maximisation of all viable opportunities whilst promoting a structured and consistent approach to minimising risk exposure.

Risk management is an integral contributor to good governance practices and fosters effective decision making to achieve the Council's Vision and strategic themes and objectives with a focus on:

- continuously improving our residents' quality of life and enhancing outcomes for the community
- improved productivity and efficiencies
- minimising business interruptions.

2. POLICY STATEMENT

'The City of Marion is committed to the achievement of its strategic objectives and 'improving our residents quality of life; continuously, smartly and efficiently'. It acknowledges that it must take and accept risk to gain benefit. In so doing, it also accepts that failures and setbacks may occur. The Council therefore has a risk appetite which is HIGH for pursuing opportunities to become more innovative in the delivery of our services and creating partnerships which benefit our community through increased active participation in our services and facilities.

The City of Marion expects that its people conduct themselves with integrity, respectfully strive for achievement and aim for continuous delivery of services. It has a MEDIUM risk appetite for activities that may impact on our role as a significant contributor within the community and a LOW risk appetite for legislative non-compliance or practices and behaviours that could reasonably be expected to harm the organisation, its people or the environment.'

Further context is provided within the Risk Management Framework which includes the Risk Criteria and Matrix.

3. OBJECTIVES

To achieve Council's risk management objectives, the City of Marion Risk Management Framework ('the Framework') has been established in accordance with the International Standard ISO 31000:2018 Risk Management Guidelines.

The aim of the Framework is to provide guidance for maximising opportunities whilst minimising risks that may impact on the achievement of Council's objectives.

Risk Management Policy

This is addressed through:

- Embedding a risk culture and high level of risk awareness across the organisation to support the achievement of strategically aligned outcomes.
- Implementing consistent risk management processes to manage risk and opportunities throughout CoM's organisational systems and functions including planning, resource allocation priorities, internal audit and control processes, in line with risk management standards including AS/NZS ISO 31000:2009 Risk Management Principles
- Enabling the consistent and systematic application of our risk management approach within all Council operations.
- Guiding a risk management approach to strategic, operational and project decision making, to support proactive management strategies that mitigate against events occurring and ensure robust contingency plans to lessen the impact of events if they were to materialise..
- Implementing a Business Continuity Management (BCM) Policy and Framework to minimise the impact of business disruptions on the Council's critical community services.
- Protecting public funds, assets and the integrity, security and reputation of the CoM by implementing a Fraud Policy and Framework which will prevent, identify, minimise and control fraudulent and/or corrupt activity.
- Providing adequate response to emergencies on behalf of the CoM residents and the community by implementing a Community Emergency Management Plan outlining our commitment to our community.

4. POLICY SCOPE AND IMPLEMENTATION

This Risk Management Policy applies to all operations and functions of the Council including strategic, operational and project based.

5. DEFINITIONS

Risk – The effect of uncertainty on objectives. It can be positive, negative or both and can address, create or result in opportunities and threats.

Risk Appetite – The amount and type of risk that an organisation is willing to pursue or retain

Risk Management – The coordinated activities to direct and control an organisation with regard to risk

Risk Management Framework – The structure and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation

Risk Management Policy – A statement of the overall intentions and direction of an organisation related to risk management

Risk Tolerance – A readiness to bear the risk after risk treatment(s) in order to achieve its objectives.

Risk Management Policy

6. ROLES AND RESPONSIBILITIES

Council has the overall responsibility for risk, setting the organisation's risk appetite and risk tolerance levels, in addition to oversight of the organisation's systems for managing risk including approving and reviewing the City of Marion's Risk Management Policy and Framework.

To assist Council in discharging its responsibility in relation to risk management, the Council will seek the views of its Finance & Audit Committee. The responsibilities of the Committee are contained in the Committee's Terms of Reference.

Council has also delegated various powers and functions to the Chief Executive Officer to enable the setting of the policy and procedures to assist with the management of the City of Marion risk profile.

The Chief Executive Officer has overall accountability for an effective risk management program.

Note: The Framework provides further information on the risk management roles and responsibilities.

7. REFERENCES

City of Marion Risk Management Framework

City of Marion Business Continuity Management Policy and Framework

City of Marion Fraud Policy and Framework

City of Marion Finance & Audit Committee Terms of Reference

ISO 31000:2018 Risk Management - Guidelines

8. REVIEW AND EVALUATION

Reviewed every four years, in accordance with the Corporate Policy Framework and authorised by Council.



Risk Management Framework

City of Marion

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INTRODUCTION

The City of Marion (Council) is committed to a risk management framework that provides both good governance practices and effective decision-making, enabling the achievement of the Council's Vision and strategic themes, focusing on continuously improving our residents' quality of life and the community's best interests.

Risk is defined as the effect of uncertainty on objectives. It can be positive, negative or both and can address, create or result in opportunities and threats.

Risk is inherent in all our activities at both corporate and community levels, and in the delivery of all our services, programs, projects, processes and decisions.

This document sets out a framework for risk management across the City of Marion and is aligned to ISO 31000:2018 Risk Management Guidelines in providing an approach that is structured and consistent, that creates and protects value, manages risk and opportunity, enables the achievement of objectives and the improvement of performance.

The Risk Management Framework (the Framework) should be read in conjunction with the [Risk Management Policy](#).

OUR APPROACH TO RISK MANAGEMENT

Policy Statement - Risk Appetite

The City of Marion is committed to the achievement of its strategic objectives and 'improving our residents' quality of life; continuously, smartly and efficiently'. It acknowledges that it must take and accept risk to gain benefit. In so doing, it also accepts that failures and setbacks may occur. The Council therefore has a risk appetite, which is HIGH for pursuing opportunities to become more innovative in the delivery of our services and creating partnerships, which benefit our community through increased active participation in our services and facilities.

The City of Marion expects that its people conduct themselves with integrity, respectfully strive for achievement and aim for continuous delivery of services. It has a MEDIUM risk appetite for activities that may impact on our role as a significant contributor within the community and a LOW risk appetite for legislative non-compliance or practices and behaviours that could reasonably be expected to harm the organisation, its people or the environment.

Further context is provided within the Framework including Risk Definitions (**Appendix 1**) and the Risk Criteria and Matrix (**Appendix 2**).

Risk appetite is the amount of risk exposure, or potential adverse impact, that the City of Marion is willing to accept in pursuit of its objectives. Once the risk appetite threshold has been breached, risk management controls and actions are required to mitigate the exposure level back within the excepted range by considering;

- emerging risks,
- risks outside of Council's control,
- where best to allocate resources
- where Council might want to take additional risk to pursue a strategic objective or an opportunity for the expectation of returns

The risk appetite has been set against individual corporate risks with agreed tolerances to be monitored and reported.

For operational risk, the risk appetite will inform the annual risk process, controls and assurance activities which are generally defined as follows;

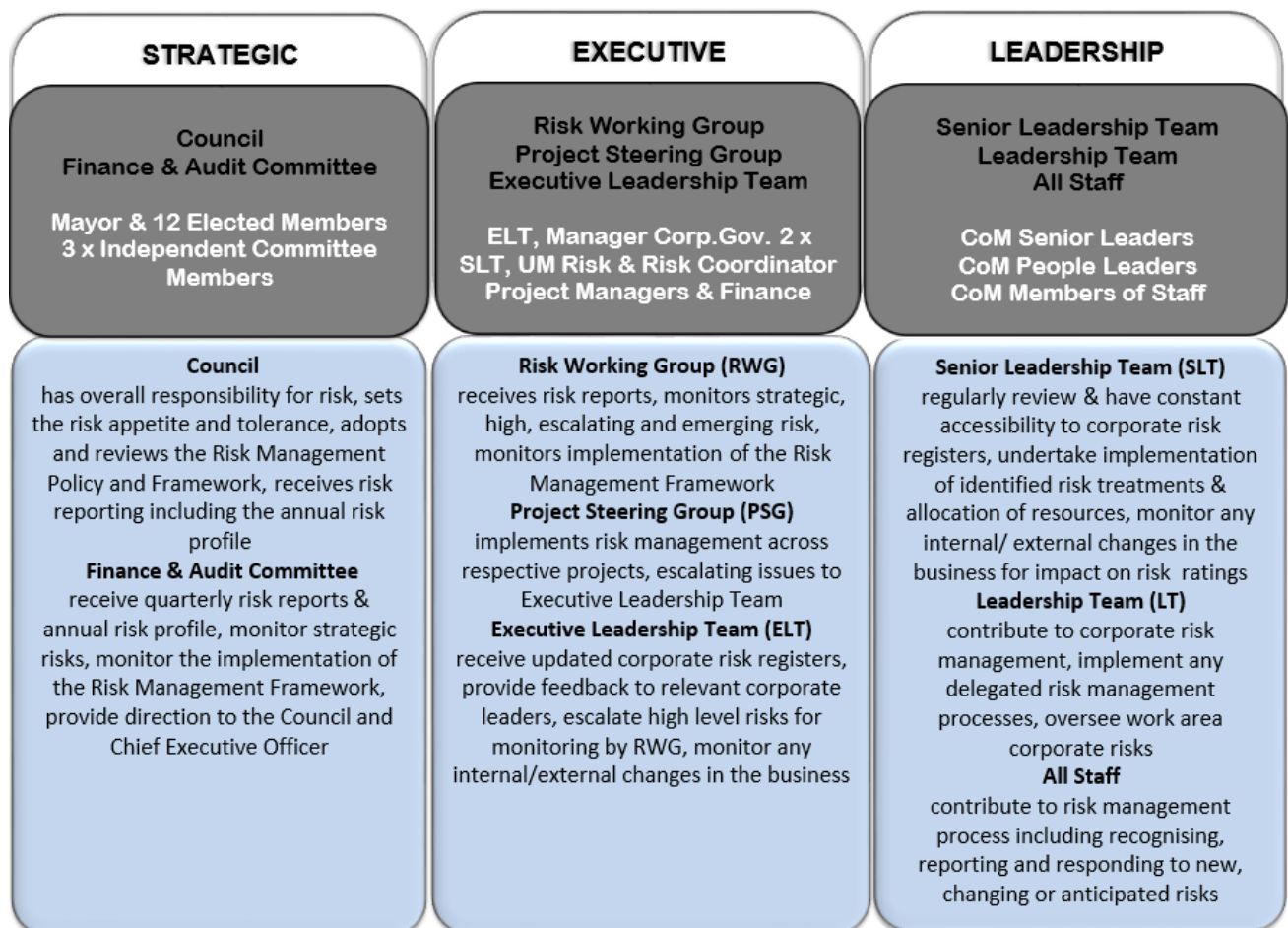
Table 1: Risk Management Priority Rating

Risk Level	Managing risk – priority rating & timelines
EXTREME	<ol style="list-style-type: none"> 1. Escalate risk issue to CEO for immediate action to either reject, eliminate or mitigate the risk issue to within risk appetite by: <ul style="list-style-type: none"> - Referring risk to risk owner - Identifying and developing treatment strategies and/or further actions for immediate implementation, with timelines commensurate with the significance of the issue identified. - Monitor and review actions/strategies - Provide direction and information to relevant stakeholders - Refer to Risk Working Group 2. Consider cessation/suspension of the activity giving rise to the risk until such time as CEO authorises its continuation and/or whilst other risk treatment strategies are being developed/implemented 3. Notify the Risk Unit & add risk to Council's Corporate Risk Register <p>For WHS risks, the following applies:</p> <ul style="list-style-type: none"> • Operation of item/plant for activity shall be ceased immediately or activity should not be allowed to continue until the risk level has been reduced • Is not an acceptable level of risk • Requires consideration of the Hierarchy of Controls in eliminating or reducing risk to a level as low as reasonably practicable (ALARP) using both short term and long-term control measures
HIGH	<ol style="list-style-type: none"> 1. Escalate risk issue to General Managers for prioritised action, review and mitigation by: <ul style="list-style-type: none"> - Referring risk to risk owner - Identifying and developing treatment strategies and/or further actions for immediate implementation, with timelines commensurate with the significance of the issue identified. - Monitoring and reviewing actions/strategies - Providing direction and information to relevant stakeholders - Refer to Risk Working Group 2. Notify the Risk Unit & add risk to Council's Corporate Risk Register <p>For WHS risks, the following applies:</p> <ul style="list-style-type: none"> • Operation of item/plant for activity shall be ceased immediately or activity should not be allowed to continue until the risk level has been reduced • Is not an acceptable level of risk • Requires consideration of the Hierarchy of Controls in eliminating or reducing risk to a level as low as reasonably practicable (ALARP) using both short term and long-term control measures
MEDIUM	<ol style="list-style-type: none"> 1. Refer risk issue for SLT management by specific monitoring by <ul style="list-style-type: none"> - Identify and develop treatment/mitigation strategies and/or further actions for completion within a timeline commensurate with the significance of the issue identified. - Monitor and review actions/strategies to manage risk to acceptable level - Add risk to Council's Corporate Risk Register <p>For WHS related risks, the following applies:</p> <ul style="list-style-type: none"> • Consider using the Hierarchy of Controls in reducing the risk as low as reasonably practicable (ALARP) • May be an acceptable level of risk
LOW	<ol style="list-style-type: none"> 1. Refer risk issue for management by routine procedures by <ul style="list-style-type: none"> - Undertaking localised risk management with appropriate actions and timelines. - Review within the department parameters and routine procedures - Add risk to Council's Corporate Risk Register <p>For WHS related risks, the following applies:</p> <ul style="list-style-type: none"> • Consider using the Hierarchy of Controls in reducing the risk as low as reasonably practicable (ALARP)

Roles and Responsibilities

Whilst the Risk Management Policy details high-level risk management responsibilities, the overview of the organisational risk management roles and responsibilities is provided (**Diagram 1**) with further detail following. Broader details on the responsibilities for the respective entity or position type can be obtained from relevant Terms of Reference or Position Descriptions.

Diagram 1: Roles and Responsibilities



Council

Council is responsible for adopting and reviewing the City of Marion Risk Management Policy and Framework. This provides a risk management process across the City of Marion that reflects the risk appetite and tolerance level set by Council whilst seeking opportunities for our Community. The effectiveness of the risk management program is monitored through the review of reports, quarterly by the Executive Leadership Team and annually via the Finance & Audit Committee.

Finance & Audit Committee

As part of its advisory and assurance role to Council, the Finance & Audit Committee reviews the corporate risk profile annually, monitors the risk exposure of Council, risk management processes and management information systems. The Committee provides guidance, support and advice to Council on the reports received, including its opinion on whether the risk management program is effective and aligned to Council's risk appetite and tolerance levels. For further information, refer to the Finance & Audit Committee Terms of Reference.

Chief Executive Officer

Council has delegated various powers and functions to the Chief Executive Officer to enable the setting of policy and procedures and to assist with management of the corporate risk profile.

With overall accountability for the risk management program, the Chief Executive Officer provides leadership and resourcing with appropriate delegations in place for an effective risk management program to enable decision making at the appropriate level, as well as timely reporting of risk issues to keep Council well informed.

Risk Working Group

With membership including the Executive Leadership Team, the Risk Working Group oversees the risk management program on a quarterly basis. It monitors and assesses the ongoing corporate, high, escalating and emerging risks to ensure control effectiveness and that appropriate mitigation and management strategies are in place. For further information, refer to the Risk Working Group Terms of Reference.

Project Steering Group

With membership including the Executive Leadership Team, the Project Steering Group has oversight and decision-making responsibilities for key strategic projects. This incorporates the direction of works to be undertaken and the appropriate consideration of all business critical issues during key phases of the project. Project Control Groups report to the Project Steering Group, with inclusion of risk reporting for the key strategic and high profile projects. Any high risk issues are incorporated into the quarterly corporate risk reporting by the Risk Unit to the Risk Working Group.

Executive Leadership Team

As individual risk owners across their portfolios, General Managers and the Chief Executive Officer, oversee corporate risks and have high level oversight of operational (work area) risks. They escalate risks for monitoring by the Risk Working Group as necessary. The Executive Leadership Team, demonstrate and encourage risk management behaviours, displaying commitment to the integration of risk management into the operational activities and corporate culture.

Senior Leadership Team

As individual operational (work area) risk owners, managers oversee operational risk and implement the risk management process across the span of their responsibility. This includes determining risk management accountability at an operational level and, where appropriate, delegate risk ownership to a Leadership Team level.

Leadership Team

Contribute to the management of operational risk and where delegated by a Senior Leadership Team member, implement the risk management process across the span of their responsibility.

Project Managers/Coordinators/Control Groups

Implement the risk management process for respective projects as outlined in the Project Management Framework and System and escalate risks and issues through the project management reporting structure, with high risk issues being reported to the Project Steering Group.

ICT Unit

Manage ICT risk and vulnerabilities through the ICT Vulnerability Management Procedure, which is designed to govern the management of information security risks as documented in the Information Security Management System and defined within the Council's Cyber Security Governance Framework

Risk Unit

Council has a Risk Management Team with dedicated resources to provide advice, guidance and support. The risk management program is based on continuous improvement and includes implementation and oversight of the framework, a variety of training document resources, coordinated risk reporting and the provision of insurance services.

Local Government Risk Services act as broker to Council in the provision of the Local Government Association's insurance schemes with membership being contingent on

proactively managing risk exposures, which is verified through a biennial risk evaluation process, including benchmarking against the Local Government sector.

All Staff

Contribute to the risk management process, including recognising, reporting and responding to risks that are new, escalating/changing or emerging/anticipated risks.

Risk Management Tools and Resources

Widely used generic resource tools can aid risk identification and may include SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and PESTLE (Political, Environmental, Social, Technological, Legal and Economic) analysis templates. Relevant information generated during work planning processes may minimise the need for separate information analysis or act as a starting point for further discussion and/or risk review.

The Risk Unit provides, and continually improves, guiding information and tailored resources for use by Council when undertaking risk management activities and for recording and reporting purposes. Risk resources available to support Risk Management include:

- Appendix 1 - Risk Definitions
- Appendix 2 - Risk Criteria and Matrix
- Tool 1 - Corporate/Operational Risk Register
- Tool 2 - Risk Assessment & Treatment Plan
- Tool 3 - Risk Assessment for Events Held on Council Land
- Tool 4 - Risk Assessment for Procurement/Contract Management

Staff training is identified and documented in the corporate Training Needs Analysis (TNA) and is recognised, along with consistent risk management support, as being a key focus area for building risk management capability to improve decision making outcomes across Council.

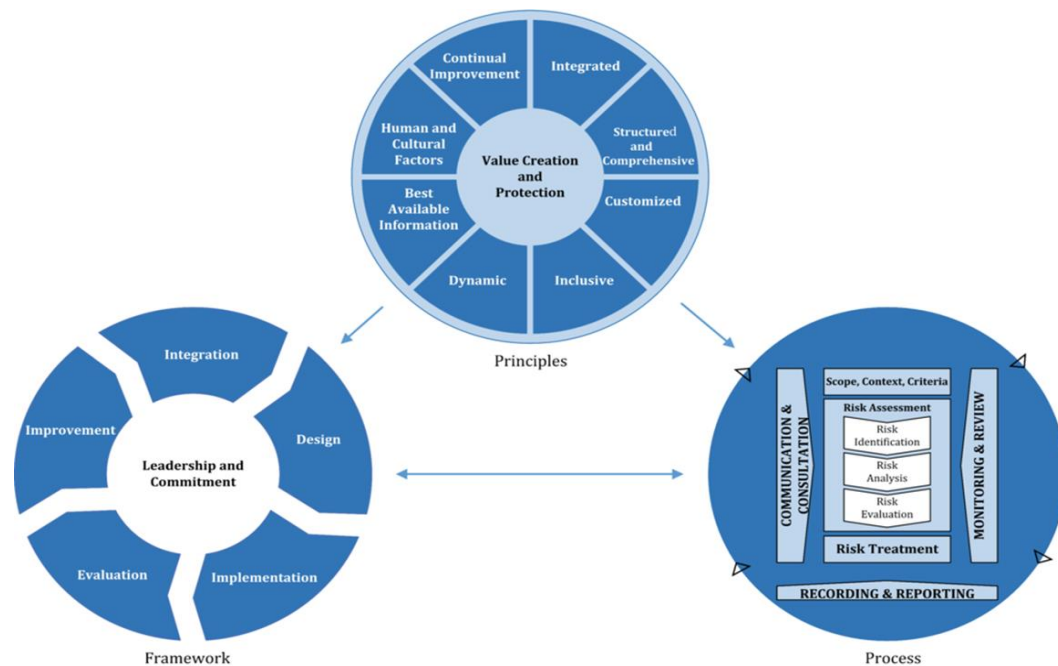
RISK MANAGEMENT – INTEGRATION ACROSS OPERATIONS

Integration of the fundamental risk principles into all activities across Council provides for a standardised approach and generates feedback to enable shared learnings and continual improvement to the management of our risk exposure

ISO 31000:2018 endorses an integrated risk management approach with overarching principles, a guiding framework and a structured and consistent risk management process (**Diagram 2**).

Diagram 2: Integration of Risk Management

Source: ISO 31000:2018 Risk Management Guidelines



This approach has been embedded into Council's operational activities across a wide range of work areas, functions and processes, including:

- Strategic and Operational Decisions
- Strategic and Annual Business Planning
- Financial Management and Fraud Control
- Contract / Contractor Management
- Asset Management & Service Standards
- Health Safety & Environmental Management
- Business Continuity and Emergency Management
- Project Management
- ICT Infrastructure & Cyber Security Programs
- Effective Human Resource Management
- Climate Change & Natural Disasters

As a key risk management tool, the Corporate Risk Register, along with its supporting operational registers, allows the Council to gauge corporate risk exposure at any time. To manage this exposure to within accepted tolerances, the register includes details of further treatments, mitigating actions and contingency plans, with progress to completion actively monitored by the Risk Unit, Executive Leadership Team and the Risk Working Group.

Further integration and continual improvement is provided by the iterative, cyclical process of assurance and feedback, which allow for the inclusion of human and cultural factors and the introduction of the best available information for incorporation into the decision making process.

Assurance Program

The risk management program supports a comprehensive assurance program (internal audit) provided by independent service providers. A risk-based approach identifies priorities to check effectiveness of key controls for high risk processes. More information can be found in the Governance Framework.

Feedback Processes

Feedback mechanisms such as audit and inspection reports, complaints, hazards and incidents provide valuable information to Council about sources of risk and/or details of those having been realised. Continual review of individual feedback mechanisms integrates into the risk management processes, to enhance our response(s) and improve prioritisation of corrective actions.

The benefits of implementing an integrated risk management include:

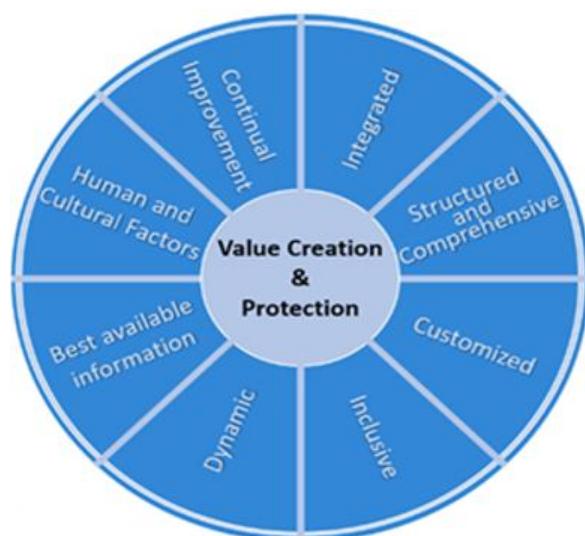
- minimised losses
- increased likelihood of achieving objectives
- improved learning and resilience
- improved financial reporting and compliance
- improved governance and stakeholder confidence
- effective use and allocation of risk management resources
- improved controls and operational effectiveness & efficiencies
- enhanced health & safety performance, loss prevention and incident management
- encourages proactive management
- improved identification of opportunities and threats

RISK MANAGEMENT – PRINCIPLES

As outlined in ISO 31000: 2018, the purpose of risk management is the creation and protection of value, improving performance, encouraging innovation and supporting the achievement of objectives.

The principles (**Diagram 3**) provide guidance on effective and efficient risk management, communicating its value and explaining its intention and purpose. The principles are the foundation for managing risk and should be considered when establishing risk management processes in order to best manage the effects of uncertainty on objectives.

Diagram 3: Risk Management Principles



- integrated, part of all organisational activities
- structured, systematic, and timely
- customised to explicitly address uncertainties
- inclusive and transparent
- dynamic, iterative and responsive to change
- best information available
- human and cultural factors emphasised
- continuously improved through learning

Source: ISO 31000:2018 Risk Management Guidelines

RISK MANAGEMENT – FRAMEWORK

The purpose of the Framework is to achieve integration of Council's risk management across its significant activities and functions.

A consistent and good practice approach to risk management, which is aligned to ISO 31000:2018 and its framework components (**Diagram 4**), creates value through improved decision making.

Diagram 4: Risk Management Framework



- Leadership & commitment from Executive Leadership Team
- Integration across all Council business
- Design to suit our context
- Implementation of risk programs
- Evaluation of data and programs
- Improvement, continually

Source: ISO 31000:2018 Risk Management Guidelines

Leadership and Commitment

A demonstrated leadership commitment establishes the risk management approach appropriate to the context of the organisation, assigning authority, responsibility and accountability. This provides alignment with corporate objectives, strategies and culture, and communicates the value of risk management to the organisation and its stakeholders.

Integration

Governance guides the organisation, with the essential external and internal relationships, rules, processes and practices needed to achieve sustainable performance and long-term viability. Integration is a dynamic and iterative process, with everyone sharing responsibility for the management of risk.

Design

Our framework is designed to understand our external and internal context, to show continual commitment to risk management, to assign roles and responsibilities, with allocation of the required resources, in addition to establishing effective communication and consultation processes.

Implementation

To successfully implement our Risk Management Framework, clear roles and responsibilities have been incorporated, to enable effective planning and modification in relation to any new or subsequent uncertainty, to adequately capture and reflect the changing context of the organisation.

Evaluation

In order to evaluate effectiveness, the Risk Management Framework is periodically measured against its purpose and expected behaviours, to ensure it remains suitable for achieving the objectives of Council.

Improvement

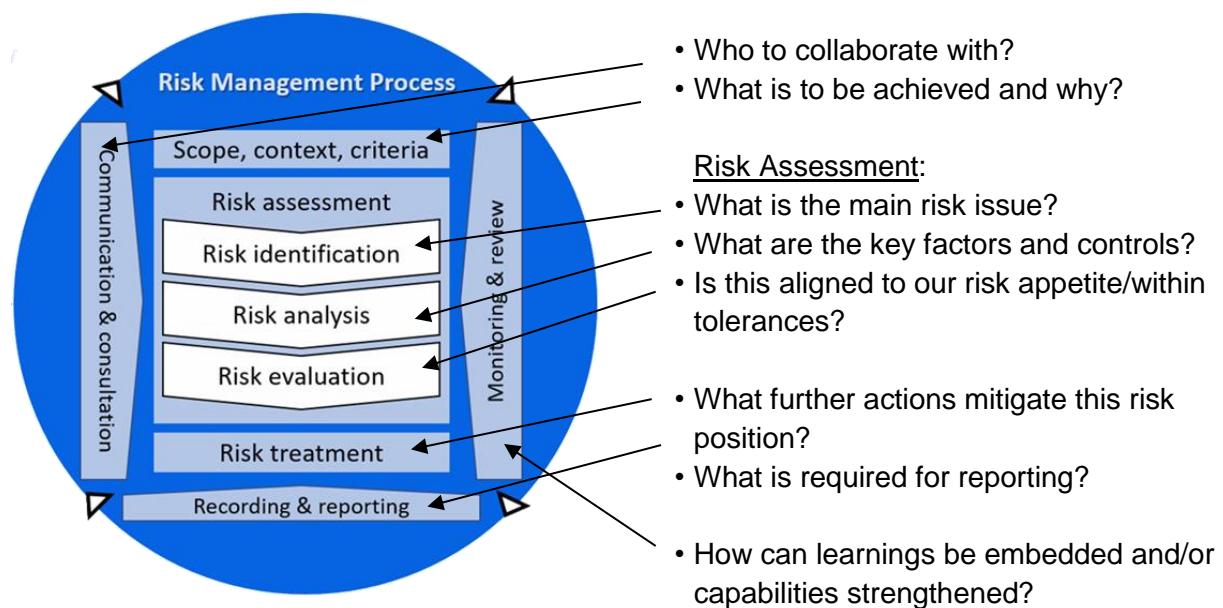
Continual monitoring of the Framework for suitability, adequacy and effectiveness is undertaken to allow for the identification of any gaps or opportunities, which may be further developed in response to the changing external and internal context.

RISK MANAGEMENT – PROCESS

The risk management process is an integral part of management and decision-making, customised to achieve objectives and integrated into the structure, operations and processes of the organisation. With reference to external and internal contexts and the variable nature of human behaviour and culture.

To keep this approach simple, the risk management process described in ISO 31000:2018 outlines an iterative, cyclical and dynamic flow (**Diagram 5**) which includes the addition of simple illustrative questions).

Diagram 5: Risk Management Process



Source: ISO 31000:2018 Risk Management Guidelines

Communication & Consultation

Communication and consultation are important elements throughout the risk management process. Participation and feedback from relevant stakeholders will ensure that their expertise, knowledge and perceptions contribute in understanding the risk context, the basis on which decisions are made and the reasons why particular actions are required. Those who are accountable for implementing the risk treatments/mitigating activities arising from risk assessments will benefit from these communication(s) for the management of identified actions.

Scope Context Criteria

The Council's objectives and internal and external environments are important background issues for the risk management program overall. This context information also helps to define the scope of individual risk assessment activities.

Elected Members are consulted on changes to the Framework and set the Council's risk appetite and tolerance. This contributes to the development of the risk criteria (**Appendix 2**) which is tailored to the organisational context.

Risk Assessment

Risk assessment is the overall process of risk identification, risk analysis and risk evaluation. Risk assessment results in an understanding of the nature and magnitude of risks and the decision whether further action (risk treatment) is necessary to manage risks effectively.

Risk Identification

Risk identification, the first step of risk assessment, is the process of finding, recognising and describing risks. There are many methods used to identify risks, with brainstorming in a group format being the most common.

Identification should include risks whether or not they are under the control of Council.

When identifying risks it is important to consider the causes of each risk, as this will be a focus for identifying relevant controls in the next step 'Risk Analysis'.

Risk Analysis

Risk analysis involves developing an understanding of the risk. Risk analysis enables us to distinguish between minor, acceptable risks and major risks that require further action (risk treatment) and possibly monitoring by a General Manager. The main purpose of analysing risk is to establish priorities for action in line with Council's resources.

Identifying Existing Controls

This step involves considering the controls already in place that modify the risk (some examples include policies, procedures, training, technical and legal measures, contracts, partnerships, continuity plans, governance practices etc). After the existing controls have been documented, their overall effectiveness is rated against the Control Effectiveness criteria on the second page of the Risk Criteria and Matrix (**Appendix 2**).

The Level of Risk is determined by consideration of two factors:

- Likelihood - How likely or often is the event expected to occur?
- Consequence – What is the size of the impact if the event occurs?

The selection of the likelihood rating has no direct relationship to the selected consequence rating and the reverse also applies.

The Risk Criteria and Matrix (**Appendix 2**) contains the consequence (ratings are 'insignificant' to 'severe') and likelihood (ratings are 'rare' to 'almost certain') criteria. The Risk Assessment Matrix combines the range of consequence and likelihood ratings to determine the Level of Risk. The four levels of risk are Low, Moderate, High and Extreme.

Inherent Risk

A "risk rating" can be determined by combining the estimates of effect (consequence rating) and cause (likelihood rating). The risks are to be assessed against all consequence categories; and the most relevant consequence rating will be used.

The first rating obtained will be the inherent risk rating, (i.e. the level of risk at time of risk assessment with no controls). Once further and additional controls are added to reduce the consequence and/or likelihood, the risk is rated again to determine the current risk, (i.e. the level of risk remaining after risk treatment).

To assist auditors working on Council's assurance program, the Council has adopted the concept of Inherent Risk.

At the end of this step we should know:

- The nature of the risks, how they are caused and how the consequences can develop and affect them.
- The current risk ratings, taking into account the existing controls that modify the likelihood and/or consequence for each risk that has been identified.
- How effective and reliable the current controls are in modifying the risks.
- The key controls that we are reliant on.
- The inherent risk ratings for each risk, for reference by the auditors conducting Council's assurance program

Risk Evaluation

The purpose of risk evaluation is to determine, based on the outcomes of the risk analysis, which risks need further action (risk treatment) and the priority for implementation (based on level of risk ratings and where a number of risks have the same level of risk ratings, the consequence ratings).

The Level of Risk rating will be considered, along with the overall Control Effectiveness rating to determine required actions. Reference will be made to the 'Risk Evaluation - Required Actions for the Level of Risk' criteria table on the Risk Criteria and Matrix (**Appendix 2**).

Risk Treatment

Risk treatment involves selecting one or more options for modifying risks and implementing those options. Once implemented, treatments provide or modify the controls.

Selecting the most appropriate risk treatment option involves balancing the costs of implementing each option against the anticipated benefits. Direct and indirect costs and benefits should be considered whether tangible or intangible.

Risk treatment plans may involve selecting one or more from a range of options (controls) directed to:

Table 2: Risk Treatment Options

Reject/ Eliminate	<ul style="list-style-type: none"> • Remove the asset or service completely so as to eliminate the risk altogether. • Removing the risk source (cause)
Share	<ul style="list-style-type: none"> • Allocate risk to a third party, such as through appropriate contactor management • Sharing the risk with another party or parties including contracts (<i>in line with Council's insurance scheme membership obligations</i>)
Mitigate	<ul style="list-style-type: none"> • Implement a type of treatment control to reduce or remove the risk. This may include but is not limited to options such as transfer (insurance) substitution (swapping), isolation (barricade), engineering (modify by design) or administration (policy/process) • Changing the likelihood of occurrence via effective controls • Changing the consequences of the risk via appropriate contingency plans
Accept	<ul style="list-style-type: none"> • Risk can be accepted for a number of reasons including: • Taking or increasing the risk in order to pursue an opportunity (if benefits exceed risk) • No extra treatments being available; • Meets the stated target for the type of risk; • Informed decision has been made about that risk (and making appropriate provisions for dealing with the consequences should they arise) • Risk treatment is worth more than the risk exposure.

The objective is to ensure that a mitigation strategy is implemented so that the risk is reduced to a tolerable level in a cost effective and timely manner with mitigating actions being aligned to the priority rating in [Table 1: Risk Management Priority Ratings](#).

Risk treatment plans should be integrated into the relevant work area planning within Council and a 'Treatment Owner' and proposed completion date nominated.

