

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Agenda

Ordinary Council Meeting Thursday 6 September 2018

held at
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads
commencing at 5.30pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

Items for Consideration of Council:

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CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 6 September 2018

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 6 September 2018 require their adoption by Council for the resolutions to be acted upon.

RECOMMENDATION:

That the recommendations of the Ordinary Planning Committee Meeting held Thursday 6 September 2018 be adopted.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

2 [PR-CM] Draft Tweed Shire Council Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy

SUBMITTED BY: Development Assessment and Compliance

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: **Provider**

SUMMARY OF REPORT:

Following earlier enquiries from The Mayor regarding the current rates of euthanasia of companion animals in Council's Animal Impounding Facility (The Pound) at Stotts Creek, the Director Planning and Regulation and Compliance Unit staff have been investigating recent best practice of other councils in terms of strategies to increase opportunities for the rehoming and to minimise the incidence of euthanasia among those impounded animals. This has led to some very productive consultation meetings between Council staff, The Mayor and representatives from the Friends of the Pound (FoP). It has also been positive in terms of reviewing current Pound procedures.

Our research found that Tweed's rate of euthanasia of companion animals rates compares relatively well with other NSW Councils, and across the general industry. However, it was acknowledged that there are a proportion of those euthanised animals which may be able to be saved through a tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

It is therefore recommended that Council endorse the public exhibition of the attached Draft Tweed Shire Animal Impounding Facility (The Pound) - Rehoming and Minimising Euthanasia Policy.

It is expected that any new Policy can readily be adapted should the proposed new Pound/Rehoming Centre development.

RECOMMENDATION:

That Council endorse:

- 1. The public exhibition of the attached Draft Tweed Shire Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy be placed on public exhibition for a period of 28 days, and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993; and**
- 2. A further report be brought back to Council following the public exhibition.**

REPORT:

BACKGROUND:

Initial Enquiries on Companion Animal Euthanasia Rates

Following earlier enquiries from The Mayor regarding the current rates of euthanasia of companion animals in Council's Animal Impounding Facility (The Pound) at Stotts Creek, the Director Planning and Regulation and Compliance Unit staff have been investigating recent best practice of other councils in terms of strategies to increase opportunities for the rehoming and to minimise the incidence of euthanasia among those impounded animals. This has led to some very productive consultation meetings between Council staff, The Mayor and representatives from the Friends of the Pound. It has also been positive in terms of reviewing current Pound procedures.

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Relevant Legislation

All NSW Councils are bound to manage the humane treatment of companion animals through several significant forms of legislation.

The first is the Prevention of Cruelty to Animals Act 1979 (POCTA). This Act primarily applies to a broader community obligation to respect the rights and welfare of all animals and to treat them in a humane way. POCTA is generally administered with the highest authority by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and NSW Police. Councils generally play a support role for these agencies in any complaints or investigations into offences under POCTA, in addition to their general companion animal regulation activity.

The other legislation which affects NSW Councils more directly are the Companion Animals Act 1998, the Companion Animals Regulation 2008, and the Impounding Act 1993. The NSW State Government's Office of Local Government also provides a strong direction to NSW Councils on the implementation of this legislation through a series of regular policy directives and circulars, and the management of a centralised data base for the collection of companion animal activity, registration and performance across all councils.

In terms of the above legislation and policies, the main statutory obligations for Councils to perform are summarised below:

- Provision for an animal holding facility that provides temporary shelter and care for animals seized by Council Rangers or surrendered by members of the public.
- Investigate complaints regarding roaming dogs, cats, livestock and dog attacks. In exercising their powers, Council Rangers either attempt to return the animals to their owners, or impound them.

For those animals that are surrendered or impounded, Councils have an obligation to care for them, and seek to rehome the animals where possible. Unfortunately there will be circumstances where some animals will be unsuitable for rehoming due to being aggressive, significantly injured or feral. The Companion Animals Act prohibits the sale of an animal declared or proposed to be declared a restricted breed or dangerous dog or menacing dog. This prohibition extends to the sale, adoption, rescue or rehoming of these animals.

