



ACT
Government

Transport Canberra and
City Services

7:00
10/10/2016

To: Minister for Transport and City Services

From: A/g Director-General, Transport Canberra and City Services

Subject: Declaration of Casey and the areas adjacent to the Jerrabomberra Wetlands as cat containment areas.

Critical Date: In the normal course of business.

Critical Reason: N/A

Recommendations

That you agree to:

- declare the Division Casey as a cat containment area by signing the (draft) declaration at Attachment A.

AGREED/NOT AGREED/PLEASE DISCUSS

- declare the areas adjacent to the Jerrabomberra Wetlands, which includes parts of Griffith, Kingston and Fyshwick, in Schedule 2 by signing the draft declaration in Attachment A and,

AGREED/NOT AGREED/PLEASE DISCUSS

- commence cat containment on 1 January 2019 in the Division of Casey; and

AGREED/NOT AGREED/PLEASE DISCUSS

- commence cat containment on 1 January 2019 in the declared area of Jerrabomberra Wetlands.

AGREED/NOT AGREED/PLEASE DISCUSS

Meegan Fitzharris MLA *[Signature]* 2/8/2016

Given animal welfare work & feline management plan is underway please hold these declarations until after that work is complete and we have the broader strategy.

Background

1. In late 2015, the (former) Territory and Municipal Services Directorate (now Transport Canberra and City Services, TCCS) invited members of the public and potentially affected residents to comment on the proposal to declare Casey and areas adjacent to the Jerrabomberra Wetlands as cat containment areas.
2. An extensive public consultation process was undertaken and comments received as part of that process have now been considered and have informed the above recommendations.
3. Under the *Domestic Animals Act 2000*, an area can be declared a cat containment area if cats in that area pose a serious threat to native wildlife. Cats in containment areas must be confined to their keepers' or carers' premises at all times or during stated times. To date, all cat containment declarations have required that cats be confined at all times (i.e. 24 hours a day). TCCS Rangers are able to seize cats found wandering in a declared area. An infringement notice of up to \$1,500 can be issued to the keeper or carer of a cat that is not complying with the cat containment requirements.
4. The following suburbs (or parts of) have been declared cat containment areas:
 - Bonner
 - Coombs
 - Crace
 - Denman Prospect
 - Forde
 - Jacka (commences 1 January 2017)
 - Lawson
 - Molonglo
 - Moncrieff
 - Throsby
 - Wright
 - 'The Fair' at Watson

Proposed new cat containment areas

5. The Division of Casey is proposed as a future cat containment area due to its proximity to the Kinlyside Nature Reserve, which forms part of the Canberra Nature Park. The Kinlyside Nature Reserve provides habitat for the golden sun moth and pink-tailed worm-lizard.

6. The Jerrabomberra Wetlands Nature Reserve, which is also part of the Canberra Nature Park, is one of the most valuable wetland habitat areas in the ACT and of national and international importance. It is a refuge for migrating bird species, but also supports a number of frog, reptile and mammal species. The proposed cat containment areas adjacent to the wetlands include, 'The Causeway', the Kingston Foreshore area, the Eastlake development area and the Business Park (Molonglo Group future development site).
7. From an environmental perspective, both the Division of Casey and Jerrabomberra Wetlands Reserve are important environmental habitats and the presence of cats in these areas may significantly impact on the native fauna and quality of the environment.
8. Cat containment is therefore recommended as a measure to mitigate (as much as possible) the affect of cats in nearby reserves. Should you agree, it is proposed that cat containment will commence in these areas on 1 January 2019. A draft Declaration and Explanatory Statement are at [Attachments A](#) and [B](#).
9. Since the introduction of the legislation, the declaration of suburbs has been implemented in an ad hoc manner with the initial focus being only new suburbs near reserves. This approach was considered suitable, as it provided the opportunity for future residents to make an informed decision about whether or not they want to live in a cat containment area.

