



## **AGENDA**

**FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD  
ON**

**18 JULY 2016 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE**

**IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

### **MEMBERS**

Cr B Vermeer (Chairman)  
Mayor G Aldridge (ex officio)  
Cr D Balaza  
Cr S Bedford  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington  
Cr D Proleta

### **REQUIRED STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Ms T Norman  
Manager Communications and Customer Relations, Mr M Bennington

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 20 June 2016.

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**REPORTS**

*Administration*

3.0.1 Future Reports for the Resources and Governance Committee ..... 7

*Health, Animal Management and By-laws*

3.3.1 Cat Management and Impounding Services ..... 11

*Corporate Governance*

3.6.1 Annual Report on Internal Reviews of Council decisions in the year ending  
30 June 2016 under Section 270 of the Local Government Act 1999 ..... 17

**OTHER BUSINESS**

**CLOSE**



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

**20 JUNE 2016**

**MEMBERS PRESENT**

Cr B Vermeer (Chairman)  
Cr D Balaza  
Cr D Bryant  
Cr L Caruso  
Cr D Pilkington  
Cr D Proleta

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Ms T Norman  
Manager Environmental Health and Safety, Mr J Darzanos

The meeting commenced at 8:20pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

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## PRESENTATION OF MINUTES

Moved Cr L Caruso  
Seconded Cr D Proleta

The Minutes of the Resources and Governance Committee Meeting held on 16 May 2016, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr L Caruso  
Seconded Cr D Bryant

1. The information be received.

**CARRIED**

### *Development Control Administration*

#### **3.2.1 Local Government (Disability Access Inspections) Amendment Bill 2016**

Moved Cr D Pilkington  
Seconded Cr D Balaza

1. The information be received.
2. That the Local Government Association be advised that whilst the intent of the proposed Local Government (Disability Access Inspections) Amendment Bill 2016 is generally supported; greater consideration needs to be given to the relationship of this legislation to the Disability Discrimination Act 1992 and the Development Act 1993, with Item No. 3.2.1, Resources and Governance Committee, 20/06/2016 forming the basis of a response.

**CARRIED**

### *Health, Animal Management and By-laws*

#### **3.3.1 Lost Dog and Cat Information**

Moved Cr D Pilkington  
Seconded Cr D Proleta

1. The information be received.

**CARRIED**

**3.6.1 Deputy Mayor Chain and Robe Fastenings**

Moved Cr D Balaza  
Seconded Cr L Caruso

1. The information be received.
2. The provision of Deputy Mayor Chain not be pursued.
3. That Council approve the alterations to Elected Members gowns by having metal buttons positioned both sides at the top of the front opening and joined by a simple chain.

**CARRIED**

**3.6.2 Mobile Food Van Policy**

*Mayor G Aldridge entered the meeting at 08:42 pm.*

Moved Cr D Pilkington  
Seconded Cr D Proleta

1. This report be received
2. A response be provided to the Local Government Association in relation to the State Government “Food Trucks in South Australia” Position Paper objecting to the proposal.
3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement.

**CARRIED**

**OTHER BUSINESS**

Nil.

The meeting closed at 8:59pm.

CHAIRMAN.....

DATE.....



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<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 July 2016
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**

1. The information be received.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Report authors and General Managers.
- 2.2 External
  - 2.2.1 Nil.