For those animals assessed as unsuitable for rehoming, the legislation provides Councils with directions on the humane euthanasia of the animals. There are also related veterinary codes and standards of practice that guide these procedures. Both qualified vets and Council officers with appropriate levels of training are prescribed authority to carry out the procedures. The main circumstances and statutory timeframes that provide this option for Councils are as follows:

- A companion animal that is surrendered can be euthanised without any holding period in a Council pound.
- A companion animal which has been microchipped and has been impounded must be held for a minimum period of 14 days before they can be euthanised.
- A companion animal which has not been microchipped and has been impounded must be held for a minimum period of 7 days before they can be euthanised.
- There are instances of extreme injuries or animal conditions which necessitate the emergency euthanasia of animals.

Section 64(2) of the Act outlines that feral and infant companion animals may be destroyed prior to the standard holding period in accordance with any adopted Council policy. Tweed Council currently does not have a separate adopted Feral & Infant Animals Policy.

Feral companion animals are generally received in a poor condition, are difficult to handle and accommodate and are not suitable to be re-homed. Caging feral companion animals causes stress on the animal.

Infant companion animals require vast amounts of resources and time to raise, have a low resistance to diseases and are generally unlikely to survive being impounded.

This Policy authorises the humane euthanasia of feral or infant companion animals prior to the standard holding period if it is based on advice provided by a veterinarian.

In relation to feral animals Section 64 of the Companion Animals Act states:

"In accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1), which relates to the legislative impounding period.

Accordingly in accordance with Council policy any feral animal that has been brought to the pound should be euthanised as soon as possible after it has been impounded."

The legislation also requires Councils to prepare a Companion Animals Management Plan (CAMP) to provide a strategic overview of their roles and responsibilities, as well as to establish more proactive measures to promote the responsible and humane care of companion animals, through programs such as microchipping, registration, desexing, environmental protection and community health and wellbeing. Tweed Council first adopted its CAMP in 2010, and subsequent review in 2013.

Tweed Council's Companion Animal Regulatory and Care Actions

Tweed Shire Council has been one of the more proactive of North Coast Councils in recent decades in companion animal promotion and care.

Council's Current Animal Impounding Facility (The Pound) Operations

The subject site has a legal description of Lot 1 DP 590220 Bartletts Road Eviron. The site currently contains a series of single storey, inter-connecting buildings that accommodate the administrative office, stores and animal cage facilities, and animal exercise yards. The Pound is serviced by a formalised, hard stand car park, consisting of approximately 16 spaces.

The site is adjoined by Council's Stotts Island Landfill Facility, a private quarry, and agricultural land.

All available utilities are connected to the site.

The site is relatively low-lying and is subject to flooding in periods of major rain events.

Pound operations for dogs and cats commenced on current site in 1960s.

More substantive building structures and extensions were advanced through DAs in 1989, 2001 and 2005.

The Pound has evolved as both an impounding centre as well as a re-homing centre, in conjunction with the not-for-profit organisation, Friends of the Pound (FoP), who commenced activity at the Pound in July 2000.

FoP has a primary purpose to re-home animals, and provides volunteers to assist Council Pound Attendants in the general care of animals and cleaning of the facility.

It also provides direct services and education of the public in desexing, microchipping and registration of animals.

A good working relationship has been established with Council through a Memorandum of Understanding.

The Pound is open to the public between 10.00am and 4.00pm all days except public holidays.

The Pound is only suitable for the impounding of dogs cats and other small animals abandoned or surrendered in the Tweed Shire.

Proposal for a New Pound and Rehoming Centre

Council staff are currently working on a proposal to relocate Council's existing Animal Pound facilities at Stotts Creek and to develop a new Council Pound and Rehoming Centre on an alternative site of another nearby Council owned property identified as Lot 1 DP 34555, No. 719 Eviron Road, Eviron.

