

12.11. BY-LAW REVIEW – COMMUNITY CONSULTATION REPORT AND ENDORSEMENT**REPORT PURPOSE**

The purpose of this report is for Council to receive and consider the results of the recent community consultation regarding the making of 5 new by-laws as attached to this report and if satisfied that no changes are required to the by-laws as a result community consultation, make the by-laws.

RECOMMENDATION

(Note: this resolution requires two-thirds of Members of Council to be present at the meeting and an absolute majority of all members in office to vote in favour in order to pass).

That Council:

- 1. Receives and notes the report;**
- 2. Considers that no changes ought to be made to the draft By-laws;**
- 3. Makes, pursuant to section 246 of the *Local Government Act 1999*, in exercise of the powers contained in the *Legislation Interpretation Act 2021*, *Dog and Cat Management Act 1995*, and the *Local Government Act 1999*, and there being at least two thirds of the members of Council present, the following by-laws as contained within Attachments 74276, 74279, 74281, 74282 and 74283 to this report:**
 - **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**

having considered the National Competition Policy and the reports prepared on the National Competition Policy with respect to the By-laws (reproduced at Attachment 74284 to the report), and all submissions and recommendations made on the By-laws;

- 4. Authorises the Chief Executive Officer to:**
 - **Sign the By-laws as made by Council;**
 - **Publish notice of the making of the By-laws in a newspaper circulating within the area in accordance with Section 249(7) of the Local Government Act 1999; and**
 - **Arrange for the By-laws to be published in the South Australian Government Gazette;**
- 5. Adopts the reports to the Legislative Review Committee on the By-laws contained within Attachment 74285 to this report, to be signed by the Chief Executive Officer on behalf of Council;**
- 6. Authorises the Chief Executive Officer to arrange for the By-laws and all other necessary documentation to be provided to the Legislative Review Committee.**

12.11 BY-LAW REVIEW – COMMUNITY CONSULTATION REPORT AND ENDORSEMENT

REPORT INFORMATION	
Report Title	By-Law Review - Community Consultation Report and Endorsement
Document ID	74644
Organisational Unit	Corporate & Community
Responsible Officer	Manager Governance, Risk & Communications - Tamara Charman
Report Attachment/s	Yes Attachment 71255 - Letter for delegated decision – Response from Dog & Cat Management Board Attachment 71529 - Public consultation submission Attachment 74276 - Proposed By-Law 1 – Permits & Penalties Attachment 74279 - Proposed By-Law 2 – Moveable Signs Attachment 74281 - Proposed By-Law 3 – Roads Attachment 74282 - Proposed By-Law 4 – Local Government Land Attachment 74283 - Proposed By-Law 5 – Dogs Attachment 74284 - National Competition Policy Report Attachment 74285 - Reports to Legislative Review Committee on the By-laws Attachment 74286 - Solicitors Certificates of Validity for the By-laws
REPORT PURPOSE	
The purpose of this report is for Council to receive and consider the results of the recent community consultation regarding the making of 5 new by-laws as attached to this report and if satisfied that no changes are required to the by-laws as a result community consultation, make the 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	Not Applicable

Budget Implications	As per approved budget		
	DESCRIPTION	BUDGET AMOUNT \$	YTD \$
	By-Law Review	15,000	3,284
	Budget assessment comments:		
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			
<i>(Note: this resolution requires two-thirds of Members of Council to be present at the meeting and an absolute majority of all members in office to vote in favour in order to pass).</i> That Council: - Receives and notes the report; - Considers that no changes ought to be made to the draft By-laws; - Makes, pursuant to section 246 of the <i>Local Government Act 1999</i>, in exercise of the powers contained in the <i>Legislation Interpretation Act 2021</i>, <i>Dog and Cat Management Act 1995</i>, and the <i>Local Government Act 1999</i>, and there being at least two thirds of the members of Council present, the following by-laws as contained within Attachments 74276, 74279, 74281, 74282 and 74283 to this report: - 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 having considered the National Competition Policy and the reports prepared on the National Competition Policy with respect to the By-laws (reproduced at Attachment 74284 to the report), and all submissions and recommendations made on the By-laws; - Authorises the Chief Executive Officer to: - Sign the By-laws as made by Council; - Publish notice of the making of the By-laws in a newspaper circulating within the area in accordance with Section 249(7) of the Local Government Act 1999; and - Arrange for the By-laws to be published in the South Australian Government Gazette; - Adopts the reports to the Legislative Review Committee on the By-laws contained within Attachment 74285 to this report, to be signed by the Chief Executive Officer on behalf of Council; - Authorises the Chief Executive Officer to arrange for the By-laws and all other necessary documentation to be provided to the Legislative Review Committee.			

REPORT DETAIL

Reviewing Council's by-laws is a requirement of the *Local Government Act 1999* (the Act) noting that By-laws expire on 1 January of the year following the year in which the seventh anniversary of the day on which the by-law Gazetted falls. Council engaged Norman Waterhouse Lawyers to assist with the review process. Norman Waterhouse provided a briefing to Council as to proposed changes to Council's existing by-laws, following which Council resolved to commence community consultation on the proposed changes to the current by-laws as presented in the report of the 17 March 2025 Council agenda meeting papers.

The Act provides that a by-law made under the Act, unless already expired or revoked, expires on 1 January of the year following the year in which the seventh anniversary of the day on which the by-law was Gazetted falls. The review process therefore commenced in 2024 to enable all By-laws to be in force by 1 January 2026.

Noting that the Act requires that a legal practitioner must certify each By-law (Section 249(4), the review of by-laws was subject of a Request for Services tender process and Norman Waterhouse were duly selected as Council's lawyers. The by-laws were reviewed by Norman Waterhouse and presented to Council's 17 March 2025 meeting where Council endorsed the draft by-laws for community consultation to commence. The certificates of validity received from Council's solicitors in respect of the proposed By-laws are provided at **Attachment # 74286**.

