

12.2. PUBLIC CONSULTATION – PROPOSAL FOR IMPLEMENTATION OF A CUSTOMER EXPERIENCE CHARTER**REPORT PURPOSE**

The purpose of this report is to present a proposal to Council, initiating a public consultation process, exploring the introduction of a City of Port Lincoln Customer Experience Charter. The goal is to gather community and key stakeholder engagement and input into the proposed Charter goals, timeframes, communication channels and escalation points, aimed at improving customer satisfaction.

RECOMMENDATION

That Council endorse the Draft Customer Experience Charter, as annexed to this report (document 66638), for the purpose of community and stakeholder consultation, with the inclusion of the proposed Customer Experience Goals, key performance indicators pursuant to the Local Government Act 1999 and Council’s Public Consultation and Community Engagement Policy.

12.3. COUNCIL BY LAW REVIEW**REPORT PURPOSE**

The purpose of this report is to update the Council on the scheduled review of City of Port Lincoln’s By-laws and seek approval to undertake public consultation on the draft By-laws.

RECOMMENDATION

That Council:

- 1. Authorise the Chief Executive Officer to refer By-law 5 – Dogs (as attached to the report entitled By-law Review) to the Dog and Cat Management Board for comment in accordance with Section 90(5)(a)-(b) of the Dog and Cat Management Act 1995;**
- 2. Endorse:**
 - **Draft By-law 1 – Permits and Penalties,**
 - **Draft By-law No 2 – Moveable Signs,**
 - **Draft By-law No 3 – Roads,**
 - **Draft By-law No 4 – Local Government Land, and**
 - **Draft By-law No 5 – Dogs, (as attached to the report entitled By-law Review)****for the purposes of public consultation in accordance with Section 249 of the Local Government Act 1999; and that such consultation will commence 21 days after the Chief Executive Officer has complied with resolution no (1); and**
- 3. Authorise the Chief Executive Officer to make copies of the draft by-laws available to the public in accordance with Section 132(1) of the Local Government Act 1999 (by publishing them on a website determined by the Chief Executive Officer and by providing them in printed form to any person, on request) 21 days after complying with resolution no (1).**

12.3 BY-LAW REVIEW

| REPORT INFORMATION | | | | | | | | | |
|--|---|--------|--|-------------|------------------|--------|---------------|--------|-------|
| Report Title | By-Law Review | | | | | | | | |
| Document ID | 66621 | | | | | | | | |
| Organisational Unit | Corporate & Community | | | | | | | | |
| Responsible Officer | Manager Governance, Risk & Communications - Tamara Charman | | | | | | | | |
| Report Attachment/s | Yes Attachment 66364 - Draft By-Law 1 – Permits & Penalties Attachment 66365 - Draft By-Law 2 – Moveable Signs Attachment 66396 - Draft By-Law 3 – Roads Attachment 66399 - Draft By-Law 4 – Local Government Land Attachment 66400 - Draft By-Law 5 - Dogs | | | | | | | | |
| REPORT PURPOSE | | | | | | | | | |
| The purpose of this report is to update Council on the scheduled review of City of Port Lincoln's By-laws and seek approval to undertake public consultation on the draft By-laws. | | | | | | | | | |
| REPORT DECISION MAKING CONSIDERATIONS | | | | | | | | | |
| Council Role | Regulate - Specific role in response to legislation and compliance - direct, specific or general in nature (such as duty of care) | | | | | | | | |
| Strategic Alignment | SDP GOAL: Goal 3: Governance and Leadership SDP ACTION: Not Applicable | | | | | | | | |
| Annual Business Plan 2023/24 | ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable | | | | | | | | |
| Annual Business Plan 2024/25 | ABP INITIATIVE: By-law review ABP PROJECT: Not Applicable | | | | | | | | |
| Legislation | Local Government Act 1999 | | | | | | | | |
| Policy | Choose an item. | | | | | | | | |
| Budget Implications | As per approved budget <table border="1" data-bbox="625 1693 1388 1769"> <thead> <tr> <th>DESCRIPTION</th> <th>BUDGET AMOUNT \$</th> <th>YTD \$</th> </tr> </thead> <tbody> <tr> <td>By-Law Review</td> <td>15,000</td> <td>3,284</td> </tr> </tbody> </table> Budget assessment comments: | | | DESCRIPTION | BUDGET AMOUNT \$ | YTD \$ | By-Law Review | 15,000 | 3,284 |
| DESCRIPTION | BUDGET AMOUNT \$ | YTD \$ | | | | | | | |
| By-Law Review | 15,000 | 3,284 | | | | | | | |
| Risk Implications | Low Risk | | | | | | | | |
| Resource Implications | This is a planned resource allocation | | | | | | | | |
| Public Consultation | Yes - Mandatory | | | | | | | | |
| IAP2 Commitment | CONSULT - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public feedback input has influenced the decision. | | | | | | | | |