Issues

Community consultation

10. Although considerable effort was given to obtaining community feedback about the views on and impact of the cat containment declaration, overall there was a low response rate to any forms of communication including attendance at a meeting in the area. Of some concern is that no submissions were received from residents in the Causeway who would be affected by this declaration.
11. The Causeway area has been identified for future development as part of the Kingston Foreshore development, but the timing of this has not yet been confirmed and thus the introduction of cat containment to this area will place a financial burden on a sector of the community with limited options to afford it.
12. Whilst the survey indicated that there is general community support for cat containment in the ACT, the Casey residents who would be directly affected by the declaration and responded to the survey were opposed to cat containment.
13. Furthermore, the majority of the respondents who supported the declaration of the areas adjacent to the Jerrabomberra Wetlands were not residents of the area. As stated previously, residents of The Causeway, who are likely to be most impacted by the proposed declaration, were not represented in the survey results.

Timing

14. As part of the consultation, the community's views on the timing of the declaration were sought. In this respect, the consensus view was for the declaration to have a delayed commencement date, similar to the process used for Jacka where two years was provided. This timeframe was considered suitable to provide existing residents time to make the necessary changes to comply with the cat containment legislation.
15. Of some concern is the financial burden the introduction of cat containment may impose on some affected households. There is currently no program to assist residents on low incomes with the costs of providing cat enclosures. This is likely to lead to non-compliance with the legislation and could also lead to animal welfare issues if residents resort to other measures to confine their cats.
16. In addition to the financial impact of the declaration on affected residents, the government currently has limited options to manage cats in the ACT. Under the current Service Funding Agreement with the RSPCA-ACT, the government contributes to the RSPCA-ACT's costs to accept and house up to 1400 cats. The cost of this service is approximately \$300 per cat.
17. The Directorate is preparing a management plan for felines in the ACT. Cat containment will be considered as part of this work and it is anticipated that any future declarations of established areas will be informed by the outcomes of that document. The management plan will also explore options for desexing and improved communication to cat owners about the issues with roaming cats and their impact on native wildlife.

Extent of proposed cat containment area adjacent to the Jerrabomberra Wetlands

18. The extent of the proposed cat containment areas adjacent to the Jerrabomberra Wetlands include land zoned residential, commercial, community facilities, industrial and open space. Attachment C shows the current land-use zoning for the areas adjacent to the wetlands.

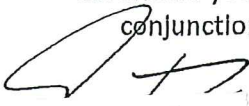
Financial Impacts

19. Nil costs associated with this brief.
20. The feline management plan which is due for completion later this year will explore costs associated with cat containment.
21. The review in the delivery of domestic animal services (Brief 16/152) will explore costs associated with feline management in accordance with the legislation.

Consultation and Media

22. Public consultation on the proposal to declare Casey and the areas adjacent to the Jerrabomberra Wetlands as cat containment areas was undertaken between 1 December 2015 and 12 February 2016. Attachment D provides a summary of the consultation process and, where appropriate, includes TCCS' responses to comments received as part of that process.

23. Should you agree to the declaration, a communication plan will be developed in conjunction with your office.



Ben Ponton

25 July 2016

Contact Officer: Fleur Flanery

Phone: 6207 5486

Domestic Animals (Cat Containment) Declaration 2016 (No 3)

Disallowable instrument DI2016—

made under the

Domestic Animals Act 2000, s 81 (Declaration of cat containment)

1 Name of instrument

This instrument is the *Domestic Animals (Cat Containment) Declaration 2016 (No 3)*.

2 Commencement

- (1) This instrument, other than clauses 4, 5 and 6, commences on the day after the last day when it could have been disallowed by the Legislative Assembly.
- (2) Clause 4 of this instrument commences on 1 January 2017.
- (3) Clause 5 of this instrument commences on 1 January 2019.
- (4) Clause 6 of this instrument commences on 1 January 2019.