The Act and other Acts provide Council with the ability and authority to make by-laws for the good rule and government of the area, and for the convenience, comfort and safety of its community. By-laws may have clauses that prohibit, regulate, control, restrict or require permits for certain activities.

By-laws are subordinate legislation which provide a legal framework to assist in regulating matters at a local level. They are legally enforceable within the Council area and penalties can apply for breaches or conduct that is contrary to the requirements of by-laws. All by-laws are reviewed every seven (7) years and the review and or development of by-laws requires public consultation that ensures consideration of public feedback. This process of public consultation is outlined within Council's Public Consultation Policy.

Pursuant to Section 252 of the Act Council must keep a register of all by-laws made or adopted by Council. For the purposes of Section 252, the by-laws listed below are deemed to be Council's register of by-laws. Descriptors of the purpose of each by-law is provided in parenthesis:

1. **Permits & Penalties** (*provides a legal framework for council by-laws including a permit system, sets penalties for breaches of by-laws and matters of liability, evidence and related matters*)
2. **Moveable Signs** (*sets standards for movable signs, including regulating their placement to protect the visual amenity and provide for public safety on roads and footpaths. This by-law is used to regulate the use of movable signage including A-frames*)
3. **Roads** (*used to manage certain activities on public roads which are not captured in other legislation including camping, use of motor vehicles, animals on roads and advertising*)
4. **Local Government Land** (*used to manage certain activities on Local Government land including parks and reserves; to assist in preserving the appeal and amenity of these areas*)
5. **Dogs** (*used to manage dog related matters including dog exercise areas, dog on leash areas, dog free areas and also provides limits on dog numbers on premises*)

As noted at Council's meeting on 17 March 2025, it is Council 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 in relation to cats.

Community Engagement

The *Dog and Cat Management Act 1995* and the *Local Government Act 1999* prescribes various consultation requirements when proposing to make by-laws. A report was prepared and submitted to the Dog and Cat Management Board (**the Board**) advising of Council's intention to make by-laws in relation to dogs and cats, in accordance with the Dog and Cat Management Act 1995. At the expiry of 21 days from providing notification to the Dog & Cat Management Board, Council commenced a phase of community consultation in accordance with the Act. The Board's response is presented at **Attachment # 71255** to this report and Council must consider any submission or recommendations made by the Board.

Council made copies of the draft by-laws available for public inspection, without charge during the ordinary office hours at the principal office and Council's library and on Council's website. A notice was published in a local newspaper on Thursday 10 April 2025 and via social media and Council newsletter informing the public of the availability of the draft by-laws and inviting written submissions.

Consultation commenced on Thursday 10 April 2025 and concluded at 10am on Friday 2 May 2025.

One submission from the community has been received and is presented at **Attachment # 71529** to the report. The legislation requires that Council must give reasonable consideration to a written (or other acceptable) submission made to the Council on any proposed by-law.

Making the By-laws

Increase to Maximum Penalty for a Breach of By-law

On 10 November 2021 amendments to the Act commenced that included changes to the maximum penalty for a breach of a by-law as prescribed by section 246(3)(g), with the effect being that the maximum penalty for a breach of a by-law rises from \$750 to \$1,250. This is recognised automatically in the proposed Permits and Penalties By-law 2025.

Adoption of the By-laws

The By-laws must be adopted at a meeting of Council where two thirds of the members of Council are present and where the associated resolution is supported by an absolute majority of the members of the Council.

It is recommended that the minutes of the Council meeting reflect the number of members who voted in favour of the resolution to evidence that the resolution was supported by an absolute majority of the members of Council.

After the By-laws have been adopted by Council, each of the By-laws must be signed by the Chief Executive Officer.

Publication of By-laws

Following the adoption of the By-laws, the By-laws must be published in the South Australian Government Gazette. Council must also publish a notice of the making of the By-laws in the local newspaper in accordance with section 249(7) of the Local Government Act 1999. The notice must refer to the fact that the By-laws have been made, the date of their adoption and that the By-laws may be inspected at the Council's offices. The By-laws will also be made available on Council's website.

Commencement of By-laws

The By-laws will commence operation 4 months from the date that they are published in the South Australian Government Gazette (unless disallowed by Parliament).

Referral to Legislative Review Committee

Once Council has made the By-laws, within 6 Parliamentary sitting days, the signed versions of the By-laws must be delivered to the Legislative Review Committee (in conjunction with the Legislative Review Committee Reports which are included in this Council report). The Legislative Review Committee will not report back to Council unless the Committee has concerns in relation to any of the By-laws.

Next Steps

Once formal Council endorsement is received for the By-laws, the following steps will occur: Norman Waterhouse Lawyers assisting Council with the by-law review will ensure the By-laws are published in the South Australian Government Gazette forthwith and will provide the required information to the Legislative Review Committee within 6 sitting days of Parliament after the Council makes the by-laws.

The By-laws will take effect four months from the date they are published in the Gazette.

A separate report will be prepared and presented to Council at a later date to set expiation fees for alleged offences against the By-laws, provide delegation of authority to Council officers under the By-laws, and determine areas to which particular by-law provisions will apply such as motorhome rest areas, dog areas and the like.



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www.dogandcatboard.com.au

16 April 2025

Paul Kelly
Norman Waterhouse
E: pkelly@normans.com.au

Dear Paul,

CITY OF PORT LINCOLN – DRAFT DOGS BY-LAW NO. 5 OF 2025

Thank you for the email dated 20 March 2025 enclosing relevant information for the City of Port Lincoln's draft by-law for dogs.