OFFICER'S RECOMMENDATION**That Council:**

- 1. Authorise the Chief Executive Officer to refer By-law 5 – Dogs (as attached to the report entitled By-law Review) to the Dog and Cat Management Board for comment in accordance with Section 90(5)(a)-(b) of the Dog and Cat Management Act 1995;**
- 2. Endorse:**
 - **Draft By-law 1 – Permits and Penalties,**
 - **Draft By-law No 2 – Moveable Signs,**
 - **Draft By-law No 3 – Roads,**
 - **Draft By-law No 4 – Local Government Land, and**
 - **Draft By-law No 5 – Dogs, (as attached to the report entitled By-law Review)**

for the purposes of public consultation in accordance with Section 249 of the Local Government Act 1999; and that such consultation will commence 21 days after the Chief Executive Officer has complied with resolution no (1); and
- 3. Authorise the Chief Executive Officer to make copies of the draft by-laws available to the public in accordance with Section 132(1) of the Local Government Act 1999 (by publishing them on a website determined by the Chief Executive Officer and by providing them in printed form to any person, on request) 21 days after complying with resolution no (1).**

REPORT DETAIL

Council is undertaking a review of its By-laws and has engaged Norman Waterhouse Lawyers to assist with the process. The review has commenced on the basis that Council's current suite of By-Laws will expire on 1 January 2026 pursuant to section 251 of the *Local Government Act 1999*.

On 13 February 2025, Elected Members were invited to a By-law review Workshop, presented by Paul Kelly from Norman Waterhouse Lawyers and the following subjects were discussed:

- An overview of the by-laws and their role within the broader legislative framework;
- The process and legislative requirements relating to the review; and
- Scenarios demonstrating how by-laws may be applied.

Further to the workshop held for Elected Members on Thursday 13 February 2025, the process to adopt the new By-Laws is as follows:

1. The proposed By-laws must first be released for public consultation. Any By-law dealing with the management of dogs and/or cats must be referred to the Dog and Cat Management Board for comment;
2. Public consultation cannot occur until 21 days after referring the by-laws to the Dog and Cat Management Board;
3. The proposed By-laws are to be finalised for adoption after consideration of the outcome of the consultation and referral processes;
4. Should further changes be required to the By-laws, Council must undertake further public consultation;

5. Once finalised, the By-laws will be presented to Council at a subsequent Council meeting for adoption;
6. Before adopting new By-laws, Council must first:
 - Obtain and have regard to certificates of validity from a legal practitioner that confirm the By-laws are within Council's power under the Local Government Act 1999 and are not in conflict with that Act; and
 - A report addressing the impacts of the proposed By-laws;
7. Once the new By-laws have been adopted, they must be published in the Government Gazette and a notice that they have been made must be published in the local newspaper; and
8. The By-Laws must be referred to the Legislative Review Committee of Parliament for scrutiny pursuant to *the Legislative Instruments Act 1978*.

Having regard to the above, Council's lawyers have provided the following proposed By-Laws for Elected Members review and endorsement for consultation Purposes:

- By-Law No.1 – Permits & Penalties
- By-Law No.2 – Moveable Signs
- By-Law No.3 – Roads
- By-Law No.4 – Local Government Land
- By-Law No.5 – Dogs

The By-laws are contained in **Attachments 1-5** to this report.

It is the Administration's view that a By-law dealing with cats is not introduced at this time. The State government is currently working through the legislative framework in relation to cats, and as such, it is recommended that Council await these outcomes before implementing a By-law.

