



FRANKSTON CITY COUNCIL

MINUTES OF ORDINARY MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, FRANKSTON
ON MONDAY 4 FEBRUARY 2008 AT 7.02P.M.

PRESENT Cr Wardle (Mayor)
Cr Wachendorfer
Cr Aitken
Cr Trehitt
Cr Wilson
Cr Conroy
Cr McClelland
Cr McCluskey
Cr Hampton

APOLOGIES Nil.

Officers: Steve Gawler, Chief Executive Officer
Mark Brady, General Manager Corporate
Elizabeth Bensch, General Manager Development
Gillian Kay, General Manager Communities
George Modrich, General Manager Assets
Peter Blood, Organisation Development Manager
Michael Craighead, Governance & Customer Relations Manager
Silvia Van Orsouw, Media & Communications Coordinator

OPENING WITH PRAYER

At the request of the Mayor, Councillors, officers and members of the gallery stood while
Cr Wilson read the Opening Prayer

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Wardle acknowledged the Boonerwung peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia's identity – from the past, into the present and for the future.

CONFIRMATION OF MINUTES

The Minutes of the Ordinary Meeting of Council OM163 held on 10 December 2007 and Special Meeting SP120 held on 3 December 2007 copies of which had previously been circulated to all Councillors, were confirmed, approved and adopted on the motion of Councillors McClelland and Wachendorfer.

Chairperson's initials.....

- 4. That Council explore the inclusion of a clear policy position on the benefits of preserving vegetation and tree canopy in the municipality as part of the current Planning Scheme review process and as part of Council's project planning.

MOVED: CR MCCLUSKEY SECONDED: CR AITKEN

- 1. THAT THIS REPORT BE NOTED.
- 2. THAT A FURTHER REPORT BE BROUGHT FORWARD TO COMMENCE THE LEGAL PROCESS TO REPEAL THE EXISTING LOCAL LAW AND MAKE THE REVISED TREE PROTECTION LOCAL LAW.
- 3. THAT COUNCIL INCREASE RESOURCING TO IMPLEMENT REVISED TREE PROTECTION LOCAL LAW AND INCREASE FUNDING FOR ALTERNATIVE INFRASTRUCTURE TREATMENTS, BOTH ITEMS TO BE REFERRED TO THE 2008/09 BUDGET PROCESS.
- 4. THAT COUNCIL EXPLORE THE INCLUSION OF A CLEAR POLICY POSITION ON THE BENEFITS OF PRESERVING VEGETATION AND TREE CANOPY IN THE MUNICIPALITY AS PART OF THE CURRENT PLANNING SCHEME REVIEW PROCESS AND AS PART OF COUNCIL'S PROJECT PLANNING.

CARRIED UNANIMOUSLY

4. Responsible Animal Management - Desexing of Cats and Dogs - Condition of New and Renewal Applications for Registration

(A473325) (GAC:GMD)

Purpose

The purpose of this report is to further consider the item which was deferred at the meeting of 4 June 2007 to enable a briefing and review.

Further, the report responds to Notice of Motion Number 524 adopted at the Council Meeting of 21 February 2007,

“That Council Officers undertake an investigation into forming of a local law into compulsory cat de-sexing.

A report to come back to the June Council meeting outlining

- A. What the process for making the local law would be – including a process for community consultation.
- B. Examples of such laws that have been implemented by other Councils and their effectiveness in reducing stray cat populations/destructions.
- C. Environmental, social and economic Issues surrounding the compulsory de-sexing of cats.”

Council Plan Objectives

This proposal is supported by the Council Plan under ‘Preserving and Enhancing Our Natural Environment’, Objective – Education and use of the natural environment and Conservation of native habitat.

Chairperson's initials.....

Background

Council deferred this report in June 2007, to enable a briefing and review to be undertaken. This was not able to be scheduled in the second half of last year due to other priorities.

In deferring this matter, Council sought the opportunity to consider implementing provisions that allow the compulsory desexing of all unsterilized cats and dogs.

The report to the 4 June, 2007 meeting proposed only the desexing of animals for new registrations. If implemented, it would facilitate the desexing of all animals over a period of some 10 years, as young animals were registered for the first time as a condition of registration.

The Domestic (Feral and Nuisance) Animals Act 1996, under amendments introduced in 2005, provide that Council may resolve to make it a condition of renewing registration or any new registration, for the animal to be sterilized. The merit of these provisions being adopted by Council is considered in the Discussion Section of this report.