Risk treatment itself can introduce risks, including secondary risks. A significant risk can be the failure or ineffectiveness of the risk treatment actions. Monitoring needs to be an integral part of the risk treatment plan to give assurance the controls remain effective.

Consideration of the risk treatment will include how it modifies the risk by reducing the likelihood of the risk occurring or reducing the impact of the risk should it occur. Where a number of risk treatments are proposed for a risk it is possible that both the likelihood and consequence ratings may be modified.

After the selected risk treatment/s have been documented, a final risk analysis action is undertaken to determine the (forecast) residual risk ratings. These ratings take into account the predicted (forecast) result of implementing the selected risk treatments and assumes they will be effective. This activity can be useful to justify the cost of risk treatments by showing the anticipated benefit to be realised by modifying the risk to an acceptable level.

Monitoring & Review

Risk has a dynamic context resulting from the constantly changing external and internal environments of Council.

As such, Risk Owners have full access to the Corporate Risk Register to enable timely and relevant updates, with quarterly reviews undertaken by the Risk Unit, respective Senior Leadership Team and Executive Leadership Team members and the Risk Working Group. The Finance and Audit Committee and Council receive corporate risk reporting annually and quarterly, respectively, including an annual corporate risk profile and an overview of activities within the risk management program.

Project risks are monitored by the respective project manager/coordinator or control group, in line with the Project Management Framework with issues reported or escalated through the recognised project reporting structure, with high risk issues being reported to the Project Steering Group.

Risk information is provided to the independent service provider for Council's assurance program as needed. Reports generated through the core assurance program are reviewed by the Executive Leadership Team and Finance & Audit Committee to ascertain the overall effectiveness of the risk management program.

Review of risks and controls

Monitoring and review must be a formal part of the risk management process and involves checking or surveillance of the effectiveness and efficiency of the risk management processes implemented.

A monitoring and review process will:

- a) Ensure that implemented controls are effective and adequate.
- b) Provide further information to improve risk assessment and treatment plans.
- c) Allow for the identification of emerging risks.
- d) Identify any (new) activities that may influence established strategies to mitigate risks.

It is essential to monitor all activities and processes in order to capture any new or emerging risks arising from the changing environment, (both internal and external) and the activities undertaken by Council.

Monitoring and review guidelines and timeframes are captured in the Risk Reporting section.

Project risks

Due to the dynamic nature of most projects, a risk may change over the lifecycle of the project, triggering the need for reassessment. The monitor and scheduled review process outlined in the Project Management Framework allows for validation of risks to ensure that they remain relevant and project plans are adapted as necessary. Any changes in risks throughout the project and after its completion should be recorded and used for future project planning.

Internal audit

The audit process plays an important role in evaluating the internal controls (and risk management processes) currently implemented by Council. Our internal audit program is based on risk and provides assurance that we are managing our risks appropriately. In developing the Internal Audit Plan consideration is given to the inherent risks identified as extreme and high by the risk assessment process. Internal audits assess the adequacy of the selected controls identified.

The internal audit process will measure risk by:

- a) **Measuring compliance** – has Council met its Policy objectives
- b) **Measuring maturity** – measuring against best practice and Local Government sector benchmarking
- c) **Measuring value add** – has the framework and risk culture added to the achievement of Councils strategic objectives

Information is shared between the risk management and internal audit functions. Changes in our risk profile are reviewed against our Internal Audit Plan. Similarly, control issues identified through internal audit will be reviewed against our risk assessment process and, may where appropriate, inform our Risk Management Framework. The internal audits are conducted to provide assurance that key risks have been identified and the controls in place are adequate.

Recording and reporting

General

The risk management process and its outcomes are documented and reported, in order to:

- a) Communicate risk management activities and outcomes.
- b) Provide information for decision making.
- c) Continuous improvement.
- d) Assist interaction with stakeholders, including those with responsibility and accountability for risk management activities.

Records will be managed and retained in accordance with State Records General Disposal Schedule 40 for Local Government.

Corporate Risk Register

The Corporate Risk Register enables Council to document, manage, monitor and review corporate and operational risk information in order to build a risk profile and provide direction on how to improve risk management processes. The Corporate Risk Register can be used to monitor whether, using the approach outlined in this framework, the risk management process for opportunities is resulting in an increasing trend towards potential for success and less risk with adverse consequences.

Corporate Risks

Council will identify and record Corporate and Operational Risks on the central Corporate Risk Register. Risks at a strategic level are identified by the Senior Leadership Team and the Council, as part of a quarterly review cycle. Any risks identified at the corporate level may be

reflected in other organisational documents e.g. Strategic Management Plan, Annual Business Plan, and Asset Management Plans and mitigated through further treatments/action detailed in these documents; however these should be centrally collated in the Corporate Risk Register for ease of monitoring and review.

Operational Risks

Council will record and maintain operational risks on the Corporate Risk Register, which is regularly updated (at least quarterly) by Senior Leadership Team members, ie: the Risk Owners, and regularly reviewed (at least quarterly) by the Executive Leadership Team members. The Corporate Risk Register will incorporate departmental risks and proposed mitigation techniques and/or contingency plans as determined by the evaluation process.

Recording and updating the Corporate Risk Register with corporate and operational level risks is the responsibility of the Risk Owners, Control Owners, the Risk Unit and the Executive Leadership Team. Reporting is undertaken by the Risk Unit to the Risk Working Group.

Project Risks

Project level risks can be identified by the Project Control Group members at any time prior to, and during, specified projects and are recorded within the Project Management System Risk Register. Project level risks must be identified during the project planning process, however, can be added as and when necessary.

Recording and reporting of project level risks rest with the identified Project Control Group(s), with high profile projects reporting to the Project Steering Group. Any high risk issues will be raised for inclusion in the reporting undertaken by the Risk Unit to the Risk Working Group.

The hierarchy of monitoring and review from an organisational perspective is outlined below.

Diagram 6 Hierarchy of Monitoring & Review

Level of Monitoring	Risk Rating	Monitoring Process	Timelines
Strategic	Extreme	- Council via Finance & Audit Committee	Immediate action required in consultation with CEO to identify risk issues and assign actions as required as soon as possible
Executive	High	- Risk Working Group - via Executive Leadership Team - Project Steering Group - via Project Control Group(s)	Escalate to General Managers for identification of mitigating actions with assignment of appropriate manager(s)
Management	Medium	- Corporate Risk Register - Operational Risk Registered: Fraud, ICT, Emergency Mgt. - Project Management System Risk Registers	Risk Owners to update Corporate Risk Register on a monthly/quarterly basis, review actions according to priority rating and ensure risk register remains dynamic
	Low		

Risk Reporting

The purpose of risk reporting is for risk-based data to be drawn from the Corporate Risk Register reviews, environmental scan information and senior leadership updates. This monitoring and profile information is provided to Council, Finance and Audit Committee and the Risk Working Group, including the Executive Leadership Team, in order to:

- a) Understand the risk exposure of the Council;
- b) Identify risks that require increased attention and action;
- c) Provide risk information to Council; especially relating to Strategic Management Plans;
- d) Provide information to all staff at all levels to make risk informed decisions; and
- e) Improve the Risk Management awareness and culture at Council

The content included in the risk reporting will cover:

- a) All Council and Committee reports to include discussion of potential risks, based on completed risk assessment and treatments.
- b) An annual review and quarterly update of the Corporate Risk Register by Senior Leadership
- c) Quarterly review of Extreme/High Corporate Risks by Executive Leadership Team at the Risk Working Group, provided to Council
- d) Annual review of the Corporate Risk Profile by Risk Working Group including Executive Leadership Team prior to annual report presentation to Council;
- e) All new, emerging or escalating corporate risks reviewed quarterly by Risk Working Group, including Executive Leadership Team
- f) Any risks rated as EXTREME after the consideration or implementation of treatment options are reported to Council's Executive Leadership team immediately for further consideration.
- g) Any risks rated HIGH after the consideration or implementation of treatment options are reported quarterly to the Risk Working Group, including Executive Leadership Team and Council. This report includes details of actions that are overdue in relation to HIGH risks

Risk Training

Staff

Council will invest the appropriate time and resources into training and awareness for all staff but in particular for managers and nominated risk and control owners and staff with specified risk and emergency management roles.

To ensure the successful implementation of risk management throughout the organisation, it is planned that appropriate training in risk management will be provided to staff and managers. Training should encompass the risk management policy, framework, process, application of risk management tools, assistance with identification and analysis of Council's risk exposures, risk profiling and reporting.

In addition, the Risk Team will coordinate with HR and all Business Units to work towards the identification of the following in corporate Training Needs Analysis (TNA):

- a) Induction training and regular refresher in Risk Management, Fraud and Corruption Awareness and Employee Code of Conduct
- b) Legislative training and/or licencing requirements
- c) Individual tasks within specific jobs and the core competencies required for the safe performance of those jobs.

Any updates and changes to the Risk Management Policy, Framework, Fraud and Corruption Management policies, procedures; Code(s) of Conduct, ethics etc. are circulated to all employees via the Intranet or email where deemed necessary.

Staff training is recognised, along with consistent risk management support, as being a key focus area in building effective risk management capability across Council and for improving decision-making outcomes.

Risk Management should be viewed as overarching all Council functions, not as a specialist skill that is owned by a designated risk management position and, as such, Council considers it to be a skill and necessity that staff at all levels will need in performing their day to day activities.

Elected Members

Elected Members are key strategic decision makers and it is therefore imperative that they have an understanding of Council's Risk Management Policy and Framework and their role in informed decision making based on sound risk management principles. Risk Management awareness training will be scheduled within 12 months of Council elections.

Finance and Audit Committee

Finance and Audit Committee members should, at a minimum, have an understanding of their roles and responsibilities as outlined in Council's Risk Management Policy and Framework, including the monitoring and review of risk management reports and outcomes from management and external auditors.

RELATED DOCUMENTS, REFERENCES & APPENDICES

- Risk Management Policy
- Project Management Framework
- ICT Vulnerability Management Procedure

- ISO 31000:2018 Risk Management Guidelines

- Appendix 1: Risk Definitions
- Appendix 2: Risk Criteria & Matrix

Risk Management Framework - Appendix 1: Risk Definitions

Term	Meaning (*as per AS/NZS ISO 31000:2018 Risk Management)
Consequence	*Outcome of an event affecting objectives Note 1: A consequence can be certain or uncertain and can have a positive or negative direct or indirect effect on objectives Note 2: Consequences can be expressed qualitatively or quantitatively. Note 3: Any consequences can escalate through cascading and cumulative effects
Contingency Plan	The implementation of a risk contingency or provision that will reduce the rating of a risk by diminishing the impact if the risk were to materialise
Control	*Measure that maintains and/or modifies risk Note 1: Controls include, but are not limited to, any process, policy, device, practice or other conditions and/or actions which maintain and/or modify risk Note 2: Controls may not always exert the intended or assumed modifying effect
Current Risk	Risk rating after taking into consideration the existing controls
Event	*Occurrence or change of a particular set of circumstances Note 1: An event can be one or more occurrences, and can have several causes and several consequences Note 2: An event can also be something that is expected which does not happen, or something that is not expected which does happen. Note 3: An event can be a risk source.
Forecast Risk	Risk remaining after further identified risk treatments to be actioned Note 1: Forecast risk can contain unidentified risk Note 2: Forecast risk can also be known as 'residual or retained risk'
Inherent Risk	Overall risk rating prior to consideration of existing controls
Level of Risk (Risk Rating)	Magnitude of a risk or combination of risks, expressed in terms of the combination of consequences and their likelihood
Likelihood	*Chance of something happening Note 1: In risk management terminology the word 'likelihood' is used to refer to the chance of something happening, whether defined, measured or determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically. Note 2: The English term 'likelihood' does not have a direct equivalent in some languages; instead the equivalent of the term 'probability' is often used. However, in English, 'probability' is often narrowly interpreted as a mathematical term. Therefore in risk management terminology, 'likelihood' is used with the intent that it should have the same broad interpretation as the term 'probability' has in many languages other than English.
Mitigation Strategy	The implementation of risk mitigation by applying risk controls with the ability to reduce the rating of a risk by lessening the likelihood of the risk occurring.
Risk	*The effect of uncertainty on objectives. It can be positive, negative or both and can address, create or result in opportunities and threats. Note 1: An effect is a deviation from the expected. It can be positive, negative or both and can address, create or result in opportunities and threats. Note 2: Objectives can have different aspects and categories, and can be applied at different levels, Note 3: Risk is usually expressed in terms of risk sources, potential events, their consequences and their likelihood.*
Risk Appetite	The amount and type of risk that an organisation is willing to pursue or retain.
Risk Assessment Matrix	The tool for rating risks by utilising the criteria for likelihood and consequences
Risk Attitude	Organisation's approach to assess and eventually pursue, retain, take or turn away from risk
Risk Criteria	Terms of reference by which the significance of the risk is evaluated (likelihood, consequence)
Risk Identification	The process of finding, recognizing and describing risks Note 1: Risk identification involves the identification of risk sources, events, their causes and their potential consequences. Note 2: Risk identification can involve historical data, theoretical analysis, informed and expert opinions and stakeholder's needs.
Risk Management	*Coordinated activities to direct and control an organisation with regard to risk
Risk Owner	The person or entity with the accountability and authority to manage a risk
Risk Rating	See 'Level of Risk'
Risk Register	A list of identified risks detailing the risk owner, risk ratings, controls and further actions
Risk Retention	Acceptance of the burden of loss, or benefit of gain, from a particular risk Note 1: Risk retention includes the acceptance of risks that have not been identified Note 2: The level of risk retained may depend on the risk criteria
Risk Source	*Element which alone or in combination has the potential to give rise to risk
Risk Tolerance	Risk is analysed in the context of CoM's objectives, but ultimately, in accordance with Council's risk tolerance level. The risk tolerance level represents Council's appetite for accepting risk.
Stakeholders	*Person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity.

Risk Management Framework - Appendix 2: Risk Criteria and Matrix

Consequence Criteria

	People (Safety moved to Environment)	Social/Cultural	Financial*	Health, Safety & Environment	Business Continuity /Organisational	Reputation & Public Administration
Insignificant	<ul style="list-style-type: none">• No impact on wellbeing*.• Minor local workforce disruption.• Loss of continuity of staff knowledge.	<ul style="list-style-type: none">• Resident (household) experiences minor wellbeing* impact, disempowered, inconvenience or disadvantage.• Low-income earners/Household impact <\$50.	<ul style="list-style-type: none">• CoM – Financial impact, loss and/or penalty up to \$10,000.• *Project – up to 5% of original project budget.+	<ul style="list-style-type: none">• Physical or other injury requiring First Aid.• Isolated adverse environmental impact that is short term and/or reversible.	<ul style="list-style-type: none">• Insignificant impact on Council's ability to achieve strategic outcomes.• Minor impact on local Business Unit plan.• *Project – Nil impact on achievement of key project objectives or project duration extended up to 10% of original project timeframe.	<ul style="list-style-type: none">• A slight but manageable increase in the number of adverse resident/ stakeholder complaints.• Sporadic, low levels of negative commentary on an isolated media and/or social media platform for 1- 3 days
Minor	<ul style="list-style-type: none">• Minor temporary impact on wellbeing*.• Local and temporary poor morale.• Temporary loss of some staff of an individual Unit's workforce.• Loss of staff continuity requiring recruitment.	<ul style="list-style-type: none">• A group of residents within a suburb or identified cultural or community group experiences ongoing minor wellbeing* impact or are disempowered, inconvenienced or disadvantaged.• Household financial impact <\$200.	<ul style="list-style-type: none">• CoM – Financial impact, loss and/or penalty between \$10,000 - \$100,000• *Project – between 5-10% of original project budget.+	<ul style="list-style-type: none">• Physical or other injury resulting in medical treatment.• Isolated instances of environmental damage requiring minor effort to reverse / remediate.	<ul style="list-style-type: none">• Minor impact on a small number of Business Unit plans.• Some impact on strategic initiatives but only minor aspects impacted. Overall strategic intent still achievable.• *Project – Some impact on isolated key project objectives. Additional minor effort required to ensure all objectives are met.• *Project duration extended by 10- 20% of original project timeframe.	<ul style="list-style-type: none">• An increase in the number of resident/stakeholder complaints requiring direct effort to resolve / attend to.• Regular, low levels of negative coverage on multiple media and/or social media platforms for 1-7 days• Elected Member dissatisfied, complaint.
Moderate	<ul style="list-style-type: none">• Significant/medium term wellbeing* impact or a whole CoM worksite affected.• Widespread morale issues.• Temporary loss of staff across a number of Units.• Loss of key staff with specific knowledge and skills.• Impact on recruitment capacity as an Employer of Choice.	<ul style="list-style-type: none">• A number of neighbourhoods (up to 25% of residents) or cultural groups experience wellbeing* impact are disempowered, inconvenienced or disadvantaged.• Household financial impact <\$1,000.	<ul style="list-style-type: none">• CoM – Financial impact, loss and/or penalty between \$100,001 - \$1M.• *Project – between 10-20% of original project budget.+	<ul style="list-style-type: none">• Physical or other injury resulting in medical treatment / brief hospitalisation (Lost Time Injury of 1 day).• Isolated but significant instances of environmental damage / implications requiring concentrated effort to reverse / remediate.	<ul style="list-style-type: none">• Some key components of the strategic plan could not be achieved as a result of risk event. Additional funding / resources required to rectify.• *Project – Impacts numerous key project objectives. Considerable effort required including some change in project scope to achieve required outcomes.• *Project duration extended by 21- 35% of original project timeframe.	<ul style="list-style-type: none">• A high volume of resident / stakeholder complaints.• Heightened regularity of medium level negative media on multiple media and/or social media platforms for up to two weeks• Majority of Elected Members dissatisfied, Council motion affecting CEO/Administration Ombudsman or Office of Public Integrity.• Complaint from partner organisation resolved within portfolio.
Major	<ul style="list-style-type: none">• Long term wellbeing* impact or more than one CoM worksite affected.• Entrenched severe morale problems.• Inability to recruit with necessary skills.• High employee turnover.	<ul style="list-style-type: none">• Up to 50% of residents are disadvantaged, inconvenienced, disempowered or may experience wellbeing* harm.• Cultural group or community offended, unable to practice recognised traditions.• Household financial impact <\$10,000.	<ul style="list-style-type: none">• CoM – Financial impact, loss and/or penalty between \$1M and \$4M.• *Project – between 20-35% of original project budget.+	<ul style="list-style-type: none">• Serious injury requiring medical treatment / hospitalisation (Lost Time Injury of 2 days or more) or re-admission / extensive rehabilitation.• Severe and/or widespread environmental damage and / or loss of environmental aspect. Extensive effort and support required to reverse / remediate.• Danger of continuing environmental damage / losses.	<ul style="list-style-type: none">• Council unable to deliver on numerous key strategic initiatives without additional funding / resources.• Major review of strategic plan required.• *Project – Significant portion of key project objectives impacted. Major changes to project scope and work necessary to achieve required outcomes.• *Project duration extended by 36- 50% of original project timeframe.	<ul style="list-style-type: none">• Publicised adverse resident comments and/or complaints.• An ongoing significant and regular campaign of negative media on multiple media and/or social media platforms.• Forced resignation of General Manager/s. Ombudsman or Office of Public Integrity involvement.• Relationship with partner organization harmed, requiring CEO involvement.
Severe	<ul style="list-style-type: none">• Wellbeing* of majority of workforce affected.• Loss of a majority of the workforce.• Inability to replace critical services.	<ul style="list-style-type: none">• Majority of CoM residents are disadvantaged, inconvenienced, disempowered or may experience wellbeing* harm.• Household financial impact >\$10,000.	<ul style="list-style-type: none">• CoM – Financial impact, loss and / or penalty in excess of \$4M or higher impact on sustainability.• *Project - >35% of original project budget.+	<ul style="list-style-type: none">• Death or critical injury.• Major widespread loss of environmental aspect and progressive irrecoverable environmental damage.	<ul style="list-style-type: none">• Majority of initiatives and / or key initiative within the Council's strategic plan unattainable.• *Project – Failure of project to meet all required objectives.• *Project duration extended by >50% of original project timeframe.	<ul style="list-style-type: none">• Widely publicised adverse resident / stakeholder comments and / or complaints.• An ongoing high level and sustained campaign of negative media on multiple media and/or social media platforms• Forced resignation of CEO / Mayor. Council stood down. Minister intervention required.• Relationship with partner organisation harmed affecting the achievement of a strategic project/objective.

*Wellbeing – defined here as physical, mental and spiritual health and wellbeing
+ Projects will adopt the higher of the CoM or Project ratings

Likelihood Criteria

Rating	Likelihood of Occurrence *For Projects – Likelihood of occurrence during the Project period only
Rare	The event will only occur in exceptional circumstances / Probability close to 0 / < every 10 years
Unlikely	The event is unlikely to occur. / Probability 1 - < 25% / every 5 – 10 years
Possible	The event may possibly occur. / Probability 25 - < 50% / every 5 years
Likely	The event is likely to occur. / Probability 50- <75% / approx once a year
Almost Certain	The event is occurring now or is almost certain to occur / Probability >75% /more than once a year

Risk Assessment Matrix

LIKELIHOOD RATING	CONSEQUENCE RATING				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	MEDIUM	MEDIUM	HIGH	EXTREME	EXTREME
Likely	LOW	MEDIUM	HIGH	HIGH	EXTREME
Possible	LOW	MEDIUM	MEDIUM	HIGH	HIGH
Unlikely	LOW	LOW	MEDIUM	MEDIUM	HIGH
Rare	LOW	LOW	LOW	MEDIUM	MEDIUM

Risk Tolerance

Control Effectiveness

Ineffective	Absence of existing controls to address the risk cause/source or to reduce the impact of the risk if it occurred. No reliable controls are in place or available.
Partially Effective	The controls have been subject to major change or are in the process of being implemented and effectiveness cannot be confirmed.
Requires Improvement	The controls work in most instances with regard to managing the risk, however additional improvements are required to improve the effectiveness. Some controls are not well designed, as they do not treat the risk cause/source or there is too great a reliance on reactive (Detective/Corrective) controls.
Good	The control works well. Some improvement opportunities have been identified but not yet actioned.
Effective	Risk is being managed effectively. The controls are well designed and address the risk cause/source. The controls are regularly monitored and reviewed to verify their effectiveness.

Risk Evaluation – Required Actions based on Level of Risk Rating

Extreme Risk	Risk Treatment: A detailed plan and timeline to be implemented in collaboration with CEO. Action Level: to be assigned to Senior Leadership Team (SLT) member to monitor progress in consultation with Risk Unit and relevant General Manager. Liaise with Risk Unit for appropriate reporting & inclusion in Risk Working Group quarterly corporate risk update. Reported to: Council, Finance & Audit Committee and Risk Working Group – via quarterly risk updates Control Effectiveness: Closely monitored at work area level on ongoing basis, in consultation with Risk Unit
High Risk	Risk Treatment: Implemented by Risk Owner & respective General Manager (with Risk Unit collaboration, if required) Action Level: Relevant General Manager to liaise with Risk Owner to set appropriate action(s) & timelines. Liaise with Risk Unit for inclusion in Risk Working Group quarterly corporate risk update. Reported to: Council, Finance & Audit Committee and Risk Working Group - via quarterly risk updates Control Effectiveness: To be closely monitored at work area level on an on-going basis
Medium Risk	Risk Treatment: A detailed plan and timeline to be implemented if controls are not 'Effective' Action Level: Risk Owner assigned at Unit Manager/ Senior Leader level, review risk in line with Business Planning Reported to: Reported to relevant General Manager Control Effectiveness: Monitored and reviewed periodically
Low Risk	Risk Treatment: A detailed plan and timeline to be implemented, if controls are not 'Effective' Action Level: Review risk in line with Business Planning Reported to: : Reported to relevant General Manager Control Effectiveness: Monitored and reviewed periodically

CORPORATE REPORTS FOR INFORMATION/NOTING

Shopping Trolley Amenity By-Law Community Consultation

Originating Officer	Team Leader Community Safety - Luke Manuel
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC200225R13

REPORT OBJECTIVE

To provide Council with the results of the community consultation regarding the Shopping Trolley Amenity By-law 2019.

EXECUTIVE SUMMARY

At the General Council Meeting on 24 September 2019, Council made the following resolution:

1. *Endorses the proposed draft By-law Shopping Trolley Amenity By-law 2019 No.9 2019 as attached to Appendix 1 to this report (with point 4.2 being amended to include the word "not" so that the item reads "This paragraph does not prevent a shopping trolley...") to proceed to community consultation.*

Community consultation has since been undertaken to obtain the views of community members and to better understand the level of support regarding the proposed By-law to deal with abandoned shopping trolley's.

This report provides the results of the community consultation that has been undertaken and recommends that Council note this report and progresses the By-law to be finalised.

RECOMMENDATION

That Council:

1. **Endorses Administration to progress the By-law as originally drafted and put to the community, noting the comments raised by the community and key stakeholders in the consultation report (Attachment 1).**

Liveable: Minimising the amount of abandoned trolleys in the community positively impacts on the amenity of the local area.

Legal / Legislative / Policy: Local Government Act 1999.

Current Budget Allocation There is no budget allocated for this project.

DISCUSSION

A draft Shopping Trolley Amenity By-law was developed and presented to Council at its meeting on 24 September 2019. At this meeting Council endorsed this By-law (Attachment 1) for community consultation.

Broad community Consultation was undertaken during October and November 2019 proposing the creation of the Shopping Trolley Amenity By-law 2019 which would:

- Create an offence for a person who does not comply with a direction from an authorised officer to return a trolley to a shopping centre
- Create an offence for shopping centres with containment systems that do not collect trolleys taken from their premises within 48 hours
- Create an offence for shopping centres without containment systems that do not immediately collect a trolley taken from their premises

The consultation period was for 21 days as required by legislation. The community survey was available on the Making Marion website from 28 October 2019 to 19 November 2019.

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

- Media release and public notice was placed in the Coast City Weekly Newspaper on 28 and 30 October.
- Posters and flyers displayed at Council venues including libraries, administration centre, community and neighbourhood centres.
- City of Marion website and Facebook page
- Digital screens at Council venues

Information promoting engagement opportunities were also provided via email and letters and were sent to key stakeholder groups such as Coles, Bunnings, Woolworths, Foodland, Romeos Retail Group, Drakes, Westfield Centre Management, Aldi, Hallet Cove Shopping Centre managers, Big W, Target, IGA, Metcash and Castle Plaza Shopping Centre Management.

Hard copies of the survey were made available at our Administration Centre, Neighbourhood Centres and Libraries and included a contact phone number and email. Six hard copy surveys were sent out directly to community members upon request. A downloadable copy of the survey was 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 provided in Attachment 2.

Community feedback statistics

The consultation reached 11,435 people:

- 274 viewed via Making Marion;
- 11,161 users reached through 4 Facebook and one Twitter post during the consultation.

Those engaged in the consultation on the proposed Shopping Trolley Amenity By-law include:

- 61 total submissions:
 - 52 unique participants made survey submissions online
 - 9 written responses were received by email and letter, which included 5 responses from retailers or their representative. 41 downloads of the By-Law documents
- 6 hard copies of the survey were posted out (zero returned)
- 13 views of the FAQs on the proposed changes

Analysis of online survey responses

Q1. Do you support the introduction of the Shopping Trolley Amenity By-law?

- 77% of people (47) who participated in the survey indicated that they either strongly support or support the introduction of the by-law.
- 23% of people (14) who participated either opposed or strongly opposed the proposed by-law.

Q2. Are you answering this survey as?

- 86.5% of people identified as a member of the Marion community.
- 3.8% of people identified as a visitor to Marion
- 1.9% of people identified as a Retailer or Shopping Centre representative
- 7.7% identified as other.

Analysis of the comments from the general community and retailers has shown there are several themes which have been summarised below:

General Community

- General frustration with trolleys being left in the streets and are supportive of the By-law.
- Preference for a state wide solution.
- A view that the removal of trolleys from a retailers premises is theft and should be dealt with in that manner.
- Concerns a coin based containment system would be ineffective and doubts raised over Councils ability to enforce the By-law against individuals.
- The cost to the ratepayer to enforce the By-law and the potential of retailers to pass on any costs incurred by them to the general public.
- Concerns about how low income, and people from lower socio economic areas will be effected.
- Council should focus on enforcement against the person taking the trolley and not the retailer.

Retailers

- Retailers raised concerns about the shifting of responsibility of littering trolleys onto the retailer.
- The costs of installing containment systems and upgrading or modifying their trolley fleet.
- Retailers advise that they already spend considerable money to manage their fleet and collect abandoned trolleys which they believe is adequate.
- Modify the offence provisions around individuals who remove trolleys from a retail precinct. Issue on the spot fines for people who abandon a trolley.
- Provide more education to the community.
- Difficulties getting land lords to approve containment systems.
- Require shopping centre landlords to install the prescribed signage at shopping centre exits and not each store.

Summary

Based on the responses provided by the community there is a majority support for Council to adopt a Shopping Trolley Amenity By-law. Retailers support working with Councils on the issue and advise they already commit significant resources to trolley management. Retailers were not supportive of various aspects of the By-law and there was a general theme of non support for a compulsory containment system and a 48-hour period for collection.

Some of the comments were very specific and related to enforcement, potential negative effects on people from a lower socio economic background and the potential for retailers to pass on the costs to comply with the new By-law.

Attachment

#	Attachment	Type
1	Attachment 1 - Shopping Trolley Amenity By-Law 1	PDF File
2	Attachment 2 - Community Engagement Trolley By-Law Report	PDF File

**CITY OF MARION**

By-law made under the Local Government Act 1999

Shopping Trolley Amenity By-law 2019**By-law No. 8 of 2019**

To protect and enhance the amenity of the area of the Council, suppress nuisance caused by the use of shopping trolleys on roads, local government land and private land and otherwise for the convenience, comfort and safety of the Council's community.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Shopping Trolley Amenity By-law 2019*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this By-law:

- 3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **authorised token** means any object designed to release a trolley from a coin deposit and release system that has been approved by the Council on application by a retailer;
- 3.3 **coin deposit and release system** means a coin-operated lock that operates with the insertion of an Australian currency one dollar or two dollar coin or equivalent authorised token;
- 3.4 **premises** includes:
 - 3.4.1 land;
 - 3.4.2 a part of any premises or land;
- 3.5 **removal notice location** means:
 - 3.5.1 the place mentioned in a removal notice where the trolley was found;
 - and

- 3.5.2 any place outside a retailer's shopping centre precinct that can be clearly seen from the place mentioned in the removal notice;
- 3.6 **retailer** means a person who provides shopping trolleys for use in the retailer's premises;
- 3.7 **retailer's shopping centre precinct**, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises that are identified on the trolley are located;
- 3.8 **shopping centre**, for retail premises which provide shopping trolleys for use in the premises, means:
 - 3.8.1 if the premises occupy a single building—the retail premises; or
 - 3.8.2 if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade;
- 3.9 **shopping centre precinct** means:
 - 3.9.1 an area consisting of:
 - 3.9.1.1 a shopping centre; and
 - 3.9.1.2 any car park provided for the use of customers of the shopping centre; and
 - 3.9.1.3 any area, including a road or other public place, between the shopping centre and the car park; and
 - 3.9.1.4 any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
 - 3.9.2 an area determined by the Council to constitute a shopping centre precinct for the purposes of this by-law;
- 3.10 **shopping trolley** means:
 - 3.10.1 a predominantly metal trolley incorporating a basket that cannot be removed; or
 - 3.10.2 a trolley or handcart determined by the Council to constitute a shopping trolley for the purposes of this by-law;
- 3.11 **trolley containment system** means:
 - 3.11.1 a wheel lock system;
 - 3.11.2 a coin deposit and release system; or
 - 3.11.3 such other system as the Council may determine to prevent shopping trolleys being removed from a shopping centre precinct, and to

facilitate the return of the shopping trolleys to a designated location within the precinct;

- 3.12 **wheel lock system** means a disabling device which makes the trolley inoperable, including by locking the wheels of the shopping trolley, if it is removed from a retailer's shopping centre precinct.

Part 2 – Management of Shopping Trolleys

4. Retailer to keep Shopping Trolleys within Shopping Centre Precinct

- 4.1 A retailer must keep a shopping trolley, which has been identified as belonging to the retailer under this by-law, within the retailer's shopping centre precinct.
- 4.2 This paragraph does not prevent a shopping trolley that is not within the retailer's shopping centre precinct being:
- 4.2.1 on premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley;
 - 4.2.2 in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
 - 4.2.3 in a shopping centre precinct other than the retailer's shopping centre precinct.
- 4.3 This paragraph does not apply if:
- 4.3.1 a trolley containment system is in operation at the retailer's shopping centre precinct;
 - 4.3.2 the number of trolleys provided by the retailer at the retailer's shopping centre precinct is less than 25; or
 - 4.3.3 the retailer has obtained an exemption from the Council from the operation of this paragraph.
- 4.4 For the avoidance of doubt, nothing in this paragraph prevents an authorised person from giving a retailer a removal notice under paragraph 5 of this by-law.

5. Notice to Remove Individual Shopping Trolley

- 5.1 If a shopping trolley is found in a place outside the retailer's shopping centre precinct an authorised person may give a retailer a notice (a **removal notice**) requiring the retailer to remove the shopping trolley from the removal notice location specified in the removal notice within the period specified in the removal notice.
- 5.2 A removal notice issued under paragraph 5.1 of this by-law:
- 5.2.1 is to be complied with within 48 hours after the time the removal notice is given (or such other time as has been specified in the notice);
 - 5.2.2 must specify:

- 5.2.2.1 the time and date the removal notice is given;
 - 5.2.2.2 the place where the shopping trolley was found;
 - 5.2.2.3 it is an offence against this by-law to fail to comply with the removal notice or remove the notice without authorisation;
 - 5.2.2.4 the expiation fee and maximum penalty applicable under this by-law for failing to comply with the notice or removing the notice without authorisation;
 - 5.2.2.5 the Council's contact details in relation to the removal notice.
- 5.3 A retailer must comply with a removal notice issued under paragraph 5.1 of this by-law.
- 5.4 A removal notice may be given by the authorised person:
 - 5.4.1 either:
 - 5.4.1.1 securely attaching the removal notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and
 - 5.4.1.2 calling the contact telephone number stated on the trolley as required under this by-law and giving the information in the removal notice to the retailer; or
 - 5.4.2 serving the removal notice in accordance with the *Local Government Act 1999*.
- 5.5 For the purposes of this by-law, a removal notice is taken to have been given to a retailer under paragraph 5.4.1 of this by-law:
 - 5.5.1 at the time and date the telephone call is made and the information is given to:
 - 5.5.1.1 a person who answers the telephone call; or
 - 5.5.1.2 a telephone answering or recording device; or
 - 5.5.2 if a reasonable attempt was made to give the information to the retailer by telephone.
- 5.6 A person, other than a retailer or a person authorised by a retailer, must not remove or interfere with a removal notice attached to a shopping trolley under this by-law.