The proposed By-laws are based on Council's existing By-laws and include amendments as necessary to address legislative changes that have occurred since the current By-laws were adopted. The administration is satisfied that the proposed By-laws will meet the needs of Council now and into the future, and are reasonably capable of enforcement.

The proposed timeline for the statutory referrals and public consultation are as follows:

- Referral to the Dog & Cat Management Board:
Tuesday 18 March 2025 – Tuesday 8 April 2025;
- Public consultation period:
Thursday 10 April 2025 – Friday 2 May 2025.

A further report will be presented to Council at its meeting on 19 May 2025 to receive and consider the results of the public consultation, and if appropriate at that time, adopt the proposed by-laws.

To ensure that new By-laws commence operation before the existing By-laws expire, it is necessary for the By-laws to be adopted by Council and published in the Government Gazette no later than 31 August 2025.



Doc 66364

By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

To provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2025*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;

3.1.2 **Council** means the City of Port Lincoln;

3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;

3.1.4 **driver** of a vehicle means the person driving the vehicle;

3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;

3.1.6 **person** includes a natural person, a body corporate or incorporated association;

3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;

3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules* and includes a motor vehicle.

3.2 In this by-law:

3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;

3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. **Construction**

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. **Council May Grant Permits**

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

5.1 the permit must be in writing;

5.2 a person may apply for permission by:

5.2.1 making a written application for permission to the Council or its duly authorised agent;

5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;

5.3 the Council may at its discretion:

5.3.1 provide that the permit applies for a particular term;

5.3.2 attach conditions to the permit the Council considers appropriate;

5.3.3 change or revoke a condition, by notice in writing; or

5.3.4 add new conditions, by notice in writing;

5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;

5.5 the Council may revoke a permit, by notice in writing, if:

5.5.1 the holder of the permit fails to comply with a condition attached to it;
or

5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;

5.6 the Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;

- 5.7 a person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
- 5.7.1 the person pays the permit fee (if any) by (as the case may be) by:
- 5.7.1.1 credit or debit card; or
- 5.7.1.2 such other method of payment that may be approved by the Council by resolution;
- 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

Part 3 – Enforcement

6. Penalties

- 6.1 A person who contravenes or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or
- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).

- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
 - 7.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this paragraph 7 as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - 7.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the statutory declaration knowing it to be false in a material particular.
- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
 - 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or Information, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- 7.10 A statutory declaration made under this paragraph must be made in a manner and form approved by the Council.
- 7.11 A person must not, in making a statutory declaration for the purposes of this paragraph, make a statement that is false or misleading in a material particular.

8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

Part 4 – Miscellaneous

9. Revocation

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 5 July 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Port Lincoln held on the day of 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Eric Brown
Chief Executive Officer



By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2025

By-law No. 2 of 2025

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2025*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 **'A' frame sign** means a moveable sign that is hinged or joined at the top and is of such construction that its sides are securely fixed or locked in position when in position, and includes a sandwich board sign or inverted 'T' sign;

3.2 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure, but does not include an 'A' frame sign;

3.3 **event** has the same meaning as in Section 33 of the *Road Traffic Act 1961*;

3.4 **footpath** means:

3.4.1 a footway, lane or other place made or constructed for the use of pedestrians; or

3.4.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;

3.5 **local government land** has the same meaning as in the *Local Government Act 1999*;

- 3.6 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **road related area** has the same meaning as in the *Road Traffic Act 1961*;
- 3.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Moveable Signs on Roads

4. 'A' Frame Signs

A person may, without permission, display an 'A' frame sign on a road provided that it complies with subparagraphs 4.1, 4.2, 4.3 and 4.4. of this by-law.

4.1 Design and Construction

An 'A' frame sign displayed on a road must:

- 4.1.1 be constructed so as not to present a hazard to any member of the public;
- 4.1.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.1.3 not be unsightly or offensive in appearance;
- 4.1.4 not contain flashing or moving parts;
- 4.1.5 be not more than 90cm high, 60cm in width or 60cm in depth;
- 4.1.6 in the case of an inverted 'T' sign, contain no struts or members that run between the display area of the sign and the base of the sign.