Community concerns about the large numbers of unowned animals was highlighted in advice from the Chief Executive Officer of the RSPCA in March of last year, pointing out that more than 48,000 unwanted cats find their way into shelters in Victoria each year. Of these, 30,000 have to be euthanased.

The municipalities of Mornington Peninsula and Cardinia have in the past two years implemented local laws to respond to the cat overpopulation issue. Other municipalities have since this time resolved to make it a condition of a new registration for any cat and dog to be sterilized.

The need for effective management of cats in the community was first recognised in this State with the introduction of the Domestic (Feral and Nuisance) Animals Act in 1996 which required the registering of cats. Council at that time also introduced a curfew on cats requiring them to be secured to the owner's property between the hours of sunset and sunrise. The number of registered cats has risen steadily over the years to some 9,000. This represents in our view, perhaps only 50% of the owned cat population. There are probably as many stray cats present in the community.

In responding to the stray cat problem, Council makes available to residents cat traps to resolve to the nuisance caused by wandering cats. Sometimes the cats caught are owned and on occasions they will be unowned/stray cats. The number of cats impounded in the municipality during 2007 was 657 and of these 524 were euthanased. In addition, officers have undertaken trapping programs in a number of natural reserves and foreshore areas, and generally the experience has been that few have been apprehended, contrary to the perception that large numbers were at large in these locations. Any cats in these areas present a threat to our locally sensitive flora and fauna.

Amendments to the Act last year provide that Council is to develop a Domestic Animal Plan that must address key issues. The Plan is to be implemented by the end of 2008. Officers have commenced drafting of the Plan, which will be presented to Council for adoption later in the year. A desexing strategy must be included in the Plan. The legislation provides that Council may resolve that it will not, after a specified date, register or renew the registration of a cat, or dog, unless the cat or dog is desexed. Provision is available for an exemption to be granted, for example, breeding animals.

Chairperson's initials.....

Issues

The following issues are relevant when considering the opportunities available under the legislation:-

- Should desexing of cats be implemented;
- Should this also apply to dogs;
- Should desexing be a requirement of a new registration or renewing the registration, and
- If agreed to, determining an appropriate commencement date.

Discussion

Having regard to the advice from RSPCA and given the local experience relating to the large number of cats being euthanased, there are benefits to proceeding with a desexing strategy at this time. This decision would have environmental and social benefits as referred to later in the report. From an economic perspective, there will be a reduction in the number of complaints received by Council due to less stray animals present in the community. The need to conduct trapping programs will be reduced. Ultimately this will reflect in savings on registration fees. There is also evidence to support the view that the long term health of animals is improved by sterilisation. These actions will reduce the burden on the community, pound and animal welfare services.

The opportunity to include the sterilising of dogs as a requirement of registration is considered to have merit from a responsible animal management point of view. Desexing dogs has proven to help reduce aggression and other nuisance behaviour ie excessive barking, desire to wander. While more dogs than cats are impounded, the majority are claimed. The experience in 2007 was that 1,561 were impounded and 1,326 were claimed. Surprisingly only 35% of dogs impounded were desexed, whereas approximately 80% of registered dogs are desexed. Introducing the requirement for desexing as a prerequisite to registering will help with this management issue.

If Council was supportive of introducing desexing at the time a new application for registration is undertaken by an animal owner, it is suggested this be effective from 1 July 2008. This would allow for the development of support services required to respond to the change. These include informing animal owners of the new conditions of registration and establishing veterinary support services delivered by Council's Animal Pound service provider, the Lost Dogs' Home, at the pound situated at Thompsons Road, in Lyndhurst.

Clearly there is a case for extending the provisions for desexing. The issue for decision is should desexing apply only to new registrations or also to renewals of registration.

The evidence in relation to responsible animal ownership shows that the vast majority of cats impounded are unowned and unsterilized. In relation to dogs, as mentioned above, most are owned and unsterilized. It can be concluded that irresponsible owners do not sterilize their animals.

It is important to note that the Act through provisions relating to sterilization, seeks to reduce the over population of dogs and cats. It is appropriate therefore, to target the irresponsible owners through the application of these provisions. It is suggested that this can best be achieved by implementing desexing for new registrations for dogs and cats being introduced into our community.

Further, it would be difficult to enforce a provision that existing registered entire dogs and cats be desexed. It would also seem unfair on current pet owners who have been responsible, to enforce a retrospective provision.