6. Direction to Return Shopping Trolley

- 6.1 If an authorised person believes on reasonable grounds that a person:

- 6.1.1 has taken a retailer's shopping trolley from the retailer's shopping centre precinct;
- 6.1.2 is using a retailer's shopping trolley in a place outside the retailer's shopping centre precinct; or
- 6.1.3 has left a retailer's shopping trolley at a place outside the retailer's shopping centre precinct,

the authorised person may give the person a direction (an **on-the-spot direction**) to return the shopping trolley to the retailer's premises identified on the trolley.

6.2 An on-the-spot direction issued under paragraph 6.1 of this by-law:

- 6.2.1 is to be complied with within such reasonable time as specified by the authorised person;
- 6.2.2 must include:
 - 6.2.2.1 a warning it is an offence against this by-law not to comply with the direction;
 - 6.2.2.2 the expiation fee and maximum penalty applicable under this by-law for failing to comply with the direction; and
 - 6.2.2.3 the Council's contact details;

6.3 A person must comply with an on-the-spot direction issued under paragraph 6.1 of this by-law.

6.4 Nothing in this paragraph empowers an authorised person to issue an on-the-spot direction under this paragraph to:

- 6.4.1 the retailer identified on the trolley; or
- 6.4.2 a person authorised by the retailer to deal with the trolley in the manner specified in paragraphs 6.1.1 or 6.1.2.

Part 3 – Notification Requirements

7. Shopping Trolley Removal Notification

A retailer must place prominently at or near each customer exit in the retailer's premises a notice that:

7.1 contains the following statement:

'Under the City of Marion's *Shopping Trolley Amenity By-law 2019* fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct.'

7.2 describes the retailer's shopping centre precinct;

7.3 contains anything else required by a determination of the Council under this paragraph; and

7.4 can be seen and read easily by a person leaving the retailer's premises.

8. Identification of Shopping Trolleys

A retailer must display on each of the retailer's shopping trolleys the following information:

8.1 the retailer's legal name;

8.2 the address of the retailer's premises at which the retailer keeps the trolley; and

8.3 the contact telephone number of:

8.3.1 the retailer; or

8.3.2 a person authorised by the retailer to collect the trolley.

Part 3 – Miscellaneous

9. Exemptions

9.1 A retailer may apply in writing to a Council for an exemption from the application of paragraph 4 of this by-law.

9.2 The Council may, in its absolute discretion, determine to exempt a retailer from the application of paragraph 4 of this by-law in respect of all shopping trolleys or particular types of shopping trolleys, either temporarily or permanently.

9.3 A retailer must not include information in an application made under this paragraph that is false or misleading in a material particular.

10. Requirement to Publish Determinations Online

If the Council makes a determination under paragraph 3.9.2, 3.10.2, 3.11.3 or 7.3 of this by-law, the Council must give notice of the making of that determination on a website determined by the Council's Chief Executive Officer.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the day of 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Adrian Skull
Chief Executive Officer

Trolley By-Law Community Engagement Feedback November 2019



Community consultation was undertaken between 28 October and 19 November 2019 and has now concluded.

The draft Shopping Trolley Amenity By-law was approved by Council for consultation on 24 September 2019. The by-law states how we will deal with abandoned shopping trolleys in the future including fining retailers with containment systems if they fail to collect the trolleys within 48 hours and fines for individuals caught removing trolley's from Shopping Centres.

We want to know whether or not community supported the draft Shopping Trolley Amenity By-law.

What is being proposed?

Council is proposing introducing laws that would:

- Create an offence for a person who does not comply with a direction from an authorised officer to return a trolley to a shopping centre
- Create an offence for shopping centres with containment systems that do not collect trolleys taken from their premises within 48 hours
- Create an offence for shopping centres without containment systems that do not immediately collect a trolley taken from their premises

This would involve:

- Council requesting retailers with a trolley fleet of 25 or more to install a containment system around their premises such as wheel locks or a coin deposit, and advisory signs
- Council requesting retailers to ensure their trolleys are clearly identified
- Council officers being empowered to direct people to return a trolley to the retailer and issue a fine if they refuse

What fines could be imposed?

- Retailers with a containment system fined up to \$187.50 for each abandoned trolley they fail to collect within 48 hours
- Retailers without a containment system fined \$187.50 for each abandoned trolley they fail to collect immediately
- Individuals fined \$187.50 for failing to comply with direction from an authorised officer to return a trolley

We invited community to have a say by taking a quick survey at www.makingmarion.com.au/shopping-trolley-bylaw by writing a submission stating level of support and why.

The consultation ran from **28 October until 19 November 2019.**

Trolley By-Law Community Engagement Feedback November 2019



EXAMPLES OF COMMUNITY ENGAGEMENT INITIATIVES

[Home](#) » [Draft Shopping Trolley Amenity By-law](#)

Draft Shopping Trolley Amenity By-law

Consultation has concluded. We are now collating your responses.

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You can have your say by taking the quick survey below or by writing a submission stating your level of support and why. If writing a submission please include your name and contact details including suburb you live in.

The consultation will run from 28 October until 19 November 2019.

Writing a submission:

If you have a number of comments about the draft by-law, you can write a submission to Luke Manuel, Team Leader Community Safety, City of Marion, 245 Sturt Road, Sturt, SA 5047.

You can also email whether you support or not with comments to communityengagement@marion.sa.gov.au. Please include your name and contact details including suburb.



Document Library

- [Shopping Trolley Amenity By-law 2019 \(draft\) \(308 KB\) \(pdf\)](#)
- [Council Meeting Final Agenda 24.9.19 \(Shopping Trolley Amenity by-law draft - page 91\) \(31.1 MB\) \(pdf\)](#)
- [Shopping Trolley By-law poster \(721 KB\) \(pdf\)](#)
- [Shopping Trolley By-law community information sheet \(956 KB\) \(pdf\)](#)

Key Dates

The Draft Shopping Trolley Amenity By-law approved by Council for Consultation
24 September 2019

Shopping Trolley Amenity By-law consultation opens
28 October 2019

Shopping Trolley Amenity By-law consultation closes
19 November 2019

Report developed for Council - Early 2020
January 2020

FAQ

[Why is Council considering introducing this new by-law?](#)

[Has Council done anything to try and fix the problem?](#)

[Why is Council imposing a burden on the retailers?](#)

[When could the new by-law be introduced?](#)

[What types of containment systems could retailers install?](#)

[What about people who need trolleys to take shopping home?](#)

[How would the level of fine be set?](#)

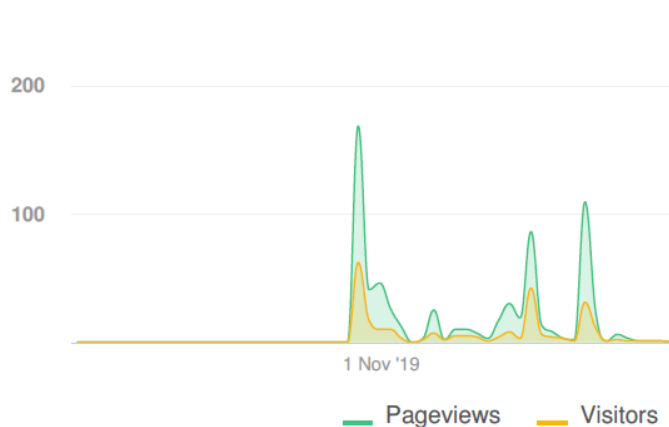
Screenshot of Making Marion page

Trolley By-Law Community Engagement Feedback November 2019



SUMMARY OF ENGAGEMENT STATISTICS

Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
274	62	
NEW REGISTRATIONS		
38		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
48	123	212

- A total of **274** participants viewed the page and **52** survey submissions online
- The relevant documents were downloaded **41** times
- FAQs on the proposed changes were viewed **13** times
- **9** direct Emails / letters written responses were received from Key stakeholders and residents (provided as appendices to this report)

Trolley By-Law Community Engagement Feedback November 2019



EXAMPLE OF SOCIAL MEDIA ENGAGEMENT



Screenshot of Facebook post

FACEBOOK STATS

Promotion of the engagement was posted on Facebook 4 times and Twitter once during the consultation timeframe on 28 October and 13 November reaching over 11,161 users.

- 28 October Facebook post – 4469 reached
- 13 November 3770 reached
- 18 November 2922 reached and reposted by Trolleywatchsa

Trolley By-Law Community Engagement Feedback November 2019



FACEBOOK COMMENTS RECEIVED

In support of the By-Law

Selfish people aren't doing the right thing by returning trolleys to bays so council should take a hard line and enforce through bylaws the responsibility on retailer and require them to install immobilisers similar to the e-scooters in Adelaide CBD

Just make them all like Aldi.... coin operated! never see an Aldi trolley around!

Finally!! Get this in!

The people who will be fined are likely already broke. I think so long as first time they get a warning then it's OK. I don't know, in my mind I imagine a single mum with several young mouths to feed, and no vehicle to get the weekly shopping home in. Bit sad really.

YES

Not in support of the By-Law

This By-Law is deeply practically and legally questionable.

- 1. Without a Tag and Release system, HOW would an Inspector know an Individual returned a particular Trolley to a store ?*
- 2. You would also need some form of formal "Sign In" procedure at a customer service desk to facilitate that.*
- 3. Council Inspectors already have the powers proposed in the By-Law under the Local Nuisance & Litter Control Act. They can Caution and instruct Offenders to return trolleys to avoid expiation, but the By Law does not address the key concern of catching them in the Act to actually caution, which is the issue now.*
- 4. Coin Operation does NOT in general work very well.*
- 5. The Proposal to expiate Retailers raises the legal question under the Expiation of Offences Act that Council Inspectors would be fining someone (Store Manager ?) for an offence that person did not commit - how does Council get around the "It wasn't me" Stat Dec ?*
- 6. The By-Law does not identify responsibility between retailers and if they use sub-contracted trolley services. WHO is responsible - the Retailer or the Trolley Collector Service ? Really - the person responsible is the person who takes it from site.*
- 7. Retailers will directly shift this cost onto Customers, causing NO financial incentive to modify collection - Shopping Trolleys are already worth more than the expiation notice of \$187.50 and retailers are not that worried. WHY ? Again, because the Customer is paying.*
- 8. A LOT of trolleys are taken out by other businesses who use them in their business, and also people to whom being expiated (fined) will not matter as they do not pay fines anyway. Without behaviour modification strategy - this offence will not change much.*
- 9. This By Law conflicts with the Criminal Law Consolidation Act, as it interferes with the Offence of "Theft". technically, those trolleys are "stolen" and an Offender may legally argue they are being expiated and prosecuted for the same offence. The Offence of "Theft" is not considered by the By Law.*
- 10. Expiating Retailers does not educate on environmental degradation - it's a very blunt tool to get a very specific job done done by a handful of repeat offenders.*

Really, there is only ONE tried and tested way to do this, and this By law isn't it.

We'll be sending some info to Luke as advised, but there are better ways than this proposal.

How are they going to police it? All well and great to make it illegal, but people who dump trolleys already are not going to care about a change of bylaw. Pretty hard to enforce unless someone is caught red-handed?!

Simple return after use, its the right thing to do and simple. Even if people use them to take groceries home due to low income/no transport just return to store or they adapt stop magnetic like in Europe which prevents from being taking out of car park. End of day its a choice and if not willing to do the right thing then its their own fault if they are fined as its not their property or right to remove from Carpark..

Put fines in place for trolleys but continue to take no action on the permanent issues you create with the never ending approvals of row dwelling dog boxes? Shame on you council.

Why not put some money into community programs to help people who have transport problems rather than punishing people who are already struggling?

Trolley By-Law Community Engagement Feedback November 2019



Not in support of the By-Law continued

<i>Council already has the ability to fine people who dump these trolleys, but the interesting bit is that Council can not seem to answer the question on WHO on the Retailer side cops the fine. Is it the Store Manager, the Trolley Collector, the Sub Contractor, or the Head Office ? How can anyone make a comment on a law when no one (not even Council) seems to know who it is intended to target ?</i>
<i>This is the big issue for council? Wow Why the retailer? Shopping cart police! Ahahaha</i>
<i>Make people responsible. It's theft of a trolley if it's taken past the shopping centre carparks. Why? You can get online shopping delivered, community buses can take you shopping too. There is no need to steal a trolley</i>
<i>Every week there is over 5 trolleys in Rajah street and playground area the kids use them to push around in tennis / basketball courts ! It's the people that don't drive and need shopping but can't afford delivery . Low income families are getting more and more desperate as everything is going up except Centrelink benefits, if these people could work they would or places like coles could do a earn as you spend to collect points for a actual grannie trolly to help with taking your groceries home in stead of those silly kids minis !</i>
<i>The supermarkets should reinstate the token or coin mechanism on their trolleys. It works for ALDI.</i>
<i>In some WA shopping centres they have trolleys whose wheels lock when approaching the car parks. From there you are expected to carry your goods. Nobody seems to mind.</i>
<i>don't think trolley dumping is that much of an issue that we should start allowing councils to start making their own laws to issue more fines. Passing this law will only end up inconveniencing the consumer. This law will force supermarkets to introduce a deposit system. Why should I have to buy a token or remember to carry a dollar coin on me for a service that my local supermarket has always provided to me for free. It frustrates me when I want to go to Aldi because I always have to go and get a trolley from somewhere else first because I don't have a dollar on me. Who carries cash in this day and age.</i>
<i>What about people who can't afford a car or can't drive and live close to the shops so a bus would not be a feasible option. Is there a clause or assistance program written down n to your by-law helping those at the lower socioeconomic end of society? Or is this just a law to prosecute them?</i>
<i>What if the retailer doesn't know the trolley is down the street in the bush? Do they get fined? I hoping some common sense is used and this isn't a cash cow for Mr Hanna and his posse</i>
<i>so you have a proposed new by-law but you don't know how you going to execute it in terms of fines etc. Sounds like amateur hour at Marion Council.</i>

General comments

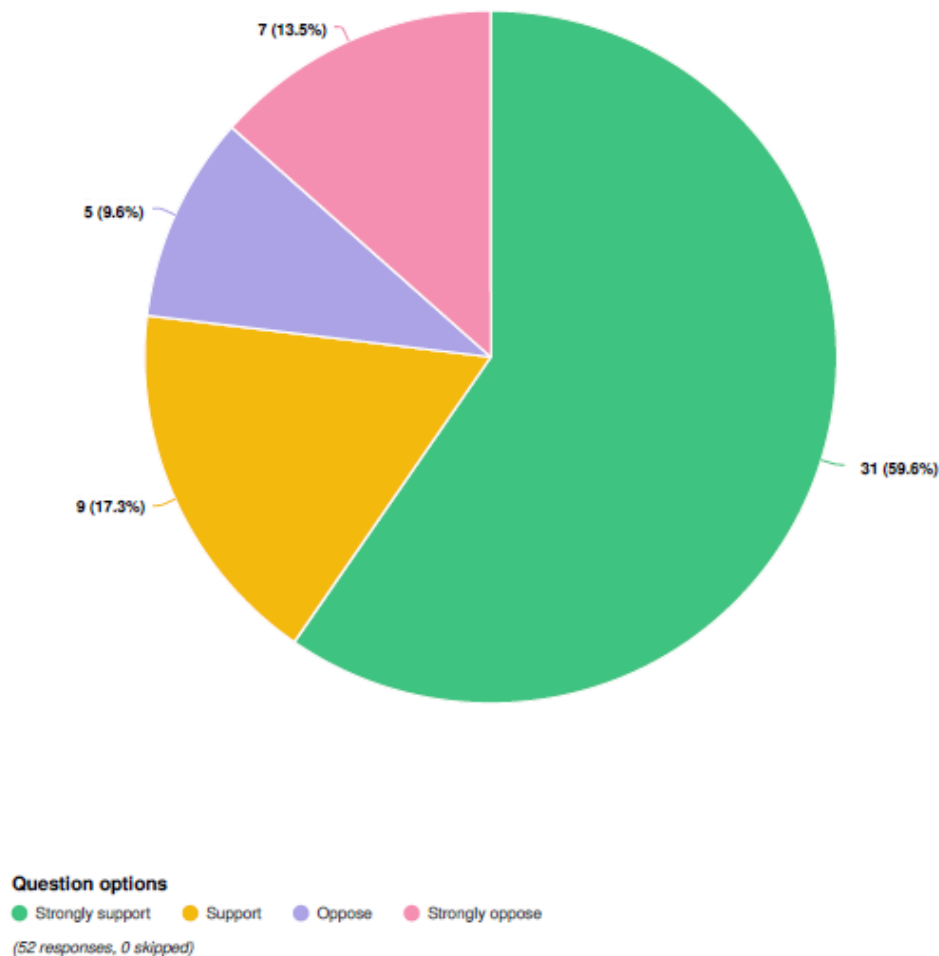
<i>There's a houso place on Raglan Avenue near Castle plaza that constantly has trolleys from various supermarkets in their front yard, then they just dump them on the footpath out the front. If anyone was serious about this they would've been charged years ago.</i>
<i>They seem to congregate around housing trust and rental properties mostly. Ie Morphett Rd Dover Gardens, etc.</i>
<i>Not the retailer's fault</i>
<i>Just put the locking device, for any outside the shopping centre, like they did at Kurralt Park!</i>
<i>More of an eyesore is the constant hard rubbish dumped at bus stops, not collected by the council within 48 hrs. Who is responsible for that ? Further..there was a futon mattress dumped on the footpath on Ferry Ave, near Bray St. It sat there, deteriorating and being an eyesore for weeks and weeks and weeks. No council intervention there.</i>
<i>It's theft and should be prosecuted as theft</i>

Trolley By-Law Community Engagement Feedback November 2019



QUANITITIVE FEEDBACK FROM MAKING MARION PARTICIPANTS

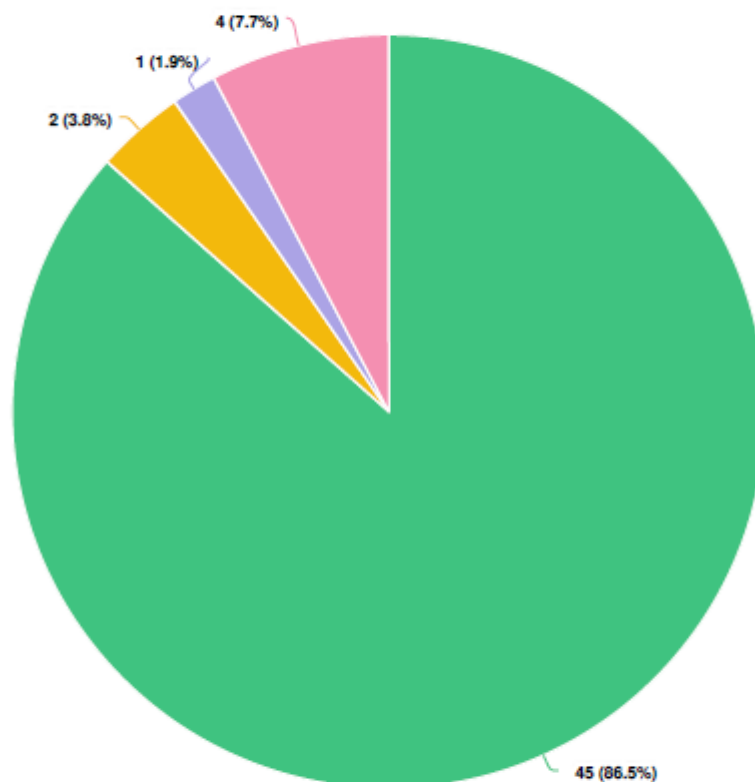
Do you support the introduction of the Shopping Trolley Amenity by-law?



Trolley By-Law Community Engagement Feedback November 2019



Are you answering this survey as?



Question options

● A member of the Marion community ● A visitor to Marion ● A Retailer or Shopping Centre representative ● Other
(52 responses, 0 skipped)

Trolley By-Law Community Engagement Feedback November 2019



Answers for "Do you have any comments about the Shopping Trolley Amenity by-law?"

<p><i>If this sort of thing is implemented, it needs to be monitored and enforced.</i></p> <p><i>The number of trolleys still being taken from Westfield and wheeled up our area and dumped is ever increasing.</i></p> <p><i>We dare not say anything to people wheeling them past our home in case they come back when we are not there. Typically they are dumped around H2O park land and surrounds by those in the housing commission properties.</i></p>
<p><i>I disagree as it penalises those amongst us who cannot afford transport and live too far from Westfield to be able to return the trolley. I believe the Supermarkets should be responsible for picking up their trolleys but perhaps there should be more incentives to notify them about stray trolleys or perhaps the retailers could produce a large shopping bag on wheels at discount to avoid people having to take trolleys home.</i></p>
<p><i>As a resident of Marion I am constantly witnessing trolleys surrounding the streets. I live 6 streets from Westfield Marion and still see the trolleys in the front of my property. I do not blame the shopping centres but more so the individuals and/or youth in the area. I firmly believe fining the individuals that take these trolleys off shopping centre premises will improve this issue.</i></p>
<p><i>Absolutely fantastic initiative. Hopefully this will spread throughout the metropolitan councils.</i></p>
<p><i>From my understanding, coin return systems have had mixed results (i.e. people don't care about getting the \$1 back, or they jam it with another object). Perhaps the wheel lock system is the way to go. Council also needs to police it regularly. Perhaps a system where people can notify council if they see a trolley being taken (in real time) could be considered (such as an app). Can Marion shops also be held accountable and install infrastructure (such as bollards in Ikea car park).</i></p>
<p><i>trolleys left in our area are mainly from students who live in student accommodation those who just don't care....how are you going to track them down? Also Westfield Marion don't collect the trolleys after closing hours like they used to and they are just left all over the carpark at night. Coin deposit is the only way to go so those trolleys left on the streets can be collected by those who could do with the money...just look at those who go through our recycling bins for 10cents.</i></p>
<p><i>If they are all coin operated people will return them</i></p>
<p><i>I would support a containment area for trolleys. I would also support a trolley scheme for residents so they could easily transport their shopping home. They would be unlikely to abandon their own trolleys if they pay for them.</i></p> <p><i>Fining supermarkets would make them put up prices to compensate so a council supplied trolley scheme would be beneficial to all concerned.</i></p>
<p><i>Working for a supermarket for 20 years, and seeing a lot of abandoned trolleys, I think it will be hard to fine individual people. We had one lady who had 18 trolleys in her back yard, that said "she put them there, so they wouldn't get damaged" and rang us to collect. Kids also dump in creeks. Only thing I think would work is a coin slot in trolleys, which therefore will save wages in trolley collectors, and possible damage to cars. It's really about the customers being respectful and considerate to other people's property. Yes, retailers need to have something in place, I strongly agree, but not sure if it's fair to fine them.</i></p>
<p><i>I think immediate collection is unrealistic.</i></p> <p><i>And not sure if you have considered that supermarkets and retailers will pass the cost of this onto the consumer.</i></p> <p><i>And or help contribute to / support or advertise the trolley locator apps or sites that give financial incentive to people alerting shops to their lost trolleys...</i></p>
<p><i>Fines against retailers and setting up 'containment systems' will be passed on by retailers to consumers, who are also City of Marion rate payers. City of Marion rate payers will bear the cost of</i></p>

Trolley By-Law Community Engagement Feedback November 2019



<p>consultation, creation of by laws and council officers to enforce by-laws/issue fines. Ultimately, it will be rate payers limited resources used to fund this by-law and retailers 'containment systems'. My observation is that lower socio-economic areas are more impacted by abandoned trolleys.</p> <p>The City of Marion Council would be better directing limited rate payer funds to reduce the instance of illegal dumping, a much worse eye sore which is rampant throughout the entire Marion Council area.</p> <p>City of Marion council needs to assess it's priorities and focus on the real issues facing residents, such as Youth, elderly and Community services. Also, better management of ratepayers resources. The Shopping Trolley by-law is a ridiculous waste of limited rate payers resources, given an average of 7 trolleys are collected each week (source: Council meeting minutes 28 May 2019.) I strongly urge the Mayor and Councillors at the Marion Council to get outside of the 'Marion Council Chamber bubble' and get engaged in the local community and focus on the real issues. I would prefer to see the City of Marion council invest in it's own capabilities: developing in the areas of leadership; service delivery; governance; conflict and change management.</p>
<p>However I don't believe retailers should be fined as this will only increase the costs to the consumer when shopping at the retailer. I believe those individuals taking trollies should definitely be fined, and also agree with having a containment area for the trollies (refundable coin required to use one).</p>
<p>This law needs to pass, I am sick of the shopping trolleys. They are everywhere, look ghastly and bring our suburb down. Thank you for doing something about it.</p>
<p>It is unreasonable to impose fines on retailers for uncollected trolleys.</p>
<p>Why not put some money into community programs to help people who have transport problems rather than punishing people who are already struggling?</p>
<p>No need for new laws - already covered by littering/dumping legislation. A trolley abandoned for a few days is not really a big deal.</p>
<p>Why not request the supermarkets to introduce a coin lock on every trolley which means the shoppers must return the trolley to get their \$2 coin back.</p> <p>Aldi has this on their trolleys and you don't see any Aldi trolleys lining the streets.</p> <p>The only reason I can see the council imposing fines on people is to increase income, council rates in Marion are already high enough.</p>
<p>Stop abandoned trolleys littering the areas.</p>
<p>Abandoned trolleys are an eyesore---definitely agree with strong penalties for taking the trolleys away from the supermarkets---people are lazy and basically it amounts to stealing property!</p>
<p>I am sick and tired of seeing abandoned shopping trollies left along the Sturt River and in streets around Mitchell Park and neighbouring suburbs. I fully support the introduction of this by-law and it can't start soon enough.</p>
<p>We support your by-law. We are NOT in favour of the stores being fined. In conjunction with your by-law we think the stores should introduce a \$2 usage charge which is retrievable at a trolley bay. Marion Shopping should put more trolley bays particularly towards the Culture Centre and adjacent to the columns in the undercover parking. Marion Council should have available 'trolleys' for sale at a nominal price for those people who have no access to a car. Our Men's Shed would be happy to look at manufacturing these. Good luck with your attempt to fix the problem. (Posted by the Community Engagement Team on behalf of a resident who sent comment by email).</p>
<p>I agree that dumped shopping trolleys are a hazard and an eyesore. However it is the theft and misuse of these trolleys that is causing the problem. I have seen people throw trolleys down the entrance way to the underground pedestrian underpass at the Woodlands Park Train Station. It is not the retailers that carryout this practice.</p> <p>Retailers are providing a service to their customers but Marion Council wants to fine the retailers</p>

Trolley By-Law Community Engagement Feedback November 2019



because their customers steal their trolleys. Unfortunately people steal the trolleys, vandalise them, steal the wheels and dump them in the streets. Retailers like at K-Mart Anzac Highway installed containment systems like wheel locks but people managed to override the system. Many retailers went to coin deposit trolleys but people also managed to override this system.

I am firmly against retailers being fined, as they are not responsible for the theft of their trolleys. It already costs retailers a lot of money to replace damaged, stolen and dumped trolleys which cost is passed on to their customers. Obviously the only solution is to ban all retailer provided shopping trolleys from shopping centres and shoppers provide their own two wheel folding trolleys like they used to years ago. These do not cost \$150-00 like the supermarket supplied ones. [REDACTED]

[REDACTED] (posted by the community engagement team on behalf of a resident who provided a paper copy of the survey)

I keep reading in disbelief that nothing is being done about trolleys other than heavy handed tactics. It is clearly a theft issue as the trolleys are someone else's property. People are stealing them!!!!

A starting point would be to install a visible signage at all exits stating:

*Trolleys are the property of Coles (or whoever)
and MUST NOT be removed from the shopping centre.
Anyone removing a trolley beyond the boundary
can and will be charged with theft.*

The number of miscreants who use them as transport may slow down at least. And the Police would fill up their fine book if they drove around near most shopping centres. A \$10 shopping trolleys are readily available

I see back yards with dozens of them all lined up as trophies. Respect for property is disappearing.

*No laws impacting the innocent parties being the businesses
And it is so cheap to instigate. Business pays! And some form of signage needs to go up with most of the proposals anyway.*

Im not sure about coin operated trolleys as these seem to have all but disappeared and there must be cost reason behind that.

Hope you can make it stick. Fed up seeing all the trolleys around the streets

Fines on individuals removing and abandoning trolleys must be enforced. It's not really the shops fault they have Bogan customers.

We are currently in talks and implementing a GPS system to help retailers locate and retrieve there trolleys.

The feed back from the retailers is a coin lock or a containment system hasn't worked, So three years ago we were approached to develop a GPS system for shopping trolleys. This system can pin point up to three meters away so the retailer can see where they are and go and retrieve them in a timely manner. We would recommend you put in a GPS system as a option in your Bylaw as this has already been well received by retailers.

I think if you made all trolleys a coin operation, people would take them back, you never see Aldi trolleys dumped. Also if people walk around and take bottles from our bins on bin day for 10c they will collect trolleys and return them for \$2. Myself and a friend walk daily and we have often counted more than a dozen in one area daily.

While the wheel lock containment system attempts to stop removal from the carpark and the coin deposit system encourages return, only a tracking solution can give retailers the ability to collect trolleys easily or give council the ability to fine retailers for non-compliance.

Trolley By-Law Community Engagement Feedback November 2019



Asset Protech tracking solution will send an email notification when the trolley has left the carpark and display its location on a map, making collection easy and quick. The system will report how long it has been out prior to collection giving council the ability to fine the retailer if not collected. Without tracking, council would need to somehow record when a trolley left the carpark and when it had been out more than 24 hours. This is almost impossible or very costly. With a tracking solution, council could greatly reduce the acceptable time for a trolley to be out of the carpark. IE, As notification is quick, and collection easy, council could request trolleys be collected same day so not to be left in dangerous areas overnight.

We therefore request that the by-law be updated to the following

3.1 trolley containment system means:

3.1.1 a wheel lock system;

3.1.2 a coin deposit and release system;

3.1.3 A tracking solution; or

3.1.4 such other system as the Council may determine to either prevent shopping trolleys being removed from a shopping centre precinct, or to easily facilitate the return of the shopping trolleys to a designated location within the precinct;

Further Bylaw recommendations for tracking solution.

Any solution implemented by the retailer must address the following points:

â€¢ Provide individual identification of each trolley

â€¢ Be able to identify the location of the trolley and display on a map.

â€¢ Report when the trolley has left a designated allowable area, defined by a geofence.

â€¢ Provide the length of time the trolley has been outside of the designated allowable area.

â€¢ Provide confirmation they were collected within the time specified by council.

â€¢ Council be provided with the transparency of the solution and that it conforms to this bylaw.

Optional clauses

â€¢ Council be given access to the location map & time taken to collect trolley out of bounds

â€¢ Confirm by way of maintenance records that individual trolleys are serviced regularly and are fit for use.

â€¢ Trolleys without travelator wheels shall not be located within Marion Shopping Complex through accurate reporting and maintenance records

â€¢ Email Alerts be sent to relevant parties to action any of the requirements contained in this bylaw

Our expanded recommendation also addresses our safety concerns with incorrect trolleys (non-travelator) or poorly maintained trolleys being potentially used.

Shopping trolley collection has always been very good in my area. This is nothing more than a money grab by council and the only people who are going to suffer will be local residents who will be forced to pay a deposit for trolley use.

I don't want my local supermarkets charging a deposit for trolley use, which is what will happen if the council introduce this law. Dumped trolleys has never been an issue in my area and I have lived here since the 90's.

I do not support council introducing the new laws regarding shopping trollies. I have lived near Marion Shopping Centre since the 90's and have never found shopping trollies left in streets to be an issue. On the odd occasion a Trolley is left in the street it is usually collected promptly. It is therefore my opinion that the council is only looking at introducing these laws purely as a revenue raising exercise and it will be the local residents who are going to be put out.

Trolley By-Law Community Engagement Feedback November 2019



My issue with the introduction of these new laws is that I believe it will force retailers to charge a deposit for shopping trolley use. In today's cashless society, it already annoys me when I go to Aldi and they don't offer free trolleys. I often don't have change on me for a trolley and I don't believe shoppers should have to pay to buy a shopping trolley token either. Shopping trolleys have always been a free service offered by supermarkets and I don't want to see that change.

The trolley collecting service has always done a good job so I say NO to the proposed introduction of these laws. If these new laws do go ahead I will definitely be voting differently at the next election.

I live in an area affected by trolley dumping and welcome the council's proposal. The only issues I would like to raise are:

- People asked to return trolleys by a council inspector may simply dump the trolley nearby unless followed back to the store.*
- I have seen pairs of dumped coin deposit trolleys connected back to back to retrieve both coins. Wheel lock trolleys activated on the store boundary would be my preferred option.*

We live near Warradale station, at which at least one trolley (not the same one) appears to be a permanent fixture. The suggested method appears to work in the places in Melbourne where it is used.

Long overdue

None

Residents being caught taking trolley out of Carpark I would suggest an grace period with a written warning as many maybe unable to understand and many DO NOT have the financial means for car, taxi etc. Also give residents the opportunity to return trolley straight straight away in a couple of hours) as many low income shoppers use them to transfer their groceries. I would also offer community information/education sessions in libraries etc.

Owning property in this Council area and also using your community facilities, shopping trolleys are a major visual impairment and street encumbrance. They are often left outside our property and we are certainly not the culprits. With an expanding Westfield at the heart of your Council major facilities, you need to work swiftly to curtail the problem before it gets right out of control.

1) It would better if the State Government had introduced a statewide law on trolley management. However, if this is not on the horizon then we support your by-law 100%.

2) \$187.50 is not enough. Why not round it up to a whole number and charge trolley thieves (because that is exactly what they are) \$200?

Would prefer state-wide legislation to force supermarkets to adopt a deposit scheme for trolleys but if that's not likely then I support this by-law

There seems to be a total disregard by some members of the community that you can steal a shopping trolley from a shop/shopping centre and have no consequences for your actions. It is theft and should be prosecuted as theft.

I agree that there is a problem with trolleys in the area that should have been returned to the stores they belong to

I do oppose a containment (wheel lock) system as there is a lot of pensioners in the area like myself who need a trolley to get large items home from Westfield Marion but I return the trolley soon after to the centre - also at Christmas time it is impossible to get a car park at Westfield Marion so if I have someone come over that has access to a car we normally still have to walk up

Trolley By-Law Community Engagement Feedback November 2019



as we only live 5-10 minutes away and most of the time it is quicker to walk there then to drive around looking for a car park

Just another media grabbing waste of time and rate money by this attention seeking mayor

Congratulation to CoM for taking this strong initiative on behalf of Marion community.

