

12.2. DETERMINATION OF THE AREAS TO WHICH SPECIFIC PROVISIONS OF THE BY-LAWS APPLY**REPORT PURPOSE**

The purpose of this report is for Council to determine areas to which specific provisions of the 2025 suite of By-Laws apply, to come into effect on the same day as the new By-Laws, being 29 September 2025.

RECOMMENDATION**By-law 4 – Local Government Land**

That Council:

1. Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and Clause 11 – Application of By-law 4 – Local Government Land 2025 resolve that:
 - a. Clause 4.24 shall apply to all local government land, excepting land defined as a cemetery, natural burial ground or crematorium under the Burial and Cremation Act 2013;
 - b. Clause 4.26.2 shall apply to all local government land;
 - c. Clause 4.43 shall apply to all local government land.

By-law 5 – Dogs

That Council:

2. Pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, and Clause 8 – Application of By-law 5 – Dogs resolve that:
 - a. Clause 4.1 – Dog Prohibited Areas, shall apply to all children’s playgrounds, in addition to the following areas:
 - i. Centenary Oval between 8.30am and 5.00pm Monday to Friday AND when there is organised sport or training or other community event;
 - ii. Ravendale Sports Complex (all areas within complex boundaries), when there is organised sport or training or other community event;
 - iii. Poole Oval, when there is organised sport or training or other community event;
 - iv. Kirton Oval Soccer Grounds, when there is organised sport or training or other community event.
 - b. Clause 5.1 Dog on Leash Areas, shall apply to the following areas:
 - i. Central Business District Area Roads and Footpaths between Bishop and Eyre Streets and Tasman Terrace and Liverpool Street/Hallett Place;
 - ii. Port Lincoln Foreshore between mean low water mark and Tasman Terrace (beach and lawns), from the carpark adjacent to the beach (aligned with the bend in Bishop Street) to the silos, between 8.30am and sunset
 - iii. Altair Crescent Playground Reserve;
 - iv. Train Playground, New West Road;
 - v. Rustlers Gully Reserve;

- vi. **Wellington Square Reserve;**
 - vii. **Flinders Park (all of park);**
 - viii. **Puckridge Park (areas around BBQ's and Rotundas)**
 - ix. **Formed Walking Trails, including total length of Parnkalla Trail.**
 - c. **Clause 6.1 Dog Exercise Areas, shall apply to the following areas:**
 - i. **The City of Port Lincoln Dog Park located at Windsor Avenue, Verran Terrace, Puckridge Place;**
 - ii. **Nelson Square (excluding within 5 metres of children's playground equipment)**
- 3. That Council:**
- Pursuant to the power contained in Part 2 of the Permits and Penalties By-law 2025, resolve that:**
- a. **Permits may be issued under Clause 4.6.3 of the Roads By-law 2025 – Camping and Clause 4.14 of the Local Government Land By-law 2025 - Camping only for areas defined as:**
 - i. **Axel Stenross Boat Ramp upper car park area**
 - ii. **Area of the current sealed car parks abutting the reserve at Billy Lights Point Boat Ramp.**
 - b. **Permits issued under Clause 4.6.3 and Clause 4.14 must be issued under the following conditions, and any other conditions the permit issuer determines are necessary:**
 - i. **To “Accredited Self-Contained Recreational Vehicles” as certified by schemes such as Eco Camping Australia and Campervan & Motorhome Club of Australia Ltd;**
 - ii. **To camp overnight for a maximum three (3) night stay only;**
 - iii. **That no trailered objects are to be unhitched in the areas;**
 - iv. **Permit fees are paid in accordance with Council's Fees and Charges schedule.**
- 4. That Council authorises the determinations as resolved and pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, to take effect from 29 September 2025.**
- 5. That Council, in accordance with Section 249(4a) of the Local Government Act 1999, place a notice of the determinations under the By-laws in the South Australian Government Gazette and a local newspaper circulating in the area of the Council.**
- 6. That Council delegates to the Chief Executive Officer (or delegate) under Part 2 of By-law 1 – Permits and Penalties 2025:**
- a. **To grant permission to a person who seeks permission to undertake an activity under Council by-laws that is otherwise prohibited under a Council by-law; and**
 - b. **To vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission, or to suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.**

12.2 DETERMINATION OF THE AREAS TO WHICH SPECIFIC PROVISIONS OF THE BY-LAWS APPLY

REPORT INFORMATION									
Report Title	Determination of the areas to which specific provisions of the By-laws apply								
Document ID	92167								
Organisational Unit	Corporate & Community								
Responsible Officer	Manager Governance, Risk & Communications - Tamara Charman								
Report Attachment/s	No								
REPORT PURPOSE									
The purpose of this report is for Council to determine areas to which specific provisions of the 2025 suite of By-Laws apply, to come into effect on the same day as the new By-Laws, being 29 September 2025.									
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: Not Applicable SDP ACTION: Not Applicable								
Annual Business Plan 2024/25	ABP INITIATIVE: By-law review ABP PROJECT: Not Applicable								
Annual Business Plan 2025/26	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable								
Legislation	Local Government Act 1999								
Policy	Not Applicable								
Budget Implications	Not Applicable <table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>BUDGET AMOUNT \$</th> <th>YTD \$</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Budget assessment comments:			DESCRIPTION	BUDGET AMOUNT \$	YTD \$			
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Risk Implications	Low Risk								
Resource Implications	This is a planned resource allocation								
Public Consultation	Not Applicable								
IAP2 Commitment	Not Applicable								