Options Available

Not to proceed with desexing of cats or dogs

Financial Implications

There will be long term benefits to Council and the community in reducing the number of complaints and the destruction of unwanted animals.

Council participates in a desexing voucher scheme that operates across the State. This provides for a reduced cost to pet owners who are low income earners and acts as an incentive to have their pets desexed. Through the Desexing Voucher Scheme the owner pays two thirds of the costs to have their pet desexed and Council pays the balance. Since April 2007 Council has contributed to the costs for approximately 70 pet owners.

Environmental Implications

Numbers of cats wandering in natural reserves will be reduced, thereby reducing the destruction of flora and fauna.

Social Implications

Residents will experience improved amenity with fewer animals causing noise and safety concerns with less aggressive dogs and fewer wandering cats.

Consultation

Animal welfare agencies, Council's Animal Management Team and Bureau of Animal Welfare.

Conclusion

The opportunity to utilise the provisions of the Domestic (Feral and Nuisance) Animals Act 1996 to require animal owners to de-sex their cats and dogs when completing new applications to register, would provide amenity, safety, environmental and social benefits to the community. Commencement from 1 July, 2008 would provide the opportunity for owners, Council and service providers to prepare for the new requirements.

Recommendation (GMD)

- A. That in accordance with the provisions of Section 10A of the Domestic (Feral and Nuisance) Animals Act 1996, all new applications to register a cat/dog will require the cat/dog to be desexed, effective 1 July 2008.
- B. That Council's Animal Management Plan, to be developed prior to the end of December 2008, promote to pet owners the benefits of desexing.

MOVED: CR MCCLUSKEY SECONDED: CR AITKEN

A. THAT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10A OF THE DOMESTIC (FERAL AND NUISANCE) ANIMALS ACT 1996, ALL NEW APPLICATIONS TO REGISTER A CAT/DOG WILL REQUIRE THE CAT/DOG TO BE DESEXED, EFFECTIVE 1 JULY 2008 WITH THE EXCEPTION OF CATS / DOGS EFFECTED BY THE SPECIAL BREEDING EXEMPTIONS.

B. THAT COUNCIL DEVELOP AN ANIMAL MANAGEMENT PLAN TO COMMENCE IMPLEMENTATION ON OR BEFORE 1ST JULY 2008. THE MANAGEMENT PLAN IS TO INCLUDE EDUCATIVE PRESS RELEASES ON THE BENEFITS OF ANIMAL DE-SEXING AND PENALTIES FOR UNREGISTERED PETS ESPECIALLY FROM 1/1/2009 IE. TO INCLUDE UP TO A 6 MONTH GRACE PERIOD.

C. THAT COUNCIL RUN A CONCERTED CAMPAIGN OF INSPECTIONS FOR UNLICENSED PETS FROM 1/1/2009 TILL 30/6/2009 WITH REGULAR INSPECTIONS TO CONTINUE AFTER THIS DATE.

CARRIED UNANIMOUSLY

SHAPING THE URBAN ENVIRONMENT

1. Public Notice of Intention of Special Charge Scheme for the Construction of Footpath in Hall Road Carrum Downs

(A463924) (RP:GMA)

Purpose

To consider the commencement of the formal statutory process for the implementation of the Special Charge Scheme for the construction of Footpath on the north side of Hall Road Carrum Downs, from Dandenong Road to Cadles Road, and to establish a Committee of Council to hear submissions from interested parties to the proposed Special Charge Scheme.

Council Plan Objectives

The construction of this footpath will assist in providing a safe, functional and well maintained local road network, and is supported by the Council Plan Objective 2.3 (Access to Frankston and its Environs) and Objective 4.2 (Transport).

Background

Some sections of footpath in this location have been constructed by permit condition in abutting developments. There are 4 reaches remaining unconstructed, totalling approximately 650 metres. Council has listed this project for design and scheme preparation in 2007/08 and for construction in 2008/09.

A search of available records has not produced any evidence that any component of this proposed footpath has previously been constructed at the cost of the abutting owners.

Issues

The statutory process for a Special Charge Scheme involves a series of processes in accordance with the Local Government Act 1989. These are detailed in Council’s Contributory Scheme Policy document.

Kerb & channel is also lacking in most of the length where footpath is proposed. Also there are some properties without constructed vehicle crossings.

The Notice of Intention to declare the Scheme allows affected persons to make a submission to Council on the proposed Scheme, under Section 163A of the Act.

Chairperson’s initials.....