

## **Proposed By-laws- Summary of Changes and Main activities undertaken**

### **Proposed By-Laws**

- 1.1 The proposed six new By-Laws will replace the existing six By-Laws within the City of Salisbury. In general, they regulate the same matters as the existing By-Laws and it is proposed to keep the existing By-Laws topics, as follows:
  - 1.1.1 By-Law 1 Permits and Penalties
  - 1.1.2 By-Law 2 Moveable Signs
  - 1.1.3 By-Law 3 Roads
  - 1.1.4 By-Law 4 Local Government Land
  - 1.1.5 By-Law 5 Dogs
  - 1.1.6 By-Law 6 Waste Management
- 1.2 The proposed By-Laws are drafted in a consistent manner and include the required legislative elements to meet Legislative Review Committee scrutiny principles and ensure they can be used for the good rule and government of the area, and for the convenience, comfort and safety of the community.
- 1.3 By-Law 1 Permits Penalties**
- 1.4 Description – to create a permit system for Council By-Laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-Laws, and to repeal certain By-Laws.
- 1.5 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.
- 1.6 Delegations will be provided under By-Law 1 for administrative staff to issue permits under the associated By-Laws where permits are required.
- 1.7 The By-Law allows those permits to be provided for particular terms and conditions as required, and for revocation, and allows for Council to set fees or charges for any such permit required under By-Laws.
- 1.8 The main activities undertaken or permitted under By-Laws are listed under each By-Law.
- 1.9 Expiation fees may be fixed for alleged offences against By-Laws by the individual By-Laws or by Council, however an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum fine for the offence to which it relates.
- 1.10 As from 10 November 2021, the maximum penalty cannot exceed \$1,250 and in the case of a continuing offence a further penalty not exceeding \$50 for every day on which the offence or breach of the By-Law continues. The current By-Law expiation fees are set at \$100.
- 1.11 If there are any contraventions of By-Laws, authorised staff can issue orders under Section 262 of the *Local Government Act 1999* to stop the conduct or to take specified action to remedy the contravention. Persons who fail to comply with

orders can be subject to penalty and the authorised staff can take reasonable action to have the order carried out.

### **1.12 By-Law 2 Moveable Signs**

- 1.13 Description – 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.
- 1.14 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.
- 1.15 The main activities undertaken or permitted under this By-Law include:
  - 1.15.1 Placement – addressing signs that are contrary to the By-Law, or illegal signs and or hazardous signs such as banners that move or overhang pedestrian paths or obstruct traffic.
  - 1.15.2 Banners – the approval of banners for community events
- 1.16 The By-Law allows for permits to be issued for alternative moveable signs that are not designed as a standard A-frame, and consideration is given to the location and impacts on pedestrian and traffic safety. Alternatively, an authorisation can also be granted under Section 221 of the Act for any signage that is fixed.
- 1.17 The proposed By-Law enables authorised staff to remove unauthorised or illegal signage including those relating to Local Government elections.

### **1.18 By-Law 3 Roads**

- 1.19 Description – for the management of public roads and to regulate certain activities on roads in the Council area.
- 1.20 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.
- 1.21 It should be noted that a By-Law cannot cover incidents and offences involving driving vehicles or parking on a road, as these are covered by the *Road Traffic Act 1961* and Australia Road Rules.
- 1.22 The By-Law provides for a range of provisions that are restricted or require Council permission to be undertaken on a road or road related area.
- 1.23 The main activities undertaken or permitted under this By-Law include:
  - 1.23.1 Camping – Community Compliance staff are responding to person(s) sleeping in vehicles or motor homes on roads in the area and asking them to move to suitable locations when camping is permitted.
  - 1.23.2 Canvassing and Donations - staff responding to people canvassing and conveying messages to passerby’s in the streets and or seeking donations.
  - 1.23.3 Obstructions – permits issued for hoardings and other erections on road or footpath to allow for skip bins, construction activity including cranes and temporary fencing to make development sites safe. There are approximately 30 hoarding permits issued per annum.