The opportunity for this proposal has arisen as a result of Council's Waste Unit Masterplan process for the Stotts Creek Resource Recovery Centre (SCRRC) that will provide guidance on future development of the entire site. As part of a program of works identified through the Masterplan process, the relocation of the current Animal Pound facilities is required prior to a significant number of the early works being able to commence.

The property at No. 719 Eviron Road is considered to have a number of significant superior site location advantages when compared to the current Pound site, which is a major safety and liability risk in terms of its deteriorating state of buildings and services, susceptibility to being cut off from access during major weather and flood incidents, as well as its general incompatibility of safety and welfare for both Council staff and volunteers and the impounded animals, as well as poor access and amenity for the public visiting the site.

The new alternative site is located in a much higher position (mostly flood free) and rural setting, and provides a great opportunity to provide a more contemporary and functional facility to accommodate both Council's companion animal regulatory service, as well as an enhanced rehoming centre for Council's not-for-profit partner, Friends of the Pound (FOP), who have provided an important volunteer assistance to the day-to-day running of the existing Pound and care for the animals over several decades.

Council is interested in establishing a co-located Council Pound/FOP Rehoming Centre facility similar to that operated by the Gold Coast City Council and the Australian Welfare League Queensland at Coombabah.

Funding is being sought to cover the full range of approvals, construction and project management to the point of hand over to Council of the new facility.

Council's Current Euthanasia Procedures and Recent Rates of Rehoming

Council has been guided by the broader strategic direction of its Companion Animal Management Plan. The Plan was first adopted by Council on 16 March 2010, and has been the subject of a further adopted update on 20 June 2013.

At an operational level, Council's Compliance Unit has developed a series of internal procedures documents to guide the day-to-day management of its Companion Animal responsibilities and actions.

The main procedure relating to the Unit's rehoming and euthanasia activities is provided in the extract below:

"6. Euthanasia Procedure

Unfortunately any animal that is deemed not suitable to be re-homed for purposes associated with their behaviour and/or the health of an animal will be euthanised.

Pound attendants are required to provide information relating to their observations associated with an animal to the senior pound attendant. The final determination on an animal remains the responsibility of the Team Leader Compliance, Senior Ranger, Impounding Officer or Veterinarian.

Documents relating to an animals temperament may include statements from the public, investigations and information provided by Rangers or a surrender form submitted by the owner.

The euthanasia of animals is to be performed ONLY by authorised officers or veterinarians and the storage, recording and safe keeping of any drugs and chemicals associated with the facility is the responsibility of the Senior Ranger or Impounding Officer.

a) Assessment

Prior to any animal being made available for sale it is vet checked and temperament assessed. The health assessment is in accordance with Part 5 (c) of this manual. Types of behaviour that Council deem inappropriate by an animal for re-homing are as follows:

Dog:

- *Nuisance behaviours such as:*
 - *continually escaping from a yard that is secure for dogs*
 - *continually barking which effects the amenity of the neighbourhood*
- *The killing of another animal*
- *Aggressive behaviour*
- *An attack/bite on a person*
- *Feral dog*

Cat:

- *Feral cat/semi-feral cat*

The semi-feral cat is a cat that is not owned by any one individual, but is generally friendly to people and may be fed by several households. Feral cats are associated with human habitations and may be fed by people or forage in rubbish, but are wary of human interaction.

b) Feral Animals

In relation to feral animals Section 64 of the Companion Animals Act states:

"In accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1), which relates to the legislative impounding period.

Accordingly in accordance with Council policy any feral animal that has been brought to the pound should be euthanised as soon as possible after it has been impounded.

Council has developed these guidelines and policy to help ensure that only animals deemed suitable by Council officers are released back into the community so that public safety and amenity are maintained.”

