



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**20 JUNE 2022 AT CONCLUSION OF POLICY AND PLANNING COMMITTEE
IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr J Woodman (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig
Team Leader Corporate Governance, Mr B Kahland

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 16 May 2022.

REPORTS

Administration

3.0.1	Future Reports for the Governance and Compliance Committee	9
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For Decision

3.1.1	2022 Local Government Association Annual General Meeting - proposed Items of Business.....	11
3.1.2	By-Laws Review 2022	29

For Information

3.2.1	Community Compliance Resources	127
3.2.2	Summary Report for Attendance at Training and Development Activity - Leading Public Sector Change Initiatives	139

OTHER BUSINESS

QUESTIONS WITHOUT NOTICE

MOTIONS WITHOUT NOTICE

CONFIDENTIAL ITEMS

3.4.1 Audit and Risk Committee Membership - Appointment of Independent Members

Recommendation

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*

*On that basis the public's interest is best served by not disclosing the **Audit and Risk Committee Membership - Appointment of Independent Members** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY ON**

16 MAY 2022

MEMBERS PRESENT

Cr J Woodman (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug (*Via Microsoft Teams*)
Cr K Grenfell (*Via Microsoft Teams*)

Cr S Reardon (Deputy Chairman)
Cr G Reynolds (*Via Microsoft Teams from 7:04pm*)

OBSERVERS

Team Leader Community Compliance, Mr Brad Scholefield

STAFF

General Manager City Development, Ms M English
General Manager Business Excellence, Mr C Mansueto
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 6:51pm

The Chairman welcomed the members, staff and the public to the meeting.

APOLOGIES

Apologies were received from Cr A Duncan and Cr D Proleta.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Mayor G Aldridge
Seconded Cr S Reardon

The Minutes of the Governance and Compliance Committee Meeting held on 19 April 2022, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Notes the report.

CARRIED

For Decision

3.1.1 2022 National General Assembly of Local Government - Attendance and Voting Guidance

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Appoints Cr S Reardon as the City of Salisbury voting delegate to be registered to attend the National General Assembly of Local Government being held in Canberra from 19 to 22 June 2022 [in person OR online].
2. Approves for the Mayor and Chief Executive Officer to meet with the City of Salisbury voting delegate prior to the 2022 National General Assembly of Local Government to provide voting guidance on motions in the best interest of the City of Salisbury, in the absence of any specific direction from Council on the motions.

CARRIED

Cr G Reynolds joined the meeting at 7:04pm

3.1.2 Pilot Off Leash Greyhound Event Review

Moved Cr B Brug
Seconded Cr S Reardon

That Council:

1. Notes the success of the pilot off leash greyhound event along with the very positive feedback and level of satisfaction with the Jenkins Reserve facility.
2. Approves the Administration conducting up to two off leash greyhound events per annum subject to approval from the Dog and Cat Management Board and Greyhound as Pets SA.
3. Approves the Administration writing to the Dog and Cat Management Board to review the legislative and policy requirements for off leash greyhound events to enable third party organisers to host and conduct greyhound off leash events to reduce the administrative burden and costs on the City of Salisbury and local government sector.
4. Approves that a report come back to the appropriate Committee in September 2022, evaluating all dog parks and their suitability to hold off leash greyhound events.

CARRIED

With leave of the meeting, Mayor G Aldridge withdrew the seconding of the MOTION following discussion in relation to item 4 of the Recommendation.

QUESTIONS ON NOTICE

There were no Questions on Notice.

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

There were no Other Business items.

The meeting closed at 7:15pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 June 2022
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
23/05/2022 3.1.2 Due:	Pilot Off Leash Greyhound Event Review 4. Approves that a report come back to the appropriate Committee in September 2022, evaluating all dog parks and their suitability to hold off leash greyhound events September 2022	Brad Scholefield

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented to Council for noting.

ITEM	3.1.1 GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 June 2022
HEADING	2022 Local Government Association Annual General Meeting - proposed Items of Business
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report presents information with respect to the Annual General Meeting (AGM) of the Local Government Association (LGA) to be held on Friday 28 October 2022 and seeks any proposed items of business that Council may wish to submit.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. LGA AGM Items of Business Guidelines
2. LGA AGM Items of Business FAQ

1. BACKGROUND

- 1.1 The LGA AGM will be held on Friday 28 October 2022 at Adelaide Oval.
- 1.2 When a draft program for this event is released, it will be made available to all Elected Members to review and determine if they wish to attend.

2. CONSULTATION / COMMUNICATION

- 2.1 External
 - 2.1.1 Nil.

3. REPORT

Process for Submission of Proposed Items of Business

- 3.1 A key purpose of the Annual General Meeting (AGM) is to consider items of strategic importance to local government and the LGA, as recommended by the SA Regional Organisation of Councils (SAROC), the Greater Adelaide Regional Organisation of Councils (GAROC) or the LGA Board of Directors.
- 3.2 Member councils may at any time throughout the year propose an item of business for a General Meeting. Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.
- 3.3 It is at the discretion of councils whether to refer an item to their relevant Regional Organisation of Councils (SAROC or GAROC) or the Board of Directors.
- 3.4 Member councils submitting a proposed item of business will be offered the opportunity, at their discretion, to speak to their proposal at the relevant meeting in October.
- 3.5 Guidelines and Frequently Asked Questions on how proposed items of business are submitted and considered are attached for reference. All items of business should comply with these guidelines.
- 3.6 In order for items of business to be considered for the 28 October 2022 AGM, **proposals must be received by the LGA no later than Friday 12 August 2022.**
- 3.7 Proposals received after this date will not be considered for the 2022 AGM, but will be considered for the LGA Ordinary General Meeting (OGM) in April 2023.
- 3.8 All proposed items will be considered by either SAROC, GAROC or the Board of Directors and must be approved by them for inclusion in the agenda for the AGM.
- 3.9 The AGM agenda will be provided to Councils at least 30 days prior to the meeting.

Topics for Proposed Items of Business

- 3.10 If there are issues Council considers appropriate to be submitted as an item of business, a recommendation to that effect will need to be moved.

Voting Delegates (for information)

- 3.11 In January 2021, Council resolved Cr Chad Buchanan be appointed as voting delegate to the LGA for the remainder of the Council term. The resolution also appointed Mayor Gillian Aldridge as deputy voting delegate for the same period.
- 3.12 It has been practice that a summary of the matters being considered at LGA General Meetings (Annual and Ordinary) are presented to Council for information and to provide an opportunity to put forward a position on any item as it sees fit.
- 3.13 The Chief Executive Officer (CEO) provides a recommended voting position where relevant.

- 3.14 Under the LGA Constitution the AGM agenda is due to be distributed at least 30 days before the meeting (29 September 2022 at the latest).
- 3.15 A report will therefore be presented to the October Governance and Compliance Committee, which will include advice from the Chief Executive Officer in relation to each item of business, allowing Members to provide direction to the voting delegate.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if there are any issues which warrant submission of an item of business to the LGA AGM being held 28 October 2022.
- 4.2 A further report providing the items of business to be considered at the October AGM will be presented to allow Council the opportunity to provide direction to the voting delegate.

Considering Proposed Items of Business for LGA General Meetings

Guidelines

February 2019

Version 1

Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
 - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
 - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

LGA Board of Directors

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

SAROC or GAROC

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

Guiding principles

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

1. Strategic importance

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;

- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.

Items of business for LGA General Meetings

Frequently Asked
Questions

November 2020

Items of business for LGA General Meetings

Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year:

- the Ordinary General Meeting (OGM) is held annually in April or May; and
- the Annual General Meeting (AGM) is held annually in October or November.

A key purpose of the AGM/OGM is to bring together member councils to consider 'items of business' that are of strategic importance to local government.

Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

This FAQ provides helpful guidance to councils about how to successfully participate in this process.

General overview of process

Items of business can be submitted by member councils, or a Regional LGA, to either SAROC, GAROC or the LGA Board of Directors for approval to be placed on the agenda of a General Meeting.

It is at the discretion of councils whether to refer an item to SAROC (regional councils), GAROC (metro councils) or the LGA Board of Directors. As a general guide, all policy and advocacy matters should be referred to SAROC or GAROC, and matters related to the operations of the LGA should be referred to the LGA Board.

Items of business can be submitted at any time during the year. Councils do not need to wait for the call for items from the LGA. However, to enable all items to be assessed by the relevant body and for reports to be prepared and included in the Agenda, a closing date is determined for each General Meeting. This closing date will typically be around 8-10 weeks prior to each General Meeting. If you miss the deadline, you can still submit your item, but it will be held until the following General Meeting.

Councils and Regional LGAs must submit their items by completing and submitting the LGA General Meeting - Proposed Item of Business form.

Proposals should be accompanied by enough supporting information to make informed decisions and recommendations. Councils and Regional LGAs are encouraged to discuss proposed items of business with the LGA Secretariat before they are submitted for advice on LGA policy, current activities and the type of supporting evidence or documentation that may be required.

SAROC, GAROC, or the LGA Board of Directors may decide to approve an item of business for inclusion on the agenda of a General Meeting. If appropriate, they may determine another course of action, including approving with amendments, requesting further information, referring the matter back to the council or Regional LGA, or resolving that the matter be dealt with by the LGA/SAROC/GAROC without progressing to an OGM/AGM.

Once an item of business has been recommended for inclusion on the agenda for a General Meeting, and subsequently carried by member councils by a majority vote, the LGA will use its best endeavors to achieve the outcomes sought by member councils.

Before proposing an item of business, member councils and Regional LGAs are encouraged to carefully consider the following *Frequently Asked Questions* and to refer to the *Guidelines on Considering Proposed Items of Business for LGA General Meetings*¹.

Frequently Asked Questions

- Why should I consider an item of business for an LGA general meeting?
- What is a 'strategically important' issue?
- What supporting evidence does the LGA need to consider my item of business?
- When should I submit a proposed item of business to the LGA?
- I have read the agenda for the next General Meeting and think an issue needs to be on there. Can I submit a late item of business?
- How do I submit a proposed item of business?
- Can I write a letter to the LGA President or CEO to submit a proposed item of business?
- Who makes the decision on my proposed item of business / where should I refer my item of business to?
- My council is not a member of a Regional LGA. Can I still submit a proposed item of business?
- Why might the LGA decide not to allow my proposed item of business to go to a General Meeting?
- Can I get help to prepare a proposed item of business?

Why should I consider an item of business for an LGA general meeting?

- Member councils and Regional LGAs should consider submitting a proposed item of business if they believe there is an opportunity for the LGA to take the lead on an issue that is strategically important to local government and will benefit the sector as a whole.
- There is significant value and impact in local government speaking with one voice through the LGA to influence State and Federal Government setting the policy, legislation and funding arrangements that support the delivery of council services and operations. Similarly, the LGA can bring councils together to assist with capacity building and knowledge sharing within local government.

What is a 'strategically important' issue?

- The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the Association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.
- Generally, an item may be deemed to strategically important if:
 - it has direct relevance to the role of local government, or council services and operations; and

¹ https://www.lga.sa.gov.au/_data/assets/pdf_file/0032/467744/ECM_670949_v6_Guidelines-Considering-Proposed-Items-of-Business-for-LGA-General-Meetings-2.pdf

- it will benefit the local government sector as a whole; and
- there is alignment with LGA/SAROC/GAROC strategic and business plans; and
- there is alignment with the LGA Policy Manual.

What supporting evidence does the LGA need to consider my item of business?

- Good public policy positions need to be supported by solid evidence so that the issues are well understood and that the proposed course of action provides the most efficient and effective solution.
- A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.
- To support SAROC, GAROC and the LGA Board of Directors in determining whether an item of business should be recommended to an LGA General Meeting, all submissions should provide a summary of the issue, a clear definition of the problem and its impact on local government or council services and operations. Information should be provided on any relevant legislation, policy settings and relevant research reports and papers.
- If sufficient supporting evidence is not provided, SAROC, GAROC or the LGA Board of Directors may refer an item back to the submitting council with a request for further information.
- In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action.

When should I submit a proposed item of business to the LGA?