Recently you mentioned that you were going to start charging COLES and WOOLWORTHS for trolleys left on kerbside. It is not their fault if customers elect to take them outside the center. Hire security, place at certain points around center and charge the person responsible. Trolleys will remain at the center and you are helping someone with a job. When money is involved they will get the idea. Hope this helps!

Shopping trollies : Commercials should say clearly It's legally wrong to steal and use trollies outside boundaries. Put the onus back on the users!!

Trollies dumped on kerbside more needs to be done to reduce this-our area is terrible and needs something in place to improve street appeal.

Trolley By-Law Community Engagement Feedback November 2019



APPENDICES – SUMMARY OF EMAILS RECEIVED

Received 17 November 2019 – South Australian Independent Retailers

To whom it may concern,

South Australian Independent Retailers (SAIR) would like to work with the City of Marion and all other Councils throughout South Australia with regards to the challenge of mitigating the nuisance of shopping trolleys found littered within their local communities.

Indeed this is a total local community issue which requires all stakeholder groups, including State & Local Government Agencies to work collaboratively together in managing this issue and also developing a robust and holistic strategy towards educating the community.

Your proposed draft Shopping Trolley Amenity By-law blatantly shifts the Local Government responsibility of littering of shopping trolleys onto retailers.

Accordingly, SAIR opposes this draft Shopping Trolley Amenity By-law, which in our view would set a dangerous precedent for other retailers and also all other bricks and mortar businesses within all Councils' local communities.

SAIR reiterates that it is not the retailer that perpetrates the littering of his/her own shopping trolleys – it is the public albeit a very minority group of people.

Moreover the proposed request of installing a containment systems around our members premises such as wheel locks or a coin deposit or areas dedicated with our smaller business owners comes at a huge cost of doing business.

In our view this proposed By-law has not been thought through and will not lead to lowering or mitigating the nuisance and littering of shopping trolleys, once again perpetrated by a minority group within the public.

In the meantime SAIR looks forward in working with your Council in developing a reasonable solution, or solutions to this local community matter.

Should you require more information, please do not hesitate in calling [REDACTED] on [REDACTED].

Kind Regards

Trolley By-Law Community Engagement Feedback November 2019



Received 13 November – resident

Dear Sir/Madam,

I am writing to strongly oppose the City of Marion's proposed Trolley By-Laws.

Limited ratepayer funds should not be used to police retailers and individuals over abandoned shopping trolleys.

The abandon trolley issue is concentrated to particular areas of City of Marion, particularly Ascot/Mitchell Park and areas surrounding Westfield shopping centre. Marion council should engage retailers and local communities most impacted by the abandoned trolleys, instead of using rate payer funds to police this. Documentation showed that consultation commenced in 2018, but I didn't see any evidence of consultation with individuals who remove and abandon trolleys in lower socio-economic areas.

I am concerned costs to install containment systems and pay fines that fall on retailers, will be passed on to consumers. Ratepayers will be penalised twice: limited council resources policing trolley by-laws (rather than improved council facilities and services) AND increased retail costs.

A good example of the difficulties facing the retail industry is the Hallett Cove shopping centre, where there are many, many vacant storefronts. Why should local government put pressure on the retail industry, when federal government is trying to stimulate the economy through retail spending?

In one of the General Meeting minutes it is recorded that 'an average of 7 trolleys are collected and taken to council depot each week'. The limited benefits of the by-law can not be justified considering the time, effort and limited ratepayer funds required to police the by-law.

The council has had a lot of negative media attention recently, I do not want my council 'City of Marion' to be known as the first council to introduce trolley by-laws.

Please City of Marion staff and councillors, focus on the long term strategic planning that benefits the entire council area.

Received 18 November 2019 – resident

We have lived at 36 Finnis street Marion for 41 years and fully support the proposed laws to stop trolleys littering the streets. The answer is simple If all the trolleys were coin operated, the same as Aldi, the majority of shoppers at Marion shopping centre will return the trolleys back to collect their coin. In the long run, they would save money by not requiring people driving around collecting trolleys.

We need some action that will force the major retailers to stop the trolley litter.
Regards

Trolley By-Law Community Engagement Feedback November 2019



Received November 2018 - resident

Hi from a pedestrian (no car) who shops frequently at Marion Shopping Centre,

I pass abandoned shopping trolleys frequently on my travels, and just wanted to offer some ideas for consideration.

The main goal is to reduce the problem, not make money from fines. Maybe we should work WITH human nature, e.g.:

People who live near to Marion Shopping Centre who are without cars (or who wish to avoid the difficulty of finding parking) have no way of transporting heavy goods or groceries home, except by using shopping trolleys. They can be too lazy or tired (older people) to return shopping trolleys across busy main roads.

IDEA 1) - Why not establish "regional" trolley collection points on the OTHER SIDE OF MAIN ROADS around Marion (on the other side of Sturt Rd., Morphett Rd. and Diagonal Rd.), so that people can return trolleys to these areas WITHOUT having to cross a busy traffic intersection. It is a bit more work for trolley owners to collect, but hopefully quicker than scouring the streets. If people have paid a coin to get the trolley, could they also get a coin refund at these points? (Vandal-proof?)

IDEA 2) - Is it feasible for regular shoppers living nearby to "HIRE" a shopping trolley on a weekly basis, that they could keep at home and use for regular grocery shopping? With parking congestion, this may be a preferable option for some.

IDEA 3) - Humans respond positively to financial incentives - why not have a "cash refund" of some kind on each trolley returned to Marion (or a collection point). If some kids want to earn pocket money by collecting and returning trolleys, why not utilise this? (like bottle refunds).

IDEA 4) - It may be too expensive to incorporate a "hard to remove" GPS marker on each trolley, and give each trolley an I.D. number, but this could enable real-time tracking of each trolley's destination and/or abandonment location. Could cash-poor people access this data to find trolleys and return them for cash refunds (see above)? Analysis of aggregated data could shed useful light on trolley traffic patterns, and optimal management. Such a new software development could be sold to other shopping centres globally as a "Trolley Management System", and maybe pay for itself (and more). Could crowd-funding finance this?

IDEA 5) - Include on each trolley a "collection alert telephone number", so that passers-by can assist with notifying the location of abandoned trolleys (or access a website to add the location to a central data base?).

I don't feel that punishing fines are fair to individual trolley owners who have done their best to ensure trolley return (e.g. by a coin deposit system). They can't control trolley user behaviour, and can't afford to have their staff endlessly scouring the surrounding streets with no data on where to find abandoned trolleys. And I think it will be impossible to track the identity of those who dump trolleys in the streets unless there is a system linking a "trolley

Trolley By-Law Community Engagement Feedback November 2019



ID" with a "trolley user ID" (register with a central trolley system and enter your "user ID" when taking a trolley?).

Should there be a CENTRAL SYSTEM to take charge of trolley management for the whole shopping centre (funded by trolley owner contributions?). Designated trolley collection points would contain trolleys from multiple trolley owners, and should maybe be collected by central staff.

The best we can do, I think, is to MINIMISE the problem by using ideas such as the above. We will probably never eliminate it entirely.

I think we should look at ways to make it EASIER for owners to locate and retrieve trolleys, and EASIER for trolley users living nearby to use trolleys in a responsible way to enhance their shopping experience at Marion Centre, especially with ever-increasing parking congestion.

These are just a few ideas off the top of my head, but maybe they could be a starting point for further discussion. Thank you for the opportunity to contribute ideas.

Yours sincerely

Trolley By-Law Community Engagement Feedback November 2019



Received November 2019 - Centre Manager of Castle Plaza Shopping Centre

I refer to your letter dated 25th October 2019 in relation to the City of Marion Draft Shopping Trolley Amenity By-law currently under community consultation.

I am the Centre Manager of Castle Plaza Shopping Centre located at 992 South Road, Edwardstown. The Centre is owned and managed by Vicinity Centres.

The current position in respect of trolleys is as follows. All trolleys are owned, managed and controlled by the retailers that use them (essentially the supermarket and other major retailers). We have a process in place to address any issues and incidents which arise in relation trolleys and these are passed on to the relevant store to action. However, centre management does not have any direct control of the trolleys.

We understand the frustrations of the council and local residents and we have discussed these with our retailers.

With reference to the proposed By-laws, we make the following comments for consideration by Council:

Your cover letter proposes the creation of an offence for "shopping centres" that do not collect trolley taken from their premises within 48 hours. While the proposed By-laws do not appear to reflect that proposal, we do have concerns with it. As indicated above, the shopping centre is not the owner of the trolleys and has only limited control over them. Whilst we take all reasonable steps to ensure that our retailers properly manage their trolleys, it is not appropriate that any offences be directed at the shopping centre owners or managers. Ultimately the responsibility rests with the individual retailers.

There is concern from our retailers that the requirement to collect trolleys found outside the shopping centre precinct within 48 hours is unreasonable. A more realistic timeframe should be included.

There should also be an offence for individuals removing trolleys from the shopping centre precinct and a suitable penalty imposed (ie. not just an offence for failing to return the trolley if found). The removal of trolleys away from the shopping centre and car parking areas is an ongoing challenge for retailers.

Further consideration and review is required in relation to the costs to retailers and the time involved in implementing any containment systems. These are significant.

Please contact me if you require any additional information.

Trolley By-Law Community Engagement Feedback November 2019



Received 21 November 2019 - Trolley Services SA (on behalf of Woolworths)

*Dear Sir,
Re: Draft Shopping Trolley Amenity By-law*

This feedback to Council is made by Trolley Services Australia Pty Ltd on behalf of Woolworths Group in response to calls for feedback on Council's proposed draft Shopping Trolley Amenity By-law.

Trolley Services Australia operates the service known as Trolley Tracker™, which involves the public in the reporting of wayward shopping trolleys. Our clients are major retailers across the country and a key part of our role is to assist in communication between Councils and retailers. Our partners in the Marion Local Government Area are Woolworths supermarkets, Big W and Dan Murphy's. There are two supermarkets in Hallett Cove and Marion, two Big W variety stores in Hallett and Marion and two Dan Murphy's stores in Pasadena and Marion.

Representatives of the retailers and Trolley Services Australia all attended and participated in the forum organized by Council in July last year.

First, please understand that Woolworths Group is, and has always been, committed to working with Council to appropriately resolve concerns regarding abandoned shopping trolleys. Woolworths supermarkets have demonstrated this commitment by seeking to educate customers about responsible use of shopping trolleys through the national Trolley Tracker program. In addition, the trolley collection company employed in this area is diligent and dedicated.

Shopping trolleys are an integral part of the distribution system, for a wide range of goods. They are a great convenience for many residents and visitors to the area, particularly those without their own motor vehicle transport, and the elderly.

In relation to the proposed Local Law as it refers to shopping trolleys, I make the following comments and raise issues Council may need to consider before implementing the proposal: Create an offense for a person who does not comply with a direction from an authorized officer to return a trolley to a shopping center. Council officers being empowered to direct people to return a trolley to the retailer and issue a fine if they refuse.

As you are aware Trolley Services Australia deals with Local Government authorities across Australia in relation to customer trolley issues. While there are many Councils who have the authority through their Local Laws to impose penalties on individuals who abandon a trolley, our Project Managers cannot recall a single recent instance where this has occurred.

While Council is correct in recognizing with this proposal that it is individuals who abandon trolleys after use, and not retailers, unless the City of Marion embarks on a campaign to educate residents about responsible use of trolleys and is prepared to enforce the Local Law and issue the fines, then this step is not worthwhile.

Trolley By-Law Community Engagement Feedback November 2019



In terms of enforcement, it also needs to be asked how a Council officer will determine that the trolley in question has been returned to the retailer, after a direction has been given? Does this mean returned to the store premises, or merely to the shopping centre, or perhaps to a trolley bay installed at a transport hub or other location? We believe that this step should be implemented BEFORE the introduction of other aspects of the Local Law.

Education activities undertaken by Trolley Tracker™ in cooperation with Councils include signage at public transport hubs, promotion through Council newsletters and websites (including reporting links to Trolley Tracker), promotion at major Council events, promotion via ratepayer notices, partnerships with local media etc.

Create an offense for shopping centres with containment systems that do not collect trolleys taken from their premises within 48 hours.

Council's reasonable approach on this issue recognizes the efforts already being made to return customer trolleys to stores for others to use. Trolley Tracker provides Council officers with convenient easy-to-use methods for reporting abandoned shopping trolleys via secure logins both online and using smartphone apps. This system provides Council with detailed records for follow-up and enforcement if necessary. Woolworths Group requests that all Council reports for abandoned trolleys be directed to the Trolley Tracker service. I suggest that Council may wish to consider a system currently operated by many other local government organisations... to affix a uniquely-numbered tag to any abandoned trolley, report its location to the retailer through Trolley Tracker™ and allow the designated period retrieve the trolley before taking further action.

In summary, retailers spend significant resources on trolley collection and on programs such as Trolley Tracker to encourage reporting of wayward trolleys, on in-store promotions etc. Retailers are also willing to work with Council, through Trolley Tracker, to undertake an education campaign in the Marion community, to reinforce that it is an offence under Council's Local Law to abandon a shopping trolley.

In conclusion, it is also imperative that Local Laws be applied equally to all retailers to ensure a level, competitive playing field, which benefits residents and ratepayers across the city.

Trolley By-Law Community Engagement Feedback November 2019



Received 21 November 2019 – Coles Risk and Regulatory Compliance Team

Hi Luke,

Apologies for the delay in coming back to you with feedback on the proposed By-Laws.

I have made some comments below and would be happy to discuss these or provide clarification if you have questions.

Create an offence for shopping centres with containment systems that do not collect trolleys taken from their premises within 48 hours

How will the enforcement of this occur?

If we are to work collectively with Council, Coles' view would be that in lieu of the council impounding trolleys after 48 hours, a process that would require then to visually site the trolley, label it, then return in 48 hours to check; Council should notify Coles of any tagged trolleys on the day of tagging to allow our teams to collect them. We run thorough collections around the Marion area but understand there will be occasions we miss locations or new 'hot spots'. By Council working with us to notify us, this will give us better visibility of key areas we should be targeting as part of our collection sweeps.

Create an offence for shopping centres without containment systems that do not immediately collect a trolley taken from their premises

Coles has had varied success with Centres that have obligations in relation to trolley collection. It would be Coles' preference to have clear obligations in relation to reporting, responsibilities for collection and enforcement if collection does not occur within 48 hours.

Council requesting retailers with a trolley fleet of 25 or more to install a containment system around their premises such as wheel locks or a coin deposit, and advisory signs.

There are reasons, even with a containment system in place, that a trolley may end up on the streets. Coles is supportive of this change for new locations only as we have had difficulty getting agreement for installation of these systems from Centre Management at a number of sites in other Council areas. Coles would prefer this requirement to be conditional on Centre Management's consent to have the system installed on their property, Council to advise it will agree to have the system on its property, and for an obligation to be included in the By-Law for Centres to install the systems/agree to them.

Other Questions:

What is Council's preference for containment?

Customers do not like coin locks in general and they are less effective than perimeter containment systems, however, perimeter containment systems are approximately 5x more expensive and there are the challenges with installation as detailed above.

What customer awareness has Council planned to do to educate customers on the changes?

Trolley By-Law Community Engagement Feedback November 2019



Coles invests significantly in collection however it is the customer and Council's constituents who leave these trolleys on the street. Collectively if we can better educate the public, this should assist with mitigating the issue at the source

Please let me know if you have any questions or if you require any further information from us. Coles looks forward to hearing from you.

Trolley By-Law Community Engagement Feedback November 2019



Received 12 November – CEO APC Integration

While the wheel lock containment system attempts to stop removal from the carpark and the coin deposit system encourages return, only a tracking solution can give retailers the ability to collect trolleys easily or give council the ability to fine retailers for non-compliance.

Asset Protech tracking solution will send an email notification when the trolley has left the carpark and display its location on a map, making collection easy and quick. The system will report how long it has been out prior to collection giving council the ability to fine the retailer if not collected. Without tracking, council would need to somehow record when a trolley left the carpark and when it had been out more than 24 hours.

This is almost impossible or very costly. With a tracking solution, council could greatly reduce the acceptable time for a trolley to be out of the carpark. IE, As notification is quick, and collection easy, council could request trolleys be collected same day so not to be left in dangerous areas overnight.

We therefore request that the by-law be updated to the following

trolley containment system means:

a wheel lock system;

a coin deposit and release system;

A tracking solution; or

such other system as the Council may determine to either prevent shopping trolleys being removed from a shopping centre precinct, or to easily facilitate the return of the shopping trolleys to a designated location within the precinct;

Further Bylaw recommendations for tracking solution.

Any solution implemented by the retailer must address the following points:

Provide individual identification of each trolley

Be able to identify the location of the trolley and display on a map.

Report when the trolley has left a designated allowable area, defined by a geofence.

Provide the length of time the trolley has been outside of the designated allowable area.

Provide confirmation they were collected within the time specified by council.

Council be provided with the transparency of the solution and that it conforms to this bylaw.

Optional clauses

Council be given access to the location map & time taken to collect trolley out of bounds

Confirm by way of maintenance records that individual trolleys are serviced regularly and are fit for use.

Trolleys without travelator wheels shall not be located within Marion Shopping Complex through accurate reporting and maintenance records

Email Alerts be sent to relevant parties to action any of the requirements contained in this bylaw

Our expanded recommendation also addresses our safety concerns with incorrect trolleys (non-travelator) or poorly maintained trolleys being potentially used.

Trolley By-Law Community Engagement Feedback November 2019



Received 7 November – Head of Facilities Kmart Group

Kmart Group Property



Submission – City of Marion Draft Shopping Trolley Amendment By-law November 2019

Background

Kmart Australia Ltd (Kmart) and Target Australia Pty Ltd (Target) operate three stores within the City of Marion. Kmart and Target are co-located at Westfield Marion and Target is also located at Castle Plaza shopping centre.

Kmart and Target are very familiar with the issues associated with the management of shopping trolleys. We are also aware of the difficulties faced in dealing with the abandonment of those assets.

In general, we are supportive of local councils introducing measures relating to the management of shopping trolleys, provided that those measures do not place an onus upon retailers that is disproportionate to the amenity and nuisance issues associated with abandoned shopping trolleys.

We make the following submissions in relation to the proposed by-law.

Submissions on Proposed Amendments

Section 3.11 – Trolley Containment System

We submit that the definition of a “shopping trolley containment system” is too specific and is does not provide retailers with a pragmatic method with which to approach the problem.

The definition of “containment system” should be expanded to include any system that prohibits the removal of a shopping trolley from a shopping precinct. This would assist our business as it would allow us to tailor an approach to suit a certain site, depending on the local situation.

In addition to the above, we submit:

- To impose a requirement for coin operated trolleys in the constituency would create unnecessary inconvenience for your residents.
- As Council is aware, retailers do not remove trolleys from the shopping centre; ratepayers and residents do.
- We do not support the installation of coin-operated trolley mechanisms because they disadvantage most of our customers who use our shopping trolleys responsibly.
- In our experience, where coin-operated trolley mechanisms have been mandated in other jurisdictions, our customers have found these mechanisms to be inconvenient and add extra complexity to their shopping experience – particularly the elderly and shoppers with children.

Part 2 – Management of Shopping Trolleys

We submit that section 4.3.2 places small retailers in a position where they may have their trolleys taken by customers who would like to use them in another retailer who has installed coin operated trolleys. This may mean that they will need to increase expenditure on their own assets to cover any loss.

Trolley By-Law Community Engagement Feedback November 2019



Kmart Group Property



Section 5 – Notice to Remove Individual Shopping Trolley

Our business supports the operation of the removal notice as detailed in this part of the by-law. In our experience a twenty-four-hour notice period is sufficient to allow a retailer to arrange the collection of an abandoned shopping trolley.

Section 6 – Direction to Return Shopping Trolley

Our business supports the implementation of a notice to return a shopping trolley. However, we suggest that Council empower their employees to be able to issue on the spot fines to persons found abandoning shopping trolleys. Please note that we have not considered the specific littering laws applicable to Marion Council in relation to this submission – therefore we are unsure if this power already exists.

Section 7 – Shopping Trolley Removal Notification

Our business submits that, rather than requiring each retailer to display the signage detailed in section 7.1, Council should require these notices be placed at the exit to the shopping precinct (as defined). This will ensure consistent messaging at the final point of exit from a shopping precinct, rather than from each retailers' exit.

In our experience, some customers will retain a trolley from one retailer and then shop across other areas of a shopping precinct. Therefore, the reminder of the by-law will have greater strength if it is signposted at the final exit.

We also submit that the requirement to display signage be incumbent on the owner of a shopping centre or shopping precinct, rather than a retailer, who is typically only a tenant within the premises.

Separately we submit that Council prepare standard signage artwork for shopping precinct owners to follow, to avoid confusion and inconsistency across shopping premises.

Section 8 – Identification of Shopping Trolleys

All trolleys belonging to our businesses are clearly marked with our business name. The addition of an address would be difficult, as trolleys are imported from several different countries already assembled and distributed throughout Australia.

Kmart and Target utilize a free call 1800 number, which may be used by members of the public and Councils to report an abandoned trolley and all correspondence for our businesses should be directed to our registered office address.

Given that all our trolleys are already clearly identifiable with our trading names, we respectfully request that the address requirement as stipulated within section 8.2 be removed from by-law.

Trolley By-Law Community Engagement Feedback November 2019



Hello all,

While the proposed Trolley By Law may be of some benefit in some specific instances, it is doubtful whether it will attain any significant impact with relation to the activity of removing and abandoning Shopping Trolleys in the areas around know Retail Districts. This is primarily due to it "herding trolleys" and forcing a response from Retailers, rather than targeting the actions of a surprisingly few Shoppers.

While it is difficult to be specific on the "containment system" because exactly WHAT a "containment system" is, and how it is to be installed and to function isn't specified, in the main, these physical barriers have proven costly and ineffective overseas, and does not address several procedural issues the Community Safety Team would still need to address in relation to physical policing (a By Law and the Act both need an Inspector present), so in short - these are some questions that come to mind off of the By Law information :

Possible Dot Point Issues:

1. Without a Tag and Release system, HOW would an Inspector know an Individual returned a particular Trolley to a store?
2. You would also need some sort of formal "Sign In" procedure at a customer service desk to facilitate that.
3. Council Inspectors already have the powers proposed in the By-Law under the Local Nuisance & Litter Control Act. They can Caution and instruct Offenders to return trolleys to avoid expiation, but the By Law does not address the key concern of catching them in the Act to actually caution, which is the issue now.
4. Coin Operation does NOT in general work very well.
5. The Proposal to expiate Retailers raises the legal question under the Expiation of Offences Act that Council Inspectors would be fining someone (Store Manager?) for an offence that person did not commit - how does Council get around the "It wasn't me" Stat Dec?
6. The By-Law does not identify responsibility between retailers and if they use sub-contracted trolley services. WHO is responsible - the Retailer or the Trolley Collector Service?
Really - the person responsible is the person who takes it from site, so there is ambiguity between Retailer and sub-contractor that is specified at the moment.
7. Retailers will directly shift this cost onto Customers, causing NO financial incentive to modify collection - Shopping Trolleys are already worth more than the expiation notice of \$187.50 and retailers are not that worried. WHY? Again, because the Customer is paying.

Trolley By-Law Community Engagement Feedback November 2019



8. ALOT of trolleys are taken out are done so by other businesses who use them in their business, and also people to whom being expiated (fined) will not matter as they do not intend paying fines anyway. Without behaviour modification strategy - this offence will not change much, and Council risks "Picking on the disadvantaged" which will be thrown in your Inspectors faces (I've already talked to some of these people, they seem VERY entitled and prone to go to Today Tonight etc)
9. This By Law conflicts with the Criminal Law Consolidation Act, as it may interfere with the Offence of "Theft" as technically, those trolleys are "stolen" and an Offender may legally argue they are being expiated and prosecuted for the same offence. The Offence of "Theft" is not considered by the By Law.
10. Expiating Retailers does not educate on environmental degradation - it's a very blunt tool to get a very specific job done by a handful of repeat offenders. There are going to be questions raised about why Retailers in Marion are being expiated, and electric scooter operators in Adelaide are not when the problem may be greater with scooters (people won't differentiate between various Council areas)
11. What about Retailers that physically lay outside of Marion Council? Can they be expiated if (say) a Trolley is found from a shop in Onkaparinga?

The main issue is time management, as individual Community Safety Officers are usually busy on a range of other community issues. I have attached some information in relation to the Trials we conducted in Marion Area which included a Trolley component. We were doing conceptual research to see how a Centralised Inspectorate may function for after-hours Animal Management and Environmental Offences.

I'd be happy to talk with the Community Safety Team, or other members of Council and go over what our Trials did and how they worked, but **we did obtain 100% Trolley Retention to Site in four**

(4) locations, and it would negate many issues created by the By Law as it is currently written.

We had a lot of trial and error in how the system would work with Retailers, how Trolleys were to be returned to site, interaction with sub contract trolley collection services, working around issues of low socio-economic or offenders with mental health issues, and believe our knowledge in this area would be useful to Council as it struggles with this problem.

PLEASE NOTE:

Expiation of Offenders should ONLY be done by State or Local Government Agencies - this is NOT a subcontract proposal, but a community lead initiative to generate a solution to this issue.

I'd be happy to chat with Council if requested.

Thanks

Southern Region Waste Resource Authority - Board Committee Chair

Originating Officer	Executive Assistant to CEO - Dana Bartlett
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Chief Executive Officer - Adrian Skull
Report Reference	GC200225R14

REPORT OBJECTIVE

For Council to note the SRWRA board decision to re-appoint Mr Mark Booth as the Independent Chair for the Southern Region Waste Resource Authority (SRWRA) Board for a term of three years.

EXECUTIVE SUMMARY

At the 3 February 2020 SRWRA Board meeting, the board considered a recommendation to the three constituent councils regarding the re-appointment of the Independent Board Chair for a three year period, 15 September 2020 to 14 September 2023 (see appendix 1).

Mr Mark Booth was appointed as Independent Chair to SRWRA in September 2000 and has held the position for 19 years. During his tenure, SRWRA has grown into a strong, financially independent commercial entity that continues to provide high value to the City of Marion.

As outlined in the SRWRA board report, Mr Booth has provided a high degree of continuity for SRWRA during period of change, particularly during times of CEO turnover. SRWRA is currently undergoing a significant period of change in a sector that is experiencing disruption. The continuation of Mr Booth as Chair will provide a strategic benefit to SRWRA and the City of Marion.

The Independent Chairs allowance for 2019-2020 financial year was set at \$36,000.00 (inclusive of 9.5% superannuation). As agreed by the Board, SRWRA will engage an external review of the Board chair remuneration prior to 30 June 2020.

RECOMMENDATION

That Council notes the re-appointment of Mr Mark Booth as the SRWRA Independent Chair for the period 15 September 2020 to 14 September 2023.

Attachment

#	Attachment	Type
1	Appendix 1 Letter - SRWRA Recommendation for Appointment of Independent Board Chair - 12 February 2020	PDF File

12 February 2020



Postal Address: P O Box 2414 McLaren Vale SA 5171

Ph: (08) 8327 0304 Fax: (08) 8327 2861

Email: info@srwra.com.au ABN 37 443 975 085

Mr Kirk Richardson
Acting Chief Executive Officer City of Onkaparinga
Email: kirk.richardson@onkaparinga.sa.gov.au

Mr Adrian Skull
Chief Executive Officer City of Marion
Email: adrian.skull@marion.sa.gov.au

Mr Roberto Bria
Chief Executive Officer City of Holdfast Bay
Email: rbria@holdfast.sa.gov.au

Sent via Email

Dear Constituent Council CEOs

Recommendation for Appointment of Independent Board Chair

In keeping with past practice, a report was provided to the SRWRA Board at its meeting on 3 February 2020 to consider a recommendation to the Constituent Councils for the appointment of an Independent Board Chair.

The SRWRA Board considered the report and resolved the following:

The Board:

1. *Receives the Appointment of Independent Board Chair Report.*
2. *Determines a recommendation to the Constituent Councils regarding the re - appointment of Mark Booth as the Independent Board Chair for the period 15 September 2020 to 14 September 2023.*
3. *Determines an expression of interest process be sought prior to the conclusion of the three year term for an independent chair.*
4. *Determines an external review of remuneration be conducted prior to 30 June 2020.*
5. *Determines the minutes, reports and attachments relating to Appointment of Independent Board Chair Report will be available to the public.*
6. *That the Board determines Appointment of Independent Board Chair Report will be the subject of an information report to the Constituent Councils.*

The Board, in making its recommendation, considered the following:

- the current disruption to the waste industry;
- the significant expansion of SRWRA that is currently occurring;
- the strategic outlook for the Authority;
- the significant expertise and experience of Mr Booth; and
- the need for continuity at this critical time.

Please find attached the Board Report and minutes for this item for your reference.

The Board requests that you consider this recommendation as part of the appointment process of the Independent Board Chair for the Authority.

Kind Regards

A handwritten signature in black ink, appearing to be 'Chris Adams', with a stylized, cursive script.

Chris Adams

Chief Executive Officer

Agenda Item: 4.6

Report Title: Appointment of Independent Board Chair

Report Author: Chief Executive Officer

Date: 3 February 2020

EXECUTIVE SUMMARY

The Chair of the SRWRA Board holds office for a term of three years and the term nominally expires on 14 September 2020.

RECOMMENDATION:

It is recommended that the Board:

1. **Receives the Appointment of Independent Board Chair Report.**
2. **Determines a recommendation to the Constituent Councils regarding the appointment of the independent Board Chair for the period 15 September 2020 to 14 September 2023.**
3. **Determines the minutes, reports and attachments relating to Appointment of Independent Board Chair Report will be available to the public.**
4. **That the Board determines Appointment of Independent Board Chair Report will be the subject of an information report to the Constituent Councils.**

REPORT

The Chair's term expires on 14 September 2020.

The following Charter (2015) clauses relate to the appointment of the Chair:

"Clause 2.4.2 – "The Chair is eligible for re-appointment at the expiration of the term of office."

Clause 2.4.1 – "The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years"

Subclause 2.2.1.2 – "one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.

This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council."

The appointment of the Chair rests with the Constituent Councils however, historically the SRWRA Board has made a recommendation to the Constituent

Councils. Based upon the recommendations of the Board, the SRWRA CEO will write to each Constituent Council CEO seeking a response from each Council noting the Board's recommendations.

In relation to the allowance for the Chair, the allowance for 2019-2020 financial year was set at \$36,000.00 (inclusive of 9.5% superannuation). The allowance for 2019-2020 was resolved by the Board at the 3 June 2019 Board meeting.

The CEO has discussed a further term of 3 x years with the Chair. The Chair has advised that he would be pleased to accept a further term of 3 x years as Chair of the Authority.

The Chair was appointed in September 2000 and has held the position for 19 years. During the Chair's tenure, SRWRA has grown into a strong, financially independent commercial entity that continues to provide high value to its Constituent Councils.

The Chair has provided a high degree of continuity for SRWRA during periods of change, particularly during times of CEO turnover. SRWRA is currently undergoing a significant period of change in a sector that is experiencing significant disruption. The expertise of the Chair in this environment would provide a strategic benefit to SRWRA and the Constituent Councils.

It is the opinion of the SRWRA CEO that the Chair brings a wealth of business acumen and professionalism in the conduct and development of the Authority.

As agreed by the Board SRWRA will engage an external review of the Board Chair remuneration prior to 30 June 2020.

Meeting Recommendation:

Moved: Roberto Bria

Seconded: Richard Peat

It is recommended that the Board:

1. Receives the Appointment of Independent Board Chair Report.
2. Determines a recommendation to the Constituent Councils regarding the re - appointment of Mark Booth as the Independent Board Chair for the period 15 September 2020 to 14 September 2023.
3. Determines an expression of interest process be sought prior to the conclusion of the three year term for an independent chair.
4. Determines an external review of remuneration be conducted prior to 30 June 2020.
5. Determines the minutes, reports and attachments relating to Appointment of Independent Board Chair Report will be available to the public.
6. That the Board determines Appointment of Independent Board Chair Report will be the subject of an information report to the Constituent Councils.

CARRIED

Finance Report - January 2020

Originating Officer	Assistant Financial Accountant - Melissa Virgin
Corporate Manager	Manager Finance - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R15

REPORT OBJECTIVE

This report provides Council with information relating to the management of financial resources under its control as at January 2020. 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 – January 2020”**

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_January appendix 1 pts 1 2 3 4	PDF File
2	Finance Report_January Appendix 2 pts 1 2	PDF File
3	Finance Report_January 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 10%, on average over each five-year period, which for 2019/20 means a targeted operating surplus of between \$0 and \$9.485m.

Comment: Council currently has a net operating surplus result of \$7.048m before capital revenues, against a year to date forecast budget of \$3.597m 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 67.39% 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: No new borrowings are included in the 2019/20 budget and principal repayments of \$1.170m, mean that the overall loan liability balance is forecast to decrease by \$1.170m to \$5.635m 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 \$3.467m and Transfers from Reserves of \$22.489m are forecast to occur in 2019/20, and after accounting for amounts quarantined for specific projects or works, there is \$5.146m 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	17,436	38,412
Savings from 2018/19 audited accounts	0	2,926		0	0	2,926	344	0	0	3,270
Budgeted transfers to reserve	0	0	240	0	181	421	68	15	2,963	3,467
Budgeted transfers from reserve	0	(5,170)	0	(1,500)	(4,101)	(10,771)	(300)	0	(11,418)	(22,489)
Current Budgeted Closing Balance	2,000	5,874	840	25	2,095	10,834	643	2,202	8,981	22,660
Quarantined Funds	(2,000)	(3,797)	(760)	0	(1,976)	(8,533)	0	0	(8,981)	(17,514)
Projected Available Balance	0	2,077	80	25	119	2,301	643	2,202	0	5,146

The 2019/20 2nd budget review forecasts a net cash surplus of \$0.835m.

*CFPP: Community Facilities Partnership Program

*Other includes Walking & Cycling and Energy Efficiency.