The Dog and Cat Management Board has delegated its power under section 90(5) of the *Dog and Cat Management 1995 Act* to make recommendations on draft by-laws to the Manager, Dog and Cat Management.

Having reviewed the draft by-law, I am satisfied it is broadly consistent with those of other councils with similar by-laws, and have no recommendations to make.

Yours sincerely,

Melanie Clark

Mel Clark
A/Manager
Dog and Cat Management

From: [REDACTED]
Sent: Friday, 18 April 2025 8:33 AM
To: Council Mail
Subject: Submission - Draft By-law Review

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi

I have read the draft by-law No 5 for dogs. I request you now add draft by-law No 6 for cats. It should be simple, just replace the word "dog" with the word "cat". I have far more concerns with wandering cats in Port Lincoln entering my property and causing a nuisance, defecating and killing wildlife. Please advise me when this request will be undertaken.

Thanks
[REDACTED]

74276



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; and
- 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.

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 **domestic animal** includes any duck, reptile or fish;
- 3.8 **e-cigarette** means:
- 3.8.1 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
- 3.8.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.9 **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;
- 3.10 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.11 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.11.1 a road;
- 3.11.2 a section;
- 3.11.3 a public reserve; or
- 3.11.4 land comprised in a land grant, Crown Land or Crown License;
- 3.12 **funeral ceremony** means a ceremony only (ie a memorial service) and does not include a burial;
- 3.13 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.14 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.15 **livestock** has the same meaning as defined in the *Livestock Act 1997* but does not include a dog or cat;
- 3.16 **local government land** has the same meaning as in the *Local Government Act 1999* and includes the foreshore but does not include any road;
- 3.17 **low water mark** means the lowest meteorological tide;
- 3.18 **model aircraft** includes a drone;
- 3.19 **ocean** means that part of the foreshore comprising water;
- 3.20 **open container** means a container which:
- 3.20.1 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

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

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

3.21.1 is propelled by a motor; and

3.21.2 has a fully enclosed hull; and

3.21.3 is designed not to retain water if capsized; and

3.21.4 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;

3.22 **smoke** means:

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

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

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

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

3.25 **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;

3.26 **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 domestic 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* 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;
- 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 Picking of fruit, nuts or berries

except in any community garden, pick fruit, nuts, seeds or berries from any plant;

4.31 Playing Games

- 4.31.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 4.31.2 promote, organise or take part in any organised athletic sport in any area to which the Council has resolved this subparagraph shall apply;
- 4.31.3 play any organised competition sport, as distinct from organised social play, in any area to which the Council has resolved this subparagraph shall apply;
- 4.31.4 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;

4.32 Pontoons

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

4.33 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;

4.34 Public Exhibitions and Displays

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

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

4.34.3 erect or inflate any inflatable castle;

4.34.4 cause any public exhibitions or displays;

4.35 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;

4.36 Ropes

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

4.37 Rubbish and Rubbish Dumps

4.37.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump;

4.37.2 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);

4.38 Selling, Hiring, Leasing

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

4.39 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;

4.40 Swimming

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

- 4.40.1 in an area which the Council has designated and set aside for such purposes; and
- 4.40.2 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;

4.41 Trading

- 4.41.1 sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing;
- 4.41.2 carry on any business or promote or advertise the same;
- 4.41.3 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;

4.42 Vehicles

- 4.42.1 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;
- 4.42.2 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
- 4.42.3 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;

4.43 Weddings, Functions and Special Events

- 4.43.1 hold, conduct or participate in a marriage ceremony, funeral or special event;
- 4.43.2 erect a marquee, stage or structure;
- 4.43.3 conduct any commercial filming;

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

4.44 Wetlands

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

- 4.44.1 operate a model boat;
- 4.44.2 fish, or take any aquatic creature;
- 4.44.3 introduce any fish or aquatic creature;
- 4.44.4 take or draw water;

4.45 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, 4.34.1, 4.34.2 and 4.34.4 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, 4.31.2, 4.31.3, 4.31.4, 4.39, 4.43, 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



*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

CITY OF PORT LINCOLN

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

PERMITS AND PENALTIES BY-LAW 2025
BY-LAW NO 1. OF 2025

STATUS

This by-law has been identified as one which of itself will not restrict competition.

Report

This by-law has been reviewed in light of the National Competition Policy.

The objectives of the by-law are to:

- (a) provide for a permit system and fix maximum and minimum penalties in Council by-laws;
- (b) clarify the construction of such by-laws.

There is no potential to restrict competition within the provisions of the *Permits and Penalties By-Law 2025*, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopts the *Permits and Penalties By-Law 2025* as drafted.

CITY OF PORT LINCOLN

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

MOVEABLE SIGNS BY-LAW 2025 **BY-LAW NO. 2 OF 2025**

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

This by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) The by-law imposes restrictions on where moveable signs may be placed, the number of signs and their design. This may limit the extent of advertising conducted by businesses using moveable signs.
- (b) 'Permission' means the permission of the Council or other persons authorised by the Council given in writing as prescribed in *Permits and Penalties By-law 2025*.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

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.

The objectives of the by-law include:

- (a) the prevention and suppression of nuisances;
- (b) protecting the convenience, comfort and safety of members of the public;
- (c) protecting or enhancing the amenity of the Council's area;
- (d) ensuring a moveable sign does not unreasonably restrict the use of a road.

DOES THE BY-LAW RESTRICT COMPETITION?