- Items of business for LGA General Meetings can be submitted at any time throughout the year.
- A proposed item of business will be referred to SAROC, GAROC or the LGA Board of Directors at their next available meeting, along with a report with recommendations from the LGA Secretariat.
- The LGA will advise member councils of the final date for submitting proposed items of business for the next available General Meeting. This 'closing date' is required to ensure that the LGA Secretariat can engage with the submitting councils and make recommendations to SAROC, GAROC or the LGA Board of Directors at their meeting prior to preparation of the General Meeting Agenda.
- Generally, proposed items of business for the Annual General Meeting (October/November) need to be with the LGA in August and proposed items of business for the Ordinary General Meeting (April/May) need to be with the LGA in February.
- The 'closing date' for each General Meeting is communicated to councils via LGA Latest News, typically five months in advance.

I have read the agenda for the next General Meeting and think an issue needs to be on there. Can I submit a late item of business?

- No. Once the Agenda has been finalised for a General Meeting, no further items of business will be accepted for that Meeting. The Agenda is provided to councils at least 30 days prior to a

General Meeting to enable each council to discuss and determine a position on the items of business.

- Any items that are received after the closing date will be held until the following General Meeting.
- The LGA Board of Directors, SAROC and GAROC may decide to progress an issue that is strategically important to local government if there is a level of urgency required to deal with the issue outside of the scheduling for the LGA General Meetings.

How do I submit a proposed item of business?

- To submit a proposal please complete the *LGA General Meeting - Proposed Item of Business* form. This form requires councils to identify:
 - Which body the proposed item of business is being referred to ie SAROC, GAROC or the LGA Board of Directors
 - The subject of the proposed item of business - a short title is preferred.
 - The proposed motion for the General Meeting – a succinct and clear motion ie that the Annual / Ordinary General Meeting requests the LGA to....
 - Supporting information - attachments are permitted to ensure adequate supporting information is provided
 - Alignment to the LGA Policy Manual - consider if this item requires a change to the LGA Policy Manual (new policy or amendment to existing policy)?
 - Alignment to LGA Strategic Plan reference - identify links to one key initiative and one strategy
 - A Council Contact Officer responsible for submitting form - the LGA may wish to liaise with the proposing council to request additional information or consult on potential amendments to the motion
 - Council Meeting minute reference and date of meeting - all proposed items of business must be appropriately considered by the submitting council or Regional LGA before being sent to the LGA.

Can I write a letter to the LGA President or CEO to submit a proposed item of business?

- No. To ensure that all the required information is provided and that proposed items of business are handled correctly by the LGA Secretariat, please use the LGA General Meeting - Proposed Item of Business form and submit it to lgasa@lga.sa.gov.au

Who makes the decision on my proposed item of business / where should I refer my item of business to?

- It is at the discretion of councils and Regional LGAs whether to refer an item to SAROC, GAROC or the LGA Board of Directors.
- The Guidelines on Considering Proposed Items of Business for LGA General Meetings, suggests that items should be referred to SAROC (from regional member councils) or GAROC (from metropolitan member councils) if they relate to the development of LGA policy and strategy, advocacy issues, the LGA Policy Manual, and operational matters related to SAROC or GAROC.

- Otherwise items should be referred to the LGA Board of Directors if related to:
 - the LGA Constitution or Ancillary Documents
 - a subsidiary of the LGA
 - a commercial service provided (or proposed to be provided) by the LGA
 - an activity requiring the allocation of significant resources by the LGA
 - any LGA operational matter

Regional councils may choose to refer their proposed items of business to their Regional LGA prior to submitting with the LGA. This is not required, but it often assists councils with refining the proposed actions and may help to inform and build support for the proposed item of business in their region.

My council is not a member of a Regional LGA. Can I still submit a proposed item of business?

- Yes. Any member council from regional South Australia may submit a proposed item of business to SAROC or to the LGA Board of Directors.

Why might the LGA decide not to allow my proposed item of business to go to a General Meeting?

An item may not be recommended for consideration at a General Meeting:

- If it is not considered to be 'strategically important' to local government; for example, it is not an issue that is within the scope of local government to address or influence.
- If progressing the item would impact negatively on the reputation of local government in South Australia.
- If an issue is only relevant to a particular group of councils it may be referred back to a council or Regional LGA, or resolved that the matter be dealt with by SAROC (for regional issues) or GAROC (for metropolitan issues) without progressing to a General Meeting.
- If there is insufficient supporting evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.
- In circumstances where the evidence needed to support a position might not be readily available, it would be appropriate for a proposed item of business to request that the LGA seeks further investigation and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action.
- If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.
- If there are a lack of resources available to the LGA to progress the proposed item of business. In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue. The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

Can I get help to prepare a proposed item of business?

- Yes. All member councils are encouraged to contact the LGA Secretariat early in the process to discuss the development of their proposed items of business.
- Please contact Allison Down, Executive Coordinator, GAROC and SAROC Committees via email: allison.down@lga.sa.gov.au or telephone: 08 8224 2054.

ITEM	3.1.2		
	GOVERNANCE AND COMPLIANCE COMMITTEE		
DATE	20 June 2022		
PREV REFS	Governance and Compliance Committee	3.1.4	21/02/2022
	Governance and Compliance Committee	3.1.2	15/11/2021
HEADING	By-Laws Review 2022		
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development		
CITY PLAN LINKS	<p>4.2 We deliver quality outcomes that meet the needs of our community</p> <p>4.4 We plan effectively to address community needs and identify new opportunities</p> <p>4.5 We engage meaningfully and our community is aware of Council initiatives</p>		
SUMMARY	<p>The current six Council By-Laws, approved by Council and enacted on 1 January 2015 are due to expire on 1 January 2023. The redrafted and reviewed By-Laws were approved by Council for community and agency consultation. The required consultation and referrals have occurred and this report presents the By-Laws for Council consideration and approval to make the By-Laws. To ensure that new By-Laws come into effect before the existing By-Laws expire, the Council must have made and published new By-Laws in the Government Gazette before 31 August 2022.</p>		

RECOMMENDATION

That Council:

1. Makes the following By-Laws in exercise of the powers contained in the *Local Government Act 1999*, as presented in Attachments 4 through to 9 to this report (Governance and Compliance Committee 20/06/2022, Item No. 3.1.2) and as listed below, in the presence of at least two thirds of its members and by absolute majority supporting vote:
 - a. Permits and Penalties By-Law 2022 - By-Law No.1 of 2022.
 - b. Moveable Signs By-Law 2022 - By-Law No. 2 of 2022.
 - c. Roads By-Law 2022 - By-Law No.3 of 2022.
 - d. Local Government Land By-Law 2022 - By-Law No.4 of 2022.
 - e. Dogs By-Law 2022 - By-Law No.5 of 2022.
 - f. Waste Management By-Law 2022 - By-Law No. 6 of 2022.

2. Notes that, in making the By-Laws, it has considered and had regard to regard to:
 - a. the submission from the Dog and Cat Management Board in respect of the Dogs By-Law 2022;
 - b. the fact that no submissions were received from members of the public in relation to the By-Laws;
 - c. the National Competition Policy Reports prepared in respect of each of the By-Laws; and
 - d. the Certificates of Validity provided by the Council's legal practitioner in respect of each of the By-Laws.
3. Authorises the Chief Executive Officer (or Delegate) undertaking the necessary administrative requirements associated with the making of the By-Laws, including:
 - a. The signing the By-Laws, as made by Council.
 - b. Publishing copies of the By-Laws in the Government Gazette.
 - c. Publishing a notice of the making of the By-Laws in a newspaper circulating in the Council's area.
 - d. Delivering the By-Laws, the Reports to the Legislative Review Committee and other associated necessary documentation to the Legislative Review Committee within six Parliamentary sitting days of the By-Laws being made.
4. Notes that a further report will be prepared and presented to Council regarding the setting of expiation fees and the making of delegations under the By-Laws, prior to the By-Laws commencement date.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Letter to Minister for Infrastructure and Transport By-Law 4
2. Letter and Report to Dog and Cat Management Board for By-Law 5 Dogs
3. Dog and Cat Management Board Response to By-Law 5 Dogs
4. Permits and Penalties By-Law 2022 - By-Law No 1 of 2022
5. Moveable Signs By-Law 2022 - By-Law No. 2 of 2022
6. Roads By-Law 2022 - By-Law No.3 of 2022
7. Local Government Land By-Law 2022 - By-Law No.4 of 2022
8. Dogs By-Law 2022 - By-Law No.5 of 2022
9. Waste Management By-Law 2022 - By-Law No. 6 of 2022
10. Certificate of Validity for City of Salisbury By-Laws 1 to 6 of 2022
11. National Competition Policy Reports for City of Salisbury By-Laws 1 to 6 of 2022
12. Report to Legislative Review Committee for City of Salisbury By-Laws 1 to 6 of 2022

1. BACKGROUND

- 1.1 The current Council By-Laws adopted in 2015 are due to expire on 1 January 2023 pursuant to Section 251 of the *Local Government Act 1999*.
- 1.2 Further to previous Item 3.1.4 presented to the Governance and Compliance Committee in February 2022, the draft By-Laws were approved by Council for the compulsory public consultation in accordance with the Council's Public Consultation Policy and legislative requirements and Council resolved that it:
 - 1.2.1 *Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 21/02/2022, Item No. 3.1.4) and as listed below for the purpose of the public and agency consultation process pursuant to Section 249 of the Local Government Act 1999 and in accordance with Council's Public Consultation Policy (noting that Dog and Cat Management Board consultation will commence prior to public consultation in accordance with Section 90 of the Dog and Cat Management Act 1995).*
 - *Permits and Penalties By-Law 2022 - By-Law No.1 of 2022*
 - *Moveable Signs By-Law 2022 - By-Law No. 2 of 2022*
 - *Roads By-Law 2022 - By-Law No.3 of 2022*
 - *Local Government Land By-Law 2022 - By-Law No.4 of 2022*
 - *Dogs By-Law 2022 - By-Law No.5 of 2022*
 - *Waste Management By-Law 2022 - By-Law No. 6 of 2022*
 - 1.2.2 *Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 21/02/2022, Item No. 3.1.4) for further consultation processes as specified in the report including publication and invitation for comments via the Council's website and social media channels.*
- 1.3 The statutory period of public consultation for reviewing the City of Salisbury's draft By-Laws has ended.
- 1.4 No changes are proposed to the By-Laws following the public consultation process and the By-Laws are now presented for Council's adoption.

2. CONSULTATION / COMMUNICATION

- 2.1 External
 - 2.1.1 The public consultation included the required consultation as specified under Section 249 of the *Local Government Act 1999* and was also conducted in accordance with the Public Consultation Policy.
 - 2.1.2 In addition to the statutory requirements, consultation included website information and social media posts along with an advertisement in the Advertiser inviting submissions to be made.
 - 2.1.3 The timeline for consultation was as follows:
 - 1 March 2022 – Notified the Minister for Infrastructure and Transport in respect of By-Law 4 Local Government Land

- 1 March 2022 – Notified the Dog and Cat Management Board of draft By-Law 5 Dogs
- 7 March 2022 – Commenced community consultation on By-Laws 1-4 and 6, noting formal consultation on By-Law 5 commenced 21 days after notification to the Dog and Cat Management Board
- 29 March 2022 – Commenced formal community consultation on By-Law 5 Dogs
- 30 April 2022 – Community consultation period concluded.

2.2 No public or community feedback was received during the consultation period.

Referral to Minister for Transport and Infrastructure

2.3 As Local Government Land By-Law 4 (once adopted) will operate in respect of foreshore areas and/or inland waters on Local Government Land, it was referred to the Minister for Transport and Infrastructure for comment pursuant to Section 18A of the *Harbors and Navigation Act 1993*. A copy of the referral letter is provided Attachment 1 – Letter to Minister for Transport and Infrastructure.

2.4 The Minister for Transport and Infrastructure did not make any comments in relation to the proposed By-Law 4 Local Government Land.

Referral to the Dog and Cat Management Board

2.5 Consultation on By-Law 5 – Dogs was required with the Dog and Cat Management Board. The consultation included submissions of the required report under Section 90(5) of the *Dog and Cat Management Act 1995*. A copy of the referral letter is provided Attachment 2 – Submission to the Dog and Cat Management Board.