### 3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting Item	Heading and Resolution	Officer
22/06/2015 3.3.2	<p><b>Amendments to the Dog and Cat Management Act</b></p> <p>3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council.</p> <p><b>Due:</b> December 2016 <b>Deferred to:</b> July 2017 <b>Reason:</b> Legislation has only just passed and staff require time to assess. Regulations are still pending.</p>	John Darzanos
28/09/2015 3.6.1	<p><b>Review of Provision of Elected Member IT Equipment</b></p> <p>2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018.</p> <p><b>Due:</b> July 2018</p>	Joy Rowett
23/11/2015 NOM2	<p><b>Local Government Association of SA Governance Review and City of Salisbury Membership status</b></p> <p>2. That the City of Salisbury write to the President and Chief Executive of the LGA:</p> <ul style="list-style-type: none"> <li>• Reaffirming its commitment to working with the LGA as the peak representative group for Local Government</li> <li>• Seeking confirmation that concerns raised by the City of Salisbury in relation to regional representation on the LGA Board will be incorporated within the Governance Review scope;</li> <li>• seeking the opportunity to actively participate in the Governance Review to provide a northern region perspective to the process;</li> <li>• requesting the attendance of the LGA President and CEO at an informal gathering to provide Elected Members with details on the scope, committee structure and timeframes for the Governance Review.</li> </ul> <p>with a further report to be presented to Council setting out the information provided in response to the above dot points.</p> <p><b>Due:</b> August 2016</p>	Charles Mansueto
23/11/2015 NOM2	<p><b>Local Government Association of SA Governance Review and City of Salisbury Membership status</b></p> <p>3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region.</p> <p><b>Due:</b> October 2016</p>	Charles Mansueto



27/06/2016	<b>Mobile Food Van Policy</b>	Tim Starr
3.6.2	3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement.	
<b>Due:</b>	December 2016	

#### 4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

#### CO-ORDINATION

Officer:	EXECUTIVE GROUP	GMCID	GMBE	GMCI
Date:	11/07/16	04/07/16	05/07/16	06/07/16



<b>ITEM</b>	3.3.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 July 2016
<b>HEADING</b>	Cat Management and Impounding Services
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Safety, City Development
<b>CITY PLAN LINKS</b>	4.1 Strengthen partnerships that enable us to better address our community's priorities. 4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	The Animal Welfare League of South Australia (AWL) is the provider of Council's Dog and Cat relocation services and also receives cats that are trapped as strays from members of the Salisbury community. Council provides free cat traps for community members to undertake the trapping and informs the community to take any trapped cats to the Animal Welfare League. The costs associated with cats taken to the AWL by the community have to date been absorbed by the AWL. A recent review of their costs has identified that they cannot continue to cover these costs and are seeking a contribution from the Councils where the cats are trapped. The Animal Welfare League has advised that they intend to charge Councils for each cat brought in from the area. The report presents the current laws and strategies addressing cats and seeks Council support for the proposed contributions.
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"> <li>1. The information be received.</li> <li>2. An allocation of \$7500 be approved as a non-discretionary item in the 2016/17 First Quarter Budget Review for payment to the Animal Welfare League of South Australia to cover costs associated with the provision of cat management and impounding services from 1 October 2016.</li> </ol>
<b>ATTACHMENTS</b>	There are no attachments to this report.
<b>1. BACKGROUND</b>	<ol style="list-style-type: none"> <li>1.1 Council's legislative responsibilities for cats under current legislation extend to addressing nuisances under the Local Government Act 1999 (provisions soon to be replaced by the Local Nuisance and Litter Control Act 2016), and the Dog and Cat Management Act.</li> </ol>

- 1.2 Under the provisions of the Local Government Act an order can be issued on a person for failing to deal with cats being a nuisance. This can arise from cats wandering into someone's property, or keeping excessive numbers of cats that create a nuisance.
- 1.3 Under the provisions of the Dog and Cat Management Act a person can trap and relocate an unidentified cat to a Cat Management Officer, a veterinary surgeon and/or an approved shelter such as the AWL).
- 1.4 In addition a person may lawfully seize, detain, destroy or otherwise dispose of any cat found in a place that is more than one kilometre from any place genuinely used as a place of residence.
- 1.5 In both legislative options the preferred approach and most cost effective means to enforce these provisions is through the use of cat traps.
- 1.6 Council provides cat traps to residents free of charge with a refundable bond, (bond excluding concession card holders) and with instructions to take any trapped cats the AWL.

## 2. CONSULTATION / COMMUNICATION

- 2.1 Internal
  - 2.1.1 Finance Division
- 2.2 External
  - 2.2.1 Animal Welfare League

## 3. REPORT

- 3.1 Cats brought to the AWL from residents in the City of Salisbury classified as strays over the previous three years average 881 per year, and inclusive of Council-trapped cats averaged 912 per year.