In terms of administering these procedures, Council has two contracted local veterinary firms who attend Council's Pound on a weekly basis (alternating weeks) to conduct animal health checks, and perform euthanasia procedures when required.

In terms of accountability of rates of rehoming and euthanasia of impounded animals, NSW Councils must enter details of all animals through the NSW Office of Local Government's Companion Animals Register. Whilst the annual results of all council's performance are published on the Office's web site, there has been very limited analysis of comparative performance or benchmarking.

As part of the consultation on the most recent announcement of the review of the Companion Animals Regulation 2008, the NSW Office of Local Government has included a Regulatory Impact Statement (dated 13 March 2018), which does provide some more up-to-date, state-wide data on the composite activities of NSW Councils for the period of 2008 to 2016, including the number of companion animal rehoming euthanasia activity (dogs and cats), restricted breeds and dangerous dogs, reported dog attacks, and animal registration and microchipping.

Drawing from the tables of rehoming/euthanasia rates in the above RIS document, for the year 2015/16, and as a composite of all NSW Councils, the rates of euthanasia as a proportion of all animals impounded were as follows:

Dogs – 18.79%

And

Cats – 45.36%

From an on-line desktop research, the following other comparative analysis has been undertaken for NSW Councils:

Getting 2 Zero Web Site – “The Benefits of Council Funding Co-operative Desexing Programs”

“In NSW, the only state that has gathered and published its state-wide Council figures, and over 60% of impounded and surrendered cats have been euthanised for many years.

However, Gold Coast City Council has more than halved its cat euthanasia rate over the last 10 years to 15% of all incoming cats for the whole city of over half a million people.

Desexing is more effective than focussing on registration and microchipping. NSW State Pound data has demonstrated that long term compulsory registration and microchipping alone have not significantly reduced the proportion of cats euthanised in NSW. On average, 64% of cats were euthanised in NSW in 2010/11, a reduction of less than 4% since 2005/06.”

Dian Chuw Kim Hoon, School of Veterinary Science, University of Queensland, “The Unwanted Dog and Cat Problem in Australia”:

From the NSW Office of Local Government web site reporting, the average rate of euthanasia among all impounded animals in NSW in 2010/11 were: 28.2% for dogs and 64% for cats.

In benchmarking these statistics, Tweed Council has performed very well in recent years. The contributors to Tweed’s favourable results have been the establishment of an excellent Pound facility, the volunteer assistance and rehoming services provided by the Friends of the Pound, and a dedicated and well trained Pound and Ranger staff.

The tables provided below indicate a breakdown of the rehoming and euthanasia activity of Council in since 2010/11 for both dogs and cats.

Rehoming and Euthanasia Rates for Impounded Dogs

| YEAR | TOTAL | RESTRICTED | DANGEROUS | UNSUITABLE | UNABLE TO REHOME | OWNER REQUEST | ILLNESS/ SICK | FERAL/ INFANT | TOTAL EUTH | TOTAL EUTH % | COUNCIL CONTROLLED EUTH % |
|---------|-------|------------|-----------|------------|------------------|---------------|---------------|---------------|------------|--------------|---------------------------|
| 2017/18 | 410 | 0 | 0 | 42 | 0 | 22 | 12 | 5 | 71 | 17.3 | 10.2 |
| 2016/17 | 571 | 0 | 0 | 101 | 0 | 12 | 1 | 2 | 116 | 20.3 | 17.0 |
| 2015/16 | 588 | 0 | 0 | 115 | 0 | 11 | 3 | 2 | 131 | 22.2 | 19.5 |
| 2014/15 | 637 | 0 | 0 | 92 | 0 | 21 | 9 | 3 | 125 | 19.6 | 14.4 |
| 2013/14 | 635 | 0 | 0 | 88 | 0 | 7 | 2 | 0 | 97 | 15.3 | 13.8 |
| 2012/13 | 679 | 3 | 0 | 77 | 0 | 15 | 7 | 0 | 102 | 15.0 | 11.3 |
| 2011/12 | 664 | 2 | 2 | 98 | 0 | 31 | 0 | 0 | 133 | 20.0 | 14.7 |
| 2010/11 | 504 | 1 | 2 | 74 | 1 | 27 | 1 | 0 | 106 | 21.0 | 14.6 |