3 Declaration of cat containment areas

I declare the following areas of land as cat containment areas:

- (a) the division of Bonner;
- (b) the division of Coombs;
- (c) the division of Crace;
- (d) the division of Denman Prospect;
- (e) the division of Forde;
- (f) the division of Lawson;
- (g) the division of Molonglo;
- (h) the division of Moncrieff;
- (i) the division of Throsby;
- (j) the division of Wright;
- (k) that part of the division of Watson outlined by a bold dotted line on the map at schedule 1 ('The Fair' development).

4 Declaration—Jacka

I declare the division of Jacka as a cat containment area.

5 Declaration—Casey

I declare the division of Casey as a cat containment area.

6 Declaration—Kingston, Griffith and Fyshwick

I declare that parts of the divisions of Kingston, Griffith and Fyshwick, outlined by a bold dotted line on the map at schedule 2, as a cat containment area.

7 Application of cat containment

A cat located within the cat containment areas declared by this instrument must be confined to its keeper's or carer's premises at all times.

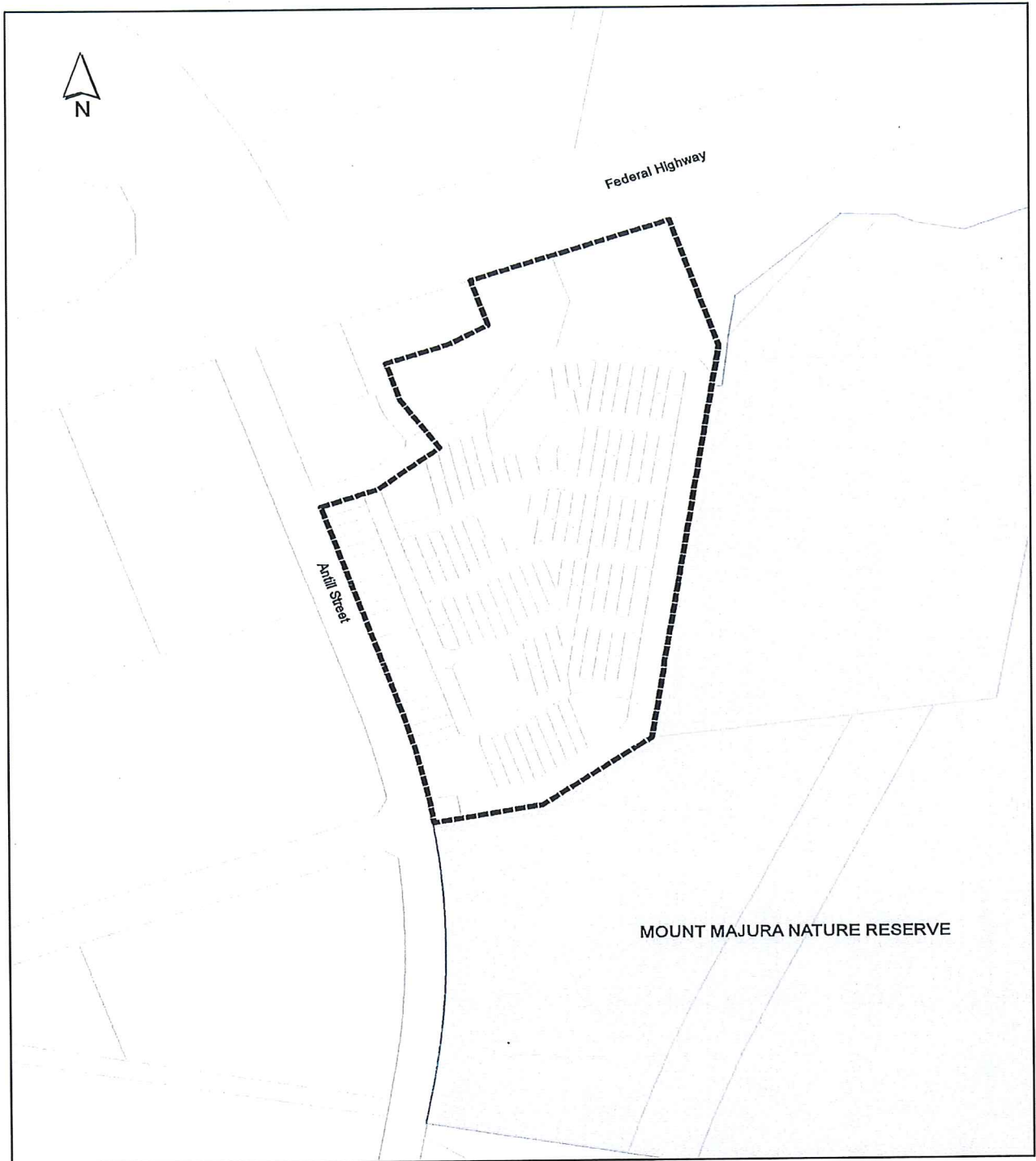
8 Revocation

This instrument revokes the *Domestic Animals (Cat Containment) Declaration 2015 (No 2)* (DI2015-58).