4.2 Placement

An 'A' frame sign displayed on a road must:

- 4.2.1 not be placed anywhere except on the footpath;
- 4.2.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.5 metres wide;
- 4.2.3 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 4.2.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 4.2.5 not be placed on a designated parking area;
- 4.2.6 not be placed within 1 metre of an entrance to any premises;

- 4.2.7 not be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
- 4.2.8 not be placed in a position that puts the safety of any person at risk;
- 4.2.9 not be placed on a median strip, roundabout, traffic island or on a carriageway; and
- 4.2.10 not be placed within 10 metres of an intersection of a road.

4.3 **Restrictions**

An 'A' frame sign displayed on a road must:

- 4.3.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 4.3.2 be limited to one per business premises;
- 4.3.3 not be displayed unless the business to which it relates is open to the public;
- 4.3.4 be securely placed in position such that it cannot be blown over or swept away;
- 4.3.5 not be displayed during the hours of darkness unless it is clearly visible.

4.4 **Appearance**

An 'A' frame sign displayed on a road must:

- 4.4.1 be painted or otherwise detailed in a competent and professional manner;
- 4.4.2 be legible and simply worded to convey a precise message;
- 4.4.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 4.4.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
- 4.4.5 not have any balloons, flags, streamers or other things attached to it.

5. Banners and Signs

A person must not, without permission, display a banner or sign on any road or road related area.

5.1 Design and Construction

A banner or sign must:

- 5.1.1 only be displayed on a road or road related area;
- 5.1.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 5.1.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 5.1.4 be constructed so as not to present a hazard to any member of the public;
- 5.1.5 not be unsightly or offensive in appearance;
- 5.1.6 not contain flashing or moving parts;
- 5.1.7 not exceed 2m² in size;

5.2 Placement

A banner or sign displayed on a road must:

- 5.2.1 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.2.2 not be placed on a landscaped irrigated area;
- 5.2.3 not be placed on a designated parking area;
- 5.2.4 not be placed within 1 metre of an entrance to any premises;
- 5.2.5 not be placed in a position that puts the safety of any person or road user at risk;
- 5.2.6 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.2.7 not be placed within 50 metres of an intersection of a road with a posted speed limit of not more than 60km/h;
- 5.2.8 not be placed within 80 metres of an intersection of a road with a posted speed limit of more than 60km/h but less than 100km/h; and

- 5.2.9 if advertising an event, not be displayed more than 21 days before and two days after the event it advertises.

5.3 Appearance

A banner or sign displayed on a road must:

- 5.3.1 be printed or otherwise detailed in competent and professional manner;
- 5.3.2 be legible and simply worded to convey a precise message;
- 5.3.3 not have any balloons, flags, streamers or other things attached to it.

Part 3 – Moveable Signs on Local Government Land

6. Requirement to Obtain Permission

A person must not, without the Council's permission display or cause to be displayed a moveable sign on any local government land or resting on or attached to a vehicle on any local government land except a moveable sign:

- 6.1 attached to a licensed taxi;
- 6.2 on or attached to a vehicle belonging to any Council and which has been placed on or attached to the vehicle with the consent of the Council to which the vehicle belongs;
- 6.3 on or attached to a bus greater than 6 m in length;
- 6.4 on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of which is to identify it as belonging to a business; and

Part 4 – Enforcement

7. Removal of Unauthorised Moveable Signs

- 7.1 If:
 - 7.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of sections 226 or 226A of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
 - 7.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
 - 7.1.3 a moveable sign is removed under subparagraph 7.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.

- 7.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 7.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

8. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the reasonable request of an authorised person if:

- 8.1 in the reasonable opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 8.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 5 – Miscellaneous

9. Specified Exemptions

- 9.1 This by-law does not apply to a moveable sign which:
- 9.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
 - 9.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
 - 9.1.3 directs people to a garage sale that is being held on residential premises;
 - 9.1.4 is related to a State or Commonwealth election and is otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;
 - 9.1.5 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*;
 - 9.1.6 is related to a referendum and is displayed during the course and for the purpose of that referendum;
 - 9.1.7 is displayed with permission of the Council and in accordance with any conditions attached to that permission;
 - 9.1.8 is a sign of a class prescribed in regulations; or
 - 9.1.9 directs people to a charitable function.