Year	Cats handed in as strays	Council trapped	Totals
2015	942	58	1000
2014	881	7	888
2013	819	29	848
Average	881	31	912

- 3.2 This practice has been generally accepted by the AWL and they have been impounding cats taken to them without any costs being transferred to the Councils where the cats are from.
- 3.3 The costs associated with each cat include:
  - 3.3.1 accepting and caring for cats dropped off.
  - 3.3.2 checking for owners information and microchipping.
  - 3.3.3 holding and returning owned cats to their owners.
  - 3.3.4 assess unclaimed and unowned cats for suitable rehoming or adopting.
  - 3.3.5 desex, vaccinate and microchip all cats prior to adoption.
  - 3.3.6 euthanase any unsuitable cats due to health, temperament or aggression.

- 3.4 The AWL have since advised that a review of their costs and operations has identified a significant cost from accepting cats that have been trapped within a Local Government area with the use of Council supplied traps.
- 3.5 The AWL have been in discussions with Councils about their increasing costs and potential for increased demand due to the proposed legislative changes in the Dog and Cat Management Act.
- 3.6 However in the interests of reducing unwanted euthanasia rates, the impounding and holding of suitable cats is a preferred option as it enables owners the opportunity to track down their cat and have it returned or rehomed.
- 3.7 The AWL are now proposing that Councils contribute to the costs of receiving cats from their jurisdictions and share the responsibility and costs of cat management and impounding.
- 3.8 The costs associated with the management and impounding of stray cats is the end of the process. Council promotes the use of free traps and this passive enforcement model encourages community participation in undertaking the trapping and delivery of cats to the AWL and subsequently reduces the need for staff to undertake this task and as such there are limited staff costs associated with this activity.
- 3.9 The proposed funding model from the AWL sets a per cat fee for impounding services and the cats would then become the property of the AWL for future decisions including rehoming, or return to owners.
- 3.10 A formal agreement for this service would also include provision for the transfer of information back to Council to enable Council's staff to identify cat owners reclaiming their cats. This would then identify those persons who were responsible for nuisance cats in an effort to implement preventative measures.
- 3.11 The AWL has indicated that they cannot continue to subsidise these services and as a result are seeking costs from Councils to provide these ongoing services. Without a formal agreement and contribution to these costs the AWL may be in a position to decline cats that are brought in from residents of the City of Salisbury and as such there may be an expectation that Council accept these cats and/or find another suitable facility or service provider.
- 3.12 The City of Salisbury has had a strong association and relationship with the AWL for dog and cat relocation services and recognises that the AWL is a leading provider of services in the northern area and is accessible to both Council and the local community.
- 3.13 The AWL have proposed a per cat fee of \$10 for 2016/17 as an introductory measure and this increases to \$20 per cat in year 2017/18. The estimated volume of cats is approximately 900 - 1000 per annum based on previous volumes of cats brought in as strays and Council staff trapped cats.
- 3.14 Due to the late notification from the AWL relating to the proposed costs and charges, it is considered that this request for new charges be presented to Council at the first quarter budget review as a non-discretionary budget item and funding is provided for the receipt of cats from the City of Salisbury as of the 1<sup>st</sup> October 2016.