**Funding Statement
as at 31 January 2020**

Original Adopted Budget \$'000	Carryovers \$'000	Budget Review Adjustments \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
Operating Revenue									
79,265	-	4	Rates	46,347	46,266	81	F	79,269	
2,203	-	(32)	Statutory Charges	1,292	1,211	81	F	2,171	
2,210	-	292	User Charges	1,596	1,482	114	F	2,502	A
7,180	(1,594)	546	Operating Grants & Subsidies	3,869	3,914	(45)	U	6,132	
708	-	155	Investment Income	465	472	(7)	U	863	
530	-	596	Reimbursements	961	902	59	F	1,126	
1,361	-	151	Other Revenues	424	369	55	F	1,512	
1,278	-	-	Net gain - Equity Accounted Investments	-	-	-	-	1,278	
94,735	(1,594)	1,712		54,954	54,616	338	F	94,853	
Operating Expenses									
35,905	-	-	Employee Costs	19,281	20,496	1,215	F	35,905	B
23,812	1,589	2,229	Contractual Services	12,559	13,873	1,314	F	27,630	C
5,021	42	148	Materials	2,645	3,152	507	F	5,211	D
397	-	-	Finance Charges	193	193	-	-	397	
15,056	-	470	Depreciation	9,029	9,057	28	F	15,526	
7,263	34	84	Other Expenses	4,199	4,248	49	F	7,380	
87,454	1,665	2,931		47,906	51,019	3,113	F	92,049	
7,281	(3,259)	(1,219)	Operating Surplus/(Deficit) before Capital Revenues	7,048	3,597	3,451	F	2,804	
Capital Revenue									
5,000	-	(4,509)	Capital Grants & Subsidies	18	96	(78)	U	491	
-	-	-	Contributed Assets	-	-	-	-	-	
-	-	-	Asset Disposal and Fair Value Adjustment	(711)	-	(711)	F	-	
5,000	-	(4,509)		(693)	96	(789)	U	491	
12,281	(3,259)	(5,728)	Net Surplus/(Deficit) resulting from operations	6,355	3,693	2,662	F	3,295	
15,056	-	470	add Depreciation	9,029	9,057	(28)		15,526	
-	-	-	add (Gain)/Loss on Asset Disposal	711	-	711		-	
(1,278)	-	-	less Share of Profit Equity Accounted Investments	-	-	-		(1,278)	
26,059	(3,259)	(5,258)	Funding available for Capital Investment	16,095	12,750	3,345	F	17,543	
Capital									
12,063	1,614	(1,650)	less Capital Expenditure - Renewal	3,461	5,136	1,675	F	12,027	E
32,265	7,420	(17,152)	less Capital Expenditure - New	7,020	7,763	743	F	22,533	F
-	-	-	less Capital - Contributed assets	-	-	-	-	-	
-	-	-	add Proceeds from Sale of Surplus Assets	-	-	-	-	-	
(18,269)	(12,293)	13,544	Net funding increase/(decrease)	5,614	(149)	5,763	F	(17,017)	

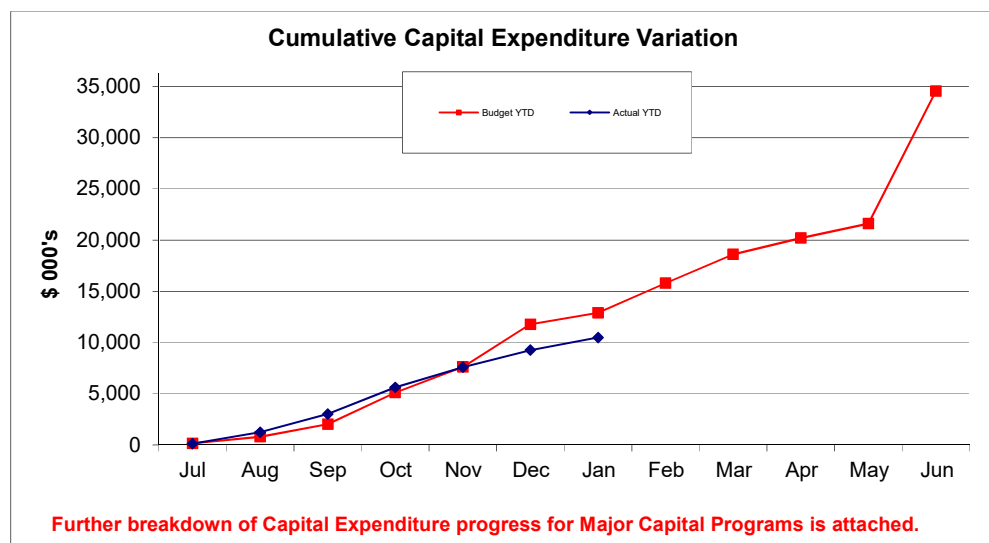
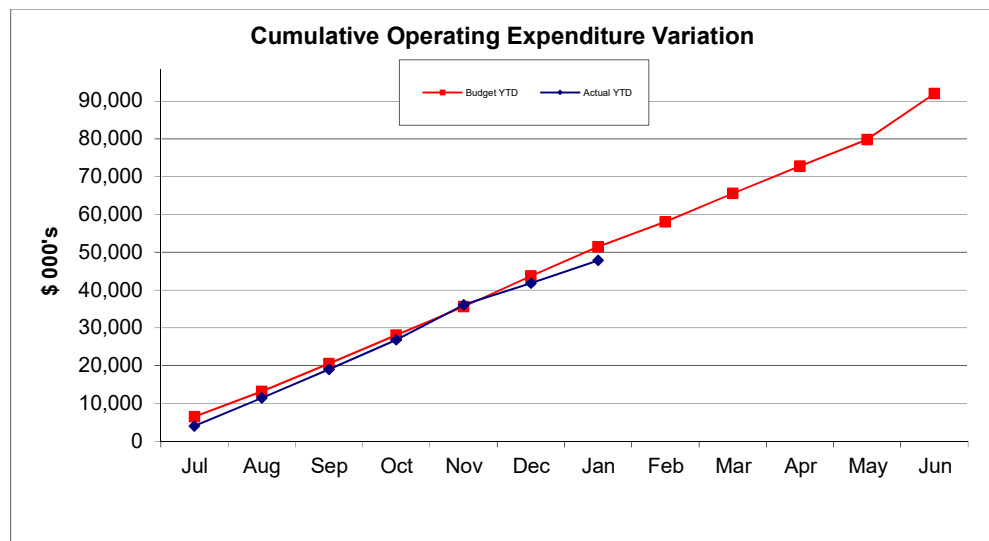
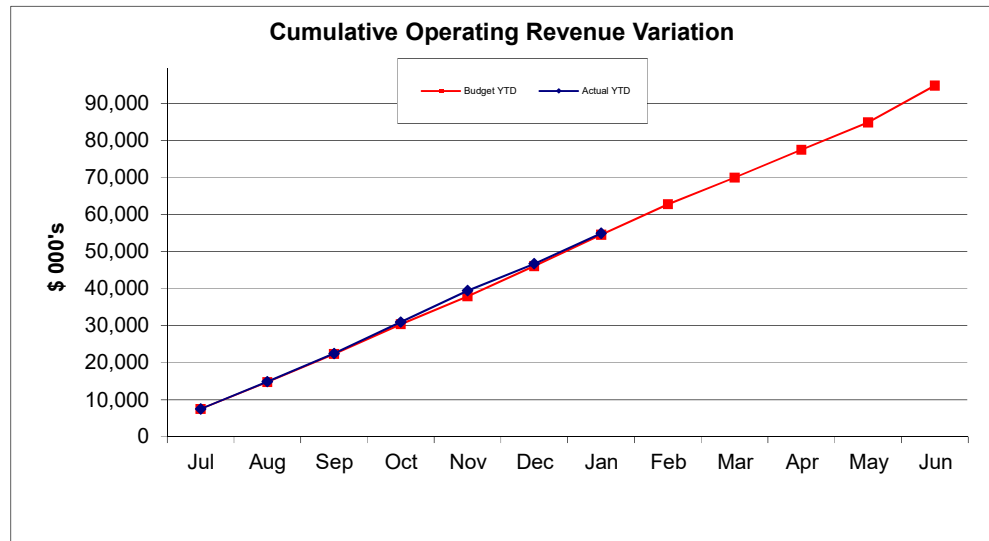
Original Adopted Budget	Carryovers	Budget Review Adjustments		YTD Actual	YTD Budget	YTD Variance	Annual Budget	Note
\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	\$'000	
Funded by								
Loans								
10,000	-	(10,000)	Loan Principal Receipts (Net)	-	-	-	-	
-	-	-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
(1,170)	-	-	Loan Principal Repayments	576	576	-	(1,170)	
8,830	-	(10,000)	Loan Funding (Net)	576	576	-	(1,170)	
Movement in level of cash, investments and accruals								
-	-	835	Cash Surplus/(Deficit) funding requirements	25,212	19,449	5,763	835	
(9,440)	(12,293)	2,711	Reserves Net - Transfer to/(Transfer from)	(19,022)	(19,022)	-	(19,022)	
(9,440)	(12,293)	3,546	Cash/Investments/Accruals Funding	6,190	427	5,763	(18,187)	
18,270	12,293	(13,546)	Funding Transactions	(5,614)	149	(5,763)	F 17,017	G

Variation Notes

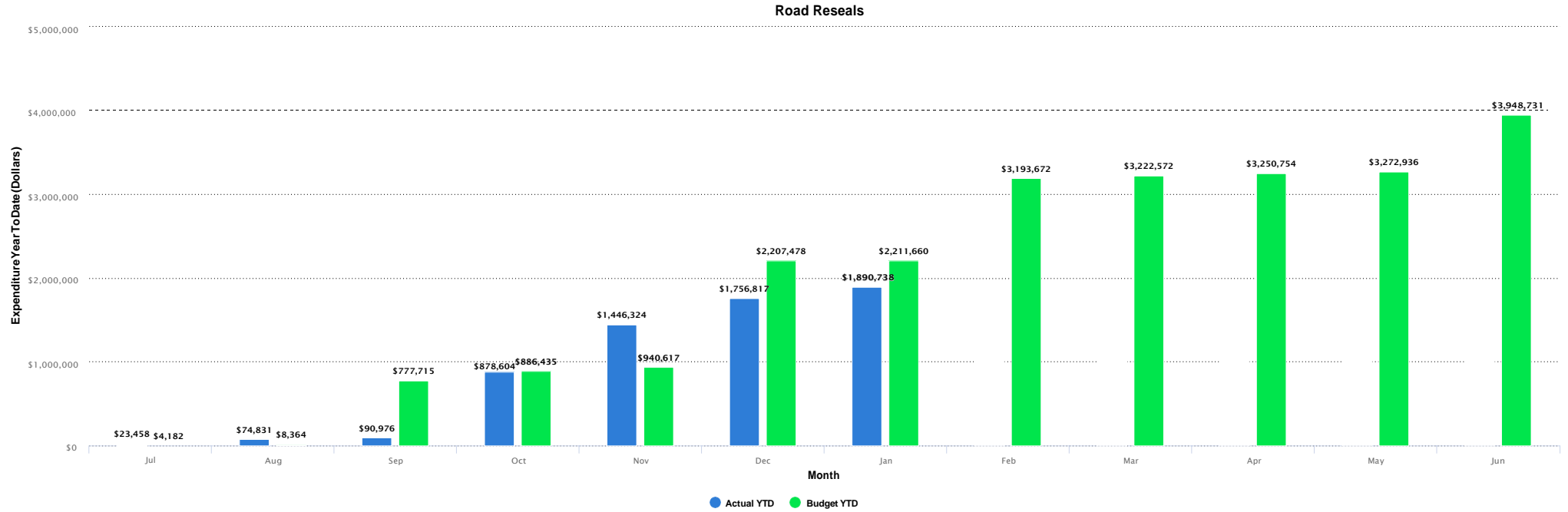
A	User Charges	Favourable \$114k	Reflects a budget-timing variance with regards to Marion Outdoor Pool sales and tuition income (\$82k) and a number of other variances which are individually insignificant.
B	Employee Costs	Favourable \$1,215k	Predominantly reflects budget-timing variances particularly in relation to the high volume of leave taken in January, in addition to savings from temporarily vacant positions.
C	Contractors	Favourable \$1,314k	Predominately reflects budget-timing variances with regards to Repairs and Maintenance (\$109k), Cleaning (\$99k), Surveyors and Valuers (\$93k), Building Maintenance Planning Software (\$91k) and a number of other variances which are individually insignificant.
D	Materials	Favourable \$507k	Reflects savings relating to LED Streetlights (\$306k) and a number of other variances which are individually insignificant.
E	Capital Expenditure (Renewal)	Favourable \$1,675k	Predominately reflects budget-timing variances with regards to Road Reseals (\$939k), Proactive Footpath Repair Program (\$252k), Reserve Development Projects (\$225k) and a number of other variances which are individually insignificant.
F	Capital Expenditure (New)	Favourable \$743k	Predominately reflects budget-timing variances with regards to Morphettsville Park Sports Club Redevelopment.
G	Funding Transactions	Favourable \$5,763k	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

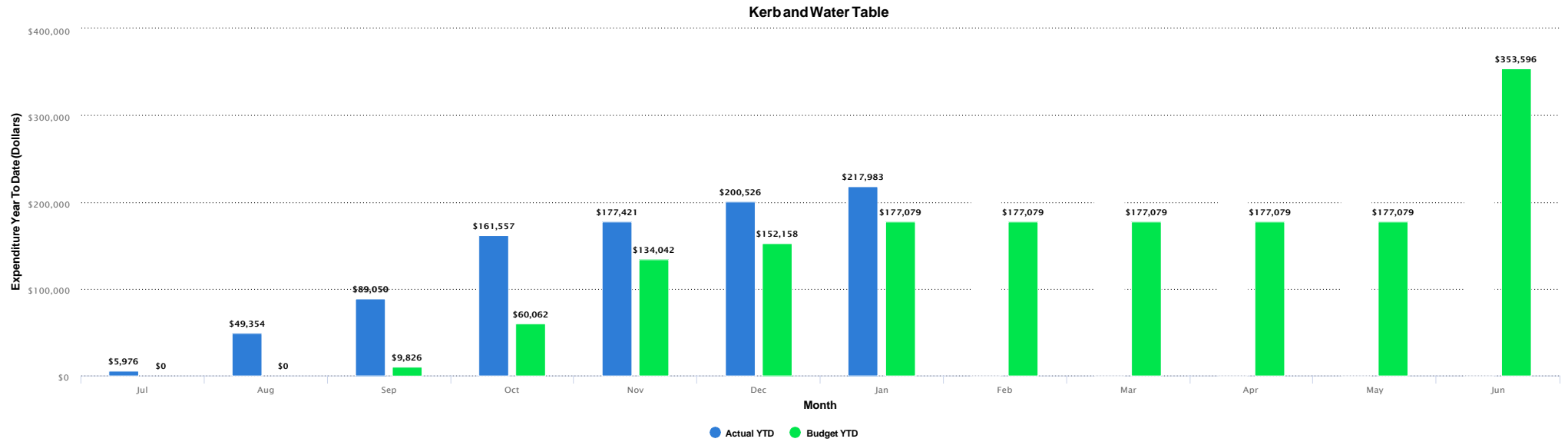


* Major Projects timed for June include Sam Willoughby International BMX Facility (\$2.1m) and Southern Soccer Facility (\$2.5m).



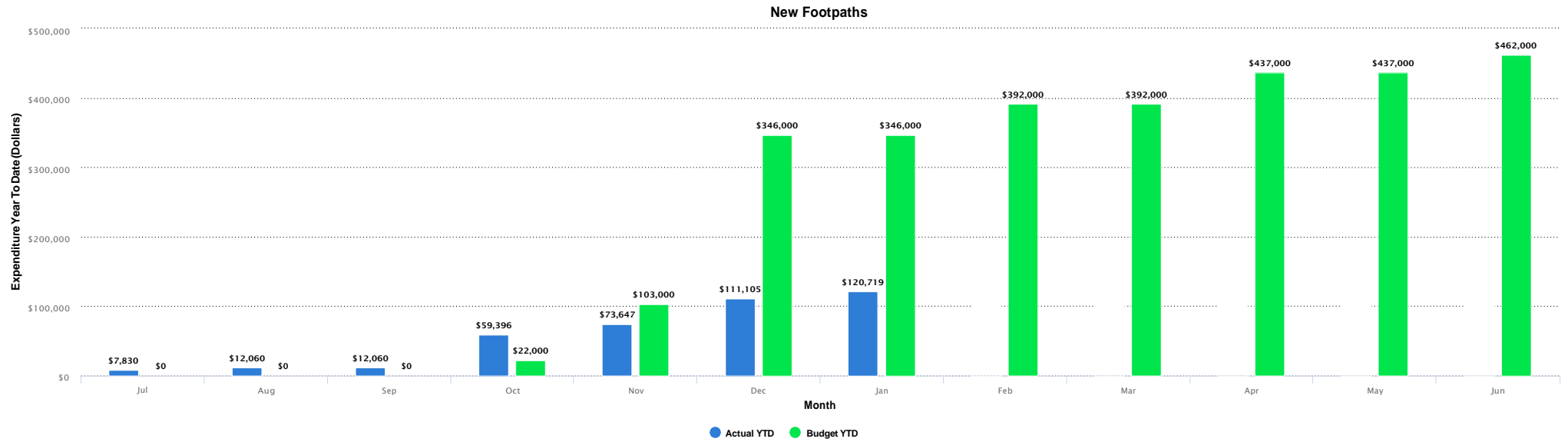
2019/20 Road Reseal Program – 68% complete

Program in progress and on track, completion anticipated by end of financial year.



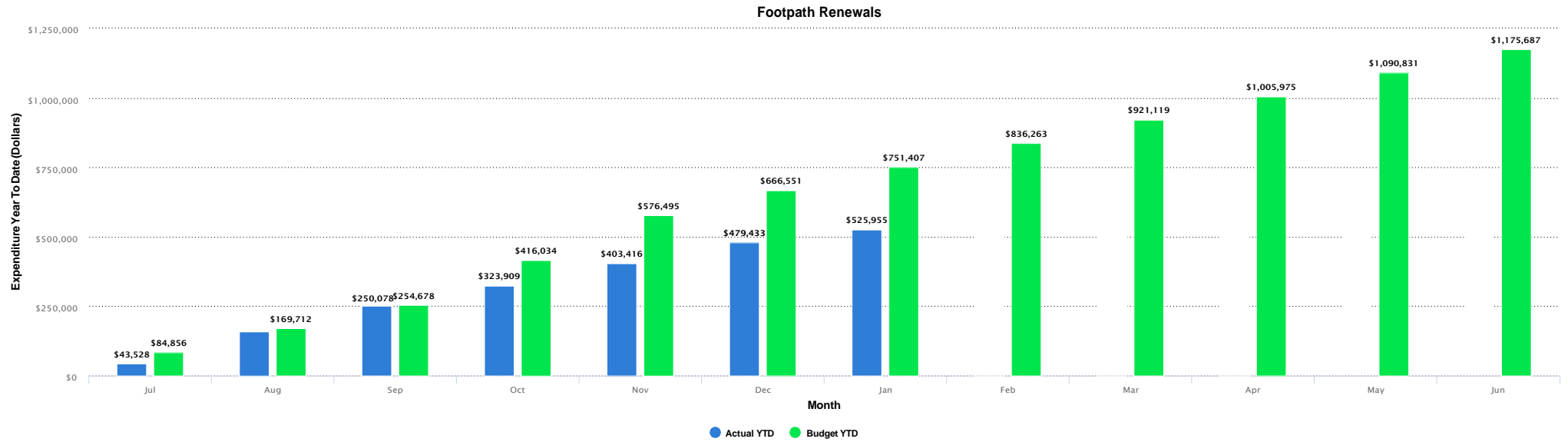
2019/20 Kerb & Water Table – 75% complete

Program in progress and on track with 1,500 linear metres (lm) complete out of a 2,000 lm program.



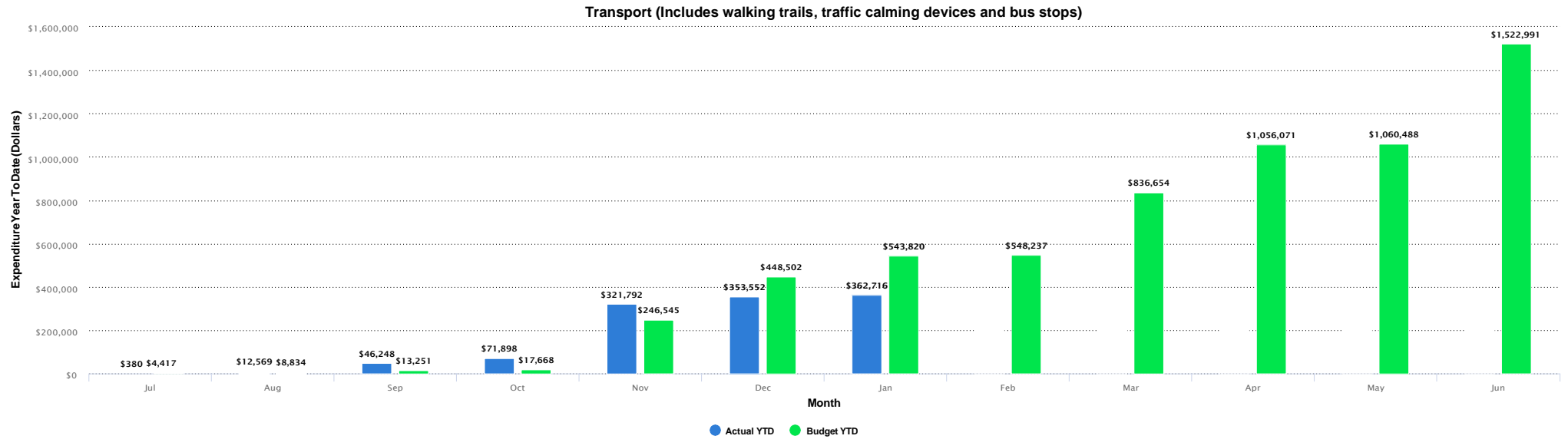
2019/20 New Footpath Construction – 49% complete

Program in progress. There is a risk for carryovers on this program.



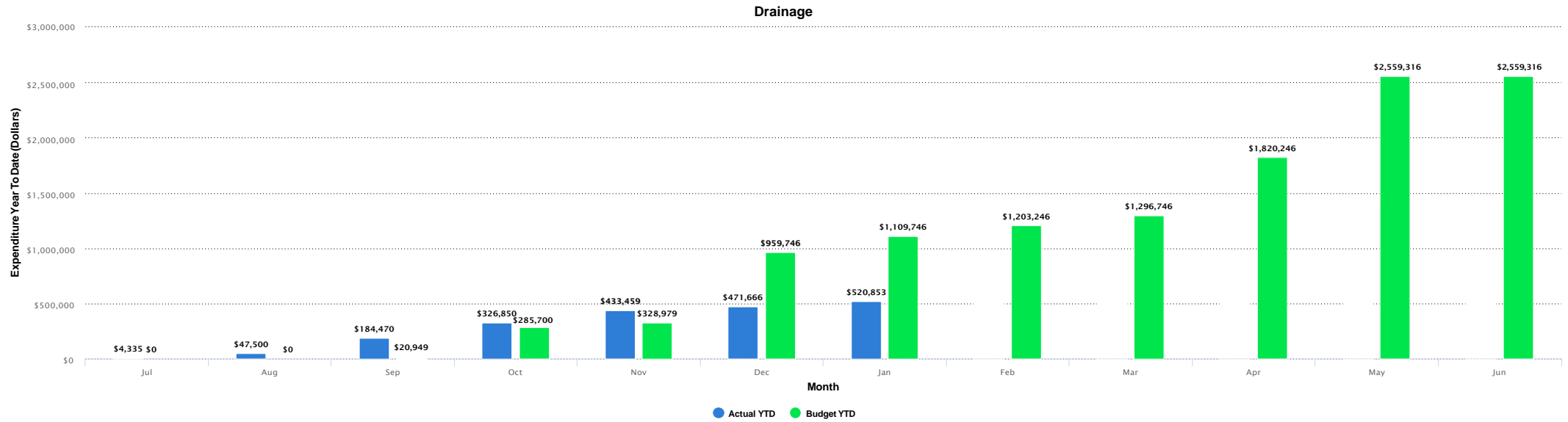
2019/20 Proactive Footpath Construction – 48% complete

Program in progress with 1,665 linear meters (lm) completed out of a 3,500 Lm program. This program is tracking behind schedule, contractors will be engaged to increase the delivery.



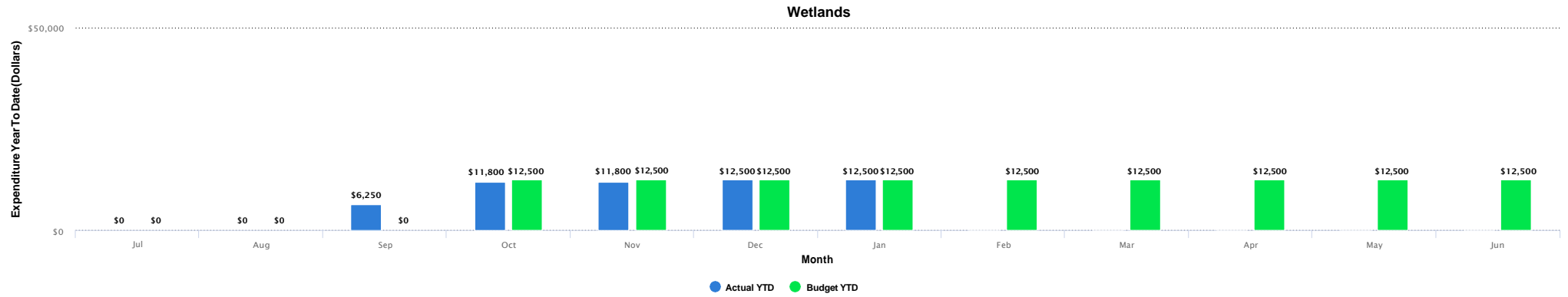
2019/20 Transport Construction 2019/20

Program in progress with Franklin/Berrima Shared path, Adams Road Kiss and Go zones and parking complete. Designs for Duncan Avenue and Western Avenue are complete and will be going out to community consultation. Addison Road will go out to tender in February - there is a potential this project will be a work in progress at the end of financial year. Works at Grand Central Shamrock Hallett Cove are being redesigned, anticipate completion by end of financial year.



2019/20 Drainage

Program in progress with Alison Avenue complete. Designs for Coolah Terrace, Mercedes Avenue and Shetland Avenue are complete and scheduled to commence in February. Warriparinga Wetlands are anticipated to commence early 2020. Community design workshops are scheduled to be held in February for Lucretia Way. Construction has commenced on Shaftesbury Terrace. This program is on track to be completed by end of financial year.



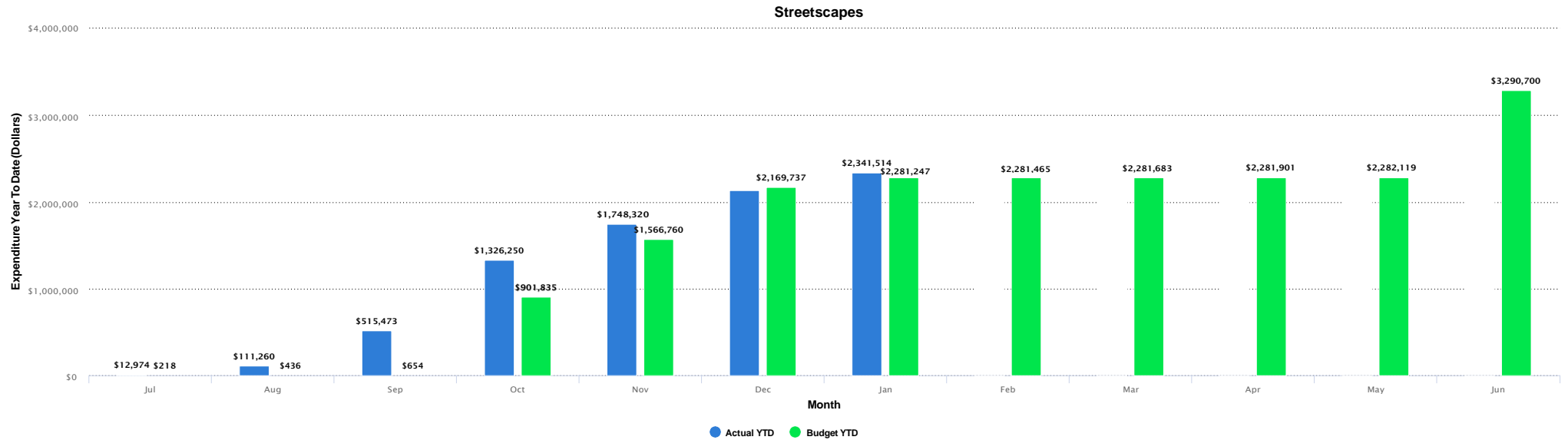
Oakland's Wetland Balancing Tank & Filtering System

The tender for this project has been awarded – Additional budget for this project has been included in the second budget review.



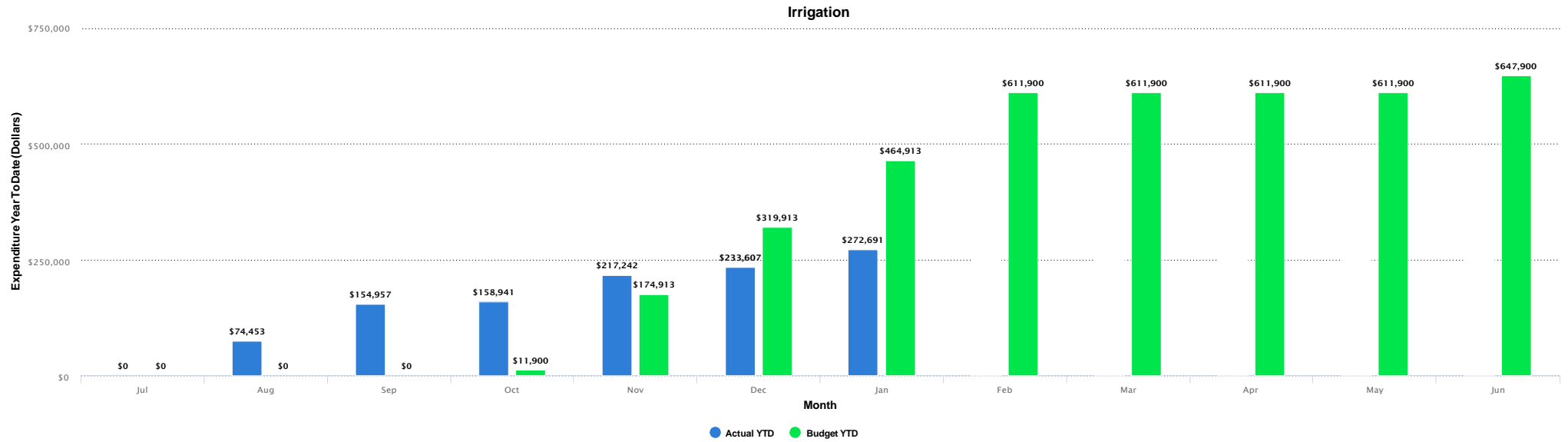
2019/20 Treescaping and Street Tree Planting

Program in progress with 2,280 street trees planted against a target of 3,400. Planting has ceased for the summer, preparation works have occurred for planting to recommence in April/May. This program is on-track to be completed by end of financial year.



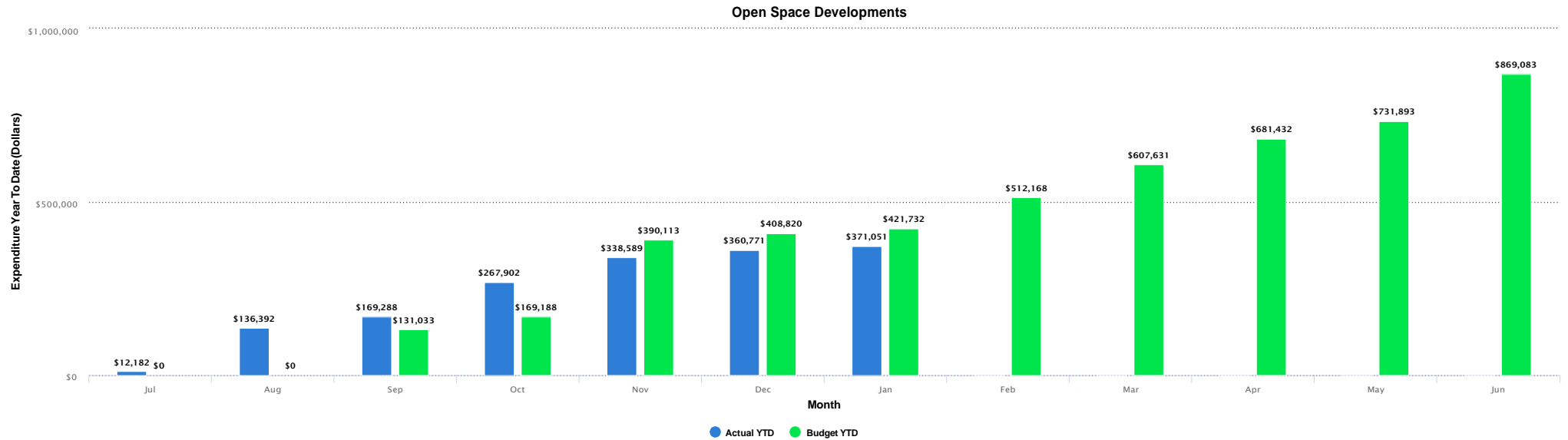
2019/20 Streetscape Program

The tender for Quick Road has commenced. The majority of Railway Terrace is complete with minor landscaping scheduled for May. Bray Street is 98% complete with defects and minor works still to be completed. Community consultation for Sturt Road will commence in February, with a potential for delays on this project due to DPTI completing works in the same area.



2019/20 Irrigation Delivery

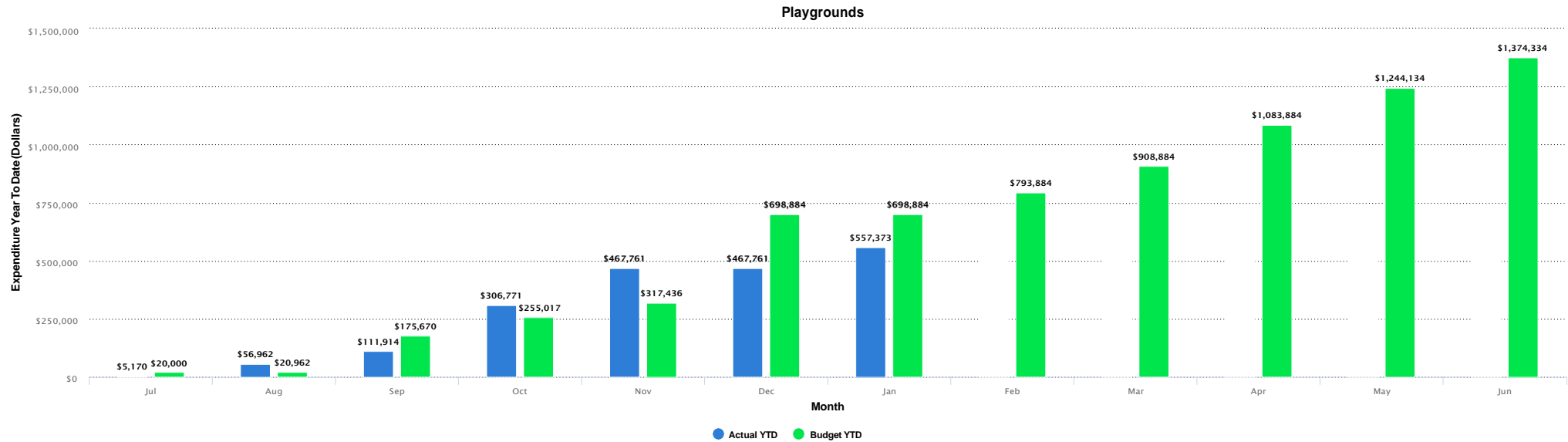
Program in progress, irrigation construction team due to re-commence works in City of Marion in May.



