

By-Law Determinations and Resolutions

Pursuant to Section 252(6) of the Local Government Act, if a by-law only applies within a part or parts of the area of a council as the council may determine from time to time, and the council has made a determination, a certified copy of the resolution making the determination must accompany a copy of the by-law provided under subsection (5).

For the purposes of the register of by-laws the following is a list of the determinations made by Council under by-laws and is to be read in conjunction with the register of by laws as required under Section 252(1)

By-law 1 Permits Penalties

Date and Resolution Reference	Resolution
<p>Item 3.1.2 By-Laws 2022 Delegations and Expiation Fees</p> <p>Moved Cr G Reynolds Seconded Mayor G Aldridge</p> <p>CARRIED 1441/2022</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that pursuant to Section 246(3)(g) of the <i>Local Government Act 1999</i>, the maximum penalty for an alleged offence against a provision of any of Council’s 2022 By-laws is \$1,250. 2. Approves, pursuant to Section 246(5)(b) of the <i>Local Government Act 1999</i>, and Section 38(1) of the <i>Legislation Interpretation Act 2021</i>, the expiation fees for an alleged offence against a provision of Council’s 2022 By-Laws (upon their commencement) to be as follows: <ol style="list-style-type: none"> i. Permits and Penalties By-law 2022 - Expiation fee \$188; ii. Moveable Signs By-law 2022 - Expiation fee \$188; iii. Roads By-law 2022 - Expiation fee \$188; iv. Local Government Land By-law 2022 - Expiation fee \$188; v. Dogs By-law 2022 - Expiation fee \$188; and vi. Waste Management By-law 2022 - Expiation fee \$188. 3. Delegates, in exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i>, the powers and functions under the following By-laws and specified in the proposed Instruments of Delegation contained in Attachments 1 to 6 to the person occupying the office of Chief Executive Officer subject to the conditions and, or limitations specified herein, or in the Schedule of Conditions in each such proposed Instrument of Delegation: <ol style="list-style-type: none"> i. Permits and Penalties By-Law 2022 – (Attachment 1); ii. Moveable Signs By-Law 2022 - (Attachment 2);

	<p>iii. Roads By-Law 2022 - (Attachment 3); iv. Local Government Land By-Law 2022 - (Attachment 4); v. Dogs By-Law 2022 - (Attachment 5); vi. Waste Management By-Law 2022 - (Attachment 6)</p>
<p>Item 3.6.1 Delegations to Issue By-Law Permits Presented March 2018 CARRIED 2388/2018</p> <p>This resolution is superseded on 14 November 2022 when the new Council By-Laws 2022 are enacted</p>	<p>This resolution is superseded on 14 November 2022 when the new Council By-Laws 2022 are enacted</p> <p>1. The information be received.</p> <p>2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Council’s By-Law No. 1 – Permits and Penalties By-Law 2015 contained hereunder are hereby delegated from 2 April 2018 to the person occupying the office of Chief Executive Officer (and anyone acting in that position), subject to the conditions and / or limitations indicated in the Schedule of Conditions contained in the attached proposed Instrument of Delegation (Attachment 1, Item No. 3.6.1, Resources and Governance Committee, 19/03/2018):</p> <ul style="list-style-type: none"> • the power to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law, or to otherwise grant permission under a Council By-law subject to any conditions the delegate sees fit to impose; • the power to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted; • the power to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and • the power to commence proceedings to prosecute an offence under a Council By-law. <p>3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.</p>