Meegan Fitzharris MLA
Minister for Transport and City Services

July 2016

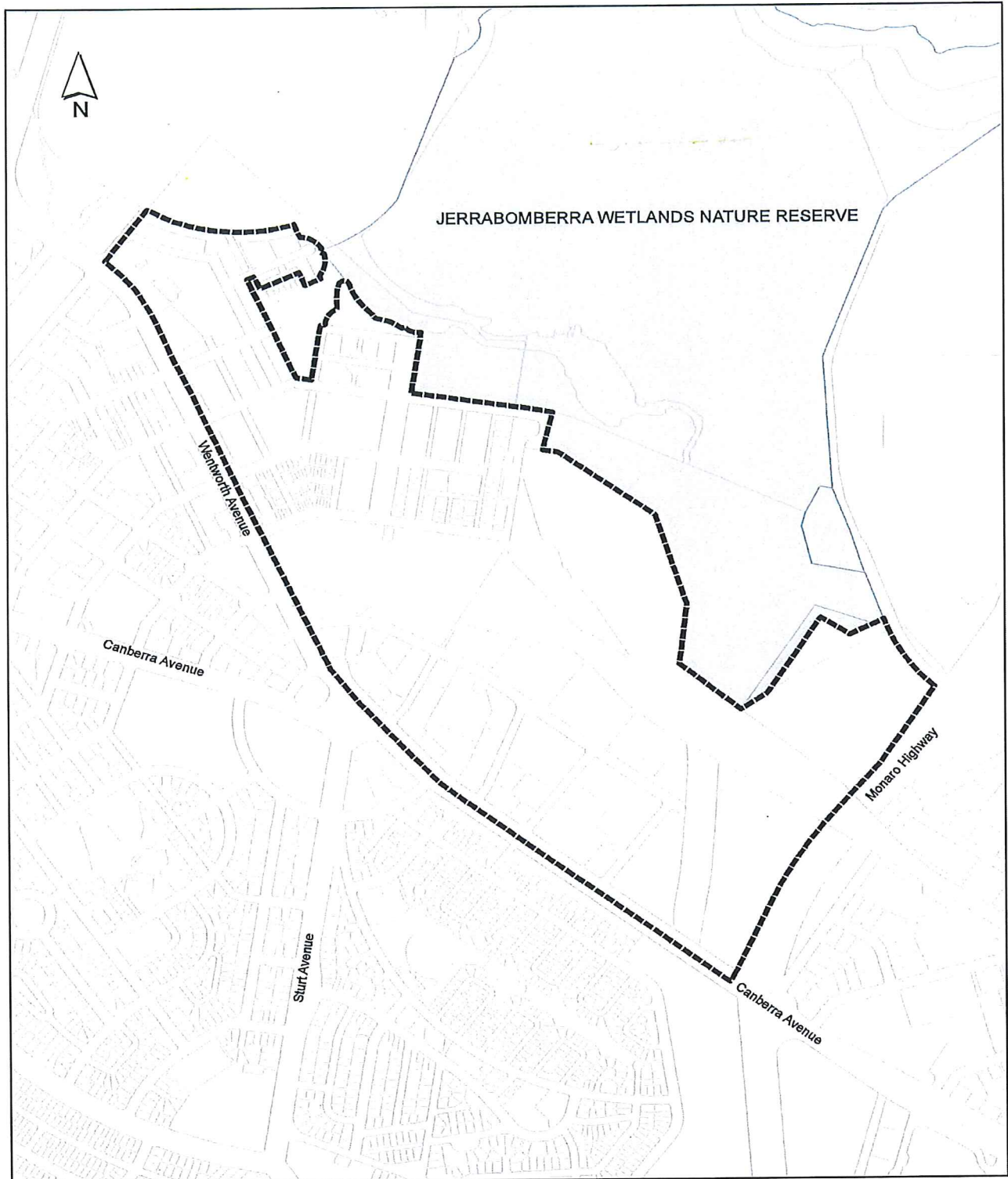
Schedule 1



Cat containment areas
'The Fair' Watson



Schedule 2



Cat containment areas
Parts of the divisions of Kingston, Griffith and
Fyshwick



Australian Capital Territory

Domestic Animals (Cat Containment) Declaration 2016 (No 3)

Disallowable instrument DI2016 —

made under the

Domestic Animals Act 2000, s 81 (Declaration of cat containment)

EXPLANATORY STATEMENT

Section 81 of the *Domestic Animals Act 2000* (the Act) permits the Minister to declare an area as an area where cats must be confined to their keeper's or carer's premises at all times or during stated times. Before declaring a cat containment area, section 81 (1) of the Act requires that the Minister must be satisfied that cats in the area are a serious threat to native flora or fauna in the area.

This declaration updates the list of already-declared cat containment areas with the inclusion of the suburb of Casey and parts of the suburbs Kingston, Griffith and Fyshwick. The Minister is satisfied that cats are a serious threat to native fauna in Casey and Kingston, Griffith and Fyshwick, particularly those parts of Casey adjacent to Kinlyside Nature Reserve and those parts of Kingston Griffith and Fyshwick adjacent to Jerrabomberra Wetlands.

Clause 7 of the declaration provides that cats within declared cat containment areas must be confined to their keeper's or carer's premises at all times.

The declaration has separate commencement dates. The bulk of the instrument commences on the day after the last day when it could have been disallowed by the Legislative Assembly, as required by section 81 (3) (a) of the Act. This commencement date does not include the divisions of Jacka or Casey or the declared parts of Kingston.

The commencement of cat containment in Jacka, Casey and parts of Kingston, Griffith and Fyshwick has been delayed, to allow the current residents of the area time to prepare to implement cat containment measures on their premises.

A later commencement date for declarations of cat containment is provided for in section 81 (3) (b) of the Act.

The declaration revokes the *Domestic Animals (Cat Containment) Declaration 2015 (No 2)* (DI2015-58).

AETmap®

Attachment C:
Proposed extent
of cat
containment area
adjacent to
Wettabomberra
Wetlands



