



2023 By-law Review

Summary of Proposed Changes



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Background

By-laws are local laws designed for the good rule and governance of the City of Victor Harbor area and for the convenience, comfort and safety of the community.

Section 246 of the Local Government Act 1999 allows Council to make by-laws.

The City of Victor Harbor currently has seven by-laws which are due to expire on 1 January 2024. This includes:

- By-law 1 – Permits and Penalties
- By-law 2 – Moveable signs
- By-law 3 – Roads
- By-law 4 – Local Government Land
- By-law 5 – Dogs
- By-law 6 – Cats
- By-law 7 – Foreshore

To ensure new by-laws are in place when the current ones expire, Council has initiated a review process in accordance with the Local Government Act 1999.

The existing by-laws were reviewed and amended to ensure they reflect the current needs and expectations of the community. Some amendments to the existing by-laws were minor in nature, including editorial, currency and formatting changes.

However, a number of additional key amendments were made and are outlined in this document. Please note that this document provides a summary of key amendments only, and the draft by-laws should be read to gain a deeper understanding of what is proposed.





By-Law 1 – Permits and Penalties

The intent of this by-law is to create a permit system for Council by-laws, to fix maximum and continuing penalties for breaches of by-laws, and to clarify the construction of Council by-laws.

Key Amendments

3. Definitions

Additional definitions have been included such as Authorised Person, Driver, Motor Vehicle, Road, Owner and Prescribed Offence.

5. Council May Grant Permits

This paragraph clarifies that permission of the Council under a by-law may be given by way of a permit.

6. Penalties

6.1 This paragraph has been updated to deal with enforcement and reflect the maximum penalty amount which is prescribed within the *Local Government Act 1999*. This is so that when the amendments are made to the *Local Government Act 1999*, Council does not have to amend its by-laws. The penalties are reflected in Council's Fees and Charges Register.

6.2 Covers off on continuing offending.

7. Liability of Vehicles Owners and Expiation of Certain Offences

This is a new paragraph which extends liability for offences involving a vehicle to the owner of the vehicle (as permitted by the *Local Government Act 1999*) and imitates the *Road Traffic Act 1961*. For example, if someone breaches any by-law and in committing the offence they use a vehicle, then the same rules apply to that person as to the owner of that vehicle as it would for the *Road Traffic Act 1961*. If a person breaches the *Road Traffic Act 1961*, they would be liable as an owner of the vehicle unless a statutory declaration naming another party is completed. Paragraph 7 assists Authorised Officers to enforce a by-law.

8. Evidence

This is a new paragraph which reverses the lack of proof. It allows for the prosecution to prove a place was a road or Local Government Land.



By-Law 2 – Moveable Signs

The intent of this by-law is to set standards for moveable signs on roads. It also provides conditions for the placement of such signs for the purposes of protecting public safety and visual amenity.

Key Amendments

3. Definitions

Teardrop and feather banners included in banner definition.

4. A Frame Signs

4.2.10 The Placement of A Frame signs must not be within 10 metres of an intersection of a road. Previously this was 5 metres.

5. Banners and Signs

5.1.7 The allowable size of banners and signs has increased from 1 square metre to 2 square metres.

5.2.9 The placement of a banner or sign displayed on a road must not be displayed for more than 21 days before and two days after the event it advertises. This is to be consistent with Council's Signage Guidelines.

7. Removal of Unauthorised Movable Signs

Provides Authorised Officers/Persons powers to remove unauthorised movable signs if they are a hazard or a danger.

8. Removal of Authorised Movable Signs

Provides Authorised Officers/Persons powers to remove authorised movable signs if they are a hazard or a danger.

By-Law 3 – Roads

The intent of this by-law is to provide for the management, control, and regulation of activities on roads (including footpaths) in the Council area.

This by-law does not address movement of vehicles on roads (including stopping and parking), as these activities are regulated by the *Road Traffic Act 1961* and Australian Road Rules.

The by-law currently lists several activities that require permission to be undertaken on a road, including advertising, camping, canvassing and busking.

Key Amendments

No substantial amendments are proposed for this by-law.