The restrictions in the by-law have the potential to restrict competition by placing controls over the positioning of and number of moveable signs that may be displayed. The requirement to obtain a permit in circumstances outside of those contemplated by this by-law also has the potential to restrict competition. Additionally, it contains an administrative discretion in favour of the Council which can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT

There are no directly relevant alternative means of regulating the placement of moveable signs on roads in the Council's area.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with any condition imposed by the Council.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of moveable signs on roads on behalf of the community;
 - the protection of the Council's and other property within the Council's area;
 - the protection and enhancement of the amenity of the Council's area;
 - the protection of the safety of members of the public;
 - a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs is not regulated.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of *Moveable Signs 2025* favour the community by proper control of the design, construction, appearance and placement of

moveable signs on roads which the Council has a responsibility to manage properly in the interests of the community at large.

The costs to the person requiring a permit and the community are outweighed by the benefits to the community to be achieved from the by-law.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt *Moveable Signs By-law 2025* as drafted.

CITY OF PORT LINCOLN
REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

ROADS BY-LAW 2025
BY-LAW NO. 3 OF 2025

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

The by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) Certain activities set out in the By-law require the permission of the Council.
- (b) 'Permission' means the permission of the Council or other person authorised by the Council given in writing as prescribed in the *Permits and Penalties By-Law 2025*.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To provide for the management of public roads.

The objectives of the by-law include:

- (a) the prevention and suppression of nuisances;
- (b) protecting the convenience, comfort and safety of the residents in the Council's area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain a permit has the potential to restrict competition by limiting the number of providers of goods and services and/or by restricting the space or area the permit holder may occupy. Additionally, it contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT?

There is no directly relevant alternative means of regulating the activities when carried out on roads.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH THE COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with the conditions, for example, finding another site on which to carry out the particular activity.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of roads on behalf of the community;
 - the approval of suitable applicants who will comply with safety, health and hygiene standards;
 - a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of the *Roads By-Law 2025* favour the community by proper control of activities on roads over which the Council has a responsibility to manage properly as trustees for the community at large.

The cost to the person requiring the permit and the community (if any) are outweighed by the benefits for the community to be achieved from the by-law.

It should also be noted that in any event very few of the costs and benefits are likely to be measurable in financial terms.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Roads By-Law 2025* as drafted.

CITY OF PORT LINCOLN

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

LOCAL GOVERNMENT LAND BY-LAW 2025 **BY-LAW NO. 4 OF 2025**

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

This by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) Certain activities as set out in the By-law may only be undertaken where the prior permission of the Council has been obtained.
- (b) 'Permission' means the permission of the Council or other person authorised by the Council given in writing as prescribed in the *Permits and Penalties By-Law 2025*.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To provide 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.

The objectives of the by-law include:

- (a) the prevention of damage to local government land;
- (b) the prevention and suppression of nuisances;
- (c) protecting the convenience, comfort and safety of the residents in the Council's area and members of the public generally;
- (d) protecting the amenity of the Council area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain a permit has the potential to restrict competition by limiting the number of providers of goods or services and/or by restricting the space or area the permit holder may occupy. Additionally, it contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT

There are no directly relevant alternative means of regulating these activities when carried out on local government land.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with any conditions imposed by the Council, for example, finding another site on which to carry out the particular activity.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of local government land on behalf of the community;
 - the approval of suitable applicants who will be required to comply with safety, health and hygiene standards;
 - the protection of the Council's property;
 - a reduction in the level of inconvenience which could be caused to members of the public by unregulated conduct.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of the *Local Government Land By-Law 2025* favour the community by proper control of activities on local government land

National Competition Policy Report – By-law 4 – Local Government Land

over which the Council has a responsibility to manage properly as trustees for the community at large and which the Council holds for the benefit of all of its community.

The costs to the person requiring the permit and the community (if any) are outweighed by the benefits for the community to be achieved from the by-law.

It should also be noted that in any event very few of the costs and benefits are likely to be measurable in financial terms.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Local Government Land By-Law 2025* as drafted.

CITY OF PORT LINCOLN

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

DOGS BY-LAW 2025
BY-LAW NO. 5 OF 2025

STATUS

This by-law has been identified as one which will not have the potential to restrict competition.

Report

This by-law has been reviewed in light of the National Competition Policy.

OBJECTIVES OF THE BY-LAW

To provide for the management and control of dogs within the Council's area and to limit the number of dogs that may be kept on premises.

The objectives of the by-law are to:

- (a) protect the comfort and safety of residents in and visitors to the Council's area;
- (b) establish areas within the Council that are dog free, in which dogs must be on leashes and restrained or where dogs may be exercised.

There is no potential to restrict competition within the provisions of the *Dogs By-law 2025*, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Dogs By-law 2025* as drafted.

CITY OF PORT LINCOLN

PERMITS AND PENALTIES BY-LAW 2025

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

The Council's by-laws have been prepared taking into account the Council's current needs, community views and changes that have been made to the law.

This by-law assists in the interpretation of the Council's other by-laws. It sets up a permit system to avoid repetition of words in by-laws. It also makes provision for offences and penalties including continuing offences and penalties. It is desirable and useful to have this by-law.

OBJECTIVES

To set up a permit system for use in any by-law as required, to provide for offences and penalties and to indicate the Council's intentions with respect to the construction of its by-laws.

CLAUSES

Clause 1: Creates the short title for the by-law namely *Permits and Penalties By-law 2025*.

Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.

Clause 3: Defines the terms 'authorised person', 'Council', 'drive', 'driver', 'motor vehicle', 'person', 'road', 'vehicle', 'owner' and 'prescribed offence'.

Clause 4: States that every by-law of the Council shall be subject to any Act of Parliament and regulations made thereunder.

Clause 5: This clause provides that when a by-law of the Council states that a person needs a permit or permission, such application must be in writing, by way of a website established by the Council or by use of a permit vending machine. The Council may provide the permit for a particular term, attach conditions, change or revoke a condition or add new conditions to the permit. There is a positive obligation on a person who holds a permit to comply with every condition and that failure to do so constitutes a breach of the by-law.