2019/20 Open Space Developments

Program in progress with Bandon Terrace, Crown Reserve Basketball Court, Dumbarton Road Dog Park and Hazelmere Dog Park complete.

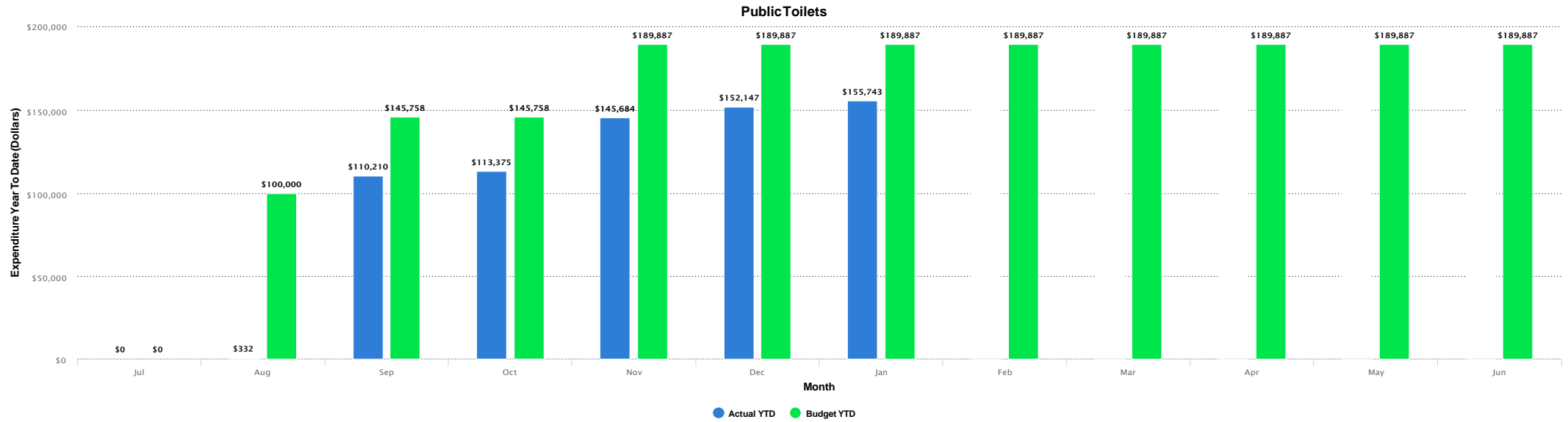
Shade structures are being planned for the proposed sites. Designs for stage 6 of Heron Way are complete and awaiting development approval. Design consultancy for stage 1 of Capella and Nannigai Drive Reserve has been awarded for the final detailed design.



2019/20 Playground delivery

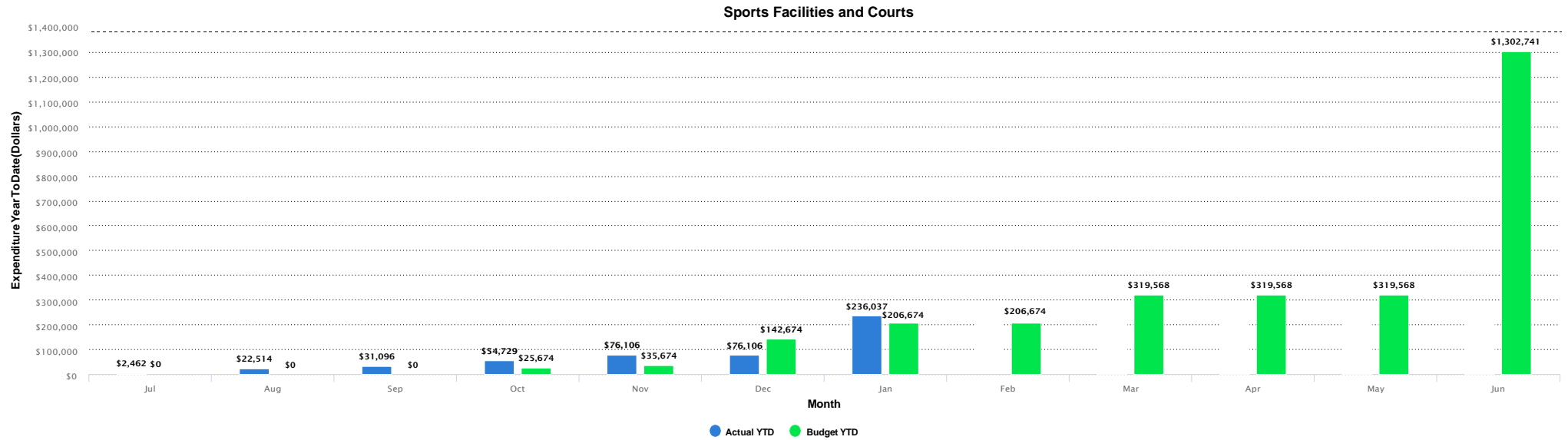
Program in progress with First Avenue Reserve. Shamrock Road and Mitchell Park Sports and Community Facility playgrounds complete.

Tender for Skipper Close Reserve has closed and is being evaluated, Christopher Grove Reserve and The Crescent Reserve playground tenders have closed and will be awarded. Equipment for two of these sites were ordered in December, payment is expected to be made in March. The design for Alpine Road Reserve is being finalised and the concept plan for Central Avenue Reserve is being revised due to a service level change.



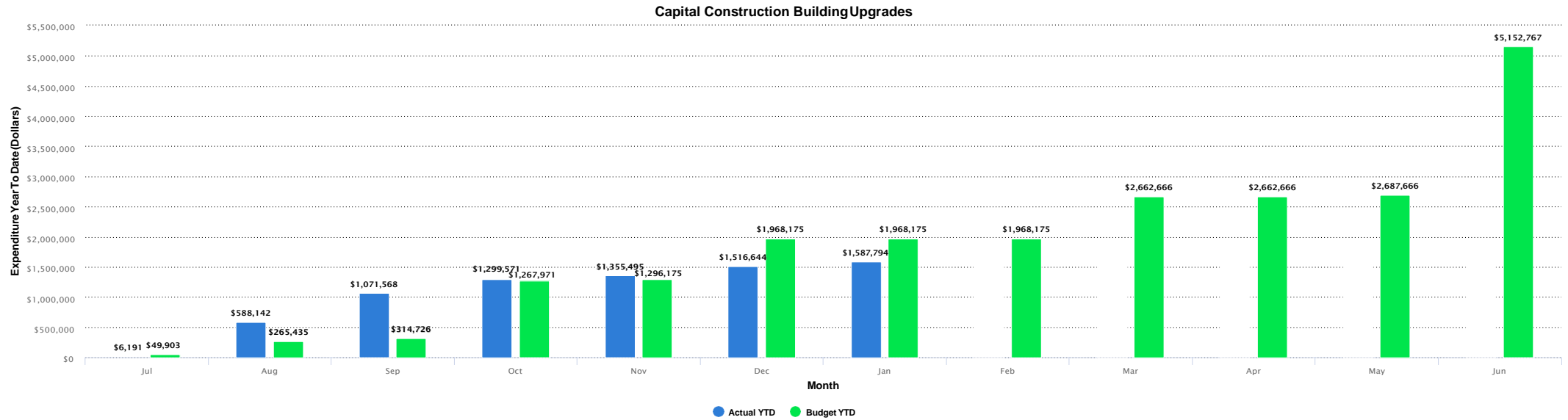
Public Toilets – 100% complete

Hamilton Road Reserve and Hamilton Park Reserve toilets are complete and open to the public.



2019/20 Sports Facilities and Courts

Program in progress and on track for completion by end of financial year with the exception of the Marion Tennis Club Lights, Cove Sports Female change rooms and Marion Golf club. Tenders have closed for Cove Netball Courts, Sports Change rooms and Cricket Nets, these projects will be delivered in the second half of the financial year.



2019/20 Building Upgrades

Marion Outdoor Pool stage 3 is out for tender, these works cannot commence until pool season is complete and as such will be carried over to 2020/21. The Coach House proposed works are dependent on State Heritage Department approval being granted. Works on Edwardstown Soldiers Memorial Recreation Grounds Perimeter fence cannot commence until the bowls season has closed, this will likely be a carryover. This budget contains \$535k for projects that will be identified in councils building condition audit which is nearing completion, after which, a complete program of works will be finalised.

Major Projects

Mitchell Park Sports and Community Club Development

	2019/20 Actual YTD 31/01/2020	2019/20 Budget	Project Cost At Completion
Income			
Federal Grant Contribution	-	395,000	5,000,000
Total Income	-	395,000	5,000,000
Expenditure			
Operating	-	-	-
Capital Construction	(16)	(395,000)	(15,000,000)
Total Expenditure	(16)	(395,000)	(15,000,000)
Project Result Surplus/(Deficit)	(16)	-	(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 and Community Club Development is subject to the approval of a prudential section 48 report.

Sam Willoughby International BMX Facility

	2019/20 Actual YTD 31/01/2020	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	(24)	(3,050,000)	(5,800,000)
Total Expenditure	(24)	(3,050,000)	(5,800,000)
Project Result Surplus/(Deficit)	(24)	(2,300,000)	(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.

Council have received the State Governments \$3.3m contribution to this project. This money is currently quarantined in council's reserves.

Sundry Debtors Report - Aging report as at 31 January 2020

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	17,688.63	2,170.23	4,796.37	.00	8,989.53	1,732.50	2%	Made up of 1 out of 9 debtors. This account has subsequently been settled in February.
Neighbourhood Centres Total	3,163.75	688.75	450.00	.00	30.00	1,995.00	3%	Made up of 1 out of 7 debtors. This debtor is on a payment plan through the debt collector, payments of \$35.00 have subsequently been received in February.
Regulatory Services Land Clearing Total	3,529.88	805.61	.00	.00	.00	2,724.27	4%	Made up of 3 out of 7 debtors, with one account totalling \$1,725.35.
City Property Facilities Total	108,739.88	28,372.96	32,511.68	22,998.00	3,741.20	21,116.04	28%	Made up of 5 out of 25 debtors. One account totalling \$5,443.33 is on a payment plan, payments of \$500.00 have subsequently been received. One other account totalling \$11,000 relates to a SA Heritage Restoration grant for the Coach House, Payment of this invoice will occur following the assessment of the claim, which is in progress. One other account totalling \$1,095.96 has subsequently been settled in February.
Civil Services Private Works Total	42,847.00	650.00	4,408.00	5,800.00	7,500.00	24,489.00	32%	Made up of 14 out of 19 debtors in this category, with seven of these totalling \$10,844.00 relating to works not commenced, awaiting payment, one of the remaining accounts totals \$3,190.00. Five accounts totalling \$9,565.00 are on payment plans, payments of \$80.00 have subsequently been received in February.
Swim Centre Debtors Total	59,234.04	1,972.76	56,964.28	297.00	.00	.00	0%	
Grants & Subsidies Total	32,230.06	32,230.06	.00	.00	.00	.00	0%	Made up of 1 out of 2 debtors.
Environmental Health Inspections Total	13,069.70	2,618.00	2,367.20	1,331.00	242.00	6,511.50	9%	Made up of 40 out of 83 debtors, with none individually significant. One account totalling \$121.00 has subsequently been settled in February.
Regulatory Services Other Total	22,363.50	.00	3,965.50	1,485.00	.00	16,913.00	22%	Made up of 76 out of 97 debtors in this category, with none individually significant. One account totalling \$25.00 has subsequently been settled with payments of \$60.00 received on another account.
Supplier Refund Totals	1,103.74	1,103.74	.00	.00	.00	.00	0%	
Living Kaurna Cultural Centre Total	576.00	576.00	.00	.00	.00	.00	0%	
Local Government Total	6,792.67	6,792.67	.00	.00	.00	.00	0%	
Economic Development Total	1,650.00	.00	.00	1,650.00	.00	.00	0%	
Marion Cultural Centre Total	3,693.00	1,450.00	1,043.50	150.00	1,049.50	.00	0%	
Total	316,681.85	79,430.78	106,506.53	33,711.00	21,552.23	75,481.31		
Total Aging Profile		25%	34%	11%	7%	24%		

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 Kaurna 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 January 2020

ANALYSIS OF OUTSTANDING RATES AS AT 31 JANUARY 2020

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 31,755,258	40.1%
OVERDUE	2	\$ 1,191,915	1.5%
ARREARS	3	\$ 1,437,733	1.8%
INTEREST	4	\$ 84,539	0.1%
POSTPONED	5	\$ 206,438	0.3%
LEGALS	6	\$ 42,393	0.1%
		\$ 34,718,276	43.8%
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.

Work Health & Safety - Monthly Performance Report - January 2020

Originating Officer	Unit Manager Risk - Sherie Walczak
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200225R16

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 11.0, to reach 9.9 or less in 2019/20.

The rolling LTIFR, based on internal incident reports, is 12.5 with 7 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**) however there are currently two awaiting determination which, if accepted would result in an LTIFR of 5.4. This is below the target of 9.9, the same as the LTIFR of 5.4 at the same last year but above the industry comparison LTIFR rate of 3.5.

Key initiatives implemented aimed at the reduction of the LTIFR include:

- Implementation of a four year HSE 2019-23 Strategic Plan
- Review of the monthly SLT report to align with the new HSE Plan
- Recognition of and rewarding our Safety Champions
- Delivering visible safety leadership initiatives
- Delivery of further training to front-line leaders via Lead in the Field
- Review of the light duties register



- Program of hazardous manual task training and risk assessments
- Comprehensive review of Safe Work guidance documents
- Comprehensive review of Confined Space, Plan and Chemical Risk Assessments
- Improvement of hazard identification and control through mentoring of workplace inspectors
- Enhanced focus from Executive whilst LTIFR is trending upwards
- 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 62% from 28.8 in 2015-16 to 11.0 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	GC200225R - WHS Monthly Performance Report – January 2020	PDF File

APPENDIX 1 – WHS Monthly Performance Report – January 2020

City of Marion's HSE Vision is that **'We can all make a difference towards achieving zero harm, to people and the environment'**. We are specifically focused on further developing our leadership styles, organisational culture and systems committing to:

- 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) and Environmental Management System (EMS) to achieve best practice

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
14	13	10	9	10	9	9						74	10.6

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	1	0	0	1	0	0						2

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

Table 5: Outline of LTIs reported - Financial Year 2019-20

No.	Description of Incident	Mechanism of Injury	Injury Description
1	Slipped on wet floor of hard rubbish truck	Slip and fall on same level	Lower back strain
2	Slipped dismounting a line marking machine	Slip on same level	Right knee strain

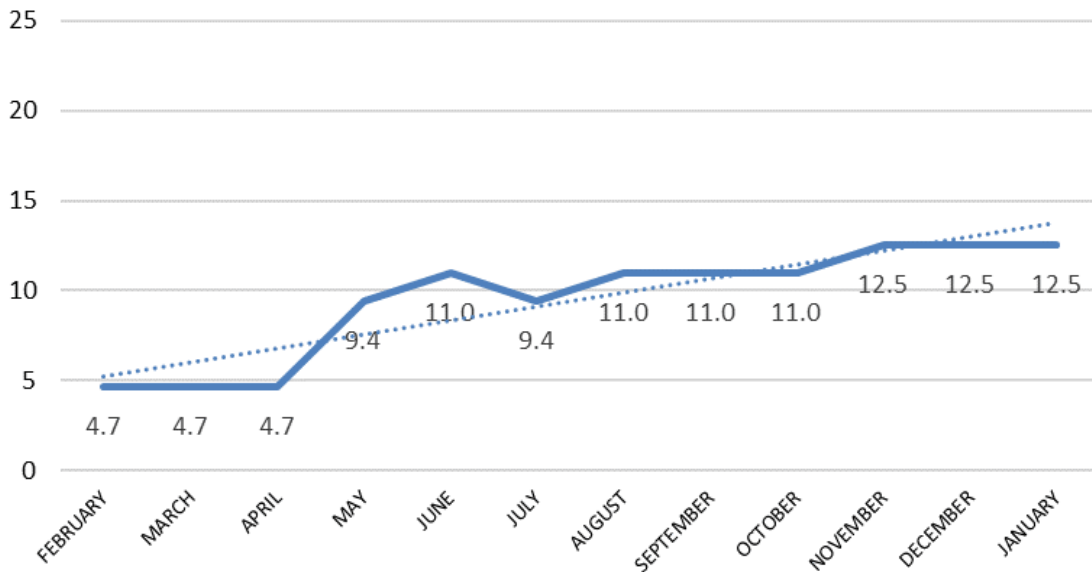
Rolling Lost Time Injury Frequency Rate (Internal WHS SkyTrust reporting data)

Rolling injury frequency rate over a 12 month or greater period is a common monitoring for performance of WHS and Return to Work performance. It continues over financial and calendar years rather than starting from zero so that longer term trends can be observed and appropriate action taken to address upward trends and/or seasonal spikes in injuries..

The 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 over 12 months

The current rolling LTIFR for the City of Marion is **12.5**, which represents a **303%** increase.

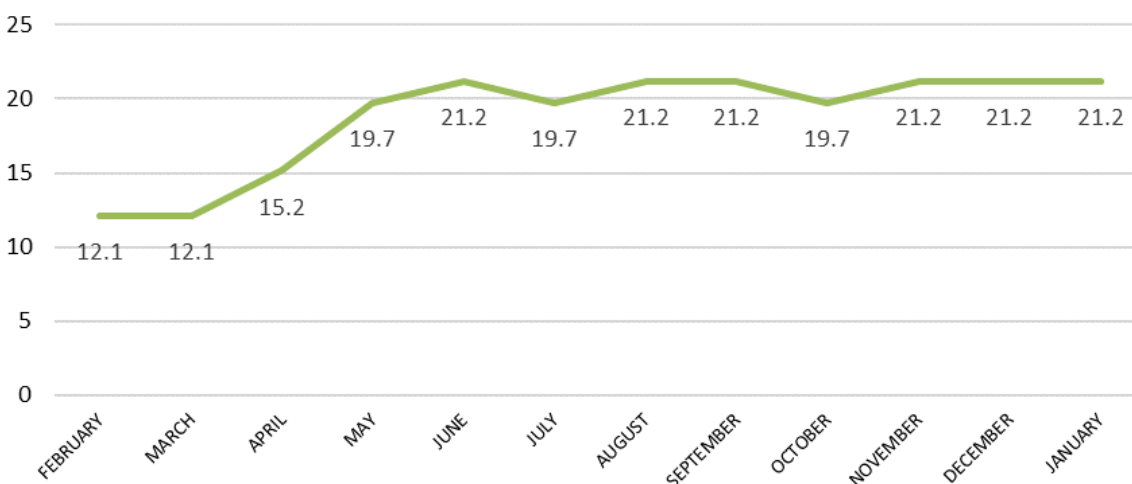


Rolling Total Recordable Incident Frequency Rate (Internal WHS SkyTrust reporting data)

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 over 12 months

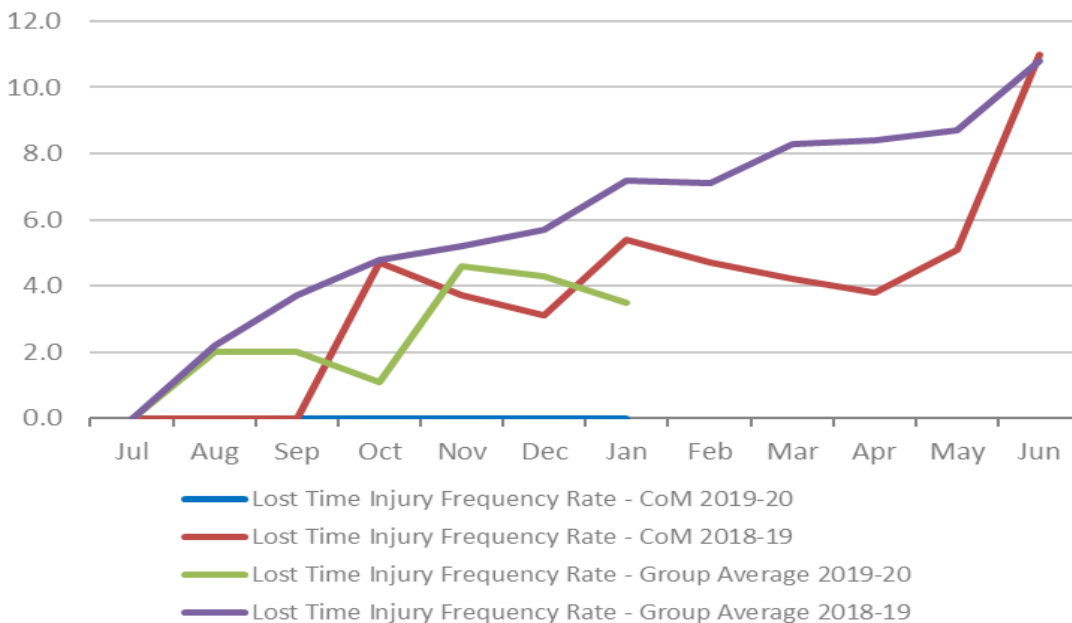
The current rolling TRIFR for the City of Marion is **21.2** which represents a **75%** increase.



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

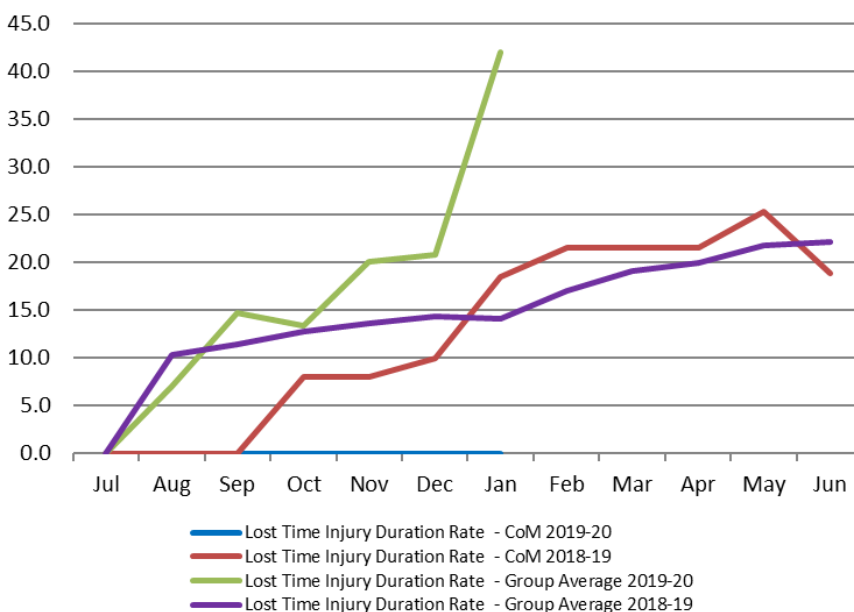


The current LTIFR for the City of Marion (represented in blue) is **0.0**, compared to GaCs recording **3.5**, with zero LTI claims being accepted. It should be noted there are two LTI claims yet to be determined.

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**, compared to GaCs recording **42**, with zero LTI claims being accepted. It should be noted there are two LTI claims yet to be determined.

¹ GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

Corporate and CEO KPI Report Quarter Two 2019/20

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore Chief Executive Officer - Adrian Skull
Report Reference	GC200225R17

REPORT OBJECTIVE

To advise the Council of the results of the CEO and Corporate KPIs for quarter two 2019/20.

RECOMMENDATION

That Council:

1. **Notes the report *Corporate and CEO KPI Report - Quarter Two 2019/20*.**

Attachment

#	Attachment	Type
1	Corporate and CEO KPI Report Quarter Two 2019-20 - Appendix 1	PDF File
2	Corporate and CEO KPI Report Quarter Two 2019-20 - Appendix 1a - Supporting Information	PDF File
3	Corporate and CEO KPI Report Quarter Two 2019-20 - Appendix 2	PDF File
4	Corporate and CEO KPI Report Quarter Two 2019-20 - Appendix 3	PDF File
5	Corporate and CEO KPI Report Quarter Two 2019-20 - Appendix 4	PDF File

CHIEF EXECUTIVE OFFICER and CORPORATE KEY PERFORMANCE INDICATORS 2019/20

QUARTER TWO: OCTOBER – DECEMBER 19 - APPENDIX 1

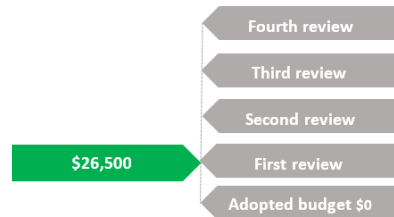
1

Financial Sustainability

Core target: Council maintains a break even or positive cash funding position in delivering its annual budget

Measure: This target compares funding cash position at the relevant budget review with the adopted budget figure.

Achieved: First Budget Review \$26,500. Target is forecast to be met.



4

Total Employee Costs

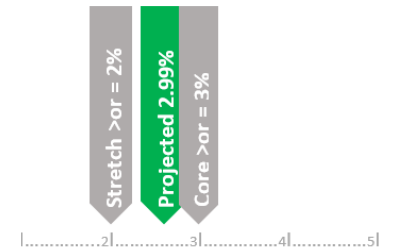
Core target: Less than or equal to 3% increase in actual employee costs (including agency staff) against prior year's actual costs

Stretch target: Less than or equal to 2% increase in actual employee costs (including agency staff) against prior year's actual costs

Measure: The 2018/19 Actual audited figure = \$34,861k.

Achieved: The 2019/20 estimated result per First Budget Review = \$35,905k

Projected: 2.99% - Core Target is forecast to be met.



2

Delivery of agreed projects identified in ABP and 4 year Plan (33 projects)

Core target: Greater than or equal to 95%

Measure: Monthly data as at 31 December 2019

Achieved: 97% (32 projects) on-track and 3% (1 project) is off-track. The Core Target has been met.

Note: Refer to Appendix 1a for further details



5

Overall Satisfaction with Council's performance

Core target: Greater than or equal to 75% rated as satisfied or above.

Stretch target: Greater than or equal to 85% rated as satisfied or above.

Measure: Community Survey

Achieved: 83.6% for the previous Q4 results.

Note: This is an annual measure with a survey being conducted at the end of the reporting year.

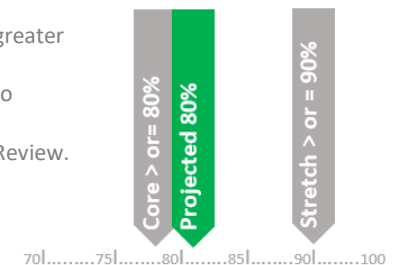
6

Asset Sustainability

Core target: Asset Renewal Funding Ratio greater than or equal to 80%

Stretch target: Asset Renewal Funding Ratio greater than or equal to 90%

Achieved: Projected 80% per First Budget Review. Core Target is forecast to be met.



3

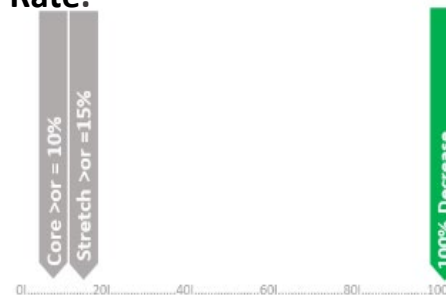
Lost Time Injury Frequency Rate.

Core target: Greater than or equal to 10% reduction from 2018/19 (11) = 9.9

Stretch target: Greater than or equal to 15% reduction from 2018/19 (11) = 9.35

Measure: The LTIFR for Q2 2019/20 is 0

Achieved: 100% decrease – Core and Stretch targets have been met



Note: As reported to Council (GC200128R19), there are currently two LTI claims awaiting determination. If accepted these would result in the LTIFR being 6.3 resulting in a 43% reduction and core and stretch targets being met.

The *Asset Renewal Funding Ratio* indicates whether Council is renewing or replacing existing assets at the rate of consumption.



7

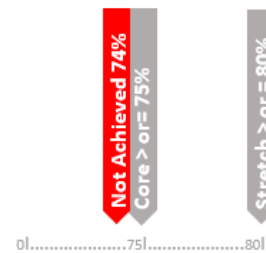
Delivery of Council's capital works program

Core target: Greater than or equal to 80% delivery of Council's planned capital works program (adjusted for extraordinary items)
Stretch target: Greater than or equal to 90% delivery of Council's planned capital works program (adjusted for extraordinary items)
Achieved: This is an annual measure.

8

Staff Engagement

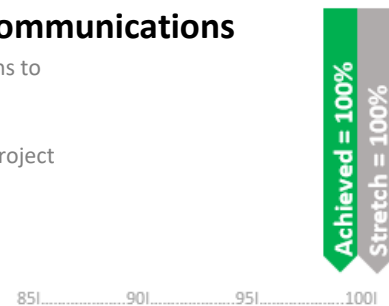
Core target: Achievement of an overall employee pulse survey result of 75%, based on 9 metrics
Stretch target: Achievement of an overall employee pulse survey result of 80%
Measure: Staff quarterly Pulse survey results.
Achieved: 74%. The Core Target has not been met.



9

Community engagement / communications

Core target: Project specific communications to the public should be timely and accurate
Stretch target: 100%
Measure: Based on feedback received on project specific distributed communications.
Achieved: 100%



Appendix 1a – Supporting Information

As at 31 December 2019 97% (32 projects) are on-track and 3% (1 project) is off-track.

This includes projects that have started or are due to start this financial year.

We have one project that was completed in Q2, 1 project that has been deferred (included in on-track statistic but can change if need be) and then the off-track projects.

The supporting information for the off-track projects are below in Table 1.

Table 1:

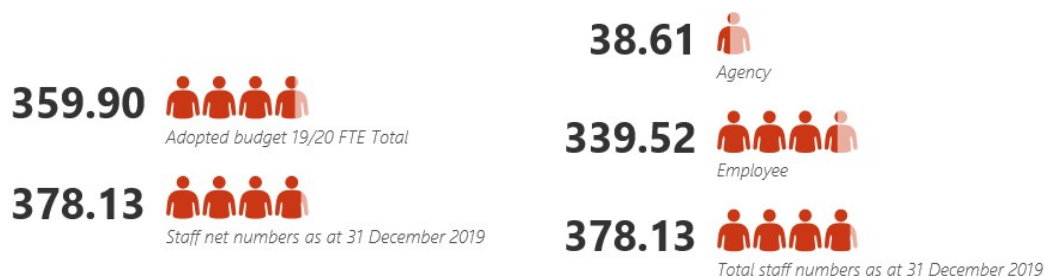
Project Name	Start Date	Completion Date	Q2	Q2 Supporting Comments
Metrics that Matter 2.0	01/08/2019	30/06/2020	Deferred	The project is on hold until 2020 when the new Digital Transformation Manager commences and takes carriage of the project. Transition plan in place to hand the project over. No further changes to note.
Marion Historic Village Museum Curator Engaged	01/07/2019	30/06/2020	Complete Q2	
PROGRAM - Renewables and Energy Efficiency Measures	01/07/2018	30/06/2022	Off-track	The Efficient Council Operations Project is off-track 23/1 Off - track due to being incorporated into the broader utilities program

Corporate and CEO KPI Report Quarter TWO 2019/20 – APPENDIX 2

KPI	Details	Target	Stretch Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Financial sustainability.	Council maintains a break even or positive cash funding position in delivering its annual budget	-	\$0	\$26,500	-	-
				Comment: First Budget Review \$26,500. Target is forecast to be met.			
2	Delivery of agreed projects identified in the <i>Annual Business Plan</i> and the four-year plan.	Greater than or equal to 95%	-	91%	97%	-	-
				Comment: Achieved 97% (32 projects) on-track and 3% (1 project) off track. The Core Target has been met. Further details provided in Appendix 1a			
3	Lost Time Injury Frequency Rate.	Greater than or equal to 10% reduction from the previous year's result 2018/19 (11) = 9.9	Greater than or equal to 15% reduction from the previous year's result 2018/19 (11) = 9.35	100%	100%	-	-
				Comment: The LTIFR for Q2 is 0. Achieved 100% decrease. Core and Stretch Targets have been met. Note: There are 2 LTI Claims awaiting determination. If accepted these would result in the LTIFR being 6.3 resulting in a 43% reduction.			
4	Total employee costs (inc agency).	Less than or equal to 3% increase in actual employee costs (including agency staff) against prior year's actual costs	Less than or equal to 2% increase in actual employee costs (including agency staff) against prior year's actual costs	2.99% (Projected)	2.99% (Projected)	-	-
				Comment: The 2018/19 Actual Audited Figure = \$34,861k. Achieved: The 2019/20 estimated result per First Budget Review = \$35,905k. The Core Target is forecast to be met.			
5	Overall Satisfaction with Council's performance	Greater than or equal to 75% rated as satisfied or above	Greater than or equal to 85% rated as satisfied or above	NA	NA	-	-
				Comment: This is an annual measure. Achieved 83.6 for the previous Q4 results.			
6	Asset sustainability.	Asset Renewal Funding Ratio greater than or equal to 80%	Asset Renewal Funding Ratio greater than or equal to 90%	80% (Projected)	80% (Projected)	-	-
				Comment: Projected 80% per First Budget Review. Core Target is forecast to be met.			
7	Delivery of Council's capital works.	Greater than or equal to 80% of Council's planned capital works program (adjusted for extraordinary items)	Greater than or equal to 90% of Council's planned capital works program (adjusted for extraordinary items)	N/A	N/A	-	-
				Comment: This is an annual measure.			
8	Staff Engagement	Achievement of an overall employee pulse survey result of 75% based on 9 metrics	Achievement of an overall employee pulse survey result of 80%	75.5%	74%	-	-
				Comment: Measured by the staff quarterly Pulse Survey. Achieved: 74%. The Core Target has not been met.			
9	Community engagement / communications	Project specific communication to the public should be timely and accurate	100%	100%	100%	-	-
				Comment: Based on feedback received on project specific distributed communications Achieved: 100%			

FULLTIME EQUIVALENT (FTE) Employee and Agency**APPENDIX 3**

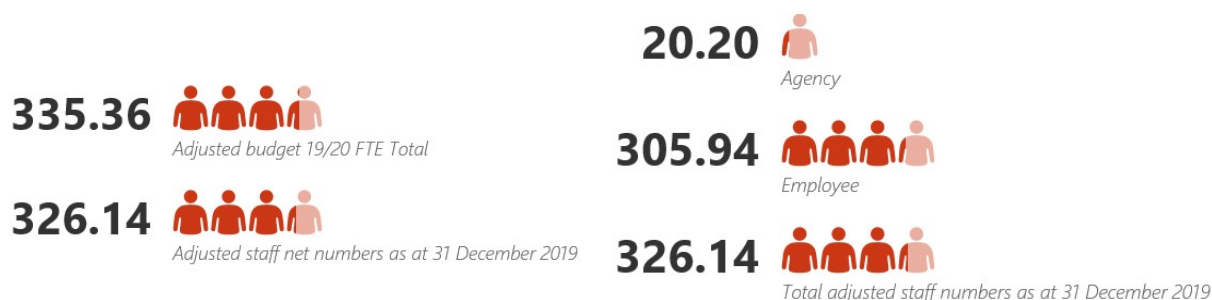
The number of FTE employees (staff and agency) employed across the organisation as at 31 December 2019



There are currently 11 temporary vacant positions comprised of:

- Recruitment in progress (required position) 2.0
- Currently under review 3.0
- Vacant required position 6.0

The following tables provide comparative FTE data with the Gap Year Team Members, Pool Staff, and Grant Funded positions being excluded.



