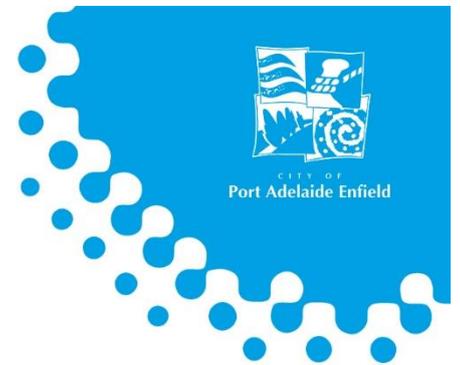


AGENDA OF SPECIAL COUNCIL MEETING



30 AUGUST 2022

Notice is hereby given in accordance with Section 83 of the Local Government Act 1999 that a Special Council meeting will be held in the Council Chamber at 62 Commercial Road, Port Adelaide on **Tuesday 30 August 2022**.

The meeting will commence at 7:00 pm.

The business to be considered at the above-mentioned meeting, is set out on the enclosed Agenda.

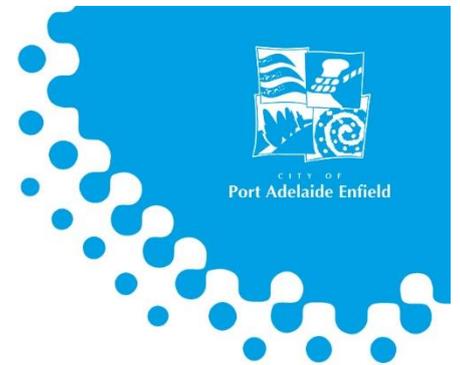
A handwritten signature in black ink, appearing to read "Mark Withers".

Mark Withers
Chief Executive Officer

26 August 2022

DISCLAIMER - Please note that the contents of the Special Council Meeting Agenda have yet to be considered and recommendations may be altered or changed.

AGENDA OF SPECIAL COUNCIL MEETING



30 AUGUST 2022

Commencing at 7:00 pm

Emergency Procedure

In the case of an emergency please follow the Exit signs as directed.

Kurna Acknowledgement

Before we begin the proceedings, I would like to acknowledge and pay respect to the Traditional Owners of the land on which we stand, the Kurna People of the Adelaide Plains. It is upon their ancestral lands that the Port Adelaide Enfield Council meets. It is also The Place of the Kardi, the Emu, whose story travels from the coast inland.

We pay respect to Elders past and present. We respect their spiritual beliefs and connections to land which are of continuing importance to the living Kurna people of today. We further acknowledge the contributions and important role that Aboriginal people continue to play within our shared community.

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1 APOLOGIES

2 LEAVE OF ABSENCE

3 DECLARATIONS OF CONFLICT OF INTEREST

4 COUNCIL BUSINESS

4.1 Dogs on and Off Leash Areas

Report Type	Decision
City Plan Theme	Community Leadership
Report Author	Manager Community & Environmental Health, Community Development
Report Summary	This report seeks to revoke the resolution of 9 August 2022 regarding dog off-leash and on-leash laws for the foreshore and reinstate the existing leashing laws. These arrangements are proposed to enable further engagement with the community on leashing rules for these areas.
Attachments	Nil

RECOMMENDATION

Council resolves that:

1. The report of the Director Community Development titled “Dogs on and Off Leash Areas” be received and noted.
2. Resolution 12.2.1 Dogs On and Off Leash Areas of the Council meeting 9 August 2022, point 3 as listed below, be revoked:
 3. *Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and for the purposes of Clause 9.1 of the Dogs By-law 2022, the Council resolves that the following foreshore areas or public places are, with effect from 3 April 2023, ‘Dog on Leash Areas’ at all times:*
 - a. *The foreshore areas between Bower Rd, Semaphore South to Everard St Largs Bay as contained in Attachment 1;*
 - b. *All grass areas adjacent the foreshore areas as contained in Attachment 1; and*
 - c. *The North Haven Beach foreshore as identified in the map as tabled and attached to the minutes.*
3. Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and for the purposes of Clause 9.1 of the Dogs By-law 2022, the Council resolves that the entire foreshore is a ‘Dog On-leash Area’ between the hours of 10.00am and 8.00pm, on any day during the period of daylight savings.
4. A report be presented to Council in December 2022 outlining a plan for further community engagement on leashing laws for dogs on the foreshore.