This clause allows the Council to revoke a permit in writing if the permit holder fails to comply with a condition or if the permit is of a continuing nature and the Council has reasonable grounds for revoking it.

The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit.

A person will be taken to be granted permission through use of a website or vending machine where the person pays the permit fee (if any) by inserting sufficient coins or notes, using a credit or debit card, or such other method of payment that may be approved by resolution of the Council, and the person receives a notice identifying itself as a permit.

Clause 6: Provides for offences and penalties for contravention or failure to comply with any by-law of the Council.

Clause 7: Provides that if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of the 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 will apply.

The owner and driver of the vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances.

Provides that an expiation notice must be accompanied with a notice in writing to the owner to provide the Council with a statutory declaration.

Provides that before proceedings are commenced against the owner of a vehicle, the Council must send the owner a notice setting out the particulars of the offence and inviting the owner to complete the statutory declaration. This subparagraph does not apply where an owner has elected to be prosecuted or proceedings have been commenced against the owner who has been named in the statutory declaration as the driver.

Provides that it is a defence in proceedings against this paragraph to show that as a consequence of some unlawful act the vehicle was not in the possession or control of the owner. This subparagraph does not apply if the owner of the vehicle made the statutory declaration knowing it to be false in a material particular.

Provides that where an expiation notice is given to, or proceedings are commenced, a person named as the alleged driver in a statutory declaration, the notice or summons must be accompanied by a notice setting out particulars of the relevant statutory declaration. The particulars must not include the address of the person who provided the statutory declaration.

Clause 8: Provides for nine evidentiary aids in proceedings against a prescribed offence.

Clause 9: Revokes Council's previous *Permits and Penalties By-law*, published in the Gazette on 5 July 2018.

IMPLEMENTATION

Not applicable to this by-law.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law on its own will not restrict competition.

CONSULTATION

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received no submissions.

This by-law has not been submitted to any other person for comment.

.....
Mr Eric Brown
Chief Executive Officer

CITY OF PORT LINCOLN

MOVEABLE SIGNS BY-LAW 2025

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

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

CLAUSES

- Clause 1: Creates the short title for the by-law namely *Moveable Signs By-law 2025*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'A' frame sign', 'banner', 'event', 'footpath', 'local government land', 'moveable sign', 'road', 'road related area' and 'vehicle'.
- Clause 4: Sets out the requirements relating to the construction, design, placement, appearance and restrictions of any 'A' Frame Sign displayed on a road.
- Clause 5: Sets out the requirements relating to the construction, design, placement, appearance and restrictions of any Banner or other Sign displayed on a road.
- Clause 6: Sets out a requirement to obtain permission of the Council to 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, other than where the sign is attached to a licensed taxi, 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, on or attached to a bus greater than 6 m in length, 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..
- Clause 7: Sets out the circumstances in which an authorised person of the Council can direct the removal of a non-complying moveable sign and the circumstances under which the authorised person may remove the non-complying sign themselves.

Clause 8: Sets out the circumstances in which an authorised person of the Council can direct the relocation or removal of a complying moveable sign.

Clause 9: Sets out the exemptions for the display of moveable signs including moveable signs that are authorised, moveable signs that direct people to an open inspection, a garage sale or charitable functions, moveable signs that are related to a State, Commonwealth or Local Government election, or referendum displayed during prescribed periods and moveable signs displayed with permission of the Council or of a class prescribed in regulations. Creates further exemptions for newspaper flat signs and events run by charitable bodies.

Clause 10: Revokes Council's previous *Moveable Signs By-law* published in the Gazette on 5 July 2018.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received no submissions.

This by-law has not been submitted to any other person for comment.

.....
Mr Eric Brown
Chief Executive Officer

CITY OF PORT LINCOLN

ROADS BY-LAW 2025

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To provide for the management of public roads in the Council's area.

CLAUSES

- Clause 1: Creates the short title for the by-law namely *Roads By-law 2025*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'animal', 'camp', 'electoral matter', 'emergency vehicle', 'emergency worker' and 'road'.
- Clause 4: Contains a number of activities which are prohibited on a road in the absence of permission of the Council:

Activities Requiring Permission

Advertising

Prevents the display of any sign on a road for commercial advertising other than a moveable sign displayed in accordance with the Council's *Moveable Signs By-law 2025*.

Amplification

Prevents the use of an amplifier or other device on a road, whether mechanical or electrical, for the purpose of amplifying sound or broadcasting announcements or advertisements.

Animals

Prevents a person from causing or allowing an animal to stray onto, graze, wander on or be left unattended on any road. A person may, if the animal is under the effective control of the person, do so in areas set aside by the Council for same. Prevents a person from leading, driving or exercising any animal in such a manner as to cause a nuisance or endanger the safety of a person.

Bicycles

Prevents a person from chaining, locking or affixing 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.

Bridge Jumping

Prevents a person from jumping or diving from any bridge or other structure.

Camping

Prevents a person from erecting a tent or any other similar structure as a place of habitation, and camping or sleeping overnight on a road unless certain exemptions apply.

Canvassing

Prevents a person from conveying any advertising, religious or other message to any bystander, passerby or other person.

Donations

Prevents a person from asking for, receiving or indicating that he or she desires a donation of money or any other thing.

Preaching

Prevents a person from preaching, canvassing, haranguing or otherwise soliciting for religious purposes except on any road, or part thereof, that the Council has determined to be exempt.

Public Exhibitions and Displays

Prevents a person from singing, busking or playing a musical instrument, or conducting or holding any concert, festival, show, circus, performance or other similar activity, or causing any public exhibitions or displays.