2.6 In relation to the proposed By-Law 5 – Dogs, the delegate of the Dog and Cat Management Board advised that:

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

2.7 A copy of the response from the Dog and Cat Management Board is in Attachment 3.

2.8 As required under legislation, Council’s public consultation for By-Law 5 commenced 21 days after referral to the Dog and Cat Management Board.

3. REPORT

3.1 Consultation on the draft By-Laws with the community, State Government and the Dog and Cat Management Board has occurred in accordance with legislative and Council’s Public Consultation Policy.

3.2 No changes to the draft By-Laws approved by Council for consultation in February have been made.

Making the By-Laws

3.3 Pursuant to Section 246 of the *Local Government Act 1999* in exercising the power to make By-Laws 1 through to 6 Council must:

3.3.1 satisfy the consultation requirements of the Act;

- 3.3.2 have regard to the National Competition Policy Report;
- 3.3.3 have regard to the Certificate of Validity provided by the Council's legal practitioner; and
- 3.3.4 have regard to the comments from the Dog and Cat Management Board.
- 3.4 To fulfill legislative and administrative requirements the following documents, which have been prepared by Council's legal advisors, must form part of this report and be read in conjunction with this report:
 - 3.4.1 The draft By-Laws (see Attachments 4 to 9) and associated Certificate of Validity for each By-Law (see Attachment 10).
 - 3.4.2 A National Competition Policy Report to inform Council about the potential of each of the proposed By-Laws to restrict competition, in accordance with Section 247(c) of the *Local Government Act 1999* (see Attachment 11).
 - 3.4.3 Reports to the Legislative Review Committee to inform the Committee about the content of each By-Law, their purpose and effect and the manner in which they will be enforced (see Attachment 12).
- 3.5 The additional documents to be considered and read in conjunction with this report include:
 - 3.5.1 The response from the Dog and Cat Management Board (see Attachment 3).
 - 3.5.2 The referral to the Minister of Transport and Infrastructure (see Attachment 1).
- 3.6 All documentation requiring the Chief Executive Officer's signature will be signed after the by-laws are made.
- 3.7 A resolution must be passed by an absolute majority of the members of the Council, in the presence of at least two thirds of its members.
- 3.8 In order to satisfy Section 249 of the *Local Government Act 1999*, should Council resolve to make the By-Laws, it will be noted in the minutes that an absolute majority of the members of Council voted in favour.

Next Steps - Government Gazette and Legislative Review Committee

- 3.9 Once the Council has made the By-Laws, copies must be published as soon as possible in the Government Gazette. The By-Laws come into operation four months after the day on which they are published in the Gazette.
- 3.10 Additionally, the Council must also publish a notice of the making of the By-Laws in a newspaper circulating in the area 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 on Council's website or viewed in Council's principal office.
- 3.11 Further, within six Parliamentary sitting days of the By-Laws being made, they must be delivered to the Legislative Review Committee of the Parliament of South Australia for review.

- 3.12 Council will only receive notice from the Legislative Review Committee if it objects to any provision of the By-Laws (and if they are subsequently disallowed by Parliament).
- 3.13 It is rare for the Legislative Review Committee to take such action given the Council's By-Laws are based upon Local Government model By-Laws which the Legislative Review Committee are familiar with.

4. CONCLUSION / PROPOSAL

- 4.1 The By-Law review process has satisfied all the statutory requirements including the community and agency consultation and referral processes and the By-Laws are presented to be formally made by Council.
- 4.2 To ensure that new By-Laws come into effect before the existing By-Laws expire, the Council must have made and published new By-Laws in the Government Gazette before 31 August 2022.
- 4.3 The By-Laws will come into effect four months after the date they are published in the Government Gazette.
- 4.4 If Council makes the By-Laws as recommended, a subsequent report will be prepared and presented to Council regarding the setting of expiation fees for offences against the By-Laws and the making of relevant delegations. This report will be prepared for consideration at a meeting prior to the commencement of the By-Laws.



By Email: ministerwingard@sa.gov.au
Ref: PSK\M00298747F07079700

1 March 2022

The Honourable Corey Wingard MP
Minister for Infrastructure and Transport, and
Recreation, Sport and Racing
GPO Box 668
ADELAIDE SA 5001

Dear Minister

**The City of Salisbury
Local Government Land By-law 2022**

This firm acts on behalf of The City of Salisbury (**the Council**) and has the authority to speak on its behalf concerning the above matter.

The Council has recently caused a proposed by-law to be prepared dealing with the management and control of local government land. The proposed by-law is the *Local Government Land By-law 2022 (the Proposed By-law)*.

Given the Proposed By-law either will, or have the potential to, operate with respect to, on or over adjacent and subjacent land (in so far as we understand Section 18A of the *Harbours and Navigation Act 1993* is interpreted by your Department), the Proposed By-law is being provided to you for your comment.

The Proposed By-law will be advertised for public comment in accordance with Section 249 of the *Local Government Act 1999* and your response at your earliest convenience would be greatly appreciated.

We **enclose** the Proposed By-law for your perusal and consideration. We look forward to receiving your comments regarding the Proposed By-law.

Please do not hesitate to contact the writer should you have any queries.

Yours faithfully
Norman Waterhouse

A handwritten signature in black ink, appearing to read 'Paul Kelly'.

Paul Kelly
Principal

T 08 8210 1248
pkelly@normans.com.au

Enc.

Norman Waterhouse Lawyers Pty Ltd ACN 621 909 395

Level 11, 431 King William Street, Adelaide SA 5000
GPO Box 639, Adelaide SA 5001
www.normans.com.au
T +61 8 8210 1200





By Email: dcmb@sa.gov.au
Ref: PSK\M00298747F07079708

1 March 2022

The Chairperson
Dog and Cat Management Board
GPO Box 1047
ADELAIDE SA 5001

Attention: Mr David Parkin

Dear Sir

The City of Salisbury – Draft Dogs By-law 2022

The City of Salisbury has caused to be prepared a draft by-law dealing with dogs within its area.

We **enclose** draft By-law 5 of 2022, being the draft *Dogs By-law 2022* and report to the Board in respect of the by-law.

We confirm the draft by-law is provided to you at least 42 days before the Council resolves to make the by-law and consequently at least 21 days before public notice of the proposed by-law, in accordance with Section 90(5) if the *Dog and Cat Management Act 1995*.

We look forward to the Board's approval or comments concerning the draft by-law, at its earliest convenience.

Please do not hesitate to contact the writer should you have any queries.

Yours faithfully
Norman Waterhouse

A handwritten signature in blue ink, appearing to read 'Paul Kelly'.

Paul Kelly
Principal

T 08 8210 1248
pkelly@normans.com.au

Enc

Norman Waterhouse Lawyers Pty Ltd ACN 621 909 395

Level 11, 431 King William Street, Adelaide SA 5000
GPO Box 639, Adelaide SA 5001
www.normans.com.au

T +61 8 8210 1200



THE CITY OF SALISBURY
DRAFT DOGS BY-LAW 2022

Report to: The Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*.

Objectives

The draft *Dogs By-law 2022* seeks to establish requirements for the management and control of dogs within the area of The City of Salisbury (**the Council**) by imposing a limit on the number of dogs that can be kept on certain premises and by controlling and managing dogs on land owned by the Council or under the care, control and management of the Council.

Clauses

- Clause 1:** Creates a short title for the by-law namely the 'Dogs By-law 2022'.
- Clause 2:** Creates the 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.
- Clause 4:** Enables the Council to create areas where dogs are prohibited.
- Clause 5:** Enables the Council to create areas where dogs must be on a leash at all times.
- Clause 6:** Enables the Council to create areas where dogs can enter and be exercised provided they remain under effective control as defined.
- Clause 7:** Places a limit on the number of dogs that may be kept in premises and provides for exemptions from the limit.
- Clause 8:** Directs that a person must have in their possession a bag or other object to pick up dog faeces whilst in control of a dog on local government land or a public place.
- Clause 9:** Directs that certain parts of the by-law shall apply in such portions of the area as the Council may by resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*.
- Clause 10:** Revokes Council's current *Dogs By-law 2015* published in the Gazette on 3 September 2015.

Implementation and Enforcement

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary. It is anticipated that complaints by members of the public will bring a breach of most parts of the by-law to the Council's attention.

Comparison with other similar By-laws

- The Council submits there is no difference in the draft by-law from other similar by-laws of other councils within South Australia.
- The restriction on the number of dogs kept at premises is made pursuant to Section 90(2)(a) of the *Dog and Cat Management Act 1995* and is consistent with the objects of that Act, namely to encourage responsible dog ownership, to reduce public environmental nuisance caused by dogs and to promote the effective management of dogs by the Council.

PSK\M00298747F07079685



Government of South Australia
Dog and Cat Management Board

Level 9
81-95 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001

Ph: 08 8124 4962
ABN 48100971189
www.dogandcatboard.com.au

10 March 2022

Mr. Paul Kelly
Norman Waterhouse

E: pkelly@normans.com.au

Dear Paul,

**CITY OF SALISBURY –
DOGS BY-LAW NO. 5 OF 2022**

Thank you for the email dated 1 March 2022 enclosing the relevant information for the City of Salisbury's draft dogs by-law.

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

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

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Gayle Grieger".

Gayle Grieger
Manager
Dog and Cat Management



By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2022

By-law No. 1 of 2022

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 2022*.

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 Salisbury;
- 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*;

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- 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 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;
 - 5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind;
- 5.3 the Council may:
 - 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;

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- 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):
 - 5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;
 - 5.7.1.2 credit or debit card; or
 - 5.7.1.3 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

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- 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 section 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 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 summons, 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.

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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 *Permits and Penalties By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Salisbury held on the _____ day of _____ 2022 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 John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2022

By-law No. 2 of 2022

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 2022*.

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 **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;
- 3.2 **footpath** means:
 - 3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or
 - 3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.3 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.4 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.5 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Provisions Applicable to Moveable Signs

4. Design and Construction

A moveable sign displayed on a road must:

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- 4.1 be of a kind known as an 'A' frame or sandwich board sign, an 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 4.2 be designed, constructed and maintained in good quality and condition;
- 4.3 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.4 have no sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.7 not contain flashing or moving parts;
- 4.8 not have balloons, flags, streamers or other things attached to it;
- 4.9 be no more than 900mm in height, 600mm in width or 600mm in depth;
- 4.10 in the case of an 'A' frame or sandwich board sign:
 - 4.10.1 be hinged or joined at the top;
 - 4.10.2 be of such construction that its sides can be and are securely fixed or locked in position when erected; and
 - 4.10.3 not have a base area in excess of 0.6 square metres;
- 4.11 in the case of a 'T' sign, not contain struts or members than run between the display area of the sign and the base of the sign.

5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 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 1.2 metres wide;
- 5.3 be placed at least 500mm from the kerb (or if there is no kerb, from the edge of the carriageway of a road or the shoulder of a road, whichever is the greater);
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 1 metre to any other structure, object or plant (including another moveable sign);

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- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.9 not be within 10 metres of an intersection of a road.

6. Restrictions

A moveable sign displayed on a road must:

- 6.1 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;
- 6.2 be limited to one per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely fixed in position such that it cannot be blown over or swept away;
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 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;
- 7.4 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.

8. Banners

A banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 8.3 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;
- 8.4 not be displayed more than one month before and two days after the event it advertises;

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8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;

8.6 not exceed 3m² in size.

Part 3 – Enforcement

9. Removal of Unauthorised Moveable Signs

9.1 If:

9.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of Section 226 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;

9.1.2 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;

9.1.3 a moveable sign is removed under subparagraph 9.1.2 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.

9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 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.

10. 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 request of an authorised person if:

10.1 in the 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

10.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 4 – Miscellaneous

11. Specified Exemptions

11.1 This by-law does not apply to a moveable sign which:

11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;

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- 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 11.1.3 directs people to a garage sale that is being held on residential premises provided that:
 - 11.1.3.1 no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
 - 11.1.3.2 the moveable sign displays the address of the premises; and
 - 11.1.3.3 the moveable sign is displayed on the day the garage sale is taking place;
 - 11.1.3.4 the sign is removed on the same day as the garage sale;
- 11.1.4 directs people to a charitable function;
- 11.1.5 is related to a Commonwealth election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.1.6 is related to a State election and is otherwise authorised to be exhibited under the Section 226 of *Local Government Act 1999* or the *Electoral Act 1985*;
- 11.1.7 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 *Local Government Act 1999*;
- 11.1.8 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 11.1.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 11.1.10 is a sign of a class prescribed in regulations.
- 11.2 Clauses 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 11.3 Clauses 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

12. Revocation

Council's *Moveable Signs By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

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The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury on the day of 2022 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 John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

ROADS BY-LAW 2022

By-law No. 3 of 2022

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2022*.

