



Your Say
Adelaide

BY-LAW REVIEW 2018

Consultation closes 5:00pm, Wednesday, 1 August 2018

PROJECT INFORMATION

The City of Adelaide (CoA) has a general power to make By-laws which are designed to provide good rule and governance and assist council in providing a convenient, safe and comfortable space for its community.

In accordance with State Government legislation CoA, having recently reviewed, and in some instances revised, its current By-laws, is seeking feedback from the public on its revised By-laws.

Community input to Council decisions not only promotes strong working relationships between Council and its stakeholders, it maximises the knowledge and experience upon which decisions are based, and leads to better outcomes for all.

Background

Council has a general power to make By-laws which are designed to provide good rule and governance and assist council in providing a convenient, safe and comfortable space for its community.

Council's power to make a By-law is derived from Section 246 of the *Local Government Act 1999* (SA) which requires the review and formal adoption of the By-laws. It is also a legislated requirement that Council reviews (and if necessary revises) its By-laws every seven years.

The By-laws have, therefore, been reviewed and some changes proposed. The vast majority of the proposed changes are minor in nature and a result of legislative, interpretive or grammatical factors.

Please refer to the Frequently Asked Questions (FAQs) at the end of this document for further information.

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CoA currently has 10 By-laws: (Please note there is currently no By-law 6)

- By-law 1 - Permits and Penalties
- By-law 2 - Moveable Signs
- By-law 3 - Local Government Land
- By-law 4 - Roads
- By-law 5 - Waste Management
- By-law 7 – Dogs
- By-law 8 - Cats
- By-law 9 - Lodging Houses
- By-law 10 – Smoking Control
- The Model By-law - Management of Pedestrian Malls

The new proposed 9 By-laws are:

- By-law 1 - Permits and Penalties
- By-law 2 - Moveable Signs
- By-law 3 - Local Government Land
- By-law 4 - Roads
- By-law 5 - Waste Management
- By-law 6 – Rundle Mall
- By-law 7 - Dogs
- By-law 8 - Cats
- By-law 9 - Lodging Houses

These can be reviewed at: <https://yoursay.cityofadelaide.com.au/bylaw-review>

Timeline

Consultation closes 5.00pm on Wednesday, 1 August 2018.

Frequently Asked Questions

Q1 – What is a By-law?

A - One of the main tasks of local government is to regulate or manage services and activities on our roads and public spaces. For example, councils are responsible for managing activities in our Park Lands, streets and footpaths and for providing other services. These services would be difficult for a state government to manage because they are local issues. To support service provision, state government provides councils the capacity to make By-laws on specific matters.

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Q2 - Why is City of Adelaide reviewing and proposing changes to the By-laws?

A - Legislation requires that Local Government By-laws are renewed every 7 years. The changes that have been proposed are mostly grammatical, consolidating definitions, lay out etc. or are the result of recent Legislative changes.

Q3 - What happened to the previous By-law 10 – ‘Smoking Control’ and Model By-law – ‘Management of Pedestrian Malls’?

A - Both these By-laws have been merged to provide a more succinct single By-law, which is proposed to be By-law 6 – ‘Rundle Mall’

Q4 - Has the definition of ‘Smoking’ been amended in the By-laws?

A- Yes; in order to bring the current definition into line with proposed new health legislation.

Q5 - What happened to the previous By-law 6?

A - There has not been a By-law 6 since 2011 when the previous By-law 6 (which related to Rundle Mall) was disallowed by the Legislative Council. This resulted in the creation of the Model By-law – ‘Management of Pedestrian Malls’.

Q6 - Why is Council clarifying our ability to remove people from public conveniences (toilets)?

A – To be able to effectively move on those who are causing an obstruction in public toilets. This clarification is proposed as a result of increased occurrences of public toilets being used by people to take refuge and stay in the cubicles for extended times. The proposed change is to ensure Council’s ability to maintain public toilet access for the public and has occurred as a result of concerns from the public including complaints from people with disabilities being unable to access public toilets.

Q7 - Why are Council proposing changes requiring commercial businesses to remove waste containers from roads/footpaths within specific timeframes?

A - The current By-laws already include requirements for residents to remove their waste bins from the footpath etc. within specific timeframes, however this did not apply to commercial waste bins. To ensure consistency and keep our footpaths/roads clear, these changes propose to require businesses with commercial waste bins to remove their bins once collected in a timely manner to minimise the effect on pedestrians and vehicles using the footpaths/roads.

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Q8 - Will expiation notices be able to be issued to waste container owners who breach rules?

A - Yes. The person/business responsible can be expiated under By-law 5; however, Council would focus on educating the person/business in the first instance.

Q9 - Why are expiation penalties not individually identified on the By-laws?