Persons are also prevented from erecting a stage or structure for the purposes of conducting or holding a concert, festival, show, circus, performance or similar activity.

Touting for Business

Prevents a person from touting for business.

Use of Council Rubbish Bins

Prevents a person from depositing any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.

Working on Vehicles

Prevents a person from repairing, washing, painting, panel beating or conducting any other work of any nature on a vehicle on a road except for running repairs in the case of a breakdown.

Clause 5: Requires a person to comply with any reasonable direction from an authorised person relating to the person's use, conduct, behaviour or safety on the road, or the safety and enjoyment of the road by other persons.

Clause 6: Requires a person to comply with any request from an authorised person to remove an animal found on a road in breach of the by-law. Empowers an authorised person to remove an animal if the person fails to comply with the request or if there is no one in charge of the animal.

Clause 7: Exempts Police officers, Council officers and employees, contractors performing work for the Council under the supervision of a Council officer and emergency workers performing emergency duties from the provisions of this by-law and further provides certain exemptions with respect to electoral matters and driving of certain vehicles.

Clause 8: Revokes Council's previous *Roads By-law* published in the Gazette on 5 July 2018.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received no submissions.

This by-law has not been submitted to any other person for comment.

.....
Mr Eric Brown
Chief Executive Officer

CITY OF PORT LINCOLN

LOCAL GOVERNMENT LAND BY-LAW 2025

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To provide for the management and regulation of the use 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.

CLAUSES

- Clause 1: Creates the short title for the by-law namely *Local Government Land By-law 2025*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'animal', 'boat', 'boat ramp', 'camp', 'children's playground', 'community garden', 'domestic animal', 'e-cigarette', 'electoral matter', 'emergency worker', 'foreshore', 'funeral ceremony', 'inflatable castle', 'liquor', 'livestock', 'local government land', 'low water mark', 'model aircraft', 'ocean', 'open container', 'personal watercraft', 'smoke', 'traffic control device', 'variable message sign', 'waters' and 'wheeled recreation device'.
- Clause 4: Contains a number of activities which are prohibited on local government land in the absence of permission of the Council:

Access to Waters

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*, prevents a person from entering any waters, or swimming or using a boat in or on waters except in an area where a nearby sign erected by the Council states that one or more of these activities is permitted and in accordance with any condition stated in the sign.

Advertising & Signage

Prevents the display, erection, installation or placement of any sign or variable message sign for the purpose of commercial advertising or any other purpose. Provides an exemption if displayed in accordance with Council's *Moveable Signs By-law 2025*.

Aircraft

Prevents the landing or taking off of any aircraft from the land subject to the *Civil Aviation Act 1988*.

Alteration to Local Government Land

Prevents the alteration of local government land, including:

- altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- changing or interfering with the construction, arrangement or materials of the land; or
- changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- erecting, placing, using or allowing any object to remain.

Amplification

Prevents the use of an amplifier or other mechanical or electrical device to amplify sound to the public.

Animals

Prevents a person from:

Other than the foreshore:

- riding, leading or driving any horse, cattle or sheep, 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;
- causing or allowing any livestock to stray onto, move over, graze or be left unattended on any land;
- causing or allowing any animal under that person's control to swim or bathe in any waters to which the Council has resolved the subparagraph shall apply;
- releasing or leaving any domestic animal.

Attachments

Prevents a person from attaching, hanging or fixing anything to a tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council.

Aquatic Life

Taking, interfering with, introducing or disturbing any aquatic life in any waters to which the Council has resolved the subparagraph shall apply.

Bees

Prevents a person from placing, or allowing to remain, any hive of bees on local government land.

Boats and Mooring

Prevents a person from hiring, or offering for hire, a boat, raft, pontoon or other watercraft, launching or retrieving those items to or from any waters, and propelling, floating or otherwise using any boat, raft, pontoon or other watercraft on any waters.

Boat Ramps

Prevents a person from launching, retrieving a boat from the boat ramp or remaining stationary on a boat ramp longer than necessary.

Bridge Jumping

Prevents a person from jumping or diving from a bridge.

Buildings & Structures

Prevents a person from erecting or installing a building or using a building or structure other than for its intended purpose.

Camping

Prevents a person from erecting any tent or other structure of calico, canvas, plastic or similar material as a place of habitation or camping or sleeping overnight on land except where a sign erected by the Council indicates that camping on the land is permitted or where the person is in a caravan park.

Cemeteries

Prevents a person from burying or interring any human or animal remains or erecting any memorial on local government land comprising a cemetery.

Closed Lands

Prevents a person from entering or remaining on any part of the local government land:

- 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

- where the land is enclosed by fences, walls or gates and they have been closed and locked; or
- where admission charges are payable, without paying those charges.

Defacing Property

Prevents a person from defacing, painting, writing, cutting marks or affixing bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council.

Distribution

Prevents a person from distributing anything to any bystander, passerby or other person.

Donations

Prevents a person from asking or indicating that he or she desires a donation of money or any other thing.

Fires

Prevents a person from lighting a fire unless it is in a place provided by the Council, in a portable barbecue used in an area that is clear of flammable material for a distance of at least four metres, or in accordance with the *Fire and Emergency Services Act 2005*.

Fireworks

Prevents the use, discharge or explosion of any firework.

Fishing

Prevents a person from fishing in any waters, bridge or other structure which the Council has resolved the paragraph applied.

Flora, Fauna and Other Living Things

Prevents a person from:

- planting, damaging, picking, cutting, disturbing or interfering with or removing any plant, tree, fungi or lichen, except in a community garden;
- causing or allowing an animal to stand or walk on any flower bed or garden plot;
- deposit, dig, damage, disturb or interfere with or remove any mineral, stone or wood;
- teasing, removing or causing harm to any animal or bird or the eggs or young of any animal or bird;
- using, possessing or having control of any device for the purpose of killing or capturing any animal or bird;

- collecting or burning any timber or dead wood

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*.