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 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 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **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;
- 3.5 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961* but also includes any vehicle that is an electric personal transporter for the purposes of that Act.

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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

4.1.1 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 2022*;

4.1.2 place or maintain any goods on the road or park or stand a vehicle on the road for the purposes of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale,

provided that this sub-paragraph 4.1.2 shall not apply to a person who is simply travelling along a road;

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;

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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 Defacing Property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council;

4.9 Distribution of Bills

place any handbill, book, notice, leaflet or other printed matter on a vehicle without the consent of the owner of the vehicle;

4.10 Donations

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

4.11 Obstructions

erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road;

4.12 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;

4.13 Public Exhibitions and Displays

- 4.13.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.13.2 conduct or hold any concert, festival, show, public gathering, street party, circus, performance or any other similar activity;
- 4.13.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;

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4.13.4 cause any public exhibitions or displays;

4.14 Soliciting

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

4.15 Touting for Business

tout for business;

4.16 Use of Council Rubbish Bins

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

4.17 Wheeled Recreational Devices

use a wheeled recreational device on a footpath;

4.18 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 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.

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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 4.2, 4.7, 4.10 and 4.13.4 of this by-law do not apply to:
- 7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; 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 *Roads By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Salisbury held on the day of 2022 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 John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2022

By-law No. 4 of 2022

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 2022*.

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 marine creatures;
- 3.2 **boat** includes a pontoon, raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or cause a tent, caravan 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;
- 3.4 **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 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **e-cigarette** means:

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- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.9 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 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 land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance);
- 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 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.16 **model aircraft** includes a drone;
- 3.17 **open container** means a container which:
 - 3.17.1 after the contents thereof have been sealed at the time of manufacture and:
 - 3.17.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
 - 3.17.1.2 being a can, it has been opened or punctured;
 - 3.17.1.3 being a cask, has had its tap placed in a position to allow it to be used;
 - 3.17.1.4 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
 - 3.17.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.18 **personal watercraft** means a device that:

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- 3.18.1 is propelled by a motor; and
 - 3.18.2 has a fully enclosed hull; and
 - 3.18.3 is designed not to retain water if capsized; and
 - 3.18.4 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;
- 3.19 **smoke** means:
- 3.19.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
 - 3.19.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.20 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.21 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961* but also includes any vehicle that is an electric personal transporter for the purposes of that Act;
- 3.23 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council, but excludes the ocean.

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 Advertising & Signage

- 4.1.1 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 2022*;
- 4.1.2 erect, install, place or display a variable message sign;
- 4.1.3 place or maintain any goods on the land or park or stand a vehicle on the land for the purposes of:
 - 4.1.3.1 soliciting any business from any person; or
 - 4.1.3.2 offering or exposing goods or services for sale,

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provided that this sub-paragraph 4.1.3 shall not apply to a person who is simply travelling through the land;

4.2 Aircraft

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

4.3 Alteration to Local Government Land

make an alteration to the land, including:

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

4.4 Amplification

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

4.5 Animals on local government land

- 4.5.1 ride, lead or drive 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;
- 4.5.2 cause or allow any animal under their control to swim or bathe in any waters or the ocean to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 4.5.3 allow an animal in that persons control, charge or ownership to damage a flower bed, garden plot, tree, lawn or other Council property;
- 4.5.4 release or leave any domestic animal;
- 4.5.5 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person;

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4.6 Annoyance

do anything likely to offend or unreasonably interfere with any other person:

4.6.1 using that land; or

4.6.2 occupying nearby premises,
by making a noise or creating a disturbance;

4.7 Attachments

attach, hang or fix any item to any tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council;

4.8 Bees

place, or allow to remain, any bee hive;

4.9 Boats

4.9.1 hire or offer for hire a boat, raft, pontoon or other watercraft;

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

4.9.3 propel, float or otherwise use any boat, raft, pontoon or other watercraft on any waters;

4.10 Bridge Jumping

jump from or dive from a bridge;

4.11 Buildings & Structures

4.11.1 erect or install a building;

4.11.2 use a building or structure other than for its intended purpose;

4.12 Camping

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

4.12.2 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);

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4.13 Canvassing

convey any advertising, religious or other message to any bystander, passer-by or other person;

4.14 Cemeteries

Comprising a cemetery:

4.14.1 bury or inter any human or animal remains;

4.14.2 erect any memorial;

4.15 Closed lands

enter or remain on any part of the land:

4.15.1 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

4.15.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.15.3 where admission charges are payable, without paying those charges;

4.15.4 constituting a revegetation area, where a sign or signs indicate that the land is closed for that purpose;

4.16 Defacing of property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council;

4.17 Distribution

distribute anything to any bystander, passer-by or other person;

4.18 Donations

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

4.19 Entertainment and busking

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

4.19.2 conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or other similar activity;

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4.20 Equipment

use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property;

4.21 Fires

subject to the *Fire and Emergency Services Act 2005*, light any fire except:

4.21.1 in a place provided by the Council for that purpose;

4.21.2 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;

4.22 Fireworks

Use, discharge or explode any fireworks;

4.23 Fishing

4.23.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or

4.23.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

4.24 Flora, fauna and other living things

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972* and/or the *Crown Land Management Act 2009* (to the extent applicable):

4.24.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon;

4.24.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature; or

4.24.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

4.25 Foreshore

comprising foreshore:

4.25.1 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose;

4.25.2 launch or retrieve a boat from the foreshore without using a boat ramp; or

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- 4.25.3 allow a vehicle to remain stationary on a boat ramp that is necessary to launch or retrieve a boat;
- 4.26 **Funerals and scattering ashes**
- conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;
- 4.27 **Golf**
- play or practise the game of golf;
- 4.28 **Lighting**
- 4.28.1 use or operate any fixed floodlight;
- 4.28.2 use or operate any portable floodlight between sunrise and sunset on land to which this subparagraph applies;
- 4.29 **Marine life**
- introduce any marine life to any waters located on local government land;
- 4.30 **Model aircraft, boats and cars**
- 4.30.1 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;
- 4.30.2 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;
- 4.31 **Motor vehicles**
- comprising a park, garden or reserve:
- 4.31.1 drive or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles;
- 4.31.2 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
- 4.31.3 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;

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4.32 No liquor

- 4.32.1 consume, carry or be in possession or charge of any liquor on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);
- 4.32.2 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 this subparagraph applies (provided the land constitutes a park or reserve);

4.33 Overhanging articles or displaying personal items

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

4.34 Picking of fruit, nuts or berries

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

4.35 Playing Area

use or occupy a playing area:

- 4.35.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 4.35.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 4.35.3 contrary to directions indicated on a sign displayed adjacent to the playing area;

4.36 Playing games or sport

- 4.36.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 4.36.2 promote, organise or take part in any organised athletic sport in any area to which this subparagraph applies;
- 4.36.3 play any organised competition sport, as distinct from organised social play, in any area to which this subparagraph applies;
- 4.36.4 engage in participate in or conduct any organised group fitness activity or training to which this subparagraph applies;

4.37 Pontoons

install or maintain a pontoon or jetty in any waters;

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4.38 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;

4.39 Public Exhibitions and Displays

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

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

4.39.3 erect or inflate any inflatable castle;

4.39.4 cause any public exhibitions or displays;

4.40 Removing Material

carry away or remove any earth, soil, sand, timber, stones, pebbles, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or other organic or inorganic materials or any part of the land;

4.41 Selling

sell anything or display anything for sale;

4.42 Swimming

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

4.42.1 in an area which the Council has determined may be used for such purpose; and

4.42.2 in accordance with any conditions that the Council may have determined by resolution apply to such use;

4.43 Trading

sell, buy, offer or display anything for sale;

4.44 Weddings, functions and special events

4.44.1 hold, conduct or participate in a marriage ceremony, funeral or special event;

4.44.2 erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event;

4.44.3 hold or conduct any filming where the filming is for a commercial purpose;

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4.45 Wetlands

subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:

- 4.45.1 operate a model boat;
- 4.45.2 fish, or take any aquatic creature;
- 4.45.3 introduce any fish or aquatic creature;
- 4.45.4 take or draw water;

4.46 Wheeled recreational devices

use a wheeled recreational device on land to which the Council has resolved this subparagraph applies;

4.47 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 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;

5.2 Fishing

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

5.3 Glass

wilfully break any glass, china or other brittle material;

5.4 Interference with Land

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 5.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 5.4.2 erecting or installing a structure in, on, across, under or over the land;
- 5.4.3 changing or interfering with the construction, arrangement or materials of the land;

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- 5.4.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 5.4.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;
- 5.5 **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;
- 5.6 **Playing games**
play or practise a game:
 - 5.6.1 which is likely to cause damage to the land or anything on it;
 - 5.6.2 in any area where a sign indicates that the game is prohibited;
- 5.7 **Smoking**
smoke tobacco or any other substance:
 - 5.7.1 in any building or part of any building; or
 - 5.7.2 on any local government land;
 to which the subparagraph applies;
- 5.8 **Solicitation**
tout or solicit customers for the parking of vehicles or for any other purpose whatsoever;
- 5.9 **Toilets**
in any public convenience:
 - 5.9.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
 - 5.9.2 smoke tobacco or any other substance;
 - 5.9.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
 - 5.9.4 use it for a purpose for which it was not designed or constructed;
- 5.10 **Use of Council rubbish bins**
deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

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5.11 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, constructed or intended to be used or in such a manner as is likely to damage or destroy it.

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 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 no person is in charge of the animal.

7.2 An authorised person may direct any person who is 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.

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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 officer 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 paragraphs 4.1.2, 4.4, 4.7, 4.13, 4.17, 4.19.2, 4.38, and 4.39.4 of this by-law do not apply to:

10.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

10.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

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

11. Application of Paragraphs

Any of paragraphs 4.23, 4.26, 4.28.2, 4.30.2, 4.32, 4.36.2, 4.36.3, 4.36.4 and 4.46 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*.

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12. Revocation

Council's *Local Government Land By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Salisbury on the day of 2022 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 John Harry
Chief Executive Officer

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

DOGS BY-LAW 2022

By-law No. 5 of 2022

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 2022*.

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 *Planning, Development 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 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **effective control** means a person exercising effective control of a dog either:
 - 3.6.1 by means of a physical restraint;
 - 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;

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- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Free Areas

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

- 4.1 on any playing field on a park or reserve during times when organised sport is being played;
 - 4.2 on any local government land to which this paragraph applies;
- unless the dog is an assistance dog.

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 is being played;
- 5.3 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 9 for the purpose of exercising a dog under their 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 to be kept at any premises shall be two dogs.
- 7.2 A person must not, without permission, keep any dog at any premises where the number of dogs on the premises exceeds the limit unless:

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- 7.2.1 the premises is an approved kennel establishment; or
- 7.2.2 the Council has exempted the premises from compliance with this sub-paragraph.

8. Dog Faeces

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in their possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

Part 3 – Miscellaneous

9. Application

- 9.1 Any of paragraphs 4, 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.
- 9.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

10. Revocation

Council's *Dogs By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Salisbury held on the day of 2022 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 John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2022

By-law No. 6 of 2022

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2022*.

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 **green organics** means any clean organic matter, free of any excess soil, consisting of lawn clippings, plants, vegetables, eggs, shells, bones, leaves, prunings, horse manure, pet waste, nesting material or other materials as specified by the Council;
- 3.2 **green organics container** means a container for the reception of green organics;
- 3.3 **hard rubbish** means any internal and external household items such as whitegoods, entertainment appliances, furniture and mattresses able to be lifted and carried by two persons but excludes any household waste;
- 3.4 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead, acid batteries and any dangerous or toxic waste;
- 3.5 **household waste container** means a container for the reception of household waste;
- 3.6 **recyclables** means newspapers, magazines, paper, cardboard, plastic containers of a type specified by the Council, tins, cans, glass, milk and juice

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containers, solid plastic material and other materials as specified by the Council;

- 3.7 **recyclables container** means a container for the reception of recyclables.