By-law 2 Movable Signs

Date and Resolution Reference	Resolution
None applicable	None applicable

By-law3 Roads

Date and Resolution Reference	Resolution
None applicable	None applicable

By-law 4 Local Government Land

Date and Resolution Reference	Resolution
Health, Animal Management and By-laws Item 3.3.1 Little Para Golf Course - Playing Area Signage - May 2017 Moved Cr G Reynolds Seconded Cr J Woodman CARRIED 1786/2017	<ol style="list-style-type: none">1. That the information be received.2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves, effective from 30 May 2017, to apply sub-clause 9.25.4 of By-law No. 4-Local Government Land (the By-law) to the Local Government land comprising the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report so that the permission of the Council (or its agent) is required to play or practice the game of golf on the land unless a person is a member of the Little Para Golf Course or, has paid the required fee.3. That, as a playing area for the purposes of sub-clause 9.30 of the By-law, the Council resolves by way of a direction under clause 9.30.3 of the By-law, that the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report must not, without the permission of the Council (or its agent), be used by any person:<ol style="list-style-type: none">a. to play or practice the game of golf unless the person is a member of the Little Para Golf Course or, has paid the required fee; orb. to play or practice any other sporting activity.4. That the Administration undertake all necessary steps to give effect to the Council's resolution under paragraphs 2 and 3 above, including by:<ol style="list-style-type: none">a. publishing notice of them in the Government Gazette and in a local newspaper circulating in the Council's area;

	<p>b. making copies of them available online and within the Councils register of by-laws; and</p> <p>c. erecting signage as appropriate on the land.</p> <p>5. (If council resolves as per recommendation 2 and 3) that Belgravia staff be trained and appointed as Authorised Officers for the purposes of being able to enforce Sub-clauses 9.25.4 and 9.30 of By-law in respect of the Little Para Golf Course</p>
<p>Motions on Notice Item 7.2 Salisbury United Football Club May 2021 Moved Cr C Buchanan Seconded Cr D Proleta CARRIED 0965/2021</p> <p><i>Only effective from 24 May 2021 to 31 October 2021 inclusive.</i></p>	<p>1. That, due to the rehabilitation works currently being undertaken over the next few months on pitch numbers 1 and 2 at Burton Park, to enable temporary restrictions to be put in place for pitch number 3 to exclude the public from using the pitch for informal recreation, and to prohibit dog owners from walking their dogs on the pitch for the duration of the 2021 soccer season, the following clauses are adopted:</p> <p>a) Pursuant to clause 7 of City of Salisbury by-law 4 - Local Government Land, the sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is closed to public access and use for any activity other than for the authorised use of the approved lessees and their authorised personnel and club members for the practice, training, and play of soccer as per the lease agreement, and for spectators in approved areas whilst an authorised game is in play or training is being conducted. The period of restricted access shall remain in force at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>b) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community that the land is closed to public access at all times for use for any activity other than for the authorised use of the approved lessees from 24 May 2021 to 31 October 2021 inclusive.</p> <p>c) Pursuant to clause 10 of City of Salisbury by-law 5 - Dogs, sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is declared a dog prohibited area and a person must not allow a dog under that person's care and control, charge or authority (except an assistance dog) to enter or remain on the land at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>d) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community of the declaration that the area is a dog prohibited area at all times from 24 May 2021 to 31 October 2021 inclusive.</p>