OFFICER'S RECOMMENDATION

By-law 4 – Local Government Land

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 - i. The City of Port Lincoln Dog Park located at Windsor Avenue, Verran Terrace, Puckridge Place;**

ii. Nelson Square (excluding within 5 metres of children’s playground equipment)

3. That Council:

Pursuant to the power contained in Part 2 of the Permits and Penalties By-law 2025, resolve that:

- a. Permits may be issued under Clause 4.6.3 of the Roads By-law 2025 – Camping and Clause 4.14 of the Local Government Land By-law 2025 - Camping only for areas defined as:
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 - i. To “Accredited Self-Contained Recreational Vehicles” as certified by schemes such as Eco Camping Australia and Campervan & Motorhome Club of Australia Ltd;
 - ii. To camp overnight for a maximum three (3) night stay only;
 - iii. That no trailered objects are to be unhitched in the areas;
 - iv. Permit fees are paid in accordance with Council’s Fees and Charges schedule.
4. That Council authorises the determinations as resolved and pursuant to the power contained in Section 246(3)(e) of the Local Government Act 1999, to take effect from 29 September 2025.
 5. That Council, in accordance with Section 249(4a) of the Local Government Act 1999, place a notice of the determinations under the By-laws in the South Australian Government Gazette and a local newspaper circulating in the area of the Council.
 6. That Council delegates to the Chief Executive Officer (or delegate) under Part 2 of By-law 1 – Permits and Penalties 2025:
 - a. To grant permission to a person who seeks permission to undertake an activity under Council by-laws that is otherwise prohibited under a Council by-law; and
 - b. To vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission, or to suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

REPORT DETAIL

Council’s current By-Laws expire on 1 January 2026. As such, Council conducted a review of its By-laws during early 2025. At its Ordinary Council Meeting of 19 May 2025, Council made the following By-laws:

- Permits and Penalties By-law 2025;
- Moveable Signs By-law 2025;
- Roads By-law 2025;
- Local Government Land By-law 2025; and
- Dogs By-law 2025.

As required by the Local Government Act 1999, these By-laws were published in the Government Gazette on 29 May 2025, and come into effect 4 months after this date, being 29 September 2025. Several provisions within the By-laws allow for Council to specify areas to which the By-law applies and therefore can be enforced. The determinations proposed within the recommendation vary from previous determinations of Council where the provisions of By-laws have been amended to require a determination where they did not previously, or there is a new provision that warrants a determination. However, the determinations recommended by this report are recommended to ensure the effect of the application of By-laws remains the same.

This is the case for Clauses 4.24, 4.26.2 and 4.43 of By-law 4 – Local Government Land. The Local Government Land By-law 2018 was written in such a way that the activities relating to Burials and Memorials (Clause 4.24) and Weddings, Functions and Special events (Clause 4.43) required a permit to be conducted on any local government land. The wording of the Local Government Land By-Law 2025 means that these activities only require a permit to be conducted on local government land to which the Council has resolved the by-law applies. As such, a resolution must be made to apply to all local government land to ensure that permits continue to be required for these activities, and they can be administered as they are currently.

Clause 4.26.2 of the Local Government Land By-law 2025 relates to the use of floodlights on local government land. This is a new provision under the By-laws, and a determination is proposed to ensure that any person who intends to use a portable floodlight, must obtain a permit from Council to do so.

The determinations proposed in respect of the Dogs By-law 2025 align with Council's current Animal Management Plan. This plan is currently under review, and a further determination will be presented to Council when the plan is finalised, to ensure that the determination aligns to any new or amended provisions within the Animal Management Plan.

Recommendation 3, which relates to motorhome rest areas differs from previous determinations in relation to this topic, in several ways. Previous provisions relating to camping on local government land or on roads provided that a person could not camp without a permit, except on an area or road which had been resolved by Council, and in accordance with any conditions set by Council.

Council's previous determination had the effect that camping was permitted by certain vehicles and under certain other conditions, which provided the scheme under which motorhome rest areas have been administered.

The provisions within the new Roads and Local Government Land By-Laws differ from previous, in that they prohibit camping without a permit, except where signs indicate that camping in a motorhome is permitted. The approach taken within Recommendation 3 of this report, is to set out the areas for which motorhome camping permits may be issued by the Administration, and the basic conditions to be attached to those permits. This approach does not constitute a determination under the By-laws as it does for recommendations 1 and 2 of this report.

Following a determination by Council on the application of the by-laws, a notice in the South Australian Government Gazette and in the local newspaper is a statutory obligation under Section 249(4a) of the Local Government Act 1999. As these determinations do not change how Council currently deals with permits under the By-Laws or how the community accesses those, additional communication on the determinations is not considered to be required. There will however be further public communication to advise that the new By-laws are in effect.