By-Law 4 – Local Government Land

The intent of this by-law is to manage and regulate the access and use of Local Government Land (other than roads) and certain public places.

Several activities that require permission from Council are listed, including camping, busking, sporting competitions and holding special events.

Key Amendments

3. Definitions

Additional definitions have been included, such as e-cigarette.

4. Activities Requiring Permission

This paragraph requires a person to seek permission from the Council on certain activities on Local Government Land. There are some new activities which require permission if being conducted on Local Government Land, including access to waters, aircraft, alteration to Local Government Land, closed lands and fishing.

5. Prohibited Activities

This paragraph outlines the activities which are prohibited on Local Government Land. A paragraph relating to gender/age specific toilets has been removed. This is to be in line with modern expectations in relation to gender diversity and inclusion.

New prohibited activities have been introduced for Local Government Land such as any annoyances, using equipment in children's playgrounds if over designated age limits, and working on vehicles (unless in the event of a breakdown).

8. Removal of Encroachment or Interference

This is a new paragraph which allows Authorised Officers/persons to cease and remove sources that encroach onto, interfere with, or alter Local Government Land.

9. Council May Do Work

This is a new paragraph which enables Council to recover the costs of completing the work from the person who has failed to remove an encroachment or interference on Local Government Land.

By-Law 5 – Dogs

The intent of this by-law is for the management and control of dogs in the Council's area.

Key Amendments

4. Dog Free Areas

- 4.2 Notes that a person must not allow a dog under that person's control to be, or remain on, any Local Government Land that has been identified as a Hooded Plover Breeding site.

7. Limit on Dog Numbers

- 7.1 While the limit on the number of dogs remains at two dogs, the words "small dwelling" have been removed.





By-Law 6 – Cats

The intent of this by-law is for the management and control of cats in the Council's area.

Key Amendments

3. Definitions

New definitions for certain terms, for the purposes of facilitating Paragraph 8 and 9.

4. Cats Must be Registered

Creates an obligation that cats must be registered.

5. Registration Procedures for Cats

Establishes the registration procedure for cats.

6. Duration and Renewal of Registrations

Outlines the duration and renewal requirements of registration for cats.

7. Accuracy of Records

Ensures the accuracy of records kept by Council relating to cats.

8. Identification of Cats

Creates an obligation that cats must be identifiable by means of a collar around their neck when not confined to premises of which the owner of the cat is the occupier. The collar must have a tag attached which sets out the name of the cat owner and the address or telephone number of the cat owner. Some exemptions may apply to this rule.

9. Cats Not to Wander at Large

Establishes a rule that cats born on or after 1 January 2024 must be confined and cannot wander at large.

10. Limit on Cat Numbers

Limits the number of cats over twelve weeks of age that may be kept on premises. Written permission is required to keep any cat on premises where the prescribed limit will be exceeded. However, this paragraph does not apply in relation to prescribed premises.

By-Law 7 – Foreshore

The intent of this by-law is for the management of local government land comprising the beach and foreshore under the control of the Council.

Key Amendments

New provisions within this by-law are aligned with the draft Local Government Land By-law.



Have Your Say

The City of Victor Harbor welcomes your feedback on its draft by-laws.

You can view the draft by-laws online at **yoursay.victor.sa.gov.au** or in hard copy at the Civic Centre (1 Bay Road, Victor Harbor).

Feedback can be shared:

Online – Provide your feedback using the online form at **yoursay.victor.sa.gov.au**

In hard copy – Written submissions should be addressed to the City of Victor Harbor Chief Executive Officer and returned:

- **By post** – PO Box 11, Victor Harbor SA
- **By email** – localgov@victor.sa.gov.au
- **In person** – deliver to the Civic Centre, 1 Bay Road, Victor Harbor.

All feedback must be received by 5pm on Friday, 9 June 2023.

Following the public consultation period, submissions received may be presented to a future meeting of the Council for consideration.

More Information

Got a question about the City of Victor Harbor's by-law review?

Contact the City of Victor Harbor at localgov@victor.sa.gov.au or (08) 8551 0500.