A - Expiation penalties are restricted by the *Local Government Act 1999* to a maximum of 25% of the maximum penalty which is \$750. Council can then set/change the expiation penalty for individual offences annually through Councils Fees and Charges up to \$187.50. Please refer to our current Fees and Charges schedule located at:

<https://www.cityofadelaide.com.au/online-services/permits-and-licenses/approvals-permits-licenses/badge-days>

Q10 - Why can't I find a schedule for collection of hard waste?

A - The schedules for collection of hard waste are not managed in the By-laws. Hard waste schedules are set under the Sustainability Policy. How to book a hard waste collection is explained at:

<https://www.cityofadelaide.com.au/city-living/home-property-management/waste-recycling/hard-refuse>

Q11 - Is the posting of flyers under vehicle windscreen wipers covered by these By-laws?

A - No. Previously addressed in *By-law 3 - Local Government Land*, this is now covered under section 23 of new SA Government legislation called *The Local Nuisance and Litter Control Act 2016*.

Q12 - Why are moveable signs and A frames not allowed to be put against the building?

A - Moveable signs and A frames cannot be placed alongside the building alignment as this can negatively impact the visually impaired members of our community and create a safety issue.

Q13 - Has the definition of 'model aircraft' been amended and where they can be flown?

A - Yes; the definition of model aircraft has been updated to include 'drone'. By-law 3 Local Government Land has been amended to allow Council in future, by resolution, to

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identify and limit the usage of model aircraft (including drones) and other devices (model boats and model/remote control cars) on local government land (it has responsibility for) without requiring a By-law change.

Q14 - What happens after the consultation process is closed?

A - Following the closure of the consultation period, feedback will be considered and a report will be presented to Council. Once endorsed by Council the proposed By-laws will be published in the Gazette and referred to the Legislative Review Committee for review. If there are no objections or amendments from Parliament, the By-laws will take effect four months after they are Gazetted and will be valid until 1 January 2026.

How do I provide my feedback?

Online:

For a quick and efficient way to provide feedback visit:

yoursay.cityofadelaide.com.au and provide a submission via the **Online Survey**

Written submission form:

Complete the submission form attached to this consultation pack and return to:

Community Consultation

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GPO Box 2252, Adelaide SA 5001

Email: Feedback can be sent to yoursay@cityofadelaide.com.au or c.officers@cityofadelaide.com.au

All submissions must be received by 5pm, Wednesday, 1 August 2018

What happens next?

We will acknowledge your feedback either by email or in writing.

All written submissions that are received with all the relevant contact information will be duly considered and presented to Council in the form of a report in a Council meeting.

This report will be presented to Council summarising the overall result of the consultation with a copy of each submission, including the respondents name and address. The report will become available on Council's web site.

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For enquires please contact:

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Team Leader Community Safety and Health

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E: c.officers@cityofadelaide.com.au

Or visit yoursay.cityofadelaide.com.au

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SUBMISSION FORM

Submissions close **5:00pm, Tuesday, 31 July 2018.**

This form can also be completed online at yoursay.cityofadelaide.com.au.

It is Council's policy that for a formal submission to be received it must include your name and residential address. Formal submissions will be provided to Council and will be publicly available. Mandatory information is marked with an *asterisk. .

*First Name:		*Last Name:	
Email Address:			
*Address:			
Business/Organisation Name (if applicable):			
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other Identity	Year of Birth:	
Are you a City of Adelaide Ratepayer?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Please tell us how you participate in city life (tick all that apply):			
<input type="checkbox"/> Work	<input type="checkbox"/> Live	<input type="checkbox"/> Shop	<input type="checkbox"/> Play <i>(e.g. leisure, recreation, entertainment, dining)</i>
<input type="checkbox"/> Study	<input type="checkbox"/> Tourist	<input type="checkbox"/> Own a Business	
Please indicate your main areas of interest (tick all that apply):			
<input type="checkbox"/> Council Services & Programs	<input type="checkbox"/> Open Space & Recreation	<input type="checkbox"/> City Design, Planning & Development	<input type="checkbox"/> New & Future Projects
<input type="checkbox"/> Social & Community Issues	<input type="checkbox"/> Policy, Budget and Management Plans	<input type="checkbox"/> Environmental Issues	<input type="checkbox"/> Arts & Events in the City
Please indicate the locations that are of interest to you (tick all that apply):			
<input type="checkbox"/> North Ward	<input type="checkbox"/> Central Ward	<input type="checkbox"/> South Ward	

[Your Say Adelaide](http://yoursay.adelaide.gov.au) is Council's online consultation website. It is your chance to be kept up-to-date and provide feedback on areas of the City that interest you. Would you like to be signed up to Your Say Adelaide online and be emailed when there is an opportunity to have your say on areas that are of interest to you?

Yes No

Please Note: If you've ticked Yes, you will receive an email to your nominated e-mail address above to confirm your new account.