Appendix 4

Labour and FTE Movement Summary

	2019/20 \$000's	2018/19 \$000's	2017/18 \$000's	2016/17 \$000's	2015/16 \$000's	2014/15 \$000's	2013/14 \$000's	2012/13 \$000's
Total Employee Costs (including Agency) % Movement on Prior Year	35,905	34,861	33,274	32,221	31,783	31,757	31,532	30,239
	2.99%	4.77%	3.27%	1.40%	0.10%	0.70%	4.30%	
Total Number of Employees (FTE at 31 December) % Movement on Prior Year	378.13	365	360	344	342	348	351	359
	3.59%	1.38%	4.80%	0.60%	-1.70%	-0.90%	-2.20%	

The FTE figure as at 31 December includes seasonal Temporary Labour Hire staff employed at the Marion Outdoor Pool.

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Rescission Motion - Spinnaker Circuit Reserve East

Elected Member Councillor Maggie Duncan

Report Reference: GC200225M01

Motion:

That Council:

1. Rescinds Motion GC191210R03:

1. Notes the report.

2. Acknowledges that Community Consultation regarding leasing the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years is not required.

3. Authorises the Chief Executive Officer to negotiate and enter into a lease of the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East at an amount that reflects a market rent from January 2020 for a five year term.

2. Notes the report GC191210R03.

3. Notes that the retention of the land known as Spinnaker Circuit Reserve East at Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 does not contribute to Council's strategic objectives and is surplus to Council's requirements.

4. 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 potential disposal of the whole of land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.

5. Notes that Administration will bring a report to Council for consideration of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.

6. Authorises the Chief Executive Officer to sell the Reserve in such a way so as to:

- a. Maximise the community benefit in terms of parking and easing traffic congestion
- b. Provide pedestrian and cycling access between Berrima Road and Spinnaker Circuit
- c. Maximise the financial outcome to Council

- d. Comply with Council's Disposal of Land and Assets Policy and incorporate professional engineering and planning advice.

5. Notes that achievement of the above objectives through selling the Reserve is likely to include:
 - a. Selling the portion of the Reserve shown as Option D (Appendix 1) in GC191210R03 (or similar to it) to St Martin de Porres School at the Community Land Value
 - b. Subdividing the remaining land to create new residential blocks for sale.
3. Authorises the Chief Executive Officer to negotiate and enter into a lease of the portion of the Reserve shown as Option D in GC191210R03 (or similar to it) at an amount that reflects a market rent from February 2020 for a twelve month term (to align with any community land revocation process), noting that a Licenced Valuer will not be engaged to determine the market rent (consistent with Council's Leasing and Licensing of Council Owned Facilities Policy).

Supporting Information:

Council recently decided to lease a portion of the Spinnaker Circuit Reserve East to St Martin de Porres School for a fixed term of five years and maintain the remaining land as open space.

With the current resolution both of the local ward councillors feel that the school will be concerned that in five years' time the lease will expire and not be renewed as we have not stipulated that it will be ongoing after this date. With this lease the school will probably only lay gravel to create a new carpark, rather than spending money on decent infrastructure that they may lose or may be required to remove and reinstate the land. With only gravel being laid this will create more dust flying around and residents will complain.

Currently the land is mainly weeds and rarely used by residents. Most residents use the newly renovated Spinnaker Circuit West and Hugh Johnson Boulevard reserves which are within a 400 metre radius if not less. The Spinnaker Circuit Reserve East land has previously been identified as surplus to Council's Strategic objectives.

Currently the Reserve does not have an irrigation ranking as it does not appear on the Reserve list and rankings that has previously been supplied to me. This is a section of land that is lush and green in the winter with mainly weeds and is dry and extremely dusty throughout the dryer months.

St Martins has approached Council with regards to purchasing some or all the land as they are growing at rapid rates and are trying to ease the pressure of staff and families parking in surrounding streets to avoid blocking access to residents. This should be taken into account as the school is trying to assist our community by creating space for their staff and families and easing resident frustration.

The possibility of the school attaining a portion of the Reserve would allow for them to create further car parking and depending on the size of land acquired they would consider some courts, a playground or garden space.

I would encourage Council to sell the portion of the Reserve shown as Option D (Appendix 1) in GC191210R03 (or similar to it) to the school and subdivide the remaining space into residential allotments. A pedestrian and cycling thoroughfare should be included to connect Berrima Road to Spinnaker Circuit.

Response Received From: General Manager City Services - Tony Lines

Corporate Manager N/A

General Manager

General Manager City Services - Tony Lines

Staff Comments:

Should Council endorse this motion, then staff can commence to engage with the community and scope out the optimum site arrangement for the disposal of this Reserve.

ATTACHMENTS:

#	Attachment	Type
1	Map_Spinnaker East Reserve	PDF File



Option D - Sell / Lease the Northern Section to the School, Dividing the Balance for Residential Purposes for Sale



Spinnaker Circuit Reserve - East

Map Width: 201 m

Created by rates Wednesday, 11 September 2019



About this Document	Disclaimer
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.	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.

Streetscape Initiative - Council Funded Crossovers

Elected Member Councillor Bruce Hull

Report Reference: GC200225M02

Motion:

1. **That as a Council wide streetscape initiative, Council will fully fund cross overs as the streetscape programs occur.**

Supporting Information:

When Council embarks on street scaping projects as scheduled and budgeted, it is a great opportunity to get the full streetscape right. That is, not have some crossovers bitumen or concrete and another gravel, to have a consistent presentation of concrete or pavers in the street.

Response Received From: Manager Engineering and Field Services - Mathew Allen

Corporate Manager N/A

General Manager General Manager City Services - Tony Lines

Staff Comments:

Streetscape upgrade projects have included the re-construction of some driveway cross-overs, subject to their condition and new design height requirements.

In accordance with the Local Government Act, it is the owner's responsibility to construct, renew and maintain the driveway invert and crossover. Council has developed a driveway permit application that clearly outlines the owner's roles and responsibilities (refer Attachment 1).

The cost of a new driveway cross-over varies between \$1,500 - \$3,000 depending on the length and width of the driveway. There may be circumstances where it is not appropriate to upgrade the driveway (e.g. new driveway up to 3 years old, owner's preference, or existing heavy duty driveway access).

It is suggested that there is excellent merit in replacing cross-overs for Streetscaping projects where key overall street appeal is enhanced. The overall project cost impact would be minimal.

An alternative motion is therefore suggested as follows:

Motion:

That as a Council-wide streetscape initiative, Council will fully fund crossover replacements for Streetscape projects, unless there are exceptional circumstances (e.g. new driveway up to 3 years old, owner's preference to retain the existing driveway, or existing heavy duty driveway access).

ATTACHMENTS:

#	Attachment	Type
1	Attachment 1 - Driveway Access Permit	PDF File

Driveway Access Permit



Dear Property Owner / Applicant

CONSTRUCTION/ALTERATION OF A DRIVEWAY ACCESS

Council wishes to advise you that a permit is required from the Council's Infrastructure Department for the construction or alteration of any proposed or existing driveway access to your property. This is in addition to any Development Approval that may have been granted by the Council relating to any development on your property.

DEFINITIONS

A *driveway access* is made up of the following parts (please see overside for further details):

- A *driveway invert* and water table – a laid back section of kerb that allows vehicles to cross the kerb. (Note, driveway inverts are not required in streets where a mountable kerb exists.)
- A *driveway crossover* - the section of the driveway located between the driveway invert/kerb and the front property boundary.

To obtain a permit for the construction or alteration of a driveway access, a permit application form (see attached), must be completed by the property owner and submitted to the Council for approval. The original form must be submitted; facsimiles will NOT be accepted. No work is to commence on a driveway access until such time as the Council has approved the permit application.

All associated works have to be arranged by the property owner/applicant and must be to Council standards. Work shall only be undertaken by a reliable contractor or, alternatively, the work can be undertaken by Council staff on a fee for service basis.

Council can provide you with a written quotation for the required work. Requests for quotations should be lodged by marking the tick box located on the attached application form. In all cases, quotations will be determined and issued following a site visit by Council staff.

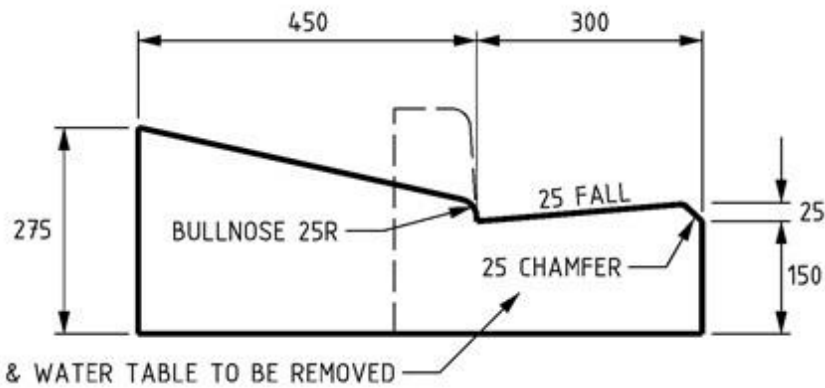
All costs involved with the construction or alteration of a driveway access (including alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/alteration of non-Council (e.g. ETSA, SA Water etc) services or other constraints must be arranged by the property owner through those relevant authorities and will be the subject of separate costs, payable to those authorities.

Once installed, it is the responsibility of the property owner to repair and/or maintain the driveway invert and/or crossover in a safe and serviceable condition at all times. This maintenance responsibility also extends to any other existing driveway inverts and crossovers serving your property.

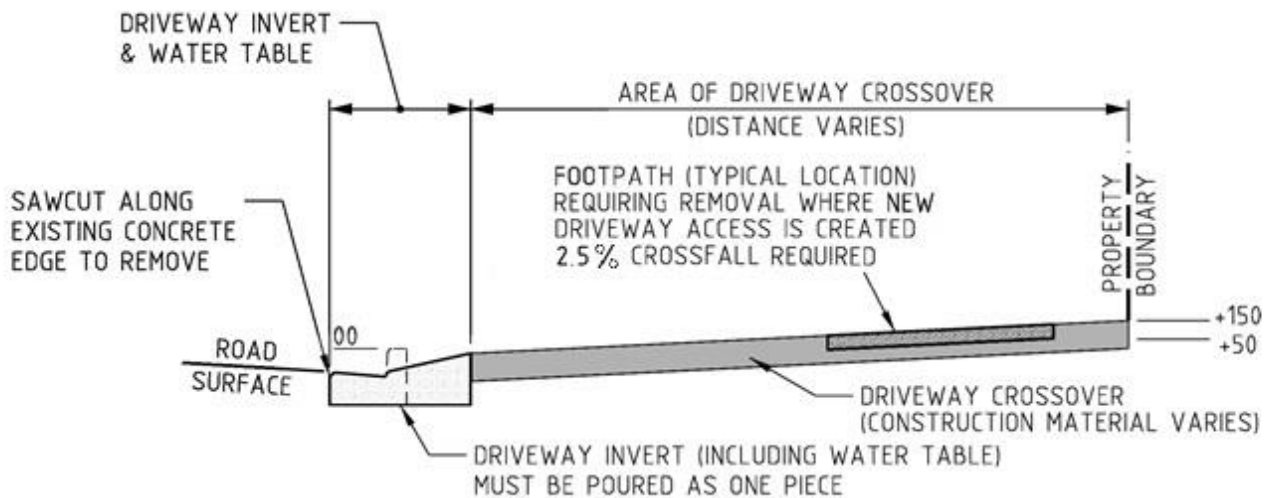
If you require any further information please contact the Infrastructure Audit Unit on 7420 6447. Forms should be lodged at Council's Customer Service Centre at 245 Sturt Road, Sturt or posted to PO Box 21 Oaklands Park SA, 5046.

Yours sincerely

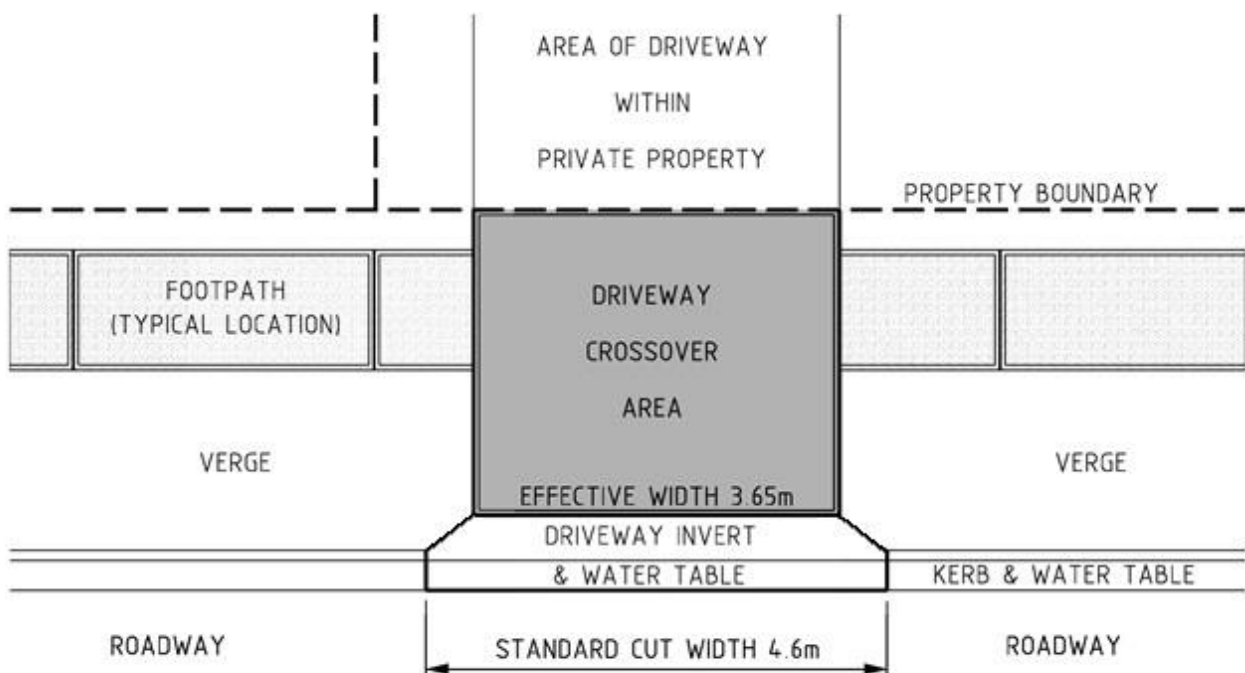
MANAGER, INFRASTRUCTURE



TYPICAL DRIVEWAY INVERT & WATER TABLE SECTION
NTS



SECTION DETAIL DRIVEWAY CROSSOVER REQUIREMENT
NTS



TYPICAL PLAN VIEW DRIVEWAY ACCESS
NTS

PERMIT APPLICATION FORM AND CONDITIONS FOR THE CONSTRUCTION / ALTERATION OF A DRIVEWAY ACCESS

***Please submit the original of this form.
Facsimiles will not be accepted***



CONDITIONS

Location and Placement

1. A driveway access must be constructed as near as practicable to 90° to the kerb alignment.
2. A driveway access must be situated wholly within the property frontage.
3. A driveway access must be located a minimum 1 metre away from existing infrastructure (street signs, stobie poles, drains in the kerb, service pits etc)
4. A driveway access must be located sufficiently away from street trees and traffic control devices (roundabouts, medians etc), and all corners and road junctions. Distances / clearances to street trees must be confirmed by council's arborist.
5. Redundant driveway inverts/crossovers must be replaced with kerbing, water table, footpath and backfilled to match the remainder of the street.
6. Relocation of any street trees require approval and all costs involved are to be borne by the property owner.
7. Driveway crossovers must grade toward the road, with the level at the front property boundary being between 50mm and 150mm above the top of kerb with the crossover matching existing footpath levels, unless otherwise approved by the Council.
8. Any damaged or missing footpath or kerbing associated with the development or driveway construction will be reinstated by the property owner.
9. To meet driveway standards a minimum 6 metre clearance from the property boundary to any structure within the property is required.
10. All crossovers must have an absolute minimum width of 3.0 metres.

Construction and Materials

Driveway inverts and water table must be constructed of concrete and poured together as one piece.

Driveway crossovers should be constructed of either:

- concrete/concrete stamped paving (no greater than 5mm deep) with a suitable non-slip or broomed finish; or
 - driveway strength brick paving units (depth of chamfered edges must not be greater than 4mm)
1. Any existing kerb, water table and footpath requiring removal to facilitate driveway construction must be vertically saw cut to the full depth of concrete to facilitate its complete removal without leaving broken edges.
 2. Saw cutting of the kerb and water table must be along the front edge of the water table at the joint where the water table meets the asphalt roadway.
 3. Any damage to the asphalt roadway during construction will be repaired with hotmix asphalt by the property owner.

Ongoing Maintenance

Once installed, it is the responsibility of the property owner to repair and/or maintain all driveways, inverts and/or crossovers in a safe and serviceable condition at all times.

Termination of Permit

The City of Marion reserves the right to revoke this permit at any time.

Costs

All costs involved with the construction or alteration of a driveway access (including alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/alteration of non-Council (e.g. ETSA, SA Water etc) services or other constraints must be arranged by the property owner through those relevant authorities and will be the subject of separate costs, payable to those authorities.

DEVELOPMENT APPLICATION

Attachment 1

Does this permit application relate to a Development Application for building work on your land? Yes / No

If yes, what is the Development Application No? 100/...../.....

STREET TREES

Does this permit application require the assessment of a street tree in relation to your driveway access? Yes / No

DETAILS OF PERSON APPLYING FOR PERMIT

Property Owner's Name:

Postal Address:

.....Post Code:

Phone Number:Email Address:.....

ADDRESS OF PROPERTY WHERE WORK IS TO BE CARRIED OUT

Street No: Lot No:Street Name:

Suburb:

DRIVEWAY ACCESS LOCATION (Plan or diagram required)

To be approved, the following must be provided:

(please indicate with a plan or diagram)

- Proposed driveway access width, length and location, including distances to the nearest side boundary, trees, side entry pits, service pits and stobie poles
- Alternatively, please supply a copy of the building site works plan, with proposed driveway dimensions and location clearly marked on it

Please tick which of the following you wish to construct/alter☐ Driveway Invert and Water table Only☐ Driveway Crossover Only☐ Driveway Invert, Water table and Crossover

I intend to construct my crossover in the following materials:

☐ Concrete☐ Heavy Duty Concrete☐ Paving (type, dimensions)**QUOTE**☐ I request Council to provide a quotation for this work.

Note: Quotations will only be provided to established houses and new developments at the lock up stage of the build

APPLICANT:

I hereby apply for a permit to construct/alter a driveway access.

I agree to abide by all conditions placed on the driveway access construction and acknowledge that I will be held responsible for any non-compliant works or any damage caused to the council assets during construction.

I agree to reconstruct any damage or works that do not comply with the City of Marion's specifications.

Name:

Signature: Date:

Disclaimer: The City of Marion reserves the right to revoke this permit at any time.

OFFICE USE ONLY:

Permit No:

Approved by: Coordinator Infrastructure Audit Unit

Signature: Date:

Special Conditions: (see conditions section).....

.....

.....

.....

Climate Change Emergency Declaration

Elected Member Councillor Bruce Hull

Report Reference: GC200225M03

Motion:

1. **That Council recognises the World is in a state of climate emergency and that all levels of Government have a responsibility to act.**
2. **That the development of the Environmental Strategy initiative of the 2020/21 Business Plan, include the goal for the City of Marion to progressively embed becoming a Carbon Neutral, Sustainable City, enshrining “Environmental Responsibility” (as defined in the attached background), by 2030, including the financial and resource implications.**
3. **That the draft Environmental Strategy be provided to Council for its consideration by April 2020.**

Supporting Information:

Environmental Responsibility

Beyond the various strategies that Council can employ, all of which are extremely important, the single overarching game changing principle it could introduce would be to embed “environmental responsibility” into every action undertaken by Council. This approach can be likened to workplace health and safety; these days every action undertaken by an organisation must comply with Workplace Health & Safety legislation. Until the same approach is taken to the environment, climate and sustainability, all efforts will fall short of effectively bringing about the change that will meet the challenge of the climate emergency faced by the World.

The motion enshrines the primary principle of the Environmental Strategy, and ultimate 2030 goal, as the progressive embedding of environmental responsibility; that of carbon neutrality and sustainability, into every undertaking by Council.

Climate Emergency

The declaration of a climate emergency recognises the world has a decade to act. Setting the plan at 2030 means focus on the goal and ten years to work towards its achievement; incrementally and in a fiscally responsible way. The Climate emergency declaration is important for a number of other reasons;

- It more accurately recognises the current state of our climate as defined in international climate reports recognised by Council 09/07/19. The situation is now more urgent as the latest UN report from the World Meteorological Organisation has concluded that the past five years have been the hottest on record and the effects of climate change are progressing at a quicker rate than previously forecast. It concludes that to limit warming to 2C will now take a three fold increase in effort and to the Paris Agreement 1.5C target a five fold increase,
- It provides administration with the direction to fast-track the development of the Environmental Strategy in recognition that there is no time to waste,
- It is an emphatic statement to the community that Council take the current state of the climate most seriously,
- It aligns Council with other likeminded municipalities, working together toward a common goal for the environment and humanity.

Response Received From: Environmental Sustainability Manager - Ann Gibbons

Corporate Manager Manager Innovation and Strategy - Fiona Harvey

General Manager General Manager City Development - Ilia Houridis

Staff Comments:

At the 26 March 2019 General Council meeting (GC190326M01 - refer to Attachment 1 for extract from meeting minutes) a Motion with Notice was tabled regarding the '*City of Marion declaring a Climate Emergency that requires urgent action...*'. An alternative Motion was subsequently endorsed:

That Council:

1. *Acknowledges that more action is required by all levels of government globally to tackle climate change.*
2. *Undertakes a review of climate change mitigation and adaptation actions delivered by the City of Marion to date and receives costed recommendations in regard to potential tangible actions that the City of Marion could seek to prioritise in the short to medium term.*

Climate Emergency Declarations have been supported by more than 1,300 councils in 27 countries. As at 4 February 2020, 16 South Australian councils and 89 nationally have declared a climate emergency. A climate emergency declaration was carried by the South Australian Legislative Council on 26 September 2019.

The City of Marion's response to climate change has been significant, working at both a local 'city' level and working regionally in collaboration with other local governments and the State Government. Two key initiatives to address climate change are:

- **Resilient South** - a southern Adelaide climate adaptation collaboration with the Cities of Holdfast Bay, Mitcham and Onkaparinga and the State Government. An implementation update was provided at the 18 June 2019 Elected Member Forum (EMF190618R03) and our Regional Implementation Plan is currently under review. A Climate Risk Governance assessment was conducted as part of our Resilient South collaboration during 2019. Recommendations from this assessment included embedding climate change risks into Council decision-making (e.g. through asset management planning, emergency response planning) and that the City of Marion sets an emissions reduction target of 'carbon neutral by 2050' as a minimum (ISC191105R03 and FAC191210R11).
- A high-level **Energy Efficiency and Renewable Energy Plan** for the City of Marion endorsed by Council in July 2018 (GC180719R04). Updates on climate change mitigation activities, including the delivery of this Plan, have been provided at the Elected Member Forums on 18 June 2019 (EMF190618R03) and 29 October 2019 (EMF191029R02). Energy efficiency and renewable energy initiatives in Council owned and operated facilities and changeover to LED streetlighting has enabled the City of Marion to reduced carbon emissions by 24.6% in 2018/19 compared with 2015/16. A number of community-focused initiatives have also been delivered including a pilot Edwardstown Energy Efficiency Project for local businesses and community awareness sessions at Common Thread.

A broad range of actions at the policy, planning, program and operational level have been implemented to address climate change, which are summarised in Attachment 2. Early investigations into opportunities to benchmark City of Marion's climate change response against that of other councils is also being progressed.



In respect of part 2 of the Motion passed on 26 March 2019, two key actions that resulted from the review were to investigate solar car parks across the city and the consideration of setting a carbon neutral target for council operations. Both of these initiatives have progressed.

Feasibility advice on **solar car parks** has been sought, and will be provided to Members as soon as it can be scheduled.

Development of a **Carbon Neutral Plan** for the City of Marion has commenced, as discussed at the Elected Member Forum on 18 February 2020. This Plan will build on work already delivered and identify carbon reduction (e.g. energy efficiency, renewable energy, alternative fuels) and offsetting (e.g. tree planting) initiatives along with estimated investment requirements that will enable Council to achieve carbon neutrality for its operations by 2030. There will be opportunities for Elected Member input to the Plan during its development, with a final Plan to be presented in June 2020.

ATTACHMENTS:

#	Attachment	Type
1	GC190326M01 - Meeting Minutes Extract	PDF File
2	Climate Change Action - Jan 2020	PDF File



Minutes of the General Council Meeting held on 26 March 2019

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 5 March 2019 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.

Carried Unanimously

AGENDA ORDER

Moved Councillor - Bruce Hull

Seconded Councillor - Jason Veliskou

That:

1. The 'Climate Change Emergency' motion with notice (Report Reference: GC190326M01) be moved forward on the agenda.

Carried

MOTIONS WITH NOTICE

Climate Change Emergency

Report Reference: GC190326M01

Moved Councillor - Bruce Hull

Seconded Councillor - Kendra Clancy

That:

1. The City of Marion declares that we face a Climate Emergency that requires urgent action from all Australian Cities, that the City of Marion instigate an action plan to immediately reduce carbon emissions as quickly as possible within the zone of the Marion City Council and to establish programs to draw down carbon from the Earth's atmosphere."

Amendment:

Moved Councillor - Tim Pfeiffer

Seconded Councillor - Jason Veliskou

That Council:

1. Acknowledges that more action is required by all levels of government globally to tackle climate change.
2. Undertakes a review of climate change mitigation and adaptation actions delivered by the City of Marion to date and receives costed recommendations in regard to potential tangible actions that the City of Marion could seek to prioritise in the short to medium term.

The amendment to become the motion was **Carried**
The motion was **Carried**

City of Marion Climate Change Responses

(January 2020)



City of Marion Climate Change Policy

Endorsed by Council in Sept 2016; due for review in 2020

<https://cdn.marion.sa.gov.au/sp/Documents-Policies/Climate-Change-Policy.pdf>

Resilient South

<https://www.resilientsouth.com/>

- Partnership between the City of Marion and Cities of Holdfast Bay, Mitcham Onkaparinga and the South Australian Government aimed at strengthening southern Adelaide so that our businesses, communities and environments can respond to the challenges of climate change.
- [Resilient South Regional Climate Change Adaptation Plan](#) – endorsed by all 4 partner Councils in 2014; recommends 57 preferred adaptation actions relating to 10 key decision areas (described as pathways). The economic, environmental and social domains across the southern region can use these pathways to guide their own adaptation action.
- [Resilient South Southern Region Local Government Implementation Plan 2015 – 2019](#) – endorsed by all 4 partner Councils in 2015; identifies priority focus areas for the four partner Councils; currently being reviewed and updated.
- [Climate Change Sector Agreement](#) – In February 2018, the Cities of Mitcham, Onkaparinga, Marion and Holdfast Bay and the Government of South Australia signed a new Resilient South Sector Agreement for Climate Change Adaptation for the Southern Adelaide Region (2018-2020). The Sector Agreement acknowledges the importance of taking a leadership role in climate change and sustainability and commits to take a collaborative approach to tackle climate change impacts and work towards reducing greenhouse gas emissions.
- [Urban Thermal Mapping](#) – On 22 Feb 2016 we captured high resolution thermal infrared imagery to analysis land surface temperature across the region. The purpose of this is to identify and prioritise open space and public areas most vulnerable to urban heat to prioritise urban cooling initiatives across the region such as tree planting, revegetation, water sensitive urban design, etc. (Urban Heat Mapping for the Adelaide metropolitan area is publicly available – <https://data.environment.sa.gov.au/Climate/Data-Systems/Urban-Heat-Mapping/Pages/default.aspx>)
- [Heatwave Hypothetical](#) – in Feb 2018 around 250 community members came together for an interactive conversation around climate change and heatwaves called 'Feeling Hot Hot Hot! Dealing with Heatwaves in Southern Adelaide'; the event was facilitated by Amanda Blair and included a panel representing organisations such as SES, SAPN, Red Cross, SAPOL, local government, SA Government, and more.
- [Climate Ready Communities](#) – a partnership with the Australian Red Cross to help communities prepare for intensified extreme events under climate change. 62 people attended Climate Ready Champions training to understand the risks they currently face, the way these are changing, and what they can do to build their resilience. Youth-focussed training was delivered in Marion in Nov / Dec 2019 in response to a youth engagement that identified climate change as a key issue for people aged under 25 years (<https://www.redcross.org.au/saclimateready>)

- [Climate Risk Governance Assessment](#) – identified documented climate risk governance arrangements in order to establish if there are gaps that may expose Council to legal or financial liability and then developed a planned response to manage any risk exposures.

Energy Efficiency and Renewables

- [Energy Efficiency and Renewable Energy Plan](#) (endorsed by Council in July 2018)
- [Solar panels](#) – 410kW solar installed across 10 Council operated sites; 94kW solar installed on 4 sporting clubs and facilities; 70kW (approx.) installed on 5 community use buildings
- [Energy efficiency upgrades](#) to lighting, etc. completed at 10 high energy using operated sites and a number of leased buildings
- [Efficient Street Lighting](#) – replacement of 8,525 streetlights with efficient LED lighting will cut energy use by around 75%, saving \$500,000 and reducing carbon emissions by more than 1,600 tonnes each year. 65% complete in 2019 resulting in 36% reduction in carbon emissions in 2018/19 compared with 2015/16 (876 tonnes CO₂e)
- [Emissions Reductions](#) – Carbon emissions from council operations were reduced by 24.6% in 2018/19 compared with 2015/16

Transport / Fleet

- [Efficient Council Fleet](#) – 7 hybrid Toyota Corolla passenger vehicles included in Council vehicle fleet – further alternative fuelled vehicles to be considered at fleet renewal; carbon emissions from vehicle fleet have reduced by 11% in 2018/19 compared with 2015/16
- [EV Charging Infrastructure](#) – City of Marion is participating in a joint procurement process with the Cities of Charles Sturt and Port Adelaide Enfield to identify a provider to install and maintain electric vehicle charging infrastructure across the council area.
- [Solar Carparks](#) – initial investigations into the construction of solar carparks at Council operated sites.
- [Waste and Recycling Vehicles](#) – certified carbon offsets to account for 100% of vehicle emissions from delivery of kerbside collection service in the City of Marion – 3,420 tonnes CO₂e since 2015/16

Coastal Climate Change Management

- [Coastal Climate Change Study](#) (endorsed by Council in 2018) – a study to identify site and asset specific vulnerabilities in its coastal zone, and to develop a more detailed understanding of localised risk and actions needed to support effective coastal management; provides a baseline for future analysis of cliff stability and potential stormwater erosion or seawater inundation issues. Will also help us analyse our future risks to sea level rise.
- [Coastal Climate Change Monitoring Plan](#) (endorsed by Council in 2019) – highlights areas for future focus and proposes a 5 year monitoring plan. Council has committed to work with the Coast Protection Board to progress this plan.

Water Management

- [Landscape Irrigation Management Plan](#) – developed to guide what we irrigate, when we irrigate and how much water we use.
- [Oaklands Wetland](#) – capture, clean and store up to 400 million litres of stormwater each year, when fully operational. Water used to irrigate public open spaces and reserves in Council's northern and central regions.
- [Warriparinga Wetland](#) – a series of ponds that diverts and filters water from the Sturt River, before releasing it back into the river system and out into the Gulf

Greening

- [Remnant Native Vegetation Plan 2018 – 2023](#) (endorsed by Council in 2018) – outlines the principles that will underpin the management of remnant native vegetation and the strategies that will be implemented to protect and manage remnant vegetation.
- [Tree Management Policy and Tree Management Framework](#) (endorsed by Council in 2018) – guides the provision and management of trees on Council land including streets, parks and reserves that will 'green' the city to enhance biodiversity and habitat value over time.
- [Natural Landscapes Design and Maintenance Guidelines](#) (endorsed by Council in July 2017) – provides guidance on establishment and management of typology types to be applied within natural landscaping areas forming Council parks and reserves. The natural landscaping typologies are designed to reduce maintenance costs in comparison with pre-existing site management approaches. As a rule, no typologies will be established or maintained using irrigation with potable water.
- [Annual tree planting program](#) - Street-scaping: 50+ mature trees in 2-3 streets; Tree-scaping: 400 mature trees; Street tree planting: 1,400 increasing to 3,000 in 2019/20 (~750 p/a removed); Reserve planting: 200 trees plus up to 30,000 tubestock (shrubs, grasses, etc.); additional amenity planting as required.