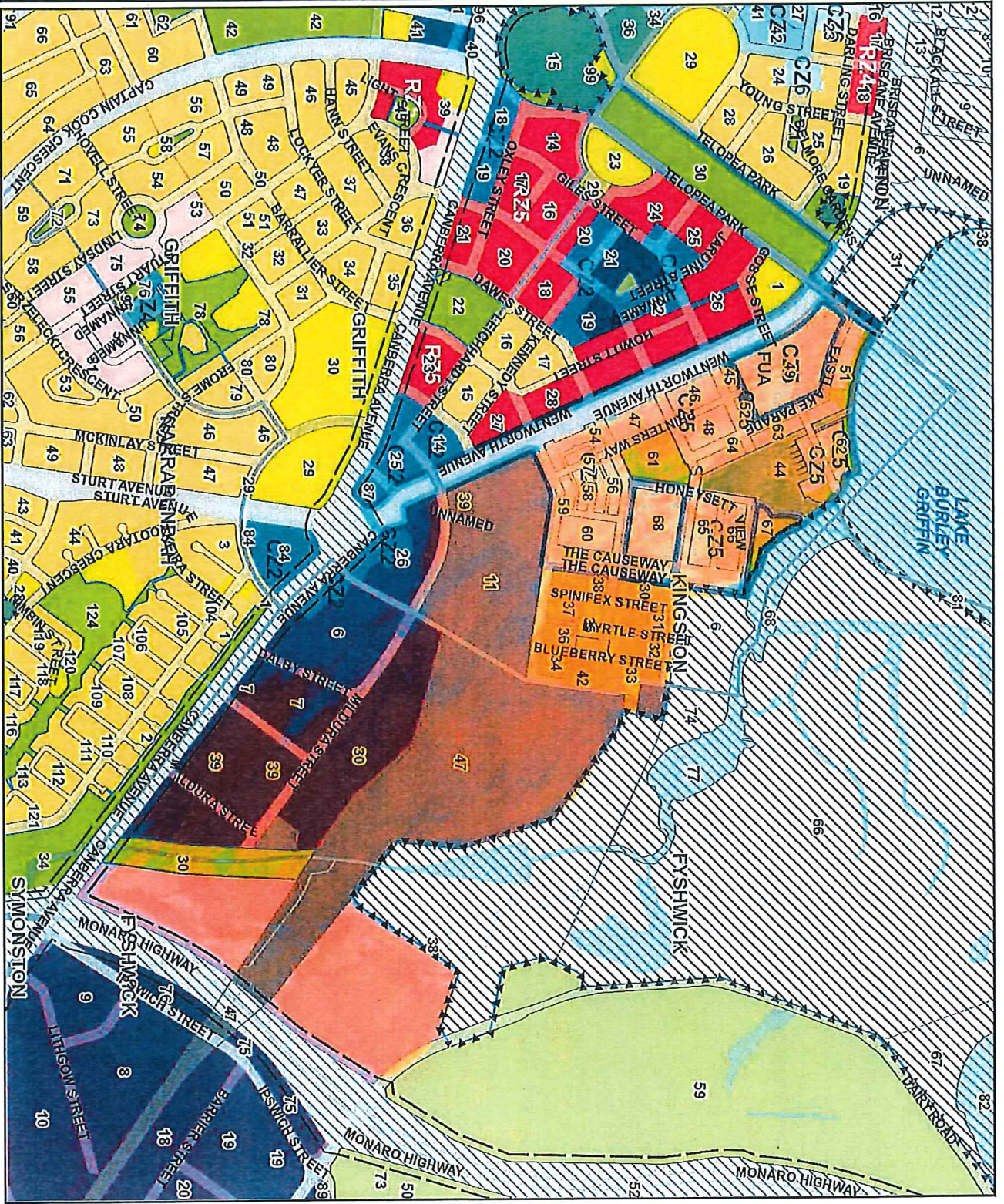
1: 15,000



DISCLAIMER

The map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current or otherwise reliable.