- 9.2 Paragraphs 4.2.6, 4.3.2, 4.3.3 and 5.2.4 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

10. **Revocation**

Council's *By-law No. 2 – Moveable Signs*, published in the *Gazette* on 5 July 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Port Lincoln on the day of 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Eric Brown
Chief Executive Officer



By-law made under the Local Government Act 1999

ROADS BY-LAW 2025

By-law No. 3 of 2025

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2025*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law, unless the contrary intention appears:

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan, vehicle or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 3.3 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.4 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.6 **road** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of the Council:

4.1 Advertising

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2025*;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Bicycles

chain, lock or affix a bicycle to any pole, fence or other structure on a Road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;

4.5 Bridge Jumping

jump or dive from any bridge or other structure;

4.6 Camping

4.6.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.6.2 camp or sleep overnight;

4.6.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;

4.7 Canvassing

convey any advertising, religious or other message to any bystander, passerby or other person;

4.8 Donations

ask for or receive or indicate that they desire a donation of money or any other thing;

4.9 Preaching

preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.10 Public Exhibitions and Displays

4.10.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.10.2 conduct or hold any concert, festival, public gathering, show, street party, circus, performance or any other similar activity;

4.10.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;

4.10.4 cause any public exhibitions or displays;

4.11 Touting for Business

tout for business;

4.12 Use of Council Rubbish Bins

deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;

4.13 Working on Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

Part 3 – Miscellaneous**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

5.1 that person's use of the road;

5.2 that person's conduct and behaviour on the road;

5.3 that person's safety on the road;

5.4 the safety and enjoyment of the road by other persons.

6. Removal of Animals

If any animal is found on a road in breach of this by-law:

- 6.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 6.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or if no person is in charge of the animal.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 7.2 The restrictions in paragraph 4.7, 4.9 and 4.10 of this by-law do not apply to:
 - 7.2.1 electoral matters related to a State or Commonwealth election that are otherwise authorised to be exhibited under Sections 226 and 226A of the Local Government Act 1999 or the Electoral Act 1985;
 - 7.2.2 electoral matters related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that are otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or
 - 7.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.

8. Revocation

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 5 July 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Port Lincoln held on the day of 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Eric Brown
Chief Executive Officer



By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2025

By-law No. 4 of 2025

For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2025*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 3.4 **camp** includes setting up a camp, or cause a tent, caravan, vehicle or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.5 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.6 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;

- 3.7 **e-cigarette** means:
- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
 - 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.10 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.10.1 a road;
 - 3.10.2 a section;
 - 3.10.3 a public reserve; or
 - 3.10.4 land comprised in a land grant, Crown Land or Crown License;
- 3.11 **funeral ceremony** means a ceremony only (ie a memorial service) and does not include a burial;
- 3.12 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.13 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.14 **livestock** has the same meaning as defined in the *Livestock Act 1997* but does not include a dog or cat;
- 3.15 **local government land** has the same meaning as in the *Local Government Act 1999* and includes the foreshore but does not include any road;
- 3.16 **low water mark** means the lowest meteorological tide;
- 3.17 **model aircraft** includes a drone;
- 3.18 **ocean** means that part of the foreshore comprising water;
- 3.19 **open container** means a container which:
- 3.19.1 after the contents thereof have been sealed at the time of manufacture and:
 - (a) being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);

- (b) being a can, it has been opened or punctured;
- (c) being a cask, has had its tap placed in a position to allow it to be used;
- (d) being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or

3.19.2 is a flask, glass or mug or other container used for drinking purposes;

3.20 **personal watercraft** means a device that:

3.20.1 is propelled by a motor; and

3.20.2 has a fully enclosed hull; and

3.20.3 is designed not to retain water if capsized; and

3.20.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,

and includes the device commonly referred to as a jet ski;

3.21 **smoke** means:

3.21.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or

3.21.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;

3.22 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;

3.23 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);

3.24 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council, but does not include the ocean;

3.25 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

4.1 Access to Waters

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* enter any waters, or swim or use a boat in or on waters except:

4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is permitted; and

4.1.2 in accordance with any condition stated in the sign;

4.2 Advertising & Signage

4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2025*;