Part 2 – Waste Collection

4. Provide Containers

- 4.1 An occupier of domestic premises must keep on their premises a household waste container and a recyclables container as approved by the Council.
- 4.2 An occupier of domestic premises may keep on their premises a green organics container as approved by the Council.

5. Management of Waste Collection Service

An occupier of premises must:

5.1 Household Waste

- 5.1.1 ensure that the household waste container kept on their premises is approved by the Council; and
- 5.1.2 ensure that the household waste container contains only household waste;

5.2 Recyclables

- 5.2.1 ensure that the recyclables container kept on their premises is approved by the Council; and
- 5.2.2 ensure that the recyclables container contains only recyclables;

5.3 Green Organics

- 5.3.1 ensure that the green organics container be a container that is approved by the Council; and
- 5.3.2 ensure that the green organics container contains only green organics;

5.4 Keep Container Clean

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept waterproof at all times;

5.5 Sealing of Container

cause the lid of each container to continuously and securely cover the container body except when waste is being deposited in or removed from the container;

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5.6 Damage

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 5.6.1 it is not robust;
- 5.6.2 the container body is not watertight;
- 5.6.3 it is unable to be moved on its wheels efficiently;
- 5.6.4 the lid does not seal on the container when closed;
- 5.6.5 its efficiency or use is otherwise impaired;

5.7 Collection Services

5.7.1 An occupier of premises must facilitate the collection and removal of household waste, recyclables or green organics from their premises by placing the relevant waste container out for collection in accordance with:

- 5.7.1.1 the **collection service requirements** specified in clause 5.7.2; or
- 5.7.1.2 the terms of any permit granted by the Council for the placement of waste containers; or
- 5.7.1.3 as otherwise approved by the Council.

5.7.2 The collection service requirements for the collection of household waste containers, recyclables containers and green organics containers are:

- 5.7.2.1 the container must be placed out for collection no earlier than 24 hours prior to the appointed collection time;
- 5.7.2.2 where there is a kerb, the container must be placed on the footpath, verge or nature strip directly adjacent the premises, as near as practicable to the kerb so that the side of the container on which the hinges of the lid are situated face the premises;
- 5.7.2.3 where there is no kerb, the container must be placed on the road verge directly adjacent the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated face the premises;
- 5.7.2.4 the container must not be placed within 1 meter of another waste container;
- 5.7.2.5 the container must not be placed under the overhanging branches of any tree;

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- 5.7.2.6 the container must be removed from its position on the same day as the collection, after the collection has taken place.

6. Interference With Garbage/Hard Rubbish

A person must not remove, disturb or interfere with any recyclables or hard rubbish (including bottles, newspapers, cans, containers or packaging) that has been placed:

- 6.1 for disposal in or near a container; or
- 6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or with the authority of the owner.

Part 3 – Miscellaneous

7. Revocation

Council's *Waste Management By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Salisbury on the day of 2022 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 John Harry
Chief Executive Officer

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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 Salisbury intends to make, being *Permits and Penalties By-law 2022* 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 24th day of May 2022.



Paul St Leger Kelly, Legal Practitioner

PSKIM0507048Focuments

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 Salisbury intends to make, being *Moveable Signs By-law 2022* 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 24th day of May 2022.



Paul St Leger Kelly, Legal Practitioner

PSKIM0507048Focuments

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 Salisbury intends to make, being *Roads By-law 2022* 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),
240, 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 24th day of May 2022.



Paul St Leger Kelly, Legal Practitioner

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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 Salisbury intends to make, being *Local Government Land By-law 2022*, 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),
240, 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 24th day of May 2022.



Paul St Leger Kelly, Legal Practitioner

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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 Salisbury intends to make, being *Dogs By-law 2022* 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 24th day of May 2022.



Paul St Leger Kelly, Legal Practitioner

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UNDER SECTION 249(4) OF THE 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 Salisbury intends to make, being the *Waste Management By-law 2022* and do certify that in my opinion:

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

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

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

DATED the 24th day of May 2022.



.....
Paul St Leger Kelly, Legal Practitioner

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CITY OF SALISBURY
REPORT TO COUNCIL - NATIONAL COMPETITION POLICY
PERMITS AND PENALTIES BY-LAW 2022
BY-LAW NO 1. OF 2022

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 2022*, 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 2022* as drafted.

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CITY OF SALISBURY
REPORT TO COUNCIL - NATIONAL COMPETITION POLICY
MOVEABLE SIGNS BY-LAW 2022
BY-LAW NO. 2 OF 2022

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 By-law No 1. - Permits and Penalties.
- (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.

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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 By-law No 2. - Moveable Signs favour the community by proper control of the design, construction, appearance and

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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 By-law No 2. - Moveable Signs as drafted.

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CITY OF SALISBURY

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

ROADS BY-LAW 2022
BY-LAW NO. 3 OF 2022

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 2022*.
- (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.

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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 2022* 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.

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3

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Roads By-Law 2022* as drafted.

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CITY OF SALISBURY

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

LOCAL GOVERNMENT LAND BY-LAW 2022
BY-LAW NO. 4 OF 2022

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 2022*.
- (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.

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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 2022* favour the community by proper control of activities on local government land

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3

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 2022* as drafted.

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CITY OF SALISBURY
REPORT TO COUNCIL - NATIONAL COMPETITION POLICY
DOGS BY-LAW 2022
BY-LAW NO. 5 OF 2022

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 2022*, 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 2022* as drafted.

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CITY OF SALISBURY

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

WASTE MANAGEMENT BY-LAW 2022
BY-LAW NO 6 OF 2022

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:

- (1) The by-law seeks to regulate the provision of household waste and recycling containers, the management of waste collection services, the collection of waste on roads and the management of interference with waste. Certain matters require Council approval.
- (2) Approval, means the approval of the Council or other person authorised by the Council.

OBJECTIVES OF THE BY-LAW

The objectives of this By-law are to:

- regulate and control the collection and removal of general waste, recycling and organic waste from premises within the Council's area;
- prevent and suppress nuisances associated with the storage and collection of domestic waste;
- prevent damage to Council property and land;
- define the requirements for the use of the Council's domestic kerbside waste collection service;
- protect the convenience, comfort and safety of members of the public; and
- enhance the amenity of the Council area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain an approval has the potential to restrict competition by limiting the number of providers of goods and services. Additionally, it contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

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ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT?

There is no directly relevant alternative means of regulating and controlling the removal of household and other waste and recycling in a manner compatible with the provision of a uniform service across Council's area.

**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 authorisation will include:
 - the administrative costs in making the application;
 - any fee;
 - the costs of compliance with the conditions, for example the requirement to obtain and use a particular container.
2. The costs to the Council will include:
 - the administrative costs in making and enforcing the by-law;
 - the administrative costs in considering any application;
 - costs associated with waste removal in accordance with by-law requirements.
3. The benefits to the community will include:
 - the proper management of waste on roads on behalf of the community;
 - the advance of safety, health and hygiene standards;
 - a reduction in the level of nuisance 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 *Waste Management By-law 2022* favour the community by proper regulation of the storage, disposal and collection of domestic and other waste and recycling which the Council has a responsibility to undertake.

The cost to the community is outweighed by the benefits achieved from the by-law.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Waste Management By-Law 2022* as drafted.

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CITY OF SALISBURY**PERMITS AND PENALTIES BY-LAW 2022****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 2022*.
- 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 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 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 2015*, published in the Gazette on 3 September 2015.

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 comments.

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

.....
Mr John Harry
Chief Executive Officer

CITY OF SALISBURY
MOVEABLE SIGNS BY-LAW 2022
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 2022*.
- 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 'banner', 'footpath', 'moveable sign', 'road' and 'road related area'.
- Clause 4: Sets out the requirements relating to the construction and design of any moveable sign displayed on a road.
- Clause 5: Sets out the requirements for the placement of moveable signs displayed on a road.
- Clause 6: Sets out restrictions regarding moveable signs, including the nature of the material contained in the moveable sign, the number of moveable signs per business, the times during which moveable signs may be displayed and the positioning and display of moveable signs.
- Clause 7: Sets out requirements regarding the appearance of moveable signs, including that they 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.
- Clause 8: Provides that banners can only be displayed on certain parts of a road, must be securely fixed to a pole, fence or other structure, must not be attached to a building or other item owned by the Council, must not be displayed more than one month before and two days after the event it advertises, must not be

- 2 -

displayed for a continuous period of more than one month and two days in any twelve month period and must not exceed 3m² in size.

- Clause 9: 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 10: Sets out the circumstances in which an authorised person of the Council can direct the relocation or removal of a complying moveable sign.
- Clause 11: 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 12: Revokes Council's previous *Moveable Signs By-law 2015* published in the Gazette on 3 September 2015.

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

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

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

.....
Mr John Harry
Chief Executive Officer

CITY OF SALISBURY

ROADS BY-LAW 2022

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 2022*.
- 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', 'dog', 'electoral matter', 'emergency vehicle', 'emergency worker', 'road' and 'wheeled recreational device'.
- Clause 4: Contains a number of activities which are prohibited on a road in the absence of permission of the Council:

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 2022* and prohibits the placement of goods, or the parking or standing of a vehicle on the road, for the purposes of soliciting business or offering or exposing goods for sale, except where a person is simply travelling along a road.

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.

Defacing Property

Prevents a person from defacing, painting, spraying, writing, cutting names, letters or making marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

Distribution of Bills

Prevents a person from placing any handbill, book, notice, leaflet or other printed matter on a vehicle without the consent of the owner of the vehicle.

Donations

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

Obstructions

Prevents a person from erecting, installing or placing or causing to be erected, installed or placed placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

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.

Soliciting

Prevents a person from asking for or receiving or indicating a desire for a donation of money or any other thing.

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.

Wheeled Recreational Devices

Prevents a person from using a wheeled recreational device on a footpath.

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 2015* published in the Gazette on 3 September 2015.

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 comments.

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

.....
Mr John Harry
Chief Executive Officer

CITY OF SALISBURY**LOCAL GOVERNMENT LAND BY-LAW 2022****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 2022*.
- 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', 'camp', 'children's playground', 'community garden', 'domestic animal', 'e-cigarette', 'electoral matter', 'emergency vehicle', 'emergency worker', 'foreshore', 'funeral ceremony', 'inflatable castle', 'liquor', 'local government land', 'model aircraft', 'open container', 'personal watercraft', 'smoke', 'traffic control device', 'variable message sign' 'wheeled recreational device' and 'waters'.
- Clause 4: Contains a number of activities which are prohibited on local government land in the absence of permission of the Council:

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 2022*.

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:

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- 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.

Amplification

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

Animals on Local Government Land

Prevents a person from:

- 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 animal under that person's control to swim or bathe in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming; or
- allowing an animal in that person's control, charge or ownership to damage Council property;
- releasing or leaving any domestic animal.

Annoyance

Prevents a person from doing anything likely to offend or unreasonably interfere with any other person using local government land or occupying nearby premises by making noise or creating a disturbance.

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.

Bees

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

Boats

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.

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.

Canvassing

Prevents a person from conveying any advertising, religious or other message to any bystander, passer-by or other person.

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;
- constituting a revegetation area, where a sign indicates that the land is closed for that purpose.

Defacing of property

Prevents a person from defacing, painting, spraying, writing, cutting names letters or making marks on any tree, rock, gate, fence, building, sign, bridge 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.

Entertainment and busking

Prevents a person from singing, busking, or playing a recording or using a musical instrument for the apparent purpose of either entertaining others or receiving money or conducting or holding a concert, festival, show, public gathering, circus, meeting, performance or other similar activity.

Equipment

Prevents a person from using an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

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:

- damaging, picking, or interfering with any plant, fungi or lichen, except in a community garden;
- 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,

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

Foreshore

Prevents a person from, on local government land comprising foreshore:

- driving or propelling a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose; or
- launching or retrieving a boat from the foreshore without using a boat ramp; or
- allowing a vehicle to remain stationary on a boat ramp that is necessary to launch or retrieve a boat.