- 3.15 As a result funding of \$7500 is required in 2016/17 to cover the costs associated with cats being impounded and accepted by the AWL from the 1<sup>st</sup> October 2016. This increases to approximately \$20000 in 2017/18 under the fee schedule proposed by the AWL, based upon the average numbers of cats presented to the AWL from Salisbury in recent years. Following 2017/18 it is expected that fees would be subject to further negotiation, and there is the potential for fees to increase further.
- 3.16 Opportunities exist for Council to try and reduce some of these costs as it is reliant upon cats caught and taken in to the AWL. The AWL is promoting cat trapping as a last resort for nuisance cats that are not feral (such as a ‘community cat’ that roams from house to house). In these scenarios it is important that trapping is the last resort and this can also be promoted by Council to the community. Strategies include:
- 3.16.1 Education and community campaigns that try to locate the cat owners or have someone take ownership of the cat, care for the cat and identify it by microchipping and desexing it so that it does not contribute to the over population.
  - 3.16.2 Communicate with cat owners if known, to advise them of the concerns so they can take proactive measures to reduce the cat wandering prior to trapping.
  - 3.16.3 Utilise chemical, natural or physical deterrents to try and eliminate the cat from a property.
- 3.17 If cat trapping is the last resort the number of trapped cats should reduce as will Council costs.
- 3.18 The added costs for the cat management and impounding could be offset by some opportunities for a user pays model, this includes:
- 3.18.1 Charging a trap hire fee for traps issued to the community. This could help offset the costs associated with cats being brought into the AWL for impounding and assessment. However the current model encourages community participation in undertaking the trapping and delivery of the cats to the AWL and subsequently reduces the demand on Council for such a service to be introduced. There is on average 180 trap hires every year and a \$5 or \$10 fee for the trap hire could assist in offsetting the costs of cat disposal, to the amount of \$900 to \$1800 dependent on fee.
  - 3.18.2 Charging the impound fee to the persons who collect their own cats from the AWL. This makes the cat owners accountable for the actions of their cats and can be subject to the service agreement with the AWL who can recover cost directly from the cat owner prior to release. This strategy is also supported in the proposed legislative changes to the Dog and Cat Management Act which allow the operator of a facility at which a cat has been detained to recover the charges that are payable under in relation to the seizure, detention or destruction of the cat. However the reclaim rate on impounded stray cats by their owners is extremely low equating to 1-2% of impounded cats and this equates on average to 10 – 15 cats per annum. This would result in minimal cost recovery - \$100-\$150 per annum based upon the AWL \$10 fee, rising to \$200-\$300 per year based upon the AWL \$20 fee.

- 3.19 The recommendation attached to this report does not include a proposal for cost recovery, reflecting previous Council decisions not to charge for cat trap hire (other than a refundable deposit, noting that concession card holders and pensioners are exempt from the deposit charge). Should Council wish to pursue a level of cost recovery in response to increased costs through the AWL, either of or a combination of the options outlined in paragraph 3.18 could be pursued, and Council direction is sought.
- 3.20 Additional proposed legislative changes to the Dog and Cat Management Act which include compulsory de-sexing and microchipping of dogs and cats, and breeder registration, will also lead to an eventual reduction in costs and an improved rate of return of cats to owners.
- 3.21 Micro chipping provides permanent identification and aims to ensure that all pets are identified so that return to owner rates can be improved. Owners are also held accountable for the actions of their pets and efforts are made to reclaim and find their pets if lost. This will also allow for costs to be charged to the cat owners for impounding and seizure.
- 3.22 Compulsory de-sexing aims to ensure that unwanted and unexpected litters are reduced and eventually eliminated which, will lead to a reduction in the number of unwanted pets and strays trapped and taken to shelters.
- 3.23 Breeder registration will also mean that supply will be controlled and the majority of pets will be microchipped and de-sexed prior to sale.
- 3.24 Also as previously resolved by Council, a cat by-law to be considered once the Act has been in operation will enable Council to consider additional controls to encourage responsible cat ownership, such as a “wandering at large” offence to recover costs associated with cats causing a nuisance by wandering. This would also encourage owners to implement additional controls to limit their cat’s movements.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 The trapping and hand over of stray cats from the Salisbury area accounts for a large number of cats taken into the AWL.
- 4.2 Many of these cats are brought in as strays and eliminating these cats from the community reduces the number of nuisance cats, the number of unwanted litters and the impact on the environment and native fauna that is attacked by cats. Cats returned to the community from the AWL are microchipped and desexed.
- 4.3 The AWL incurs significant costs in receiving these cats from across Local Government areas and they are seeking a joint commitment to the ongoing management and impounding of cats.
- 4.4 The proposed fee structure is designed to cover a portion of their costs associated with impounding and rehoming cats and in some cases euthanasia. The contribution by Local Government will help offset these costs and is consistent with the role of Councils in reducing the impact of stray cats on our community.

