

Our Corporation

By-law Review

Regulatory Services

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- Section 246 of *the Local Government Act 1999* empowers SA Councils to enact by-laws focusing on public health, safety, environmental protection and community welfare.
- Legislation requires that the City of Adelaide's (CoA) by-laws are reviewed by 1 January 2025.
- Revised by-laws will require public consultation and endorsement by Council and the Legislative Review Committee before being ratified.
- The purpose of this workshop is to:
 - Build awareness around the purpose of by-laws and their place in the legislative framework.
 - Provide an overview of the review process, timeline and Council engagement.
 - Obtain feedback from Council Members on any areas to consider in the review, in addition to feedback on specific tensions identified.

QUESTION

Do Council Members have feedback on the proposed timeframe and approach?

QUESTION

Do Council Members have feedback on:

- Moveable Signs (A-Frames)
- eScooters
- Access to Park Lands

QUESTION

Do Council Members have specific areas or themes they would like considered in the by-law review?

By-law Review Implications



| Implication | Comment |
|----------------------------|--|
| Policy | By-laws form part of the legislative framework and can complement policy positions to deliver on Council's legal obligations and strategic outcomes. |
| Consultation | Public consultation will be required once draft by-laws have been endorsed by Council. |
| Budget Consideration | Not applicable at this stage. |
| Risk / Legal / Legislative | By-laws are enacted via Section 246 of <i>the Local Government Act 1999</i> . Legislation requires that the CoA's by-laws are reviewed by 1 January 2025. |
| Opportunities | By-laws assist Council to regulate a safe, accessible and activated public realm. The by-law review provides an opportunity to ensure our by-laws reflect current community expectations and Council's Strategic Plan. |

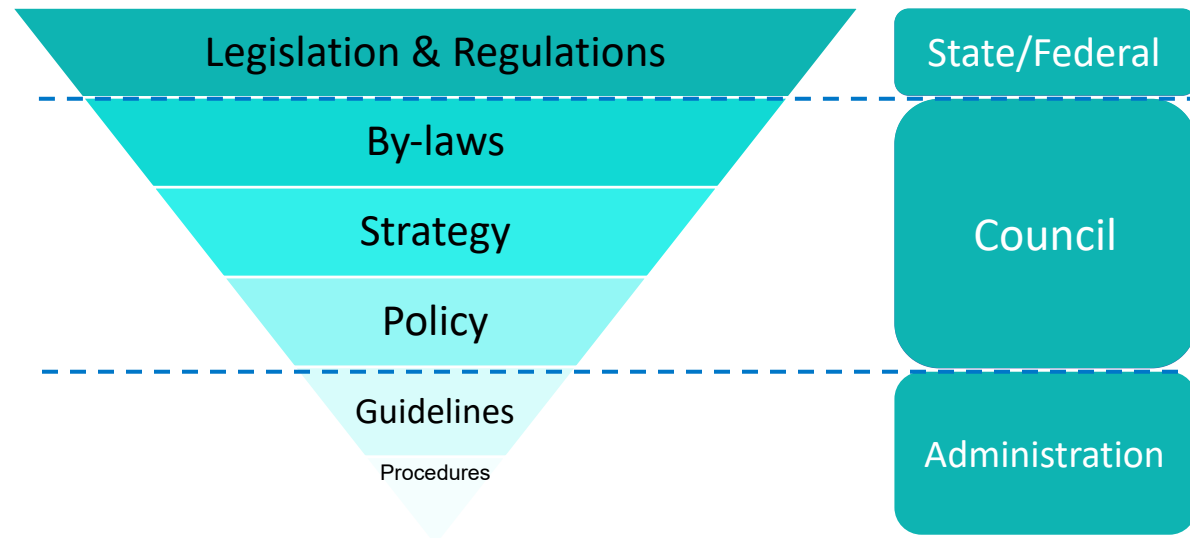
Legislative Context

- By-laws empower Councils to address important local issues not addressed by State or Federal laws.
- By-laws must not conflict with, or repeat, existing legislation.
- CoA by-laws are specific to our Council area and enforced by Authorised Officers of the CoA.
- Breaches to by-laws can result in expiations and further legal action.

Strategic Context

- The by-law review will be guided by the 2024-2028 Strategic Plan.
- The review is being undertaken cognisant of recent community feedback provided through consultations on the Strategic Plan, City Plan and other works.