4.2.2 erect, install, place or display a variable message sign;

4.3 Aircraft

subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land;

4.4 Alteration to Local Government Land

make an alteration to the land, including:

4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or

4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or

4.4.3 changing or interfering with the construction, arrangement or materials of the land; or

4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or

4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

4.4.6 erect, place, use or allow any object to remain;

4.5 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

4.6 **Animals**

4.6.1 other than the foreshore:

- (a) ride, lead or drive any livestock, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;
- (b) cause or allow any livestock to stray onto, move over, graze or be left unattended on any land;
- (c) cause or allow any animal under their control to swim or bathe in the any waters to which the Council has resolved this subparagraph shall apply;

4.6.2 release or leave any animal;

4.7 **Attachments**

attach anything to:

4.7.1 a tree or plant; or

4.7.2 a structure or fixture;

4.8 **Aquatic Life**

take, interfere with, introduce or disturb any aquatic life in any waters to which the Council has resolved this subparagraph shall apply;

4.9 **Bees**

place, or allow to remain, any bee hive;

4.10 **Boats and Mooring**

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

4.10.1 launch or retrieve a boat to or from any waters adjacent to or on any local government land or foreshore to which the Council has determined this subclause applies;

4.10.2 hire or offer for hire a boat, raft, pontoon or other watercraft or otherwise use such devices for commercial purposes;

4.10.3 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;

4.10.4 propel, float, install, maintain or otherwise use any boat, raft, pontoon, steps, jetty or other watercraft or similar structure on any waters;

4.10.5 launch or operate a model boat on any waters;

- 4.10.6 moor any boat on or to local government land to which the Council has determined this subclause applies; or
- 4.10.7 moor any boat on or to local government land or the foreshore other than in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon;

4.11 Boat Ramps

- 4.11.1 allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;
- 4.11.2 launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on local government land to which the Council has determined this subparagraph applies;
- 4.11.3 launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on local government land as determined by the Council under subparagraph 4.11.2, other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp;

4.12 Bridge Jumping

jump from or dive from a bridge or jetty;

4.13 Buildings & Structures

- 4.13.1 erect or install a building;
- 4.13.2 use a building or structure other than for its intended purpose;

4.14 Camping

- 4.14.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

- 4.14.2 camp or sleep overnight;

except where a sign or signs erected by the Council indicate that camping on the land is permitted or where the person is in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land);

4.15 Cemeteries

Comprising a cemetery:

- 4.15.1 bury or inter any human or animal remains;
- 4.15.2 erect any memorial;

4.16 Closed Lands

enter or remain on any part of the land:

- 4.16.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or
- 4.16.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or
- 4.16.3 where admission charges are payable, without paying those charges;

4.17 Defacing Property

deface, paint, write, cut marks or affix bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council;

4.18 Distribution

distribute anything to any bystander, passerby or other person;

4.19 Donations

ask for or receive or indicate that they desire a donation of money or any other thing;

4.20 Fires

light any fire except:

- 4.20.1 in a place provided by the Council for that purpose; or
- 4.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and
- 4.20.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.21 Fireworks

discharge any fireworks;

4.22 Fishing

- 4.22.1 fish, including with a hand spear or spear gun in any waters to which the Council has resolved this subparagraph shall apply; or
- 4.22.2 fish from any bridge or other structure to which the Council has resolved this subparagraph shall apply;

4.23 Flora, fauna and other living things

subject to the *Native Vegetation Act 1991*, *Landscape South Australia Act 2019* and the *National Parks and Wildlife Act 1972*:

- 4.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 4.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 4.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 4.23.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 4.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds except in any community garden;
- 4.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 4.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 4.23.8 collect or burn any timber or dead wood

with the exception that subparagraphs 4.23.4 and 4.23.7 do not apply to lawful fishing activity;

4.24 **Funerals, burials and scattering ashes**

- 4.24.1 bury, inter or scatter the ashes of any human or animal remains;
- 4.24.2 erect any memorial;
- 4.24.3 conduct or participate in a funeral ceremony;

on land to which the Council has resolved this subparagraph will apply;

4.25 **Golf**

play or practice golf, except on local government land where a nearby sign erected by the Council states that the playing or practicing of golf is permitted;