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Legend

- ACT Border
- Districts
- Divisions
- Registered 10-20k
- Approved 10-20k
- Proposed 10-20k
- Reserve - Highway
- Reserve - Rural Arterial
- Reserve - Rural Distributor
- Reserve - Rural Residential
- Reserve - Rural Special
- Reserve - Urban Arterial
- Reserve - Urban Distributor
- Reserve - Urban Exclusive
- Reserve - Urban Residential
- Water Feature
- Water Feature Lines
- Rural Registered Blocks
- Rural Approved Blocks
- Rural Proposed Blocks
- Rural Occupied Blocks
- All Blocks
- RZ2 Label
- RZ3 Label
- RZ4 Label
- RZ5 Label
- CZ2 Label
- CZ3 Label
- CZ4 Label
- CZ5 Label
- CZ6 Label
- OC Intertown Public Transport Route
- Main Avenues and Approach Routes -line
- ▼▲ Public Land - line
- ▲▲▲ Public Land - polygon
- FUA -Future Urban Areas
- S - Special Requirements
- Pa - a wilderness area
- Pb - a national park
- Pc - a nature reserve
- Pd - a special purpose reserve
- Pe - an urban open space
- Pf - a cemetery or burial ground
- Pg - the protection of water supply
- Ph - a lake
- Pi - a sport and recreation reserve
- /// Designated Areas
- Residential - RZ1 - Suburban
- Residential - RZ2 - Suburban Core
- Residential - RZ3 - Urban Residential
- Residential - RZ4 - Medium Density Residential
- Residential - RZ5 - High Density Residential
- Communities Facilities
- Commercial - CZ1 - Core
- Commercial - CZ2 - Business
- Commercial - CZ3 - Services
- Commercial - CZ4 - Local Centre
- Commercial - CZ5 - Mixed Use
- Commercial - CZ6 - Leisure and Accommodation
- Industrial - IZ1 - General Industrial
- Industrial - IZ2 - Industrial Mixed Use
- Urban Parks and Recreation - PRZ1 - Urb Open Spaces
- Urban Parks and Recreation - PRZ2 - Restricted Access Recreation
- Transport and Services - TSZ1 - Transport and Services
- Transport and Services - TSZ2 - Services
- Non Urban - NUZ1 - Broadacre
- Non Urban - NUZ2 - Rural
- Non Urban - NUZ3 - Hills Ridges and Buffers
- Non Urban - NUZ4 - River Corridor
- Non Urban - NUZ5 - Mountain and Bushlands

DISCLAIMER

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Summary of Public Consultation

Consultation

Public consultation for the proposal to declare Casey and areas adjacent to the Jerrabomberra Wetlands cat containment areas was undertaken between 1 December 2015 and 12 February 2016.

Letters advising residents of the consultation process and inviting them to provide comment were delivered to households in the affected areas of Casey, The Causeway and the Kingston Foreshore area.

Community drop-in information sessions were also held for affected residents. These were as follows:

Jerrabomberra Wetlands

- 6 pm to 7 pm, Tuesday 8 December 2015 at The Causeway Community Hall
- 6 pm to 8 pm, Wednesday 9 December 2015 at Eastlake Football Club in Kingston

No residents attended these sessions.

Casey

- 6 pm to 8 pm, Tuesday 15 December 2015 at Gungahlin Library

This session was poorly attended with only four residents from Casey attending. Two were supportive of Casey becoming a cat containment area and two were opposed to it due to concerns about the cost of providing a suitable cat enclosure and the impact this would have on their cats, which were accustomed to being able to roam. They also stated that they had chosen to live in Casey because it was not a cat containment area.

Members of the public were also invited to make comment either by completing the relevant survey, which was also made available at libraries, or by visiting the TCCS website.

A representative of the Conservation Council attended all of the information sessions. The Capital Woodlands and Wetlands Conservation Trust, Friends of the Jerrabomberra Wetlands and the Jerrabomberra Wetlands Management Committee attended the sessions that related to the Jerrabomberra Wetlands. The former Minister for TAMs, Minister Rattenbury attended the session held at the Causeway and - as many of the affected residents in the area are public housing tenants - representatives of Housing and Community Services ACT also attended.

Survey Results

Areas adjacent to the Jerrabomberra Wetlands

- A total of 58 people responded to the survey. Of these 18 (31%) lived in Kingston and the remaining 40 (69%) lived in various suburbs across the ACT. No responses were received from residents of 'The Causeway'.
- A majority of respondents, 41 (70.7%) did not own a cat, 12 respondents (20.7%) owned cats, and the remainder included those that planned to own a cat in the future (2), had owned cats in the past (2) or were allergic to cats (1).