Regulatory Framework



- CoA's nine by-laws have been developed over time based on 'model by-laws' drafted by the LGA, and in response to legislative changes or community interest.
- Although our by-laws are specific to CoA, many by-laws are similar in nature across multiple SA Local Governments.
- The following table outlines the purpose of each by-law and provides example conditions for context.
- The complete set of by-laws and clauses is available here: [City of Adelaide By-laws | City of Adelaide](#)

| By-law | Purpose | Example Condition of the By-law |
|---|---|--|
| 1. Permits and Penalties By-law 2018 | To provide for a permit system and set penalties for breaches of by-laws. | <ul style="list-style-type: none"> A person who contravenes or fails to comply with a by-law is liable to the penalty referred to in the <i>Local Government Act 1999</i>. |
| 2. Moveable Signs By-law 2018 | To protect visual amenity and public safety on roads by setting standards for the design and placement of moveable signs. | <ul style="list-style-type: none"> A Moveable Sign (e.g. an A-Frame) must be placed adjacent the business it relates to. There is a limit of one Moveable Sign per eligible business premise. |
| 3. Local Government Land By-law 2018 | For the management of all land vested in or under the care, control and management of the Council. | <ul style="list-style-type: none"> A person cannot use any kind of amplifier or sound-amplifying device on Local Government Land without permission. A person cannot feed any bird on Local Government Land. |
| 4. Roads By-law 2018 | For the management of roads vested in or under the control of the Council. | <p>A person must not, without permission, on any Road:</p> <ul style="list-style-type: none"> Camp or remain overnight whether in the open or vehicle. Chain or affix a bicycle to any pole, fence or other structure, other than on a structure specifically designed for that purpose. |

By-law Review

Current State (cont...)



| By-law | Purpose | Example Condition of the By-law |
|--|---|--|
| 5. Waste Management By-law 2018 | For the prevention of nuisances, obstructions and risks to public health by regulating and controlling kerbside removal of waste from premises. | <ul style="list-style-type: none"> An occupier must place the relevant waste container in accordance with this by-law on the day of, or the night before (and not before these times) the scheduled collection day. An occupier must ensure that the lid of each Container is able to be closed and kept closed, except when waste is being deposited in or removed. |
| 6. Rundle Mall By-law 2018 | For the management of Rundle Mall as a Pedestrian Mall. | <p>A person must not in Rundle Mall or in the vicinity of Rundle Mall:</p> <ul style="list-style-type: none"> Smoke in any area to which the Council has resolved this subparagraph shall apply Use a Wheeled Recreational Device. |
| 7. Dogs By-law 2018 | To limit the number of dogs that can be kept on premises and to provide for the control and management of dogs in the Council area. | <ul style="list-style-type: none"> A person must not, without the Council's permission, keep more than one dog in a Small Dwelling or more than two dogs on any premise other than a Small Dwelling. A person must not allow a dog under that person's Control to be in, or remain in, a 'Dog on Leash Area' unless the dog is secured by a strong leash not exceeding two metres in length. |
| 8. Cats By-law 2018 | To provide for the control and management of cats in the Council area. | <ul style="list-style-type: none"> A person must not on any premises, without the Council's permission, keep more than two cats over three months in age. |
| 9. Lodging Houses By-law 2018 | For the controlling, licensing, inspecting and regulating of lodging houses. | <ul style="list-style-type: none"> A person must not, without permission of Council, use any part of a Lodging House in any a manner contrary to its permitted use or terms of Licence. |

By-law Review Review Process and Timeline



- Internal review has been underway since 2023, following the below timeframe for by-laws to be ratified by 1 January 2025.

| Implication | Comment |
|---|--------------------------------|
| Internal Engagement and External Research/Benchmarking | September 2023 – February 2024 |
| Council Engagement (1) – Workshop To discuss project objectives and seek initial feedback from Council Members | February 2024 |
| Workshop feedback used to investigate further and produce draft by-laws | February – April 2024 |
| Council Engagement (2) – Committee/Council Report Seek endorsement of draft by-laws for public consultation | May 2024 |
| Public Consultation on draft by-laws, including targeted consultation of key stakeholder groups *Dog and Cat by-laws require referral to the Dog and Cat Management Board | May 2024 |
| Council Engagement (3) – Committee/Council Report Share public consultation results and any by-law revisions & seek endorsement of draft by-laws | July 2024 |
| Submission to Legislative Review Committee and Gazetting of by-laws | August – October 2024 |
| By-laws come into effect | 1 January 2025 |