4.26 **Lighting**

- 4.26.1 use or operate any fixed floodlight;
- 4.26.2 use or operate any portable floodlight between sunset and sunrise on land to which the Council has resolved this subparagraph shall apply;

4.27 **Model aircraft, boats and cars**

- 4.27.1 subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft, model boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on

or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;

- 4.27.2 fly or operate a model aircraft, model boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;

4.28 No Liquor

- 4.28.1 consume, carry or be in possession or charge of any liquor on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);
- 4.28.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);

4.29 Overhanging Articles

suspend or hang an article or object from a building, verandah, pergola, post or other structure on local government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature;

4.30 Playing Games

- 4.30.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 4.30.2 promote, organise or take part in any organised athletic sport in any area to which the Council has resolved this subparagraph shall apply;
- 4.30.3 play any organised competition sport, as distinct from organised social play, in any area to which the Council has resolved this subparagraph shall apply;
- 4.30.4 engage or participate in or conduct any organised group fitness activity or training on local government land to which the Council has resolved this subparagraph applies;

4.31 Pontoons

install or maintain a pontoon, steps, jetty or similar structure in any waters;

4.32 Preaching and Canvassing

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.33 Public Exhibitions and Displays

- 4.33.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.33.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.33.3 erect or inflate any inflatable castle;
- 4.33.4 cause any public exhibitions or displays;

4.34 Removing and Depositing

carry away or deposit any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;

4.35 Ropes

place a buoy, cable, chain, hawser, rope or net in or across any waters;

4.36 Rubbish and Rubbish Dumps

- 4.36.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump;
- 4.36.2 remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any local government land, or placed on local government land for collection by the Council (or its agent);

4.37 Selling, Hiring, Leasing

sell, offer or display anything for sale, hire or lease;

4.38 Skateboards and Small Wheeled Devices

subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard, e-scooters, wheeled recreational device, segways, other motorised transport or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;

4.39 Swimming

subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or bathe in any waters on local government land except:

- 4.39.1 in an area which the Council has designated and set aside for such purposes; and
- 4.39.2 in accordance with any conditions that the Council may have determined by resolution apply to such use, which are exhibited on any signage on land adjoining the body of water;

4.40 Trading

- 4.40.1 sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing;
- 4.40.2 carry on any business or promote or advertise the same;
- 4.40.3 set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing;

4.41 Vehicles

- 4.41.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- 4.41.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 4.41.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;

4.42 Weddings, Functions and Special Events

- 4.42.1 hold, conduct or participate in a marriage ceremony, funeral or special event;
- 4.42.2 erect a marquee, stage or structure;
- 4.42.3 conduct any commercial filming;

on land to which the Council has resolved this subparagraph will apply;

4.43 Wetlands

subject to the *Landscape South Australia Act 2019*, where that land constitutes a wetland:

- 4.43.1 operate a model boat;
- 4.43.2 fish, or take any aquatic creature;
- 4.43.3 introduce any fish or aquatic creature;
- 4.43.4 take or draw water;

4.44 **Working on Vehicles**

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. **Prohibited Activities**

A person must not, on any local government land:

5.1 **Animals**

- 5.1.1 cause or allow any animal to enter, swim, bathe, or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 5.1.2 allow an animal in that persons control, charge or ownership to damage Council property;
- 5.1.3 lead, drive, or exercise any horse or other animal in such a manner as to endanger the safety of any other person;

5.2 **Annoyances**

unreasonably annoy or interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the Council;

5.3 **Children's Playgrounds**

use any device, equipment or apparatus installed in a children's playground if that person is of or over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;

5.4 **Fish**

deposit or leave any dead fish (in part or whole) or offal;

5.5 **Glass**

wilfully break any glass, china or any other brittle material;

5.6 **Interference with Permitted Use**

interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;

5.7 **Sand Dunes**

- 5.7.1 destabilise sand on a sand dune;
- 5.7.2 destroy, remove or cause interference to any live or dead vegetation within a sand dune, costal slope or coastal cliff;