### **1.24 By-Law 4 Local Government Land**

- 1.25 Description – 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.
- 1.26 Changes – Some additions are proposed to be included in this draft By-Law to address recurring concerns and omissions that are not currently covered by our existing By-Laws. This included:
  - 1.26.1 Definition of E-cigarettes as it applies to the definition of smoke.
  - 1.26.2 Including drones in the definition of Model aircraft.
  - 1.26.3 Prohibiting the deposit of any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.
- 1.27 The By-Law provides Council with the ability to:
  - 1.27.1 regulate a range of activities (e.g. erect signage, lead livestock, keep bees, camp, etc) on local government land that require Council’s permission.
  - 1.27.2 prohibit a range of activities (e.g. use of equipment other than for the purpose for which it was designed, depositing commercial waste in Council bins) on local government land.
  - 1.27.3 limit the regulation of a range of activities (e.g. fish, operate model aircraft) to a specific location (e.g. a specific reserve or waterway) as resolved by Council under Clause 11. Regulation of the activity could be to either to restrict the activity entirely, or to require a permit for the activity.
- 1.28 For example, playing golf on the Little Para Golf Course is restricted unless the person is a member of the Little Para Golf Course or has paid the required fee.
- 1.29 Currently, the main activities regulated or permitted under this By-Law that are responded to by the City of Salisbury include:
  - 1.29.1 Fishing – nuisances created by fishing, such as obstructing paths, leaving dead carp, or creating noise nuisance for nearby residents during the evening.
  - 1.29.2 Boats – requests to kayak on the main lake at Mawson Lakes, noting that unrestricted kayaking is currently prohibited due to safety concerns unless licensed.
  - 1.29.3 Camping – moving on campers that are located on Council reserves.
  - 1.29.4 Golf – people playing golf on reserves and creating hazards to other users.
  - 1.29.5 Removing trees – trees being cut and/or fallen trees being cut and removed illegally.
- 1.30 Other activities currently permitted on local government land through licence agreements and hire agreements, include exclusive use of Council reserves and hiring key locations for events, weddings, parties and organised sports.
- 1.31 The addition of the definition of drones to the model aircraft ensures authorised staff can address drones being launched and flown over Council land, however all other drone activity is controlled under the Civil Aviation Act. The Civil Aviation Act describes the conditions under which an aircraft may fly in Australia. The Civil Aviation Safety Authority recommends that operators fly at a site which is already

established rather than trying to obtain individual permission. The Model Aeronautical Association of Australia provides details of local approved sites.

### **1.32 By-Law 5 Dogs**

1.33 Description – for the management and control of dogs within the Council’s area and is made under the provisions of the *Local Government Act 1999* and the *Dog and Cat Management Act 1995*.

1.34 Changes – Minor changes to this By-Law are proposed along with editorial, currency and formatting changes as recommended by Council’s lawyers.

1.35 The proposed changes include:

1.35.1 Dog free areas – dogs (other than assistance dogs) are to be prohibited on all playing fields while organised sport is occurring. Dogs can be brought to sporting activities with spectators, but would be prohibited from the field while a game is in progress.

1.35.2 Dog on leash areas – this paragraph has been expanded to not only include areas where Council has resolved that this clause applies, but to also include:

- any park or reserve during times when organised sport is being played;
- in any wetland area.

1.35.3 The above changes are proposed so that during off-leash activity times (6.30pm to 8.00am) dogs must be kept on a leash to prevent any interference with the sporting activities, and limit impacts on flora and fauna in wetland areas.

1.35.4 Council can utilise the provisions available under Clause 5.1 of the By-Law to require dogs to be on a leash at specified times or areas on any local government land and or facility. Any changes would be subject to community consultation and Council endorsement and resolution, and would consider local concerns, community demand, and any identified risks or community safety concerns. This provides flexibility to address areas independently and determine an outcome based on any specific concerns (e.g. distance to playgrounds).

1.35.5 The limit on the number of dogs to be kept at any premises is proposed to be two dogs for all dwellings unless a permit is granted. This change is proposed in recognition that the average dwelling size in the City of Salisbury is decreasing. The focus will be on addressing nuisances from dogs rather than dog numbers.

1.36 The main activities undertaken or permitted under the existing By-Law include:

1.36.1 Dog free areas – where Council has resolved to declare dog free areas in all enclosed play spaces including the St Kilda play space.

1.36.2 Dog on leash areas – where Council has resolved that all Council parks and reserves are dog on leash areas between 8.00am and 6.30pm.

1.36.3 Dog exercise areas – includes dog friendly parks that have been declared dog off-leash areas at all times.

- 1.36.4 Limit on dog numbers – permits are issued to persons wishing to keep more than two dogs. There are currently about 400 permits to keep more than the prescribed number of dogs in the City of Salisbury.

### **1.37 By-Law 6 Waste Management**

- 1.38 Description – to regulate the removal of domestic waste, recyclable and green organic waste from premises in the Council area.
- 1.39 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.
- 1.40 The main activities undertaken or permitted under this By-Law include:
  - 1.40.1 Keeping containers clean – responding to concerns are raised about offensive odours coming from bins requiring them to be cleaned.
  - 1.40.2 Collection services – where the bins are not taken back in after collection and remain on the verge, requiring staff to order that they be taken in.