Definition of Titles

Unsuitable – temperament - cannot be handled, aggressive, fence jumper, incident at the pound (attack) and not fit for sale (birth defect or sever injury and Friends of the Pound can’t rehome or other rescue groups). Decision to euthanise animal is made by Council staff and the veterinarian undertaking vet check, based on criteria within a Council procedure.

Unable to rehome - unable to sell or rehome with Friends of the Pound or other rescue groups.

Owner Request - Owners tick the “euthanased” box on the Surrender Form (generally as a result of an incident).

Rehoming and Euthanasia Rates for Impounded Cats

| YEAR | TOTAL | RESTRICTED | DANGEROUS | UNSUITABLE | UNABLE TO REHOME | OWNER REQUEST | ILLNESS/ SICK | FERAL/ INFANT | TOTAL EUTH | TOTAL EUTH % | COUNCIL CONTROLLED EUTH % |
|-----------|-------|------------|-----------|------------|------------------|---------------|-----------------|-----------------|------------|--------------|---------------------------|
| 2017/18 | 291 | 0 | 0 | 25 | 0 | 2 | 21 | 12 | 60 | 20.61 | 8.59 |
| 2016/2017 | 236 | 0 | 0 | 43 | 1 | 2 | 14 | 22 | 82 | 34.74 | 18.22 |
| 2015/2016 | 247 | 0 | 0 | 58 | 0 | 2 | 6 | 20 | 86 | 34.81 | 23.48 |
| 2014/2015 | 204 | 0 | 0 | 20 | 0 | 0 | 17 | 16 | 53 | 25.98 | 9.80 |
| 2013/2014 | 253 | 0 | 0 | 39 | 0 | 3 | 7 | 22 | 71 | 28.06 | 15.41 |
| 2012/2013 | 192 | 0 | 0 | 32 | 0 | 1 | 10 | 20 | 63 | 32.81 | 16.66 |
| 2011/2012 | 223 | 0 | 0 | 80 | 0 | 2 | not broken down | not broken down | 82 | 36.77 | 35.87 |
| 2010/2011 | 294 | 0 | 0 | 86 | 0 | 8 | not broken down | not broken down | 94 | 31.97 | 29.25 |

Definition of Titles

Unsuitable – temperament - cannot be handled, aggressive, incident at the pound (scratching/biting) and not fit for sale (birth defect or severe injury and Friends of the Pound can't rehome). Decision to euthanise animal is made by Council staff and the veterinarian undertaking vet check, based on criteria within a Council procedure.

Unable to rehome - unable to sell or rehome with Friends of the Pound.

Owner Request - Owners tick the "euthanased" box on the Surrender Form (generally as a result of age or temperament).

Emerging Policy Trends in the Companion Animals Field

A number of NSW Councils have begun adopting new policies and practices on emerging international and national policy programs aimed at reducing the rates of euthanasia among impounded animals.

Two of the more prominent movements have been "No Kill" and "Getting 2 Zero".

Camden Council adopted a "No Kill" policy in 2016. In a report to Council, it was stated that:

"A "No Kill" shelter is defined as an animal shelter that does not kill healthy or treatable animals and where euthanasia is reserved for terminally ill animals or those considered dangerous to public safety.

A number of community change movements exist promoting a move to "No Kill" philosophy. An example includes "Getting 2 Zero". The philosophy of "Getting 2 Zero" is that 90% of impounded or surrendered animals are to be rehomed. "Getting 2 Zero" acknowledges that a percentage of animals (up to 10%) are not suitable for rehoming due to illness, behavioural problems and a poor prognosis of rehabilitation.