- 5.7.3 introduce non-indigenous flora or fauna or dump any material in a sand dune;
- 5.7.4 use a sand board or other item to slide down a sand dune, coastal slope or cliff;
- 5.7.5 ride a horse on a sand dune or coastal slope;
- 5.7.6 carry out an activity on a sand dune, coastal slope or cliff that may threaten its integrity;

5.8 **Smoking**

smoke any substance:

- 5.8.1 in any building or part of any building; or
- 5.8.2 on any local government land;

to which the Council has resolved this subparagraph shall apply;

5.9 **Swim**

swim, dive, scuba dive or snorkel in any waters to which the Council has determined this subparagraph applies;

5.10 **Toilets**

in any public convenience:

- 5.10.1 smoke any substance;
- 5.10.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.10.3 use it for a purpose or manner for which it was not designed or constructed;
- 5.10.4 subject to clause 5.10.5, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;

5.10.5 clause 5.10.4 does not apply:

- (a) in a genuine emergency; or
- (b) to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or
- (c) to a person that is intersex, transgender or gender diverse; or
- (d) to a person with a disability; or
- (e) to a person assisting a person with a disability;

5.11 Use of Council Rubbish Bins

deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;

5.12 Use of Equipment

use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside.

Part 3 – Miscellaneous**6. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the land;
- 6.2 that person's conduct and behaviour on the land;
- 6.3 that person's safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

7. Removal of Animals and Exclusion of Persons

7.1 If any animal is found on local government land in breach of this by-law:

- 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if the authorised person reasonably believes that no person is in charge of the animal.

7.2 An authorised person may direct any person who is reasonably considered to be committing, or has committed, a breach of this by-law to leave local government land.

8. Removal of Encroachment or Interference

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

- 8.1 cease the encroachment or interference; and
- 8.2 remove the source of the encroachment or interference; and
- 8.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

9. Council May do Work

If a person:

9.1 fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 8 of this by-law; or

9.2 intentionally or negligently damages local government land,

an authorised person may:

9.3 undertake the work to comply with the request pursuant to paragraph 8 and/or repair the damage; and

9.4 recover the cost of completing the work from the person.

10. Exemptions

10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.

10.2 The restrictions in paragraph 4.2.2, 4.5, 4.7.2, 4.17, 4.18, 4.33.1, 4.33.2 and 4.33.4 of this by-law do not apply to:

10.2.1 electoral matters related to a State or Commonwealth election that are otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;

10.2.2 electoral matters related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that are otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or

10.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.

11. Application

Any of paragraphs 4.6.1(c), 4.8, 4.10.1, 4.10.6, 4.11.2, 4.22, 4.24, 4.26.2, 4.27.2, 4.28, 4.30.2, 4.30.3, 4.30.4, 4.38, 4.42, 5.8 and 5.9 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *By-law No. 4 – Local Government Land*, published in the *Gazette* on 5 July 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Port Lincoln on the day of 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Eric Brown
Chief Executive Officer

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*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

DOGS BY-LAW 2025

By-law No. 5 of 2025

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2025*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;

- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
 - 3.7.1 by means of a physical restraint;
 - 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.11 **reserve** has the same meaning as in the *Local Government Act 1999*;
- 3.12 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Prohibited Areas

- 4.1 A person must not on any local government land to which this paragraph applies allow a dog in that person's control to be in or remain in that place unless the dog is an assistance dog;
- 4.2 A person must not allow a dog under that person's control to be or remain on any local government land that has been identified as a Hooded Plover breeding site by a temporary fenced exclusion zone with a sign at least 50 metres away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 5.2 on any park or reserve during times when organised sport, training or other community event is being conducted;
- 5.3 within 5 metres of children's playground equipment;
- 5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

6. Dog Exercise Areas

- 6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 8 for the purpose of exercising a dog under his or her control.
- 6.2 Where a person enters upon such part of local government land for that purpose, they must ensure that the dog under their control remains under effective control while on that land.

7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs kept on any premises shall be two dogs.
- 7.2 A person must not, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit unless the premises is an approved kennel establishment.

Part 3 – Miscellaneous

8. Application

Any of paragraphs 4.1, 5.1 and 6.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the *Local Government Act 1999* and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.

9. Revocation

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 5 July 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Port Lincoln held on the day of 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Eric Brown
Chief Executive Officer