Funerals and Scattering Ashes

Prevents a person from conducting or participating in a funeral ceremony, 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.

Marine life

Prevents a person from introducing any marine life to any waters on local government land.

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.

Motor vehicles

Prevents a person from, on local government land comprising a park, garden or reserve:

- driving or propelling a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles; or
- 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; or
- 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

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 or displaying personal items

Prevents a person from suspending or hanging an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

Picking Fruit, Nuts or Berries

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

Playing Area

Prevents a person from using or occupying a playing area on local government land:

- in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level); or
- in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- contrary to directions indicated on a sign displayed adjacent to the playing area.

Playing games or sport

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, participating in or conducting any organised group fitness activity or training to which the subparagraph applies.

Pontoons

Prevents a person from installing or maintaining a pontoon or jetty in any waters on local government land.

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 Material

Prevents a person from carrying away or removing any earth etc from any part of local government land.

Selling

Prevents a person from selling anything or displaying anything for sale.

Swimming

Subject to the provisions of the *Harbors and Navigation Act 1993*, prevents a person from swimming in, bathing or entering any waters except in an area which the Council has determined may be used for such purpose and in accordance with any conditions that the Council may have determined by resolution apply to such use.

Trading

Prevents a person from selling, buying, offering or displaying anything for sale.

Weddings, functions and special events

Prevents a person from holding, conducting or participating in any marriage ceremony, funeral or special event; or erecting any marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special even or holding or conducting any filming where the filming is for a commercial purpose on local government land.

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 *Natural Resources Management Act 2004*.

Wheeled recreational vehicles

Prevents a person from using a wheeled recreational device on land to which the Council has resolved the subparagraph applies.

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:

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.

Fishing

Prohibits a person from returning any noxious species including European carp (*Cyprinus carpio*) or redbfin perch (*Perca fluviatilis*) caught by the person to any land or waters, or depositing or leaving any dead fish (in part or whole) or offal.

Glass

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

Interference with Land

Prevents a person from interfering with, altering or damaging local government land (including a building, structure, or fixture located on the land) including by:

- altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- erecting or installing a structure in, on, across, under or over the land; or

- changing or interfering with the construction, arrangement or materials of 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
- otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

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.

Playing Games

Prevents a person from playing or practicing a game in any area on local government land where a sign indicates that the game is prohibited.

Prevents a person from promoting, organising or taking part in any organised athletic sport in any area on local government land to which the subparagraph applies.

Prevents a person from playing any organised sport or competition, as distinct from organised social play, in any area on local government land to which the subparagraph applies.

Smoking

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

Solicitation

Prevents a person from touting or soliciting customers for the parking of vehicles or for any other purpose whatsoever.

Toilets

Prohibits a person from, in any public convenience:

- urinating other than in a urinal or pan or defecating other than in a pan set apart for that purpose;
- smoking tobacco or any other substance;
- depositing anything in a pan, urinal or drain likely to cause blockage;
- using it for a purpose for which it was not designed or constructed;

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 and not return for a period of no longer than 24 hours.
- 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 2015* published in the Gazette on 3 September 2015.

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 comments.

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

.....
Mr John Harry
Chief Executive Officer

CITY OF SALISBURY**DOGS BY-LAW 2022****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 2022*.
- 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', 'control', 'dog', 'effective control', 'keep', 'local government land' 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.
- 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.

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- 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.
- Clause 8: Provides that a person must not, on local government land or a public place, be in control of a dog, unless the person has, in their possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.
- Clause 9: 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 and that limits on the number of dogs do not include any dog under the age of three months.
- Clause 10: Revokes Council's previous *Dogs By-law 2015* published in the Gazette on 3 September 2015.

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 no comments.

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 John Harry
Chief Executive Officer

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CITY OF SALISBURY**WASTE MANAGEMENT BY-LAW 2022**
BY-LAW NO 6. OF 2022**REPORT TO LEGISLATIVE REVIEW COMMITTEE****REASONS, OBJECTIVES AND IMPLEMENTATION****REASONS**

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

OBJECTIVES

To regulate and control the removal of general (landfill) waste, co-mingled recycling and green organic recycling from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council. It is desirable and useful to have this by-law.

CLAUSES

- Clause 1: Creates the short title for the by-law namely *Waste Management By-law 2022*.
- 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 'green organics', 'green organics container', 'hard rubbish', 'household waste', 'household waste container', 'recyclables' and 'recyclables container'.
- Clause 4: Provides that every occupier of domestic premises must, unless exempted, keep on his/her premises those containers designated from time to time by resolution of the Council for the reception of general (landfill) waste and co-mingled recycling and may keep on his/her premises a container designated from time to time by resolution of the Council for the reception of green organic recycling.
- Clause 5: Provides for the provision of a kerbside collection service and places certain obligations on the occupier of premises including the sealing of the containers, cleanliness of the containers, damage to the containers, the contents of the containers, the time of placing and location of placing the containers for collection.
- Clause 6: Prohibits a person from removing, disturbing or interfering with any general (landfill) waste, co-mingled recycling or green organic recycling that has been placed for disposal in a container, unless permitted by the Council or the occupier of the adjacent premises.
- Clause 7: Revokes Council's previous By-law No. 6 – Waste Management published in the Gazette on 3 September 2015.

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 where competition may be restricted as a result of 'permission' being required from the Council for

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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 comments.

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.

.....
Mr John Harry
Chief Executive Officer

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ITEM	3.2.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 June 2022
HEADING	Community Compliance Resources
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report presents an overview of the community compliance activities and resource options for Council's consideration to address the compliance matters associated with car parking around schools, dog registrations and public nuisances.

RECOMMENDATIONThat Council:

1. Notes the Council's Community Compliance Services team will:
 - a. focus existing resources on higher risk activities over the next 12 - 24 months.
 - b. increase educational programs to encourage voluntary compliance in the area of school parking and dog registrations.
2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At its meeting on 28 March 2022 Council resolved that:
 - 1.1.1 *Council requests the Administration to bring back a report addressing options to increase community compliance resources to address compliance matters associated with car parking around schools, dog registrations and public nuisances.*
- 1.2 This report presents an overview of the community compliance activities and resource options for Council's consideration in relation to compliance matters associated with car parking around schools, dog registrations and public nuisances.

2. REPORT

- 2.1 The Community Compliance function is within the City Development Department and is responsible for the administration of a range of legislation and monitoring of a number of key public safety and community compliance issues to ensure the community's health and wellbeing and appropriate environmental quality measures are being maintained and enhanced, and when required, legislation is enforced.
- 2.2 The range of legislative responsibilities that are administered by the Community Compliance team includes:
- 2.2.1 *Dog and Cat Management Act 1995*
 - 2.2.2 *Road Traffic Act 1961* and associated Regulations, Australian Road Rules
 - 2.2.3 *Environmental Protection Act 1993* and the Environment Protection (Air Quality) Policy
 - 2.2.4 *Local Government Act 1999* (roads, community land use and litter provisions) and Council By-Laws
 - 2.2.5 *Private Parking Areas Act 1986*
 - 2.2.6 *Local Nuisance and Litter Control Act 2016*
 - 2.2.7 *Fire and Emergency Services Act 2005*
 - 2.2.8 *Landscape South Australia Act 2019.*
- 2.3 The main functions and activities undertaken by the Community Compliance team include the following key service areas:
- 2.3.1 ***Dog Attack Investigations*** - Ensure persons responsible for the care and control of dogs are held accountable for attacks by their dog(s) and adequate measures are implemented to prevent further attacks by investigating all reported dog attacks (which includes harassment) and take appropriate action under the provisions of the *Dog and Cat Management Act 1995*.
 - 2.3.2 ***Dogs Wandering at Large*** - Ensure all dogs wandering at large are seized and returned to owners where possible and adequate measures are implemented to prevent further incidents and when required impound animals at Council's pound facility.
 - 2.3.3 ***Dog Noise and Nuisance Complaints*** - Ensure that the impact of dog noise and nuisance complaints are minimised and/or eliminated and adequate measures are implemented to prevent further incidents.
 - 2.3.4 ***Dog Registration Assessments*** - Improve the rate of registered dogs in the City by conducting an annual registration assessment and educate or take appropriate action to ensure owners register their dogs.

- 2.3.5 **Parking Patrols** - Ensure that community members are complying with applicable parking and road rules to enhance and protect the safety of pedestrians, minimise traffic congestions in and around school zones, and encourage turnover and accessible parking opportunities in town centre precincts. This is conducted by undertaking regular parking patrols, along with offering advice and education to reduce and prevent future offences.
- 2.3.6 **Local Government Act and By-Law Administration** - Improve the safety and amenity of the area through the effective enforcement of the relevant sections of the Act and By-Laws relating to roads, local government land, signage, waste and dogs.
- 2.3.7 **Local Nuisance and Litter Control** - Improve the safety and amenity of the area through the effective enforcement of the relevant sections of the *Local Nuisance and Litter Control Act* – relating to littering and local nuisances from noise, odours, smoke and animals.
- 2.3.8 **Bushfire Management and Planning** - Undertake activities required for the development and effective operation of responsibilities for Bushfire Management and Planning. Improve the safety and amenity of the area through the effective enforcement and administration of the relevant sections of the Fire and Emergency Services Act required for the effective control and reduction of risks from fuel hazards on private properties.
- 2.3.9 **Weekend and After-Hours Service** - Provide weekend services for all aspects of community compliance and an after-hours and public holiday call out service for dogs wandering at large, dog attacks and urgent matters.

Current Resources

- 2.4 The current resources available for the Community Compliance team include a total of 12 full time equivalent staff supported by an additional two support staff as part of the Business support services and administration team.
- 2.5 The services levels and functions delivered by the team involve a range of proactive and recurrent routine patrols and inspections and a large number of reactive responses raised by customer service requests (approximately 5,000 per annum) resulting from both concerns arising in the community and where breaches of legislation are impacting on other members of the community or affecting public safety.
- 2.6 The service levels are relatively consistent however recently a range of impacts have affected the delivery of key services and increased demands in other areas. These have resulted from the following:
 - 2.6.1 Redirected focus as a result of Council's COVID-19 response, reducing the routine parking patrols in 2020.
 - 2.6.2 Impacts on the community from COVID-19 reducing demand on parking, and reduced school attendances over 2020 and 2021, resulting in a decreased focus on parking patrols.

- 2.6.3 Reduction in available Council compliance staff due to COVID-19 related absenteeism, and vacant positions resulting in a reduction of 2 full time equivalent staff roles between 2020 and 2021. This has translated to less resources being available for proactive work such as patrols and compliance inspections, with staff attending to reactive and customer requests as a priority.
- 2.6.4 Increased customer requests relating to:
- local nuisances associated with noise and home-based activities. Levels have increased from 250 to 350 per annum over the last five years.
 - cat nuisance complaints increasing from 80 to 120 per annum over the last five years and many requiring staff interventions to remove large numbers of cats.
- 2.7 In 2022, the Community Compliance team has returned to full staffing capacity, however COVID-19 has still affected the availability of resources, due to absenteeism associated with isolation requirements. The focus has been on addressing customer requests with routine compliance carried out when resources are at full capacity. With the recent changes to close contact isolation requirements the impact that COVID-19 has had on staff resourcing is likely to now diminish.
- 2.8 The identified service areas in the Council resolution relating to car parking around schools and dog registrations are proactive work and have been affected when staffing resources were low or when staff are required to attend to other priority community and public safety areas.

Car Parking Around Schools

- 2.9 Carparking patrols are undertaken around schools to ensure that community members are complying with applicable parking road rules so as to enhance and protect the safety of pedestrians and minimise traffic congestions in and around school zones.
- 2.10 The current operating model for school parking enforcement and compliance includes advice and information sent to all schools at the start of the school year and again in Term 3 to remind and advise road users of the road rules around schools, as well as routine patrols and complaint investigations requiring additional patrols and responses.
- 2.11 The routine patrols involve two staff members attending schools and patrolling the surrounding streets from their vehicle to enforce compliance with the road rules. The main offences relate to No Parking, No Standing, along with some parking on the verge or reserves and parking rules that can impact on public safety such as double parking.
- 2.12 There are 39 school locations with the annual targets being approximately 240 patrols to be scheduled over the school year.
- 2.13 The scheduled patrols are established to ensure equitable surveillance across the City however there is a focus on the higher risk and more populated schools as this is where more traffic is present and the likelihood of drivers exhibiting poor parking behaviour increases.