Funerals, Burials and Scattering Ashes

Prevents a person from conducting or participating in a funeral ceremony, erecting any memorial or scattering ashes on local government land to which the Council has resolved this applies.

Golf

Prevents a person from playing or practicing golf on local government land.

Lighting

Prevents a person from using or operating any fixed floodlight on local government land, or portable floodlight between sunrise and sunset on land to which the subparagraph applies.

Model Aircraft, Boats and Cars

Prevents a person from flying or operating a model aircraft or drone aircraft, subject to the provisions of the *Civil Aviation Act 1988*.

Prevents a person from operating a remote control vehicle on local government land to which the Council has resolved the subparagraph applies.

No Liquor

Prevents a person from consuming, carrying or being in possession of any liquor in a park or reserve which the subparagraph applies. Prevents a person from consuming, carrying or being in possession of any liquor in an open container on any local government land constituting a park or reserve which the subparagraph applies.

Overhanging Articles

Prevents a person from suspending or hanging an article from a building, verandah, pergola, post or other structure on local government land.

Picking Fruit, Nuts or Berries

Prevents a person from picking fruits, nuts, seeds or berries from any plant, except in a community garden.

Playing Games

Prevents a person from, on local government land:

- playing or practicing a game in any area where a sign indicates that the game is prohibited; or

- promoting, organising or taking part in any organised athletic sport in any area to which the subparagraph applies; or
- playing any organised competition sport, as distinct from organised social play, in an area to which this subparagraph applies; or
- engaging or participating in or conducting any organised group fitness activity or training to which this subparagraph applies.

Pontoons

Prevents a person from installing or maintaining a pontoon, steps, jetty or similar structure.

Preaching and Canvassing

Prevents a person from preaching, canvassing, haranguing or otherwise soliciting for religious purposes except on any land the Council has determined the subparagraph shall not apply.

Public Exhibitions and Displays

Prevents a person from singing, busking or playing for the apparent purpose of entertaining others or receiving money or to conduct or hold any concert, festival, show, public gathering, circus, performance or similar activity.

Prevents a person from erecting or inflating any inflatable castle or causing any public exhibition or display.

Removing and Depositing

Prevents a person from carrying away or removing any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) from any part of local government land.

Ropes

Prevents a person from placing a buoy, cable, chain, hawser, rope or net in or across any waters.

Rubbish and Rubbish Dumps

Prevents a person from interfering with, removing, taking away or dispersing any rubbish that has been discarded at any rubbish dump in bin on local government land or on placed on local government land for collection by the Council or its agent.

Selling, Hiring, Leasing

Prevents a person from selling anything or displaying anything for sale, hire or lease.

Skateboards and Small Wheeled Devices

Subject to the *Road Traffic Act 1961* and the *Local Government Act 1999*, prevents a person from riding on a skateboard, e-scooters, wheeled recreational device, segways, other motorised transport or using roller skates or roller blades on land to which the Council has resolved the subparagraph applies.

Swimming

Subject to the *Harbors and Navigation Act 1993*, prevents a person from entering, swimming, or bathing in any waters on local government land except for an area designated by the Council in accordance with any conditions that the Council have resolved to apply and exhibited through signage on adjoining land.

Trading

Prevents a person from selling, buying, offering or displaying anything for sale or hire or lease any goods, merchandise, commodity, article or thing or carrying on a business, promoting or advertising the same or set up a vehicle stall or alike for the purposes of trading.

Vehicles

Prevents a person from:

- driving or propelling a motor vehicle on local government land, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- taking 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;
- promoting or organising 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.

Weddings, Functions and Special Events

Prevents a person from holding, conducting or participating in any marriage ceremony on local government land to which the Council has resolved the subparagraph applies.

Wetlands

Prevents a person from:

- operating a model boat;
- fishing, or taking any aquatic creature;
- introducing any fish or aquatic creature;
- taking or drawing water;

on local government land that constitutes a wetland, subject to the *Landscape South Australia Act 2019*.

Working on Vehicles

Prevents a person from repairing, washing, painting, panel beating or carrying out any other work to a vehicle on local government land, except for running repairs in the case of a breakdown.

Clause 5: Contains a number of activities which are prohibited on local government land:

Animals

Prohibits a person from:

- causing or allowing any animal to enter, swim, bathe, or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming;
- allowing an animal in that persons control, charge or ownership to damage Council property;
- leading, driving, or exercising any horse or other animal in such a manner as to endanger the safety of any other person.

Annoyances

Prohibits a person from unreasonably annoying or interfering 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;

Children's Playgrounds

Prohibits a person from using 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.

Fish

Prohibits a person from depositing or leaving any dead fish (in part or whole) or offal.

Glass

Prohibits a person from wilfully breaking glass, china or other brittle material.

Interference with Permitted Use

Prohibits the interruption, disruption or interference with any other person's use of local government land which is permitted or for which permission has been granted.

Sand Dunes

Prohibits destabilising stand, destroying, removing, causing interference to any live or dead vegetation, introducing non-indigenous flora or fauna, dump any material, use a sand board or other time, ride a horse or carry out an activity on a sand dune and/or coastal slop and/or cliff that may threaten its integrity.

Smoking

Prohibits a person from smoking any substance in any building or part of any building, or on any local government land to which the subparagraph applies.

Swim

Prohibits a person from swimming, diving or scuba diving or snorkelling in declared areas to which this subparagraph applies.