<p>4.1.1 Salisbury Oval Security</p> <p>Moved Cr S Reardon Seconded Cr P Jensen</p> <p>CARRIED 1375/2022</p>	<p><u>4.1.1 Salisbury Oval Security</u></p> <p>Moved Cr S Reardon Seconded Cr P Jensen</p> <p>That Council:</p> <ol style="list-style-type: none">1. Notes that the Administration will continue to work with and advocate to the South Australian Police, social support networks, community and cultural organisations to address the underlying social and health challenges associated with the anti-social behaviours and alcohol consumption occurring at the Salisbury Oval and surrounding area.2. Approves that Brown Terrace playground and environs as shown in the attached plan – (Attachment 3 Brown Terrace Playground and Environs, Item 4.1.1, Salisbury Oval Security, Urban Services Committee, 20 June 2022) is closed between 10pm and 6am, and will be an alcohol-free area under By-Law 4 from 1 July 2022, as follows:<ol style="list-style-type: none">a. Pursuant to clause 7 of City of Salisbury By-Law 4 - Local Government Land, the local government land known as Brown Terrace playground and environs, as shown in the attached plan (Attachment 3 Brown Terrace Playground and Environs, Item 4.1.1, Salisbury Oval Security, Urban Services Committee, 20 June 2022) is closed to public access and use for any activity, other than commuting and travelling across the land, between 10pm and 6am inclusive (penalties may apply). The period of restricted access shall begin on 1 July 2022 and remain in force until further notice.b. Pursuant to Section 238 of the Local Government Act 1999, a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of the local government land known as Brown Terrace Playground and Environs, as shown in the attached plan to notify all attendees and members of the community that the land is closed to public access between 10pm and 6am for use for any activity other than commuting and travelling across the land.c. Pursuant to clause 9.2 of City of Salisbury By-Law 4 - Local Government Land, a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on Local Government Land comprising parks or reserves to which the Council has determined this paragraph applies, namely the local government land known as Brown Terrace playground and environs as shown in the attached plan (Attachment 3 Brown Terrace Playground and Environs, Item 4.1.1, Salisbury Oval Security, Urban Services Committee, 20 June 2022), and this restriction shall begin on 1 July 2022 and remain in force until further notice.
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d. Pursuant to Section 238 of the Local Government Act 1999 a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of the local government land known as Brown Terrace playground and environs (Attachment 3 Brown Terrace Playground and Environs, Item 4.1.1, Salisbury Oval Security, 20 June 2022) to notify all attendees and members of the community that a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on Local Government Land comprising parks or reserves to which the Council has determined this paragraph applies, namely the local government land known as Brown Terrace Playground and Environs (as shown in the attached plan).

3. That staff bring back a further report with options and costs to install permanent CCTV at Salisbury Oval to the July 2022 Council meeting.

Attachment 3 Brown Terrace Playground and Environs,





Brown Terrace Playground, Reserve and Environs



The local government land as indicated on the map by the **red boundary line** (*this area*) has been declared **CLOSED TO PUBLIC** and an **ALCOHOL FREE AREA** as per the limitations specified below:



CLOSED TO PUBLIC BETWEEN 10pm – 6am

This area is closed to the public for any activity between 10pm and 6am inclusive, from 01 March 2022 to 01 May 2022 (penalties may apply)



ALCOHOL-FREE AREA

A person must not consume, carry or be in possession of any liquor/alcohol on *this area* at all times between 01 March 2022 to 01 May 2022 (penalties may apply)