- 2.14 The frequency of these routine patrols is based on current resources and other public safety demands and increases if complaints and concerns are received. Compliance around schools does involve a level of community education, support from the school community and voluntary compliance, with staff patrols and enforcement there to remind drivers of their obligations.
- 2.15 Complaint patrols are undertaken when requests are made from some schools to assist in educating drivers in understanding and obeying parking road rules. In most cases these complaints result from driving behaviour that creates congestion rather than parking behaviour.
- 2.16 Attendances to schools that have concerns with driving behaviour and congestion do not necessarily translate to parking offences (and subsequent revenue resulting from infringement notices).
- 2.17 The current routine patrol targets associated with parking enforcement range from two patrols per annum at schools that have good traffic flow and compliance to eight patrols at larger schools and those with poor traffic flow and low compliance rates. The higher volume schools are inspected more often due to recurrent complaints and concerns. Current resource allocations equate to approximately 0.32 full time equivalent staff to this activity.
- 2.18 The presence of staff undertaking patrols from their vehicles alerts drivers and increases compliance, as does a presence of staff on foot when undertaking specific targeted patrols for identified high risk areas. Generally, the patrols prevent illegal parking behaviour, rather than resulting in expiations. The nature of recurrent complaints does appear to support the fact that positive driving behaviour does not continue when compliance staff are not present.
- 2.19 An investment to increase resources to deliver increased patrols and a presence at schools will result in increased education about parking rules and safety around schools, and may result in greater compliance and changed behaviour. Maintaining compliance levels without staff being present relies on changed behaviour and a community education and compliance model that is driven by the community that makes school parking and safety a high priority. This has to be combined with ongoing improvements in parking opportunities and road traffic changes to improve traffic flows.
- 2.20 Traffic flow concerns tend to increase in the afternoons due to drivers waiting for children to be dismissed.
- 2.21 Consequently, any increase in resources for school parking patrols will increase compliance, however it will not necessarily result in increased revenue to offset costs, particularly at schools that have traffic flow concerns.
- 2.22 The average expiation numbers for school related offences of No Parking, No Standing, and Stop on Continuous Yellow-edge Line are 400 per annum, with an average expiation fee revenue of \$41,000 over the last two years. Based on average resource allocations, expenditure is approximately \$38,000 providing a slightly favorable variance of \$3,000. However, additional resources allocated to complaint patrols associated with driver behaviour and congestion do not necessarily contribute to revenue.

- 2.23 The ability to address school parking requires multi-faceted approaches including:
- 2.23.1 Ongoing community education and support from the school to distribute messaging and gain community acceptance and compliance
 - 2.23.2 Ongoing routine patrols to support and encourage compliance
 - 2.23.3 Ongoing reviews of traffic management issues to facilitate improved traffic flows and parking opportunities for those attending for school pick up.
- 2.24 Options to increase school parking compliance and changed behaviour may include:
- 2.24.1 Maintain a focus on the high-risk schools and only attend low risk schools on receipt of a complaint.
 - 2.24.2 Continuing and increasing the educational programs to encourage voluntary compliance.
 - 2.24.3 Increased allocation of existing community compliance resources to this area, to expand current targets, but recognising that it will result in a reduction in services associated with other routine surveillance areas, such as reducing town centre parking patrols.
 - 2.24.4 Increase community compliance resources to facilitate increased school parking patrols and ensure the function remains a priority, either on a permanent basis or a short-term contract basis to investigate options on a trial before making it permanent.
 - 2.24.5 Investigate alternative technological options to undertake school parking patrols such as cameras mounted on vehicles that can record offences and have inbuilt License Plate Recognition technology.
- 2.25 Options to increase school traffic flows, compliance and changed behaviours may include:
- 2.25.1 Continually reviewing traffic management around schools to increase traffic flows and parking opportunities.
 - 2.25.2 Discuss with schools and the Department of Education the following opportunities:
 - take a more proactive role in school parking education and make it a major focus of the school communities at the start of each term;
 - Schools consider engaging their own traffic management personnel to oversee traffic flows, and possibly authorising the same personnel to issue expiations; and
 - investigate the opportunities to stagger school finish times based on year level to facilitate a reduction in traffic at school pick up times.
 - 2.25.3 Engage with external traffic safety agencies to develop education campaigns dedicated to school traffic safety and parking.

Dog Registrations

- 2.26 Dog registration is a statutory requirement and all dog owners must ensure that their dogs are registered as per the requirements of the *Dog and Cat Management Act 1995*. Dog registration revenues are utilised to support all dog management activities including the provision of services such as dog friendly parks and maintaining community safety and amenity, through investigating offences such as dog attacks, dog noise and seizing dogs wandering and impounding in Council's pound.
- 2.27 The Community Compliance team conducts annual registration assessments, and enforces the relevant sections of the *Dog and Cat Management Act 1995* to ensure owners register their dogs when dogs are found to be unregistered and are responsible pet owners.
- 2.28 The annual registration assessments involve a range of initiatives to educate, encourage and enforce dog registration compliance in an effort to ensure all dogs in the City are registered and well managed and includes:
- 2.28.1 Identifying unregistered dogs in the community through an annual dog registration assessment which involves door knocking on average 5,000-6,000 properties with no registered dogs listed, and this results in:
- approximately 25% of these premises having an unregistered dog, and resulting in 1,500 unregistered dogs being identified; and
 - dog registration revenues of approximately \$48,000 (with a flow on effect resulting in other dogs being registered due to knowledge of the assessments being conducted).
- 2.28.2 Following up approximately 2,500 unexpired dog registrations at the end of registration renewal period, which ensures the registration data base information is kept up to date and unexpired dogs are registered.
- 2.28.3 Undertaking relevant enforcement action as required, resulting in:
- 400-600 expiations issued annually for unregistered dogs (that do not register after being provided the opportunity to do so); and
 - Expiation revenue between \$68,000 to \$102,000, based on 400-600 expiations at \$170 each. It should be noted that many recipients do not pay and they are transferred to Fines Enforcement and Recovery Unit for payment which is recovered through payment plans over a period of time.
- 2.28.4 Providing educational information to encourage registrations through pamphlets, social media, street signage and at local vets to improve community safety and animal welfare outcomes.
- 2.29 The dog registrations assessments are conducted by the Community Compliance team and the same staff also undertake other activities including town centre parking patrols and the annual inflammable undergrowth inspections, amongst other activities.

- 2.30 Current [demographic data](#) estimates the City of Salisbury has approximately 58,000 dwellings. Based on dog registration assessment data and real registrations it is estimated that:
- 2.30.1 approximately 22,000 dwellings have a registered dog;
 - 2.30.2 25% of the remaining 36,000 dwellings are estimated to have an unregistered dog;
 - 2.30.3 resulting in an estimated 9,000 unregistered dogs in the City at any one time (7,500 more than the identified 1,500); and
 - 2.30.4 a conservative estimate at 50% of the above estimates would still identify 4,500 unregistered dogs (3,000 more than the identified 1,500).
- 2.31 An increase in the ability to identify all dogs in the City of Salisbury would increase registration rates and based on estimates an additional 7,500 registrations. This could result in registration revenues ranging between \$135,000 (\$18) to \$270,000 (\$36). It is estimated that some of the registrations will be concessions at 50% the standard dog fee. This does not include estimated expiations which result from approximately 20-25% of all unregistered dogs identified.
- 2.32 An increase in capacity to undertake additional dog registration assessments could in practicality double current efforts and therefore increase the number of premises assessed. The outcomes are estimated to be 10,000-12,000 properties with no registered dogs listed assessed annually resulting in:
- 2.32.1 approximately 2,500 unregistered dogs identified; and
 - 2.32.2 Estimated registration revenue of \$90,000 (based on 2,500 dogs at \$36 standard dog fee).
- 2.33 Options to increase dog registrations may include:
- 2.33.1 Increased allocation of existing Community Compliance resources to this area, recognising that it will result in a reduction in services associated with other routine surveillance areas, including town centre parking patrols;
 - 2.33.2 Increase Community Compliance resources to facilitate increased dog registrations, either on a permanent basis or a short-term contract basis to investigate options on a trial before making permanent; or
 - 2.33.3 Maintain current approach relating to field work as well as continuing and increasing the educational programs to encourage voluntary registration.

Public Nuisances

- 2.34 Public nuisances are associated with behaviours on local government land where persons behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person, and or create an annoyance that includes anything likely to offend or unreasonably interfere with any other person using that land; or occupying nearby premises, by making a noise or creating a disturbance.

- 2.35 Currently reports of nuisances are addressed by the Community Compliance team and are usually associated with a complaint or customer request notifying of an incident. The frequency of these reports is low and they are managed within current operating procedures and resources. Anything occurring after hours that may have a significant Work Health and Safety risk relating to group activity, anti-social behaviour and or alcohol consumption is reported to the Police and/or security patrols for attendance.
- 2.36 It is considered that no additional resources for the Community Compliance team are required for addressing public nuisances under the provisions of the By-Laws.

Resources

- 2.37 Determining the service level expectations and goals for school parking patrols and dog registration assessments will identify the preferred options to achieve these outcomes.
- 2.38 If there is an expectation that an increased presence is required in the area of school patrols then staff increases or redirected resources will be required to achieve this outcome.
- 2.39 Current resource levels and operating targets across all service areas in the Community Compliance team do not allow for any increase in this area without reducing other service areas due to competing tasks being very resource intensive.
- 2.40 As technology improves and develops in the area of vehicle mounted cameras with license plate recognition technology, the cost is likely to reduce and become a more viable option that could be considered in the future.
- 2.41 Dog registration assessments are very resource intensive program and the main option currently is to undertake a door to door assessment targeting those properties that do not have a registered dog. To increase the current service levels there will be a requirement to increase staffing levels or redirect resources to this function.
- 2.42 If service level expectations were to double the number of patrols currently undertaken at schools and also the dog registration assessments this is estimated to require the following resources:
- 2.42.1 an increase of approximately 0.32 full time equivalent staff for the school parking patrols, and
 - 2.42.2 1.2 full time equivalent staff for the dog registration assessments.
- 2.43 Allowing for other duties that are undertaken by the staff and average periods of leave this equates to approximately two full time equivalent staff roles.
- 2.44 The cost for two additional staff plus on costs and provision of vehicle and information technology resources are approximately \$188,000 consisting of:
- \$171,200 staff
 - \$11,500 vehicle (lease)
 - \$6,000 IT devices.

- 2.45 Revenue from the additional resources dedicated to combined parking enforcement (~\$41,000) and dog registration assessments (~\$90,000) is estimated to be about \$131,000 (including fines and registration revenue). This will require a net budget bid of approximately \$57,000 to provide the additional resources.
- 2.46 It should be noted that increased presence and patrols are likely to result in a decline in estimated revenues and the transfer to Fines Enforcement for unpaid expiations, in particular dog expiations. This will see revenues unrealised for a period of time and dependent on recovery, these estimates may show a negative variance in the vicinity of \$35,000 requiring a net budget bid of approximately \$92,000.

3. CONCLUSION / PROPOSAL

- 3.1 The compliance functions of school parking patrols and enforcement, and dog registrations are a key part of the Community Compliance team's functions which consist of a broad range of services and legislative responsibilities to ensure public safety and community compliance is achieved in our community.
- 3.2 The functions undertaken all require physical resources that involve engagement and a presence in our community. Increased demands and changing service areas mean that competing priorities are encountered daily and this requires the service delivery to be agile and to constantly prioritise to ensure higher risk functions are delivered.
- 3.3 The increase demands from legislation and community behaviours means that in some instances reprioritisation cannot meet the demand of all high priority areas and alternative options must be considered. This can include:
- 3.3.1 Reallocation of existing resources by eliminating or deferring lower priority tasks
 - 3.3.2 Investigating improvement opportunities, and increasing community education and partnering with other agencies to increase community compliance
 - 3.3.3 Investigating alternative technological options and solutions as their efficacy improves and costs reduce
 - 3.3.4 Increasing resources, either on a temporary basis or more permanently.
- 3.4 Activities that involve legislative compliance can be offset with increased revenues as required by statute, through fees and fines. In contrast, activities relating to improving traffic flows do not necessarily translate to any additional revenue, but may achieve improvements in public safety.
- 3.5 Resources dedicated to regulatory compliance and education will provide the community with the assurance that Council is committed to the delivery of services that aim to ensure equitable compliance across the City, and improve public safety by ensuring everyone registers their dogs, and safe parking and driving behaviour are exhibited around schools.