A number of organisations have resolved to become “No Kill” facilities. This commitment is to make every effort to adopt all re-homable animals. Examples of organisations making this commitment include Liverpool Council and the Animal Welfare League of NSW. Other councils working towards this goal include the City of Greater Geelong, Gold Coast City Council, Moorabool Shire Council, Fraser Coast Shire and Greater Shepparton City Council.”

Camden Council's current responsible pet ownership program initiatives include:

- *“Responsible Pet Ownership program aimed at educating children and residents on the importance of microchipping and name tags on animals;*
- *Independent breed and temperament assessment of impounded animals believed to be dangerous/aggressive/restricted;*
- *Council officers attempt to return stray dogs and cats home if microchipped and registered rather than impounding;*
- *Offer of free name tags for all animals released;*
- *Working with approximately 30 rescue organisations to rehome animals that haven't been adopted;*
- *Subsidised de-sexing program to reduce the number of unwanted animals;*
- *Free microchipping days for dogs and cats;*
- *Bus advertising and regular educational days at schools and local events;*
- *PAWS in the PARK - an annual event raising awareness of responsible pet ownership; and*
- *Development and distribution of information books on responsible pet ownership.”*

The report to Council also states that:

“In addition to Council's current responsible pet ownership program, additional initiatives being considered or implemented to minimize the number of animals entering the animal holding facility and further increase the re-homing of impounded animals include:

- *The recent appointment of a dedicated Camden Council Companion Animal Ranger who will work at the Campbelltown Council Animal Care Facility to oversee the re-homing and care of Camden animals and provide enrichment;*
- *Flexible pricing options for impounded animals to encourage adoption, particularly for those animals that have been in the facility for extended periods of time;*
- *Obtaining detailed information from owners wishing to surrender their animal to ensure the animal is adopted out to a suitable family;*
- *Provision of exercise yards that are friendly and stimulating for the animals;*
- *Media releases for animals held longer than the mandatory holding periods;*
- *Creating information packages on adoption of an animals;*

- *Ensuring the provision of sufficient kennels and cattery enclosures to allow suitable animals to be kept an extended period of time until they are rehomed;*
- *Holding impounded animals for extended periods of time until sale or re-homing is achieved (this excludes animals deemed to be unsuitable for re-homing -- eg. dangerous, restricted, aggressive, significantly sick or injured).*

It is also proposed that Council develop a policy to establish clear guidelines on whether an animal is suitable for rehoming and to assist in decision making and transparency. The policy would be developed in consultation with Council's Companion Animal Advisory Committee and would require an independent assessment by a suitably qualified assessor to determine the suitability for re-homing of an animal considered aggressive or restricted."

Discussion of Strategies Suited to Tweed Council's Companion Animal Management

It is important that Tweed Council consider any emerging and innovative companion animal practices with a view towards ensuring that the organisation meets its current regulatory, probity, risk management and industrial relations obligations, as well as having adequate resourcing and expertise to implement these practices.

Prior to further investigating revised practices, further consultation sessions were held with relevant staff, The Mayor and FoP, posing the following range of issues:

- What are the potential range of opportunities and constraints in the new Pound/Rehoming Centre redevelopment proposal?
- What are the opportunities within the proposed expressions of interest process for Council's contracted veterinary services? Is it feasible to extend these services to behavioural assessments?
- What aspects of Council's current Euthanasia Procedure needs to be reviewed? Can this be extended to address those instances of injured animals which are yet to be impounded by Council?
- What elements of proactive action does Council need to take in terms of community education of responsible pet ownership, discount desexing, microchipping and registration?
- Any other ideas?

There was general agreement from these consultations of the scope to reduce current euthanasia rates at Council's Pound, primarily through a review and tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

It was also considered that these changed procedures could be best supported and promoted through a new Council Policy, as provided in Attachment 1 of this report.