- Of the 58 survey respondents, 33 (57 %) preferred a commencement date of 1 January 2017, 5 (8.6%) preferred a commencement date of 1 July 2017 and 4 (7%) preferred a commencement date of 1 January 2018. Of the remaining 16 residents, 5 (8.6%) stated that cat containment should never commence, 10 (17%) preferred a commencement date of ‘as soon as possible’ or 2016 and one person stated that the commencement date should allow people time to save up to get cat runs installed.
- Only 4 Kingston respondents owned cats. Of these 3 supported the introduction of cat containment in the area with a preferred commencement date of either January 2017, January 2018 or ‘the sooner the better’. One respondent did not support the introduction of cat containment.

Casey

- A total of 157 people responded to the survey. Of these 112 (71.3%) lived in Casey, one respondent was from NSW and the remaining respondents (44) were from various suburbs across the ACT.
- In total, 59 (37.6%) respondents owned cats and 86 (54.8%) did not. The remainder (12) included those that planned to own a cat in the future (9), had previously owned cats (2) or had more than one cat (1).
- Of the 157 survey respondents, 75 (47.8%) preferred a commencement date of 1 January 2017, 36 (22%) stated that cat containment should never be introduced to Casey, 24 (15.3%) stated that cat containment should be introduced either as soon as possible or in 2016, and the remainder suggested various commencement dates including 2020, 2025 or to coincide with the average life expectancy of a cat.
- 44 (39.3%) of the 112 Casey residents owned cats. Of these, 17 (39%) supported Casey becoming a cat containment area in either 2017/2018. Of the remaining 27 residents 20 (61%) stated that cat containment should never be introduced and 7 (16%) residents stated that cat containment should be introduced in either, 2020, 2025, 2026 or to coincide with the average life expectancy of a cat.

A number of Casey residents expressed their frustration that Casey was not declared a cat containment suburb prior to the development of the suburb so that cat owners could make an informed decision about where they lived.

TCCS Response:

Kinlyside reserve, which is adjacent to Casey and the primary reason for considering declaring this area a cat containment area, was not declared a reserve until after the development of the Division of Casey.

Respondents' suggestions for how the government can help residents prepare for cat containment included:

- Government to subsidise cat enclosures
- Desexing all cats in the suburb
- Heavy fines
- More public information in various formats (ie education about the benefits of cat containment and information about cat enclosures)

TCCS Response:

There are currently no programs available to provide financial assistance for the purchase of cat enclosures. In the past Bunnings has held workshops on how to build a cat enclosure.

Under the Domestic Animals Act 2000 all cats must be desexed unless the cat is less than three months old, the cat was born before 21 June 2001 or the keeper of the cat holds a sexually entire permit issued by the Registrar of Domestic Animal Services (DAS).

DAS also works closely with the RSPCA-ACT, which manages stray cats on behalf of the government through a service funding agreement to improve cat de-sexing rates. In addition, Canberra Cat Fix, a non-government organisation, raises funds to subsidise the cost of cat desexing for low income families in Canberra.

In regard to compliance, the Domestic Animal Services (DAS) is responsible for the administration and regulation of the Domestic Animals Act 2000 including cat containment compliance and enforcement. A fine of up to \$1,500 can be issued to cat owners found not complying with cat containment legislation.

TCCS is committed to raising community awareness about cat management issues and continues to promote responsible cat ownership and cat containment through various print and electronic media, including the TCCS website and the government's interactive mapping service, ACTMAPi. In the past, flyers about cat containment have been delivered to households in cat containment areas.

In addition, the Conservation Council (CC) provided a submission in support of the introduction of cat containment across the whole of the ACT by 2025. The CC stated that this approach was more equitable and it would also provide an opportunity to educate the broader ACT community about cat containment. The CC also urged that the ACT Government undertake a more rigorous approach to the management of feral cats.

TCCS Response:

Introduction of cat containment across the whole of the ACT and the management of feral cats cannot be considered as part of this process however, you may wish to discuss these issues with TCCS staff in the future.