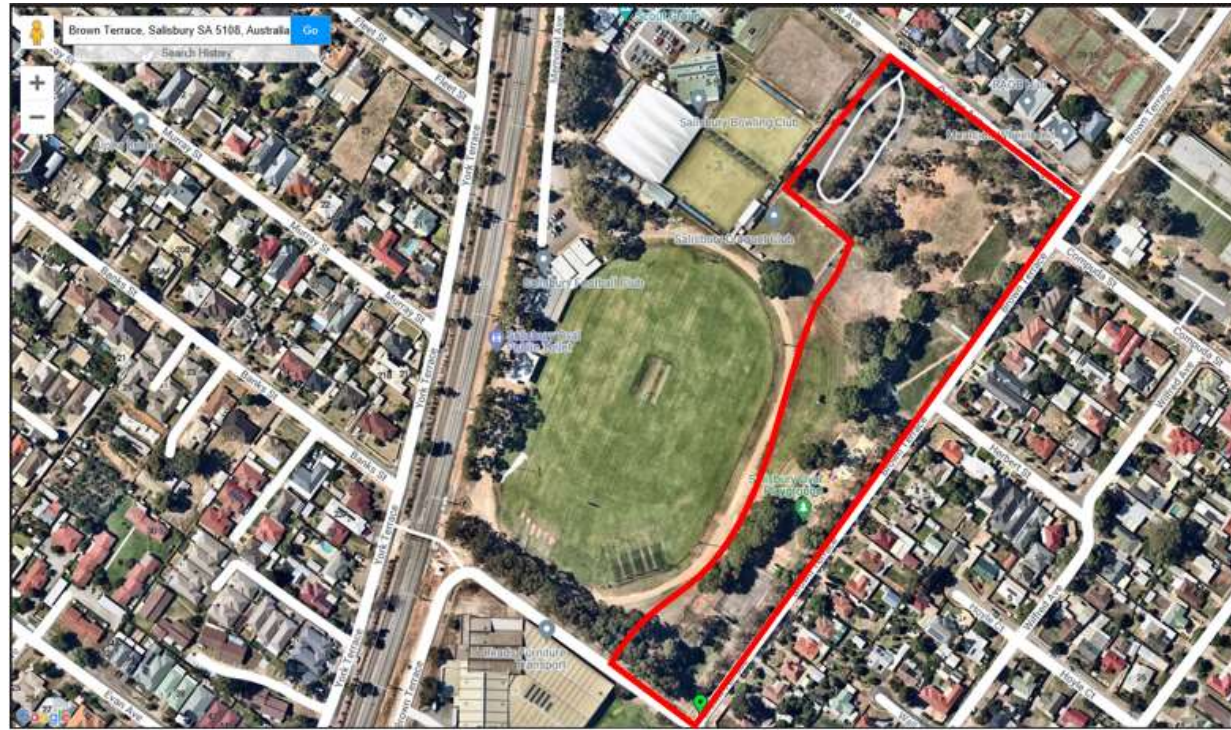
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<p>Motions Without Notice US-MWON Salisbury Oval Security</p> <p>Moved Cr C Buchanan Seconded Cr D Hood CARRIED 1245/2022</p> <p>Closed to public access shall remain in force between 10pm and 6am inclusive from 1 March 2022 to 1 May 2022 inclusive.</p> <p>Alcohol free area shall remain in force between 1 March 2022 to 1 May 2022 inclusive.</p> <p>This resolution concluded on 1 May 2022</p>	<p>This resolution concluded on 1 May 2022</p> <p><u>That Council:</u></p> <ol style="list-style-type: none"> 1. Notes that the Administration and Elected Members are continuing to work with the South Australian Police (SAPOL) through the SAPOL Community Safety Committee to address the anti-social and nuisance behaviours on local government land at Brown Terrace Salisbury and will report back to Council on the outcomes of the consultation with SAPOL. 2. Notes the actions that Council is implementing to address concerns, including increased security patrols, restricting power supply, providing portable CCTV to the site, rapid clean up responses and advocating to SAPOL to increase resourcing. 3. Notes that Council is investigating the installation of permanent CCTV at the site. 4. Notes that under Clause 9.5 Annoyance and Clause 10.7 Nuisance of By-Law 4 that Community Compliance staff and SAPOL officers are able to take action where a person is creating a disturbance or behaving in a manner to cause discomfort, inconvenience, annoyance or offence to any other persons. 5. Approves that Brown Terrace playground and environs (as shown in the attached plan) are closed between 10pm and 6am, and become an alcohol-free area under By-Law 4 for a period of two months while a review of more permanent options is undertaken, as follows: <ol style="list-style-type: none"> a) Pursuant to clause 7 of City of Salisbury by-law 4 - Local Government Land, the local government land known as Brown Terrace playground and environs, as shown in the attached plan is closed to public access and use for any activity. The period of restricted access shall remain in force between 10pm and 6am inclusive from 1 March 2022 to 1 May 2022 inclusive. b) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity the local government land known as Brown Terrace playground and environs, as shown in the attached plan to notify all attendees and members of the community that the land is closed to public access between 10pm and 6am for use for any activity from 1 March 2022 to 1 May 2022 inclusive. c) Pursuant to clause 9.2 of City of Salisbury by-law 4 - Local Government Land, a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies, namely the

	<p>local government land known as Brown Terrace playground and environs (as shown in the attached plan), and this restriction shall remain in force between 1 March 2022 to 1 May 2022 inclusive.</p> <p>d) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity the local government land known as Brown Terrace playground and environs (as shown in the attached plan) to notify all attendees and members of the community that a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies, namely the local government land known as Brown Terrace playground and environs (as shown in the attached plan).</p> <p>6. Requests that Administration bring back a report to Council that includes more permanent options under its existing By-Laws to address anti-social behaviours and nuisance occurring at Brown Terrace and environs (as shown in the attached plan), such as closing or restricting access after 10pm, declaring the reserve as alcohol free, and a dry zone, while appropriately managing the potential displacement of activities to other sites in the locality.</p>
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By-law 5 Dogs