It is therefore recommended that Council endorse the public exhibition of the attached Draft Tweed Shire Council Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy.

It is expected that any new Policy can readily be adapted should the proposed new Pound/Rehoming Centre development proceed.

OPTIONS:

1. That Council endorse the public exhibition of the Draft Tweed Shire Council Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy; or
2. That the matter be deferred for further information.

Option 1 is recommended.

CONCLUSION:

Following a detailed review of contemporary practice, it was found that the rate of euthanasia of companion animals at Council's Animal Pound compared relatively well with other NSW Councils, and across the general industry. However, it was acknowledged that there are a proportion of those euthanised animals which may be able to be saved through a tightening up of Pound procedures and approach, including a more pro-active communication with rescue and welfare organisations for those animals who have only failed assessments on the basis of non-life threatening, behavioural conditions.

COUNCIL IMPLICATIONS:

a. Policy:

It is proposed that once adopted, this Policy will replace an existing internal procedure document.

b. Budget/Long Term Financial Plan:

There are no budgetary impacts anticipated for this process.

c. Legal:

The relevant statutory framework for this Draft Policy is:

Prevention of Cruelty to Animals Act 1979 (POCTA). Local Government Act 1993
Companion Animals Act 1998
Companion Animals Regulation 2008
Impounding Act 1993

d. Communication/Engagement:

The public exhibition of the draft document will necessitate the following consultation actions under the Community Engagement Strategy:

CONSULT - We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Tweed Shire Council Animal Impounding Facility (The Pound) Rehoming and Minimising Euthanasia Policy (ECM 5474624)

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

3 [PCG-CM] Joint Standing Committee on Electoral Matters Inquiry into Expenditure Caps for Local Government Election Campaigns - Submissions

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Advocate

SUMMARY OF REPORT:

The Joint Standing Committee on Electoral Matters, Parliament NSW is conducting an inquiry into the impact of expenditure caps for local government election campaigns. Tweed Shire Council has been invited to make a submission to the inquiry. Submissions must be submitted by Friday, 14 September 2018.

RECOMMENDATION:

That Council submits the following submissions to the Joint Standing Committee on Electoral Matters:

1. Disadvantages created by expenditure caps for independent and new candidates

That the current caps are inadequate in that they create economic disadvantages for independent candidates or new candidates. The Committee should consider eligibility criteria for independent candidates and new candidates to receive relief from expenditure caps in relation to start-up costs, to facilitate greater competitiveness in Council elections.

Background

Caps create advantages for candidates who are supported by political parties. Candidates who have political party support are advantaged through access to organisational, promotional materials and media opportunities, which otherwise are a significant cost. Party candidates may have advantages through access to experienced volunteers, established donors and access to data about effective campaigning and locations.

Political party alignment also allows candidates to access to volunteers on site for pre-polls and at each polling booth on polling day. As a result of the vast network of volunteers, political parties have access to volunteers undertaking short shifts at booths with party-branded shirts.

Caps create advantages for incumbents or past candidates. For example, these candidates can recycle promotional materials, making a cost saving that would otherwise need to be made by new candidates.

2. Disadvantages created by expenditure caps for independent and new candidates

That the current caps are inadequate. The Committee consider prohibiting electoral advertising at election booths and handing out of how to vote cards at election booths. This would reduce costs for individual candidates, stop voter harassment at the polling booth and reduce waste from election campaigns.

REPORT:

Terms of Reference

The Terms of reference for the inquiry are as follows:

That the Committee inquire into and report on the impact of the expenditure caps for local government election campaigns on local government areas and wards with different populations, with particular reference to:

- a. Whether the current expenditure caps are adequate;
- b. Whether the number of enrolled electors in a ward or local government area is the best method to calculate expenditure caps; and
- c. Whether the current divisions around the number of enrolled electors on which the expenditure cap is calculated are adequate.