- 3.6 Managing these important Community Compliance functions within current resource levels by focusing existing resources on higher risk activities over the next 12 -24 months will allow the organisation to review resource demands without the impacts of COVID-19 on both staff and the community. This is likely to provide a more stable representation of community compliance in these areas.
- 3.7 The City of Salisbury's approach to Community Compliance is currently focused on educating and encouraging the community to comply with their legislative obligations. An increase in enforcement activities, especially in relation to schools, is likely to change the community's perception of Council being focused on revenue generation rather than public safety outcomes.

ITEM	3.2.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 June 2022
HEADING	Summary Report for Attendance at Training and Development Activity - Leading Public Sector Change Initiatives
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	The Elected Member Training and Development Policy sets out requirements for reports to be presented by Elected Members after attendance at certain activities. This report addresses that requirement.

RECOMMENDATION

That Council:

1. Notes the summary report from Cr Henningsen for her online attendance at the 'Leading Public Sector Change Initiatives and Managing Negative Public Sentiments' seminar held on 9 – 11 March 2022.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Cr Henningsen Summary of Online Attendance at 'Leading Public Sector Change Initiatives and Managing Negative Public Sentiments' held on 9 – 11 March 2022

1. BACKGROUND

- 1.1 The Elected Member Training and Development Policy sets out requirements for reports to be presented by members after attendance at certain activities. Clause 5.25 and 5.26 of the policy states:

5.25. Following attendance at a conference Elected Members must prepare and submit to Council a written report in relation to their attendance at the conference.

5.26. Following attendance at a training and development activity Elected Members may give a verbal report in relation to their attendance at the training and development activity at the next Council meeting following attendance where appropriate.

- 1.2 This report addresses the requirement for an activity Cr Natasha Henningsen has taken part in.

2. REPORT

- 2.1 Cr Henningsen attended (online) a three day seminar titled 'Leading Public Sector Change Initiatives and Managing Negative Public Sentiments' held on 9 – 11 March 2022.
- 2.2 As detailed in section 1 of this report, the Elected Member Training and Development Policy (the policy) sets out requirements for reports to be presented by members after attendance at certain activities, in this case clause 5.25 applies.
- 2.3 In accordance with the policy, Cr Henningsen has provided a summary of her attendance which is provided as attachment 1 to this report.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to note the summary report provided by Cr Henningsen.

Training Report from Leading Public Sector Change Initiatives & Managing Negative Public Sentiments (9-11th March 2022)

On 9th -11th March, 2022, I attended online the '**Leading Public Sector Change Initiatives & Managing Negative Public Sentiments**' seminar held by facilitator, **Beverley Honig at Honeylight Enterprises**. Attendees were all senior level local government managers across Australia and New Zealand.

I was interested to attend this workshop to improve my skills and understanding about stakeholder engagement in a public sector context; and to glean and promote ideas or strategies that may improve Councils community engagement approaches. Having witnessed many examples of community engagement undertaken by the City of Salisbury. I was seeking to better understand alternate ways to engage community as an Elected Member (EM), and also for my fellow Councillors, to apply some new ways of thinking, and new skills to connect with community more authentically and strengthen our strategic effectiveness.

Having conducted the seminar and reflected. I'm wanting to make the observation that it's critically important for EMs to actively deepen their skills to ensure adequate tools, strategies and action plans are applied throughout Council. I believe investing time and resources for staff to practice 'the art of community engagement', through hands-on, out in the street's consultation at community hubs and centres, would ultimately save Council money, provide professional development opportunities to staff, provide richer and more meaningful feedback from residents, and for EMs to better understand how Council currently does 'Engagement' and review opportunities for further improvement and consider;

- How does CoS compare with other comparative Councils?
- What is Council Comm Dev. budget as a % of overall spending?
- What are the latest trends and benchmarks in the Community Engagement space?
- Where can Council improve to better connect and communicate with residents?
- How can we engage more authentically?

The 3-day seminar starting with high-level overview of various community engagement models including ADKAR assessment, SIPOC model, PROSCI model, Honig's Change Compass and the Kotter model. The seminar presented a high-level summary of various engagement models that are beneficial to public sector managers but was less relevant for EMs seeking to strengthen their local level engagement strategies and responses. Refer to APPENDIX 1 outlining types of change models for different goals, change imperatives, assessing how well organisations are engaged with community.

Day 1 topics covered different types of change for different goals, change foundations, an examination of organisational readiness to change, a diagnostic toolkit for application, and action plan, types of innovation and a discussion on the innovation phases.

Day 2 provided a range of checklists for public sector change including an organisational mapping process checklist, barriers vs points of entry in change preparation, stakeholder analysis matrix, a key message template, establishing conflict management comfort zones for quick wins, stakeholder engagement evaluation checklist and an organisational life-cycle questionnaire.

Day 3 examined other elements of evaluating one's own conflict managerial style as a reflection for improvement when conducting people skills and engagement activities.

The workshop highlighted the practice and practice of community engagement that seeks to better engage and respond to community needs towards the achievement of effective and relevant outcomes.

Arguing, to be successful, engagement must encompass strategies and processes that are sensitive to the community-context in which the engagement occurs. Community engagement is now considered an essential and critical element of a well-functioning democracy.

Constructive relationships between communities and the institutions of government make community engagement not only desirable, but necessary and viable as it is likely to lead to more equitable, sustainable public decisions and improve the liveability of local communities. This is why community engagement is important for individuals, public organisations, and governments alike.

Where traditional, top-down approaches have proven somewhat limited and often ineffective. Community engagement remains critically important for its collaborative approach in the design and/or delivery of services and infrastructure etc back to community. However, the workshop highlighted that traditional, top-down approaches to engagement are often fought with difficulty and many challenges such as;

- cultural differences between the executive level of government the community,
- power dynamics,
- lack of incentive; and most importantly operational factors such as a lack of time or money.

Other constraints discussed include;

- the paternalistic posture of authorities
- the prescriptive role of the state
- embellishment of successes
- lack of digital maturity
- selective participation
- inattention to negative results
- hard-issue bias, intra/inter-group conflicts
- gatekeeping by leaders
- excessive pressures for immediate results; and
- lack of interest and population size and demographics¹.

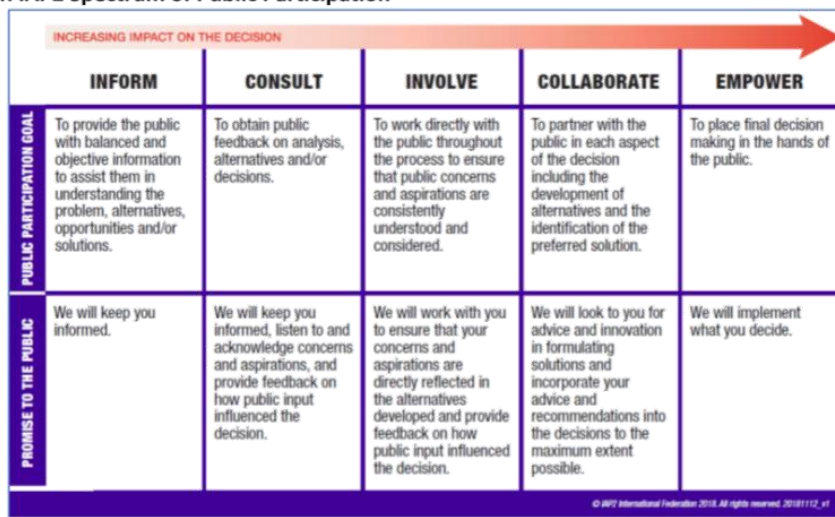
But how successful are we against current benchmarks, and where do we stand? To be successful engagement must encompass strategies that are sensitive to community needs that are delivered based on well-understood tools and frameworks along with more investment into 'lived-experience' engagement activities. Open and constructive engagement between communities and the local government is necessary as part of its statutory requirements. In fact, public input into decision-making through participatory and deliberative democratic practices has become a widely accepted and legislated responsibility of Australian local governments'. Engagement is often seen as a 'tick a box' task rather than an equitable and democratic public means of transparent and effective decision making by responding to community ideas, criticisms and reaching satisfactory decision making to improve the liveability and services for local communities.

CoS's *Community Consultation policy* (<https://www.salisbury.sa.gov.au/council/council-plans-and-documents/policies>) outlines requirements under the LGA Act 1999, that Council must follow in its *Public Consultation Policy* outlining different circumstances.

It is noted that Council applies the **IAP2 Spectrum of Public Participation** reflecting different levels of participation or engagement as the table below outlines. Ranging from inform, to consult, to involve, to collaborate and ultimately to empower.

¹ Helen E. Christensen & Dana McQuestin (2019) Community engagement in Australian local governments: A closer look and strategic implications, *Local Government Studies*, 45:4, 453-480, DOI: [10.1080/03003930.2018.1541794](https://doi.org/10.1080/03003930.2018.1541794)

Diagram 4: IAP2 Spectrum of Public Participation



Council recently rejected formally adopting deeper levels of engagement such as citizens juries and the like. Although concluded that citizens juries for example, remain a viable engagement option in the right circumstances. I believe we are doing the community a disservice by not engaging them in deeper levels of engagement. I believe Council can do better!

Recognising Councils’ well-deserved, fantastic and recent achievements with ‘Recognition of inclusivity and diversity’ awarded and other achievements, it is obvious that Council already does a great job in this space.

But what can we do better? How and where can EMs community engagement assist Council to strengthen engagement activities?

Comment1: I would not recommend this seminar to EMs as the seminar did not discuss specific engagement strategies at the representative level, rather this seminar was targeted senior level practitioners in community engagement.

Comment 2: That the administration provide a benchmarking report to compare Councils community engagement approach, with other Councils, and advise on the current frameworks, tools and strategies currently applied, including strategies and areas for improvement.

Appendix: 1 Diagram examples of topics discussed.

Diagram 1: Different types of change for different goals

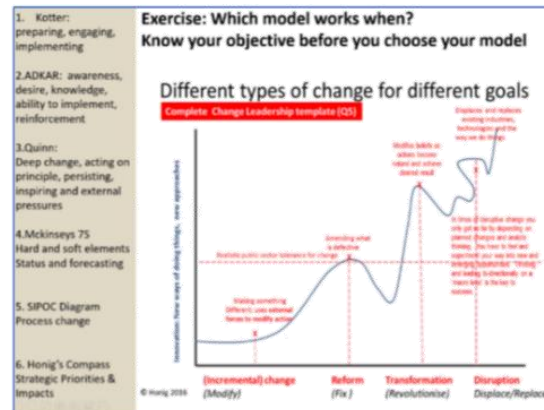


Diagram 2: Change foundations imperatives

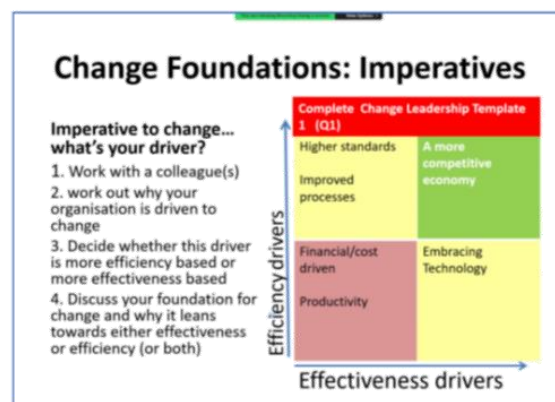


Diagram 3: Assessing how well an organisation is engaged with community