Background

At its meeting on 9 August 2022, Council resolved as follows:

1. *The report of the Director Community Development titled "Dogs on and Off Leash Areas" be received and noted.*
2. *The community engagement feedback, as contained in Attachments 5, 6 and 7 are noted.*
3. *Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and for the purposes of Clause 9.1 of the Dogs By-law 2022, the Council resolves that the following foreshore areas or public places are, with effect from 3 April 2023, 'Dog on-Leash Areas' at all times:*
 - a. *The foreshore areas between Bower Rd, Semaphore South to Everard St Largs Bay as contained in Attachment 1; and*
 - b. *All grass areas adjacent the foreshore areas as contained in Attachment 1;*
 - c. *The North Haven Beach foreshore as identified in the map as tabled and attached to the minutes*
4. *Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and for the purposes of Clause 9.1 of the Dogs By-law, the Council resolves that the following Local Government land or public places are, with effect from 1 December 2022, 'Dog on-Leash Areas' at all times unless otherwise stated below:*
 - a. *Glanville Par 3 Golf Course, Park Ave, Semaphore South*
 - b. *The portion of Linear Park, Moore St, Windsor Gardens as contained in Attachment 2*
 - c. *Northgate Reserve, Folland Ave, Northgate*
 - d. *R B Connolly Reserve, Grose Cres, North Haven*
 - e. *Roy Amer Reserve, Sir Ross Smith Blvd, Oakden*
 - f. *Stockade Botanical Park, Hoods Rd, Northfield*
 - g. *Thomas Turner Reserve, Geraldine St, Valley View, between 4:30pm and 5:30am on weekdays and 8:30am and 6:30pm on weekends*
 - h. *Valleyview Par 3 Golf Course, Grand Junction Rd, Valley View*
 - i. *Walkley Heights Reserve, Creekview Dr, Walkley Heights*
5. *Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and for the purposes of Clause 10 of the Dogs By-law, the Council resolves that the following Local Government land or public places are, with effect from 1 December 2022, 'Dog Prohibited Areas':*
 - a. *Barker Inlet Reserve, Salisbury Hwy, Wingfield*
 - b. *Range Wetlands, Hanson Rd North, Wingfield*
 - c. *Magazine Creek Wetlands, Whicker Rd, Gillman*
 - d. *Folland Park, Turnbull Rd, Enfield*
 - e. *those parts of:*
 - *TK Shutter Reserve Klemzig, Fourth Ave, Klemzig*
 - *Regency Park Oval, South Rd, Regency Park on which is located or installed an artificial playing surface designed for playing sport, as contained in Attachments 3 and 4.*

Report

The Pups in Public Places consultation commenced on 9 February 2022 and closed on 27 March 2022 through Council's Have Your Say page. Community engagement was undertaken through a range of channels:

- 8,672 emails were sent to registered dog owners with an email address;
- 64 emails were sent to stakeholders of our public places, such as sporting clubs and other groups utilising our public spaces;
- 23 pop up sessions at 14 reserves and beaches across the Council were held;
- 2 social media posts.

This resulted in 4,235 views on Council's 'Have Your Say' community engagement Page from 2,683 visitors, with 685 actual contributions to the consultation.

The community feedback informed the proposed leashing rules for dogs on the foreshore which includes the beaches and adjacent grassed areas, and for Council's reserves and open spaces across the City.

Following the announcement of the new rules for dogs on the foreshore, Council received feedback that not all registered dog owners received an email about the consultation. After investigating further, the Administration discovered that of the approximately 11,000 registered dog owners in PAE, only 8,672 had received the email.