Information on preparing submissions

The Committee provided the following advice in relation to preparation of a submission:

1. There is no set form for submissions. They may take the form of a letter, paper or report, and they may contain facts, opinions, arguments and recommendations. Supporting documents and other exhibits may be appended to submissions. If in doubt, please consult the inquiry staff.
 2. The terms of reference of an inquiry are usually a good basis for structuring submissions. Submissions may cover all or only some of the points raised in the terms of reference.
 3. Submissions should be printed on A4 paper so they can be reproduced easily for distribution to committee members. Hand written submissions are acceptable but should be legible.
 4. Electronic copies of submissions are not essential but would be appreciated, and can be submitted via a link from the committee's web page.
 5. Submissions should be signed by the author either on his or her own behalf or on behalf of an organisation. Those signing submissions on behalf of an organisation should indicate at what level the submission has been authorised (e.g. sub-committee, executive committee, president, chair, state branch, or regional group).
 6. The committee will generally publish submissions unless an author requests that all or part of their submission be kept confidential. Such a request should be made in the document itself and those parts of the submission which the author wishes to remain confidential should be clearly indicated.
 7. Submissions to parliamentary committee inquiries attract the protection of parliamentary privilege under the Defamation Act 1974 and Parliamentary Papers (Supplementary Provisions) Act 1975. Legislation and case law in general treat the proceedings of parliamentary committees as parliamentary proceedings to which privilege applies. No action of any kind may be taken against a person for making a submission, and the submission may not be used in courts or tribunals to question the truth, motives or credibility of any person.
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8. Once a submission has been received by a committee it must not be published or otherwise disclosed in that form without the committee's authorisation. Unauthorised publications are not protected by parliamentary privilege and may be a contempt of Parliament. Constraints regarding publication do not apply to previously published material which is appended to a submission.
9. A committee may not accept a submission that is not relevant to the committee's inquiry. The committee will inform you if it decides not to accept your submission. Before publishing a submission the committee will also vet the contents to ensure it does not reflect adversely on third parties, or is subject to legal proceedings.
10. Authors of submissions are sometimes asked to give oral evidence before a committee at a public or in camera (private) hearing. Questioning witnesses allows the committee to examine particular issues in greater detail and gives the author an opportunity to provide more information and to amplify points made in the submission. More information about appearing at public hearings is available from the pamphlet Information for committee witnesses. The pamphlet is available on the Parliament's website.

Submissions

1. Disadvantages created by expenditure caps for independent and new candidates

That the current caps are inadequate in that they create economic disadvantages for independent candidates or new candidates. The Committee should consider eligibility criteria for independent candidates and new candidates to receive relief from expenditure caps in relation to start-up costs, to facilitate greater competitiveness in Council elections.

Background

Caps create advantages for candidates who are supported by political parties. Candidates who have political party support are advantaged through access to organisational, promotional materials and media opportunities, which otherwise are a significant cost. Party candidates may have advantages through access to experienced volunteers, established donors and access to data about effective campaigning and locations.

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Caps create advantages for incumbents or past candidates. For example, these candidates can recycle promotional materials, making a cost saving that would otherwise need to be made by new candidates.

2. Disadvantages created by expenditure caps for independent and new candidates

That the current caps are inadequate. The Committee consider prohibiting electoral advertising at election booths and handing out of how to vote cards at election booths. This would reduce costs for individual candidates, stop voter harassment at the polling booth and reduce waste from election campaigns.

OPTIONS:

1. That Council submits the following submissions to the Joint Standing Committee on Electoral Matters.
2. That Council does not submit any submissions to the Joint Standing Committee on Electoral Matters.

CONCLUSION:

Council needs to consider suitable submissions to the Committee.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

NA.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL MATTERS

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Compliance Matter - Development Application DA16/0724 for a Dwelling and Secondary Dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains legal advice.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: **Provider**