Date and Resolution Reference	Resolution
Health and General Report May 2001	1. No environmentally sensitive habitat areas are to be made available for unleashed dog exercise activity 2. Apart from the environmentally sensitive habitat areas, all parks are to be made available for unleashed exercise activity between the hours of 6.30 p.m. and 8.00 a.m. daily and signed accordingly, with the exception of areas currently

Date and Resolution Reference	Resolution
<p>Item 3.3.2 10/4/2 Community Consultation – Unleashed Dog Exercise in Open Space</p> <p>750 Cr Irving moved in terms of the recommendation of the Committee that: Cr Abela seconded CARRIED</p>	<p>utilised by dog obedience and structured dog club activities that require additional time for unleashed activity outside of the proposed general limit.</p> <p>3. An extensive community education program regarding permitted unleashed dog exercise times in open spaces and owner responsibilities commence in June 2001.</p> <p>4. A report be prepared for the March 2002 Council meeting detailing the incidence of dog attack subsequent to the implementation of the leashing By-Law and reviewing any changes that might be required in unleashed exercise access to sportsgrounds and playgrounds.</p>
<p>Health and General Report November 2001</p> <p>Item 3.3.1 20/1/4 "Dog Friendly Parks" – Unleashed Exercise Areas</p> <p>Note: Page 1, Heading - Report, paragraph 2, line 4 to be corrected to read Founders Reserve, Valley View, instead of Founders Reserve, Para Hills.</p> <p>1157 Cr Irving moved in terms of the recommendation of the Committee that:</p> <p>Cr L Caruso seconded CARRIED</p>	<p>1. Council approves the development of 24 hour unleashed exercise "dog friendly parks" at the sites nominated at Jenkins Reserve, Baltimore Reserve and The Paddocks.</p> <p>2. Council directs that an amount of \$76,000 for the cost of these developments be included in the First Quarter Budget Review.</p> <p>3. Under Section 3 of By Law 6, Council resolves that the 3 sites of the "dog friendly parks" at Jenkins Reserve, Baltimore Reserve and The Paddocks be exempt from the provisions of Section 2 of By Law 6 from the dates of their completion.</p> <p>4. A further report be prepared for Council's December 2001 meeting, reviewing the proposed site at Dunkley Reserve and evaluating alternative sites in the area.</p> <p>5. If the Dunkley Reserve location is approved at the December 2001 meeting, then it be funded from the Sundry Projects Fund.</p>
<p>Health and General Report</p> <p>Item 3.3.1 20/1/4 Additional Dog Friendly Parks – Community Consultation - August 2002</p>	<p>1. Council approves the construction of the Dog Friendly Parks at Kingswood Crescent Reserve Paralowie and Golding Oval Reserve Para Vista in accordance with the presented designs.</p> <p>2. Council hereby resolves that upon completion of the construction of these Dog Friendly Parks that they be public places exempt from By Law 6 – Dogs.</p>