- 1. External Environmental Scan** – *for Council awareness*
- 2. Proposed Administrative Updates** – *for noting and eventual endorsement*
- 3. Emerging Tensions** – *for feedback during workshop*

1. External Environmental Scan – *for Council awareness*

- CoA by-laws are broadly consistent with other SA Councils.
- Capital City comparisons are difficult due to differing legislative frameworks.
- The State Government and other relevant agencies are considering changes and new model by-laws.
- Administration will be mindful of these as our review takes place.
- It is unlikely that proposing to alter a by-law regarding an issue currently being considered for change by the State Government would be supported.
- Any changes sought regarding the following items may be placed on-hold.

Topics being considered externally:

*Review of Dog & Cat Management Act
(relating predominantly to cats)*

*Legislation regarding enforceable on-street
parking controls for electric vehicles (EVs)*

eScooters and micro mobility devices

*Planning and Design Code amendments and
reform*

2. Proposed Administrative Updates – *for noting and eventual endorsement*

- Wholesale changes are not anticipated.
- The current by-laws have been in place for many years and enable effective governance, public safety and access.
- An opportunity does exist to ensure our by-laws use modern language, reflect current community interests, are easily understood and address operational issues.
- Administration will draft revised by-laws for Council endorsement which respond to the themes identified here, however these won't substantially alter the core purpose of the by-law.

Administrative Updates

- *Wording not always aligned to current legislation*
- *Language difficult to interpret for members of the public*
- *Potential to reduce number of clauses with broader terms*
- *Minor inconsistencies across by-laws to be rectified*
- *Use of more inclusive modern language*

Minor Technical Update Examples

- *Waste Management – requiring business waste bins to be identifiable as belonging to a specific premise*
- *Dogs – enacting enforceable signage in Dog Parks*

3. Emerging Tensions – *for feedback during workshop*

Moveable Signs (A-Frames)

Question: Do Council Members wish to increase the number of businesses able to use A-Frames; reduce the number of A-Frames on footpaths; or maintain the status quo?

Greater flexibility & more A-Frames on footpaths

Reduce A-Frames on footpaths



3. Emerging Tensions – *for feedback during workshop*

Moveable Signs (A-Frames)

- Businesses do not require a permit to place A-Frames on the footpath, subject to meeting by-law eligibility requirements.
- Requirements relate to needing a ground floor presence and adequate footpath space directly outside the premise.
- Requests are often received to use A-Frames in ways that conflict with current by-law conditions.
- Signs are used for business promotion, however add to the amount of clutter on footpaths impacting pedestrian access.
- While not recorded, it's estimated that between 500-1000 A-Frames are regularly on CoA footpaths.
- It's unclear how many businesses would continue to use A-Frames if a permit or fee was required, similar to other capital cities.



Greater flexibility & more A-Frames on footpaths

- Requests received which are declined due to current by-law conditions include:
 - Using more than one A-Frame per business
 - Placing signs in a higher traffic locations, not directly in front of the business
 - Placing signs against the building line
 - Using an A-Frame without a ground level street presence
- Eligibility conditions are within CoA's ability to alter.
- Additional A-Frames on footpaths would further impact pedestrian access, amenity and aesthetics.



Reduce A-Frames on footpaths

- De-cluttering footpaths increases pedestrian access and supports principles of placemaking, active transport & disability access.
- Improving pedestrian movement on footpaths supports Council's Disability & Inclusion Action Plan and is likely to support the Integrated Transport Strategy when developed.
- Digital advertising is considered to have reduced the reliance on A-Frames for business promotion significantly in recent years.
- Reductions could be achieved in multiple ways: tightening eligibility; introducing a permit and fee; designating maximum numbers in streets; or replacing private signs with wayfinding infrastructure (funding required).

3. Emerging Tensions – for feedback during workshop

eScooters

Question: Do Council Members seek tighter restrictions regarding eScooter parking? If so and noting the potential impacts, should designated parking areas be on footpaths, parking bays or a mix?