Waste Management

- [Food Waste Recycling](#) – 1,008 kitchen caddies distributed to households in 2019
- [Recycled Asphalt](#) – 331 tonnes CO₂-e saved in 2018/19 through the use of Sustainable Asphalt in lieu of traditional hot asphalt
- [Hazardous Waste](#) – 805 vehicles attended a drop-off day in 2018, delivering 27 tonnes of hazardous materials for recycling and/or appropriate disposal; new service from July 2019 at North Plympton receiving around 20 cars/day, on average, with biggest volumes collected being motor oil and paint.
- [Community Presentations](#) – 1,852 people participated in presentations, workshops and tours to learn more about recycling, reducing waste, composting and worm farming.
- [Recycle Right Bin Tagging Campaign](#) – 695 households in 2018/19

Community Education and Engagement

- [SAEDB Energy Project](#) – improving the energy performances of businesses in southern Adelaide; Edwardstown Energy Pilot Project provided targeted assistance to five small businesses delivered by the Tonsley Future Energy Consortium
- [Common Thread](#) – a monthly, sustainability program at Cooina Neighbourhood Centre on the first Monday evening of the month from March to November; 273 attendances in 2019; recent topics have included: Sustainable Home Design Building and Renovating (Mar 2019), Preparing for Climate Change (Aug 2019), Summer Ready Gardens (Nov 2019).
- [Valuing Marion's Nature project](#) – A range of events and activities to connect community members with nature and help them learn about natural environments in our city; 646 people attended 16 events in 2019; recent events have included: Spring Wildflower Walk (Sept 2019) Family Nature Day (Oct 2019) Native Bees and Wild Pollinators Workshop (Nov 2019).
- [Waste and Recycling Education](#) – free presentations and workshops on recycling and waste management to residents, community groups, schools and businesses.
- [Natural Resources Management Education](#) – a school and preschool sustainability program to help plan and manage environmentally friendly initiatives, delivered in partnership with Natural Resources Adelaide and Mt Lofty Ranges; 8 schools and preschools were engaged through 38 support events during 2018/19;

Program includes development of a Climate Ready Schools initiative that has initially been piloted with a number of schools in the City of Onkaparinga and looking to expand in to Marion during 2020 (<https://www.naturalresources.sa.gov.au/adelaidemtloftyranges/education>)

- Community Volunteers –Friends of Parks and Bush for Life groups volunteer their time to improve habitats across the council area.
- Greening Marion – This trial project will explore all the greening activities in the suburbs of Park Holme, Oaklands Park and Marion. Together with our community, we will envision how we want to experience 'greener suburbs' and make plans to move towards this.

Crossover Funding Incentive

Elected Member Councillor Bruce Hull

Report Reference: GC200225M04

Motion:

That as a Council wide streetscape initiative, Council will as an insentive, fund 50% of the crossover replacements cost when scheduled/budgeted footpath replacement programs occur subject to landowners paying the other 50% of the cross over cost.

Supporting Information:

When our Council replaces footpaths as scheduled and budgeted, it is a great opportunity where possible to get the full streetscape right. That is, not have some crossovers bitumen, concrete and another gravel, to have a consistent presentation of concrete or pavers as the case may be, as determined by Council. Additionally, why should ratepayers have to fully replace (at their cost) what was a totally serviceable crossover simply because Council wants to replace the footpath (on Council land) in their streets?

Response Received From: Manager Engineer & Field Services - Mathew Allen

Corporate Manager N/A

General Manager General Manager City Services - Tony Lines

Staff Comments:

Footpath upgrade projects have included the re-construction of some driveway cross-overs, subject to their condition and any requirement to change the level of the driveway.

In accordance with the Local Government Act, it is the owner's responsibility to construct, renew and maintain the driveway invert and crossover. Council has developed a driveway permit application that clearly outlines the owner's roles and responsibilities (refer Attachment 1). The cost of a new driveway cross-over varies between \$1,500 - \$3,000 depending on the length and width of the driveway.

For information, Attachment 2 summarises the response and approach from other Councils to driveway upgrades associated with footpath projects. It will be noted that some councils cover the cost of crossovers and some do not.

There is excellent merit in working with residents to replace crossovers for new and upgraded footpath projects. Staff can develop a process to engage with property owners to identify those crossovers for upgrade (with a 50% contribution towards the cost of their replacement). Note that there will be an increase in project cost as a result of this initiative, depending upon crossover replacement take-up. The crossover replacement take-up and associated administrative efforts is unknown, and it is therefore suggested that this initiative is trialled for a 12 month period during the 2020/21 capital works program, followed by a report back to Council that identifies the take-up of crossover replacements, additional cost and any other observations.

An alternate Motion is proposed as follows:

- 1. That as a Council-wide streetscape initiative for 2020/21, Council will as an incentive fund 50% of the crossover replacement cost when scheduled/budgeted footpath replacement programs occur, subject to landowners paying the other 50% of the crossover cost.**

2. **At the completion of the 2020/21 capital works program, a report be presented to Council that identifies the take up of crossover replacements, additional cost and any other observations, allowing Council to decide whether to continue with the program.**

ATTACHMENTS:

#	Attachment	Type
1	Attachment 1 - Driveway Access Permit	PDF File
2	Attachment 2 - Footpaths and Crossovers_Other Councils	PDF File

Driveway Access

Permit



Dear Property Owner / Applicant

CONSTRUCTION/ALTERATION OF A DRIVEWAY ACCESS

Council wishes to advise you that a permit is required from the Council's Infrastructure Department for the construction or alteration of any proposed or existing driveway access to your property. This is in addition to any Development Approval that may have been granted by the Council relating to any development on your property.

DEFINITIONS

A *driveway access* is made up of the following parts (please see overside for further details):

- A *driveway invert* and water table – a laid back section of kerb that allows vehicles to cross the kerb. (Note, driveway inverts are not required in streets where a mountable kerb exists.)
- A *driveway crossover* - the section of the driveway located between the driveway invert/kerb and the front property boundary.

To obtain a permit for the construction or alteration of a driveway access, a permit application form (see attached), must be completed by the property owner and submitted to the Council for approval. The original form must be submitted; facsimiles will NOT be accepted. No work is to commence on a driveway access until such time as the Council has approved the permit application.

All associated works have to be arranged by the property owner/applicant and must be to Council standards. Work shall only be undertaken by a reliable contractor or, alternatively, the work can be undertaken by Council staff on a fee for service basis.

Council can provide you with a written quotation for the required work. Requests for quotations should be lodged by marking the tick box located on the attached application form. In all cases, quotations will be determined and issued following a site visit by Council staff.

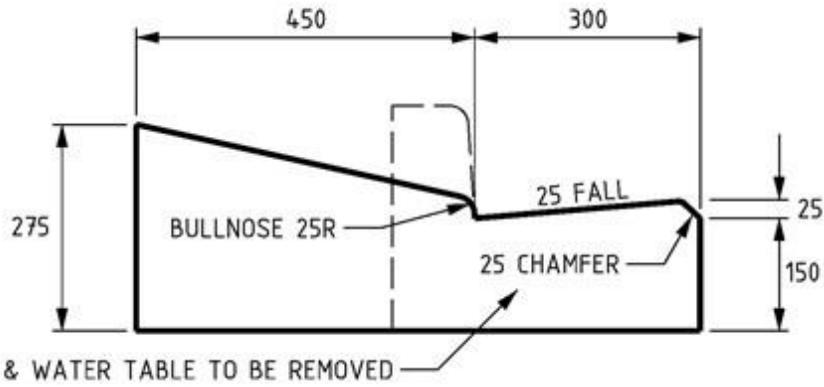
All costs involved with the construction or alteration of a driveway access (including alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/alteration of non-Council (e.g. ETSA, SA Water etc) services or other constraints must be arranged by the property owner through those relevant authorities and will be the subject of separate costs, payable to those authorities.

Once installed, it is the responsibility of the property owner to repair and/or maintain the driveway invert and/or crossover in a safe and serviceable condition at all times. This maintenance responsibility also extends to any other existing driveway inverts and crossovers serving your property.

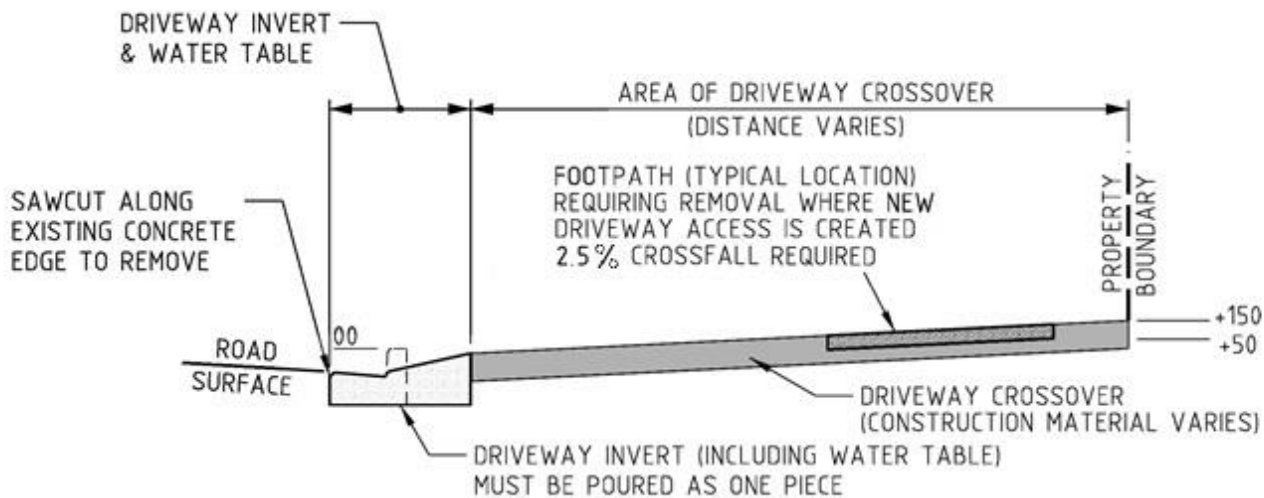
If you require any further information please contact the Infrastructure Audit Unit on 7420 6447. Forms should be lodged at Council's Customer Service Centre at 245 Sturt Road, Sturt or posted to PO Box 21 Oaklands Park SA, 5046.

Yours sincerely

MANAGER, INFRASTRUCTURE

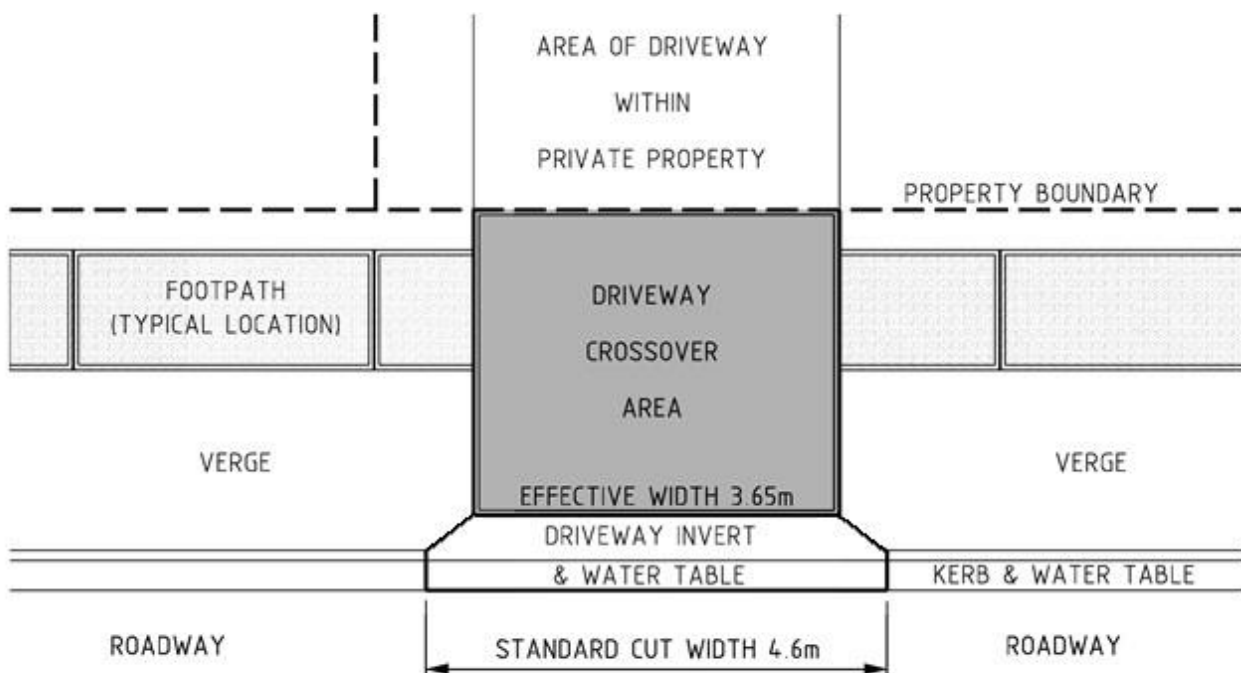


TYPICAL DRIVEWAY INVERT & WATER TABLE SECTION
NTS



SECTION DETAIL DRIVEWAY CROSSOVER REQUIREMENT

NTS



TYPICAL PLAN VIEW DRIVEWAY ACCESS
NTS

PERMIT APPLICATION FORM AND CONDITIONS FOR THE CONSTRUCTION / ALTERATION OF A DRIVEWAY ACCESS

***Please submit the original of this form.
Facsimiles will not be accepted***



CONDITIONS

Location and Placement

1. A driveway access must be constructed as near as practicable to 90° to the kerb alignment.
2. A driveway access must be situated wholly within the property frontage.
3. A driveway access must be located a minimum 1 metre away from existing infrastructure (street signs, stobie poles, drains in the kerb, service pits etc)
4. A driveway access must be located sufficiently away from street trees and traffic control devices (roundabouts, medians etc), and all corners and road junctions. Distances / clearances to street trees must be confirmed by council's arborist.
5. Redundant driveway inverts/crossovers must be replaced with kerbing, water table, footpath and backfilled to match the remainder of the street.
6. Relocation of any street trees require approval and all costs involved are to be borne by the property owner.
7. Driveway crossovers must grade toward the road, with the level at the front property boundary being between 50mm and 150mm above the top of kerb with the crossover matching existing footpath levels, unless otherwise approved by the Council.
8. Any damaged or missing footpath or kerbing associated with the development or driveway construction will be reinstated by the property owner.
9. To meet driveway standards a minimum 6 metre clearance from the property boundary to any structure within the property is required.
10. All crossovers must have an absolute minimum width of 3.0 metres.

Construction and Materials

Driveway inverts and water table must be constructed of concrete and poured together as one piece.

Driveway crossovers should be constructed of either:

- concrete/concrete stamped paving (no greater than 5mm deep) with a suitable non-slip or broomed finish; or
 - driveway strength brick paving units (depth of chamfered edges must not be greater than 4mm)
1. Any existing kerb, water table and footpath requiring removal to facilitate driveway construction must be vertically saw cut to the full depth of concrete to facilitate its complete removal without leaving broken edges.
 2. Saw cutting of the kerb and water table must be along the front edge of the water table at the joint where the water table meets the asphalt roadway.
 3. Any damage to the asphalt roadway during construction will be repaired with hotmix asphalt by the property owner.

Ongoing Maintenance

Once installed, it is the responsibility of the property owner to repair and/or maintain all driveways, inverts and/or crossovers in a safe and serviceable condition at all times.

Termination of Permit

The City of Marion reserves the right to revoke this permit at any time.

Costs

All costs involved with the construction or alteration of a driveway access (including alteration of any Council infrastructure) are to be borne by the property owner. Further, works associated with the relocation/alteration of non-Council (e.g. ETSA, SA Water etc) services or other constraints must be arranged by the property owner through those relevant authorities and will be the subject of separate costs, payable to those authorities.

DEVELOPMENT APPLICATION

Attachment 1

Does this permit application relate to a Development Application for building work on your land? Yes / No

If yes, what is the Development Application No? 100/...../.....

STREET TREES

Does this permit application require the assessment of a street tree in relation to your driveway access? Yes / No

DETAILS OF PERSON APPLYING FOR PERMIT

Property Owner's Name:

Postal Address:

.....Post Code:

Phone Number:Email Address:.....

ADDRESS OF PROPERTY WHERE WORK IS TO BE CARRIED OUT

Street No: Lot No:Street Name:

Suburb:

DRIVEWAY ACCESS LOCATION (Plan or diagram required)

To be approved, the following must be provided:

(please indicate with a plan or diagram)

- Proposed driveway access width, length and location, including distances to the nearest side boundary, trees, side entry pits, service pits and stobie poles
- Alternatively, please supply a copy of the building site works plan, with proposed driveway dimensions and location clearly marked on it

Please tick which of the following you wish to construct/alter☐ Driveway Invert and Water table Only☐ Driveway Crossover Only☐ Driveway Invert, Water table and Crossover

I intend to construct my crossover in the following materials:

☐ Concrete ☐ Heavy Duty Concrete ☐ Paving (type, dimensions)**QUOTE**☐ I request Council to provide a quotation for this work.

Note: Quotations will only be provided to established houses and new developments at the lock up stage of the build

APPLICANT:

I hereby apply for a permit to construct/alter a driveway access.

I agree to abide by all conditions placed on the driveway access construction and acknowledge that I will be held responsible for any non-compliant works or any damage caused to the council assets during construction.

I agree to reconstruct any damage or works that do not comply with the City of Marion's specifications.

Name:

Signature: Date:

Disclaimer: The City of Marion reserves the right to revoke this permit at any time.

OFFICE USE ONLY:

Permit No:

Approved by: Coordinator Infrastructure Audit Unit

Signature: Date:

Special Conditions: (see conditions section).....

.....

.....

.....

Council	Crossover Replacement With Footpath Works	Exception Notes
City of Onkaparinga	Not replaced i.e. resident responsibility	Replaced at Council expense if the crossover has a non-compliant crossfall (>2.5%) or contains trip points (might involve a crossover replacement, patching, grinding, lifting and re-laying pavers etc.).
City of Tea Tree Gully	Not replaced i.e. resident responsibility	Replaced at Council's expense if too steep or badly damaged. Constructed at Council's expense for the resident's primary access where the existing crossover is rubble (generally from back of invert to 300 mm past the back of footpath).
City of Unley	All footpaths and crossovers have been replaced over the past 20 years with pavers at council's cost. As of November 2019, when crossovers become due for replacement / upgrade, council will replace the section of the footpath that runs through the crossover and the resident will be responsible for the section either side.	For road reconstruction where the levels change – council will replace the full crossover at council's cost.
City of Holdfast Bay	Replaced By Council	Council won't replace it where the crossover is constructed by the resident and in good condition – i.e. exposed aggregate concrete matching their driveways. Any new development the crossovers are constructed by the developer and need to match to the footpath. Do not charge when it is upgrading the footpath. <ul style="list-style-type: none"> ➤ Only tend to replace a few footpaths per year so it is not a huge cost or precedent. ➤ Footpath network is generally in good condition.
City of Charles Sturt	Not replaced i.e. resident responsibility	May replace the footpath portion at Council's expense if the crossover is unsound or at risk. Should resident wish the entire crossover replaced, then the resident will pay the additional cost. For road reconstruction where the levels change – council will replace the full crossover at council's cost.
City of Port Adelaide Enfield	Not replaced i.e. resident responsibility	For road reconstruction where the levels change (part of kerbing works or footpaths) – council will replace the full crossover at council's cost.
City of Mitcham	Replaced dependent upon condition of crossover. By Council	For road reconstruction where the levels change – council will replace the full crossover at council's cost. As part of the Footpath Program, Council will reconstruct existing asphalt driveways in

Council	Crossover Replacement With Footpath Works	Exception Notes
		<p>paving during the construction of the footpath at council's cost where the driveway (including the footpath segment through the driveway) does not exceed 40 square metres in area. Where the driveway (including footpath segment) exceeds 40 square metres in area per driveway, the cost of additional paving work is to be met by the property owner. The driveway will only be reconstructed by Council once the property owner contribution is confirmed.</p> <p>If the existing crossover is concrete and in good condition it is retained. If in poor condition council will consider renewing it at Council's cost. Similar approach with pavers and rubble.</p>
City of Burnside	<p>Replaced if asphalt By Council</p> <p>Not replaced if concrete or pavers i.e. resident responsibility</p>	<p>Replaced at Council's expense when the crossover is constructed of asphalt.</p> <p>If it is constructed from concrete, pavers etc. consultation with resident occurs and should the resident wish the crossover to be replaced, it is done at the resident's cost.</p>

Second Multi-Use Court for Mitchell Park Sports and Community Grounds

Elected Member Councillor Raelene Telfer

Report Reference: GC200225M05

Motion:

Amended Motion: That Council

Endorses the inclusion of a second multiuse exterior court with lights at Mitchell Park Sports and Community grounds as part of the upgrade design. The court will be constructed in the 2021/22 financial year, for an additional cost of approximately \$175,000 in the Open Space budget or from the Asset Sustainability Reserve.

Supporting Information:

Recommendation:

The 2 east and 2 west courts at Mitchell Park Sports and Community Centre were so deteriorated and cracked that the Mitchell Park Netball Club and Mitchell Park Tennis Club had ceased using them by 2009.

After community consultation, the Hames Sharley Mitchell Park Sports and Community Masterplan Report recommended 6 lit exterior courts in 2013.

The later application to the National Stronger Regions Fund included 4 indoor multiuse courts but still included the intention of the Mitchell Park Netball and Mitchell Park Tennis Clubs to be on this site on exterior courts by 2016.

The then Secretary of Mitchell Park Netball Club responded to the Community Survey adamant that new exterior lit courts were needed in 2018, so that the Club could return from Reynella. The Mitchell Park Tennis Club has never lost sight of returning during its wandering to temporary venues of the Hamilton Courts, Glenelg and Marion.

The Mitchell Park Sports Club and its sports of cricket, football, tennis and netball have all voiced the need for 2 exterior compliant courts for the return of the Mitchell Park Netball club and Mitchell Park Tennis Club, above the two committed interior courts, which may be heavily booked by Basketball South and Phoenix, at the workshops with stakeholders in December 2019 to February 2020.

Marion Council staff and the designer NINE have produced plans within their scope of works which has one exterior lit court only, and assure us that the upgrade works presented to Elected Members on 18th February 2020 will use up all of the 15 million dollars of committed funds. The footprint space exists for 2 lit multiuse courts on this site, though this will limit the number of car parks on site. The Clovelly Park multiuse courts are not available as these are heavily used by Wildcats and Colonel Light Gardens Netball clubs.

In responding to 11 years of waiting from the Mitchell Park Netball Club and Mitchell Park Tennis Club, the current design, with a commitment of \$175,000 from the Open Space budget or Asset Sustainability Reserve in the 2021/22 financial year, needs to include an additional, exterior, lit, multiuse court.

Response Received From: Manager City Activation - Greg Salmon

Corporate Manager Manager City Activation - Greg Salmon

General Manager General Manager City Development - Ilia Houridis

**Staff Comments:**

The proposed extra court can fit on the proposed concept design for the project. Car parking numbers will remain within recommended numbers after some redesign and inclusion of the car parking area located across Moreland Avenue.

The proposed budget is sufficient to construct the extra court.

If endorsed, it is recommended that both courts remain open for community use outside of any club use times.

Australia Day Council Membership

Elected Member Mayor Kris Hanna

Report Reference: GC200225M06

Motion:

That Council allows membership of the Australia Day Council (SA) to lapse and makes no further financial contribution to the Australia Day Council (SA) until so resolved by Council.

Supporting Information:

In 2015, when examining Council expenditure for potential savings to ratepayers, I suggested to Administration that the question be brought before Council as to whether we should continue paying fees for membership of the Australia Day Council (SA). At the time, although I had no objection to the Australia Day Parade or the Australia Day awards which were the core activities of the Australia Day Council, I questioned whether it was the role of Marion Council to fund these activities, especially when the Australia Day Council received many hundreds of thousands of dollars in Federal and State Government funding.

On 19 January 2016 a report was brought Council (I have asked for the 2016 report and minutes to be attached to this motion). Council resolved to continue with membership "until membership renewal is requested in 2019". The resolution strongly implies that Administration should not have paid further membership fees from 2019 onwards unless the matter was brought back to Council. In fact Administration paid the 2019-20 invoice for \$1576 in July 2019.

Since 2016 I have had concerns that the Australia Day Council (SA) was broadening its activities well beyond its original scope. As the Chair of the Council said in the 2018 – 19 Annual Review, *"Following a strategic review in 2017 the Board was keen to undertake a whole of year engagement with the South Australian community to be implemented in 2018 and beyond"*.

In the same document the CEO stated one of the goals was, *"... to position our organisation as a thought leader in driving social cohesion. We addressed Homelessness, Domestic violence, showcasing Inspiring South Australian women, promoted Reconciliation, built a focus with refugee and migrant communities through the initiative of Country of Opportunity and created a strong STEM focus for 2018"*.

No doubt these extensive activities have added value, but there are a variety other organisations (government departments and NGOs funded for the specific purposes of multicultural engagement, reconciliation, etc. One may well think that these focused organisations are better placed to carry out the new broad-ranging goals of the Australia Day Council (SA).

Recent media reports have shown ballooning expenditure on staff and administration of the Australia Council (SA) in recent years, resulting in a threat to the financial viability of the organisation. On 19th February 2020 *The Advertiser* reported a recent 500% increase in administration costs. The 2018-19 Annual Report has not been published on the organisation's website. Marion Council may well think that, rather than pouring more money into the organisation, it is time to pull back until the value of ratepayer funding is verified.

A theme carried forward by the Mayor in the last five years has been that we as a Council should strive to fulfil our responsibilities well, while resisting the urge to expand our objectives and activities into domains which are more properly the responsibility of other levels of government. We should expect no less discipline of the organisations which we fund on behalf of ratepayers.

Response Received From: Unit Manager Communications - Craig Clarke

Corporate Manager Manager Customer Experience - Karen Cocks

General Manager

General Manager City Services - Tony Lines

Staff Comments:

The City of Marion has been a member of the Australia Day Council (SA) for more than 16 years. As part of this subscription, Marion has access to the following resources:

- Citizen of the Year program which includes provision of frames, certificates and pins for winners, marketing materials, and access to a website that can accept online nominations which are forwarded directly to councils.
- Ambassadors' Program which sends inspiring Australians to communities.
- Access to Australia Day merchandise.
- Provision of the Australia Day Event Organisers' toolkit.
- Two tickets to the Australian Day Awards at Government House, Australian of the Year Awards Presentation at Adelaide Oval and Australia Day in the City for the Mayor and a guest.
- 20 per cent discount on tickets to all other Australia Day Council of South Australia events.
- The website at www.australiaday.org.au which includes the opportunity for council to list all its events held on Australia Day.

Marion Council has not used the Ambassadors' program for at least the past four years and has rarely accessed the merchandise.

State awards

City of Marion residents are currently eligible to be considered for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year, and other awards coordinated by the Australia Day Council.

An email from the Australia Day Council (SA) to the City of Marion on 19 February 2020, advises: "The participating Councils in the State Citizen of the Year Awards are paid members of the Australia Day Council of South Australia".

Marion Council's local Citizen of the Year, Young Citizen of the Year, Community Event of the Year, and Sports Person/Team of the Year awards would not be affected by a change in membership.

Other activities

The Australia Day Council (SA) partnered with the City of Marion to run a workshop aimed at helping migrant women connect with their community. The event at Glandore Community Centre on 17 February 2020 was attended by 14 people.

ATTACHMENTS:

#	Attachment	Type
1	GC160119R10 - Australia Day Council (SA) Membership Fees - Report	PDF File
2	GC190116R10 - Australia Day Council (SA) Membership Fees - Minutes	PDF File

**CITY OF MARION
GENERAL COUNCIL MEETING
19 January 2016**

Originating Officer: Craig Clarke, Unit Manager Communications

Corporate Manager: Fiona Harvey, Innovation and Strategy Manager

General Manager: Abby Dickson, City Development

Subject: Australia Day Council (SA) membership fees

Report Reference: GC190116R10

REPORT OBJECTIVES:

The purpose of this report is to seek Council's view on renewing membership of the Australia Day Council (SA).

EXECUTIVE SUMMARY:

The City of Marion has been a member of the Australia Day Council (SA) for at least the past 12 years. The annual subscription fee of \$1576 is due and Council's view on whether to renew membership is sought.

For its subscription fees, residents of the City of Marion are eligible for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year awards, which are run by the Australia Day Council. The City of Marion also receives support for its Australia Day activities, including access to a speakers' bureau and marketing and promotional materials.

The Australia Day Council advises that if the City of Marion discontinued its membership then those benefits, including access to the State award program for our community, would be lost. There is also uncertainty as to whether City of Marion residents would be eligible for the South Australian of the Year awards.

Marion Council's existing local Citizen of the Year, Young Citizen of the Year, Community Event of the Year and Sports Person/Team of the Year program would be unaffected by any change in membership.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- | | |
|---|---------------------------|
| <p>1. Pay the current membership fees to the Australia Day Council (SA) and continue the City of Marion's involvement with the organisation.</p> | <p>19 Jan 2016</p> |
| <p>OR</p> | |
| <p>2. Not renew the current membership fees and write to the Australia Day Council (SA) to notify them of Council's decision.</p> | <p>19 Jan 2016</p> |

BACKGROUND

The Australia Day Council (SA) is an independent organisation which coordinates Australia Day celebrations throughout the State. With funding from all tiers of government and the corporate sector, they run the Citizen of the Year Awards, including the Young Citizen and Community Event of the Year, as well as the South Australian of the Year awards, which feed into the national program.

At a local government level, the Australia Day Council provides support to Councils and organising committees for their 130+ Australia Day events including certificates and frames for their Australia Day Awards. All 68 local councils in South Australia are members of the Australia Day Council.

DISCUSSION

The City of Marion has paid an annual subscription to the Australia Day Council (SA) for at least the past 12 years.

The current membership fee is \$1576 (including GST). Council has two options to consider:

- 1 Pay the current membership fees to the Australia Day Council and continue the City of Marion's involvement with the organisation.
- 2 Not renew the current membership fees and write to the Australia Day Council to notify them of Council's decision.

For its annual subscription, the City of Marion receives the following:

Access to the State awards

City of Marion residents are eligible to be considered for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year awards, and other awards coordinated by the Australia Day Council. In the past three years, Marion residents have received the following acknowledgements:

- 2015 – Monica Oliphant (Senior South Australian of the Year); Ian Cox (Local Hero finalist)
- 2014 – Dr Joseph Masika (Local Hero finalist)
- 2013 – Dr Felicity-ann Lewis (South Australian of the Year).

Marion runs its own citizen of the year award program on Australia Day and this would not change if Council chose not to renew its membership. Any nominations received for the State awards are automatically fed back to the City of Marion for consideration for local awards.

Access to marketing collateral

The Australia Day Council provides certificates, frames, and pins for the Citizen of the Year program as part of the membership package, in addition to marketing materials and templates and the use of the official Australia Day logo. It also promotes any Australia Day events via their website and social media platforms. The City of Marion has in the past purchased limited quantities of materials such as flags, balloons, wrist bands and polo shirts from the organisation.

Access to the Australia Day Ambassador program

The Australia Day Council provides a list of notable South Australians who are willing to speak at local government events. The City of Marion has used the following speakers from the program: 2015 – artistic director Pat Rix; 2014 – indigenous community worker Ivan Copley; 2013 – Muslim commentator Belal Moraby; 2012 – scientist Dr Rob Morrison.

The Australia Day Council also provides two tickets to the Australia Day awards in the City.

If Council chose not to renew its membership, it risks:

Local residents being ineligible for State awards

The Australia Day Council advises that only residents of participating Councils are eligible to be considered for the State Citizen of the Year, State Young Citizen of the Year and State Community Event of the Year. Marion Council's decision to withdraw its membership would mean residents would be excluded from these awards. There is uncertainty as to whether this would extend to the South Australian of the Year program, which feeds into the national award.

Reputational

Marion Council would be the only local government authority in South Australia that was not a member of the Australia Day Council. There may be reputational harm if the community was ineligible to be considered for the State and/or national awards.

Losing access to the Ambassador program and marketing opportunities

The City of Marion would no longer have access to the Ambassador program, marketing materials such as pins and certificates, and lose promotional opportunities. However, the City of Marion could independently source its own speakers and marketing and promotional materials.

FINANCE

Funds are currently available within the 2015-16 budget to cover the membership renewal costs.

CONCLUSION

The information provided in this report enables Council to make an informed decision on whether it wishes to continue with its annual subscription to the Australia Day Council.

Support be excluded from the meeting as the Committee considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will discuss the appointment of an expert member to the Urban Planning Committee.

Carried

7.55pm meeting went into confidence

Moved Councillor Telfer, Seconded Councillor Hutchinson that Council

1. Offer to Bryan Moulds the role of Expert Member to the Urban Planning Committee until 31 January 2017 or until such time as the Committee is disbanded.

Councillor Pfeiffer declared a conflict of interest as he knew one of the people being discussed in the course of the debate and left the meeting while that person was being discussed.

8.05pm Councillor Pfeiffer left the meeting

8.10pm Councillor Pfeiffer re-entered the meeting

Carried

8.16pm meeting came out of confidence

8.16pm Australia Day Council (SA) membership fees Report Reference: GC190116R10

8.17pm Councillor Telfer left the meeting

8.19pm Councillor Telfer re-entered the meeting

Moved Councillor Hull, Seconded Councillor Gard that Council:

1. Pay the current membership fees to the Australia Day Council (SA) and continue the City of Marion's involvement with the organisation.
2. Express it's concern back to the Australia Day Council that residents of the City of Marion would not be eligible to be nominated for Australia Day Awards if membership was not renewed.

Amendment:

Moved Councillor Crossland, Seconded Councillor Prior that Council:

1. Pay the current membership fees to the Australia Day Council (SA).
2. Commit to contain the City of Marion's involvement with the organisation and agree to ongoing renewal of our membership fees, subject to staff review, until membership renewal is requested in 2019.

The amendment to become the motion was **carried**
 The motion was **Carried**

Climate Motion

Elected Member Councillor Jason Veliskou

Report Reference: GC200225M07

Motion:

That Council recognizes the accelerating impact of climate change is reaching a critical point and that action urgently needs to be taken to prevent further environmental crises.

That council continue building on the work it is doing in climate change mitigation, adaption and prevention.

Further, that council provides a report into:

Options for carbon neutrality (for council's functions) and the potential timeframes, impacts and costs.

Options to build productive partnerships within all levels of government and in business that will reduce carbon emissions.

The provision of regular reporting on progress on climate issues and how it can be easily available to the public.

The potential options and incentives that can encourage members of the community, and local businesses, to reduce their own carbon footprint.

Response Received From: Kate McKenzie - Manager Corporate Governance

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager General Manager Corporate Services - Sorana Dinmore

Staff Comments:

In the event that Cr Hull's motion 'GC200225M03 - Climate Change Emergency Declaration' is lost this motion can be considered.



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.