Toilets

Prohibits a person from, in any public convenience, smoking, depositing substances, using for unlawful purposes, or entering the public convenience unless the person is of the gender indicated by a sign, other than where the person uses the public convenience in a genuine emergency, as a vulnerable person, is intersex, transgender or gender diverse, has a disability or is assisting a person with a disability.

Use of Council Rubbish Bins

Prevents a person from depositing any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.

Use of Equipment

Prohibits the use of any equipment or property belonging to the Council other than in the intended purpose.

- Clause 6: Requires a person to comply with any reasonable direction or request from an authorised person relating to the person's use, conduct, behaviour or safety on the land, or the safety and enjoyment of the land by other persons.
- Clause 7: Provides that any animal found on local government land must be removed by a person in charge of the animal at the request of an authorised person, or an authorised person may remove the animal if the person fails to comply or no person is in charge of the animal. Provides an authorised person may direct any person who is committing, or has committed, a breach of the by-law to leave local government land.
- Clause 8: Provides that any person who encroaches onto, interferes with, or alters local government land contrary to the by-law must upon written request of an authorised person cease the encroachment or interference and remove the source of the encroachment or interference and reinstate the land to the same standard that it was prior to the encroachment, interference or alteration.
- Clause 9: Provides that if a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer

pursuant to clause 8 of the by-law or intentionally or negligently damages local government land then an authorised person may undertake the necessary work to comply with the request under clause 8 and recover the cost of completing the work from that person.

Clause 10: Exempts Police officers, Council officers and employees, contractors performing works for the Council under the supervision of a Council officer and emergency workers performing emergency duties and provides certain exemptions with respect to electoral matters.

Clause 11: Enables the Council to specify by way of resolution the areas where certain parts of the by-law shall apply.

Clause 12: Revokes Council's previous *Local Government Land By-law* published in the Gazette on 5 July 2018.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received no submissions.

This by-law has not been submitted to any other person for comment.

.....
Mr Eric Brown
Chief Executive Officer

CITY OF PORT LINCOLN

DOGS BY-LAW 2025

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO THE LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To assist the Council in controlling and managing dogs in the Council's area and to limit the number of dogs that may be kept on premises.

REFERRAL

The by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*.

CLAUSES

- Clause 1: Creates the short title for the by-law namely *Dogs By-law 2025*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'approved kennel establishment', 'assistance dog', 'Board', 'children's playground', 'control', 'dog', 'effective control', 'keep', 'local government land', 'park', 'reserve' and 'wetland area'.
- Clause 4: Prohibits a person from allowing any dog (except an assistant dog) under that person's control, charge or authority, to be or remain on any land identified by the Council as a dog free area, namely a Hooded Plover breeding site.
- Clause 5: Prohibits a person from allowing any dog to be or remain on any local government land identified by the Council as a dog on leash area, including:
- any park or reserve during times when organised sport is being played;
 - within 5 metres of children's playground equipment;
 - in any wetland area,
- unless the dog is restrained by a strong leash not exceeding two metres in length and securely tethered to an object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

- Clause 6: Provides for the establishment of dog exercise areas on local government land identified by the Council. Dogs in exercise areas must remain under effective control.
- Clause 7: Limits the number of dogs that may be kept without the Council's permission in other than specified premises or those with an exemption from the Council and provides for specified exemptions from the operation of the paragraph.
- Clause 8: Provides that certain paragraphs of the by-law shall only apply in such portions of the Council's area as it may by resolution direct from time to time.
- Clause 9: Revokes Council's previous *Dogs By-law* published in the Gazette on 5 July 2018.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

SUBMISSIONS

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received one comment, summarised below.

Item	Submission / Comment	Name of person (de-identified), or entity, that raised the concern	Action taken by the Council in response to the concern
1.	Request for draft by-law No. 6 for cats. Expressed concerns with wandering cats in Port Lincoln entering properties and causing nuisance, defecating and killing wildlife.	RA	Considered response as comment as it is not related to dogs by-law.

The Council considered the community's feedback in relation to the draft by-law and determined not to amend the by-law arising from the feedback.

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board made no recommendations in relation to the by-law.

.....
Mr Eric Brown
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999**CERTIFICATE OF VALIDITY**

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Port Lincoln intends to make, being *Permits and Penalties By-law 2025* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Sections 246(1), 246(2), 246(3)(f) and 246(3)(g);

Legislation Interpretation Act 2021, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 9th day of May 2025



Paul St Leger Kelly, Legal Practitioner

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Port Lincoln intends to make, being *Moveable Signs By-law 2025* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Sections 239(1), 246(1), 246(2) and 246(3);

Local Government (General) Regulations 2013, Regulation 28;

Legislation Interpretation Act 2021, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 9th day of May 2025.



Paul St Leger Kelly, Legal Practitioner

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Port Lincoln intends to make, being *Roads By-law 2025* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Section 239(1)(b),
239(1)(c), 239(1)(d), 239(1)(e), 239(1)(f), 239(1)(g),
246(1), 246(2) and 246(3);

Local Government (General) Regulations 2013,
Regulation 28;

Legislation Interpretation Act 2021, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 9th day of May 2025



Paul St Leger Kelly, Legal Practitioner

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Port Lincoln intends to make, being *Local Government Land By-law 2025*, and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Section 238(1), 238(2),
246(1), 246(2) and 246(3);

Legislation Interpretation Act 2021, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 9th day of May 2025



Paul St Leger Kelly, Legal Practitioner

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Port Lincoln intends to make, being *Dogs By-law 2025* and do certify that in my opinion:

- (a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

Dog and Cat Management Act 1995, Sections 90(1) and 90(3);

Local Government Act 1999, Sections 246(1), 246(2) and 246(3);

Legislation Interpretation Act 2021, Section 40; and

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 9th day of May 2025



Paul St Leger Kelly, Legal Practitioner