Date and Resolution Reference	Resolution
<p>1716 Cr Irving moved in terms of the recommendation of the Committee that: Cr Kirkhope seconded CARRIED</p>	
<p>Health and General Report 3.3.1 By-law 6 Exemption For New Dog Parks - July 2006 2239 Cr Pearson seconded CARRIED</p>	<p>Cr Cotton moved in terms of the recommendation of the Committee that Council exempt the following dog friendly parks from the application of By-law 6;</p> <ul style="list-style-type: none"> • Park Way Dog Friendly Park, Mawson Lakes, • Happy Home Reserve Dog Friendly Park, Salisbury North, • Canterbury Drive Reserve Dog Friendly Park, Salisbury Heights and • Unity Park Dog Friendly Park, Pooraka.
<p>Landscaping Item 2.4.1 Dog Control within Enclosed Play Spaces – July 2015 Moved Cr J Woodman Seconded Cr S Reardon CARRIED 0496/2015</p>	<ol style="list-style-type: none"> 1. The information be received. 2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that effective from 1st of September 2015, all Local Government land comprising a fully enclosed playground is a ‘Dog Free Area’ for the purposes of Clause 4 of By-Law No. 5 – Dogs. For the purposes of this resolution: <ul style="list-style-type: none"> • A ‘playground’ is an area upon which is installed equipment and/or other devices for the purpose of children’s play; and • A ‘fully enclosed playground’ is a playground that is fully enclosed by a fence or similar structure requiring entry via a gate. 3. Staff install signage declaring the fully enclosed play grounds as dog free areas. 4. Staff publish a notice of determination in the Government Gazette and in a local newspaper circulating in the area, and ensure copies of the determination are made available online and within Councils register of by-laws. 5. Staff implements the by-law changes effective from 1st of September 2015, and undertake an education and information campaign through local media, online and information posters at Council facilities including main office, libraries, dog friendly parks and fully enclosed playgrounds.

Date and Resolution Reference	Resolution
<p>Health, Animal Management and By-laws 3.3.1 Dog Control options for St Kilda Adventure Play-space – December 2015 Moved Cr C Buchanan Seconded Cr D Proleta CARRIED 0808/2015</p>	<ol style="list-style-type: none"> 1. The information be received. 2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that effective from 1st of February 2016, the Local Government land comprising the St Kilda Play-space as identified in the diagram in Attachment 1 to this report is a ‘Dog Prohibited Area’ for the purposes of Clause 10 of By-Law No. 5 – Dogs. 3. Staff finalise signage design and arrange to install signs as required advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in Attachment 1 to this report is declared as a “Dog Prohibited Area”. 4. Staff publish a notice of determination in the Government Gazette and in a local newspaper circulating in the area, and ensure copies of the determination are made available online and within Councils register of by-laws advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in the diagram in Attachment 1 to this report is a ‘Dog Prohibited Area’ for the purposes of Clause 10 of By-Law No. 5 – Dogs. 5. Staff undertake an education and information campaign through local media, online, advertising in local business premises (subject to owners’ approval), and at Council facilities including main office, libraries and at St Kilda Adventure play-space.
<p>Motions on Notice Item 7.2 Salisbury United Football Club May 2021 Moved Cr C Buchanan Seconded Cr D Proleta CARRIED 0965/2021</p> <p><i>Only effective from 24 May 2021 to 31 October 2021 inclusive.</i></p>	<ol style="list-style-type: none"> 1. That, due to the rehabilitation works currently being undertaken over the next few months on pitch numbers 1 and 2 at Burton Park, to enable temporary restrictions to be put in place for pitch number 3 to exclude the public from using the pitch for informal recreation, and to prohibit dog owners from walking their dogs on the pitch for the duration of the 2021 soccer season, the following clauses are adopted: <ol style="list-style-type: none"> a) Pursuant to clause 7 of City of Salisbury by-law 4 - Local Government Land, the sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is closed to public access and use for any activity other than for the authorised use of the approved lessees and their authorised personnel and club members for the practice, training, and play of soccer as per the lease agreement, and for spectators in approved areas whilst an authorised game is in play or training is being conducted. The period of restricted access shall remain in force at all times from 24 May 2021 to 31 October 2021 inclusive. b) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees

Date and Resolution Reference	Resolution
	<p>and members of the community that the land is closed to public access at all times for use for any activity other than for the authorised use of the approved lessees from 24 May 2021 to 31 October 2021 inclusive.</p> <p>c) Pursuant to clause 10 of City of Salisbury by-law 5 - Dogs, sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is declared a dog prohibited area and a person must not allow a dog under that person's care and control, charge or authority (except an assistance dog) to enter or remain on the land at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>d) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community of the declaration that the area is a dog prohibited area at all times from 24 May 2021 to 31 October 2021 inclusive.</p>

By-law 6 Waste Management

Date and Resolution Reference	Resolution
None applicable	None applicable