The discrepancy in the number of emails sent was a result of an administrative error made through the process of preparing the dog owner information dataset. The impact of this error is that the information provided to Council to inform a decision on leashing rules was incomplete and did not meet the standard of community engagement committed to for this program.

It is recommended that the decision to implement dog on-leash and off-leash areas on the foreshore areas from the 3 April 2023 be revoked, subject to further community engagement.

Due to the caretaker period commencing on 6 September 2022, it is recommended a report be presented to the Council meeting on 13 December 2022 outlining the proposed community engagement plan for dogs on the beach including the scope of engagement with both dog owners and non-dog owners.

By-laws

Council's current By-laws are due to expire on 30 November 2022 and will be replaced by the new By-laws from 1 December 2022 which were adopted by Council on 12 July 2022.

The current By-laws specify that dogs on the foreshore must be on leash between the hours of 10:00am and 8:00pm on any day during the period of daylight savings, however the new By-laws allow the foreshore leashing laws to be determined by resolution of the Council.

The resolutions from 9 August 2022 Council meeting resolved for the proposed new leashing laws to come into effect from 3 April 2023. This has resulted in an unintended consequence whereby no leashing laws have been specified for the period 1 December 2022 to 3 April 2023. Without a subsequent resolution to cover the period 1 December 2022 – 3 April 2023 all dogs may be off-leash at all times on the foreshore during the daylight savings period.

To ensure the current leashing laws remain in place whilst further community engagement is undertaken, it is recommended that the Council resolves that dogs must be on leash between the hours of 10:00am and 8:00pm during the daylight savings period along the entire foreshore.

City Plan Relationship

Leadership is a key pillar of our City Plan which includes connecting, engaging with, and listening to our community in order to make good decisions. The community is empowered and has trust in Council's decisions and that we deliver on our promises. As the consultation did not meet the expectations of Council or the community it is critical that Council review the decision and undertake further consultation.

Legislative Context and Related Policies

Council's By-Law No.5 - Dogs, provides Council with the ability to formally adopt any off-leash, on-leash or prohibited areas which apply to our foreshore to ensure that the foreshore is an environment that is safe, welcoming and inclusive for all City of Port Adelaide residents and visitors.

Section 91A of the Local Government (Elections) Act 1999 prohibits any 'major policy' decisions which includes conducting unplanned consultation for significant issues. Council's Caretaker Period Policy (CL-07) prohibits discretionary public consultation to be undertaken during the election period (either new consultation or existing) on an issue which is contentious unless prior approval is given by the Council or Chief Executive Officer. Given the nature of the community engagement for dog leashing laws on the foreshore it is appropriate that this is delayed until after the Election process is completed.

Stakeholder Engagement

As identified in the report, there was a significant community engagement program undertaken as part of the review, however this failed to notify all registered dog owners as part of the engagement, which was a core commitment of the program.

A comprehensive community engagement plan will be presented to Council in December 2022 prior to undertaking any further consultation to ensure it aligns with Council's and the community expectations.

Risk Management

If Council does not resolve to have dogs on leash between the hours of 10:00am and 8:00pm during daylight savings hours, there is a risk that dogs not under effective control by physical restraint may pose a risk to other users of the beach during the peak summer season.

Financial Management

There is no financial impact with recommendation, however there may be additional costs associated with further consultation which will be considered in the report to Council in December 2022.

Environmental and Social Impacts

Dogs can bring significant health benefits for their owners from stress relief to social connection, to improving their mood and outlook. Creating open spaces that support dogs being exercised in both on-leash and off-leash areas supports community connection through interactions with the community, increased exercise for residents and health benefits to the dog. Whilst dogs provide great health and wellbeing benefits, it is critical that the needs of all users of our open spaces are considered when dog leashing laws are reviewed. This will ensure that open spaces are safe, welcoming and inclusive for everyone in the community.

5 MOTIONS WITHOUT NOTICE

6 CLOSURE OF MEETING