- 4.5 The proposed community education and legislative changes in the Dog and Cat Management Act will support an overall reduction in stray cats in the future and as such the number of impounded cats and costs associated with this should decrease as these controls are implemented.
- 4.6 The proposal received from the AWL will require the non-discretionary funding commitment to be resolved at the 2016/17 first quarter budget review to enable the agreement to be signed and accepted for the 2016/17 period.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 11.07.16



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<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 July 2016
<b>HEADING</b>	Annual Report on Internal Reviews of Council decisions in the year ending 30 June 2016 under Section 270 of the Local Government Act 1999
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides information concerning the number of issues reviewed as part of the Internal Review of Council Decisions process in the year ending 30 June 2016.

#### **RECOMMENDATION**

1. The information be received.

#### **ATTACHMENTS**

There are no attachments to this report.

### **1. BACKGROUND**

- 1.1 Council has an existing Internal Review of Council Decisions Policy in accordance with Section 270 of the *Local Government Act 1999*.
- 1.2 Section 270(8) of the Act requires:
  - (8) *A council must, on an annual basis, initiate and consider a report that relates to—*
    - (a) *the number of applications for review made under this section; and*
    - (b) *the kinds of matters to which the applications relate; and*
    - (c) *the outcome of applications under this section; and*
    - (d) *such other matters as may be prescribed by the regulations.*

### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Nil
- 2.2 External
  - 2.2.1 Nil

### 3. REPORT

- 3.1 Pursuant to section 270(8) of the Act, Council is required to initiate and consider, on an annual basis, a report that provides information on internal reviews of Council decisions, taking into account the number of applications for review, kinds of matters, outcomes of the reviews, and other matters as prescribed by the legislation.
- 3.2 In previous years, in order to comply with legislation the relevant information has been included within the Annual Report, which is presented to Council for endorsement. However, the SA Ombudsman has advised that a separate report containing this information must be considered by Council in order to fully comply with the provisions of Section 270(8) of the Act.
- 3.3 During the 2015/16 financial year Council received 3 applications for internal review as follows:

- 3.3.1 The Applicant, Mr. B Vandeppeer of 5 Heath Court, Gulfview Heights, requested review of the following:

*Decision of the Tree Removal Committee to refuse the removal of a tree adjacent to the property at 5 Heath Court, Gulfview Heights.*

**Outcome:** Following consideration of the matter, it was determined that the review not proceed as there was, at that time, a review being undertaken of the Tree Removal Committee's decision to refuse removal of the tree pursuant to Council's Tree Removal Policy and Procedure.

- 3.3.2 The Applicants, Mr. and Mrs. Gerace who owned the property at 371 Martins Road, Parafield Gardens, requested review of the following:

*Council has maintained that the reserve contribution requirement will be required as open space following the layout design of the Council's concept plan. This has severely hampered the design capacity of the Land [317 Martins Road Parafield Gardens] resulting in a lower allotment yield".*

**Outcome:** Following consideration of the matter, it was determined that the application did not make any reference to when, or the manner in which, the decision was received. Under the Internal Review of Council Decisions Policy, applications for review of a Council decision should be received within 6 months of the decision of Council.

Mr and Mrs Gerace were further advised that the matter would be considered under Council's Customer Compliments, comments and Complaints Procedure. Should they be aggrieved by that decision, they would then be able to submit an application for internal review of that decision, subject to their application being received within 6 months of the original decision being made. No further application has been received to date.

- 3.3.3 The Applicants, Mr and Mrs Savov of 24B Amundsen Drive, Ingle Farm, requested review of the following:

Decision of Council *to take no further action in relation to:*

1. *The excessive noise, shockwaves and tremors generated by the building [at 27A Amundsen Drive, Gulfview Heights] which was approved by Council;*
2. *The lack of privacy for the occupiers of 27B Amundsen Drive, Ingle Farm, caused by the elevated nature of the building;*
3. *Our request that Council provide us with all the plans, specifications and paperwork associated with the application for planning and/or building approval.*

**Outcome:** Internal Review commenced – still proceeding

#### **4. CONCLUSION / PROPOSAL**

- 4.1 In accordance with Section 270(8) of the *Local Government Act 1999*, this report provides information concerning the number of applications for review, kinds of matters, outcomes of the reviews, and other matters as prescribed by the legislation as part of the Internal Review of Council Decisions process in the year ending 30 June 2016.

#### **CO-ORDINATION**

Officer:	Executive Group	MG
Date:	11/07/2016	05/07/2016