Maintain/increase current flexibility



Restrict parking to designated bays



- *eScooter usage is not currently a by-law issue, given the State Government trial and pending outcome.*
- *Feedback is sought now because if legislated, a by-law may assist to regulate eScooter parking in future.*
- *It is within Council's authority to set more specific controls for eScooter parking if desired.*
- *Restrictions to eScooter parking can occur now via the permit system, or through a by-law if legislation is created.*

3. Emerging Tensions – for feedback during workshop

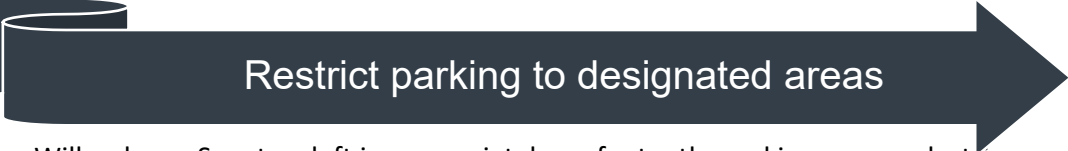
eScooters

- eScooter parking conditions are quite flexible in most parts of the city. Permits state parked eScooters must:
 - *Not cause disruption or nuisance and must ensure they do not compromise or have a negative impact on other street users.*
 - *Not be parked where it poses a safety hazard, or could interfere with pedestrian access generally or access to amenities.*
- Designated parking areas are promoted, but not mandated except for a selected number of streets.
- Technology has improved since eScooters were first launched, enabling greater control on mandated parking areas.
- Both models (flexible in some areas, designated bays in other areas) can be used should Council desire this approach.
- Feedback on which model is preferred in which circumstance is beneficial if seeking this approach.



Maintain/increase current flexibility

- The flexible pick up/drop off approach makes eScooter usage attractive to users as a form of transport.
- The current approach does not impact on-street parking.
- The current approach does not require additional resources to strategically identify and manage dedicated parking zones.
- Feedback from the public has raised concerns about parked eScooters blocking footpaths and impacting access.



Restrict parking to designated areas

- Will reduce eScooters left inappropriately on footpaths and improve pedestrian access.
- May make eScooters less desirable and therefore impact usage as a mode of transport.
- Would be delivered by increasing designated parking zones:
 - Expected to require substantially more dedicated eScooter parking zones on footpaths or on-street parking bays.
 - Implementation would require additional staff resourcing to design and deliver, and funding for infrastructure (if required).

3. Emerging Tensions – *for feedback during workshop*

Accessing Park Lands for sports & events

Question: How do Council Members wish to approach vehicle access to Park Lands during peak demand times?
If reducing vehicle access on Park Lands, which approach would Council Members seek to adopt?

Flexibility for vehicles on Park Lands at peak times

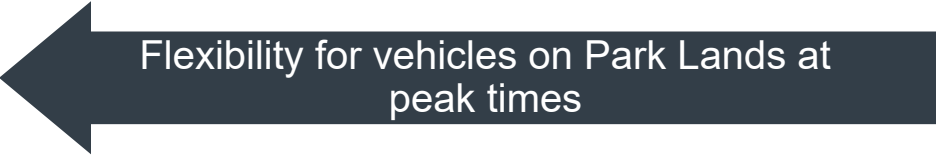
Reduce vehicles on Park Lands regardless of competition/event type



3. Emerging Tensions – *for feedback during workshop*

Accessing Park Lands for sports & events

- By-laws currently prevent vehicles driving and parking on Park Lands without a permit.
- Most license/lease holders are issued one parking permit for maintenance purposes. No other permits are issued.
- During sports competition days, large numbers people attend Park Land sites, often via car.
- A flexible approach to parking compliance is currently adopted. The approach seeks to balance the impact to Park Lands and delivering on the by-law, with supporting Park Lands activation and enabling convenient access for short periods of time.
- Previous enforcement activity has negatively impacted sporting clubs and license holders.
- Each Park Land location has unique circumstances, meaning a ‘one-size-fits-all’ approach is unlikely to be possible.
- Many people visiting the Park Lands for sports are not direct members of the lease holder, and often carry sporting equipment and/or children, making parking proximity a key concern.



Flexibility for vehicles on Park Lands at peak times

- Contrary to the current by-law and Park Lands Strategy.
- Potential to negatively impact Park Lands condition, and create unsafe driving/parking behaviour as it is unregulated.
- Likely to be well received by the sporting clubs which regularly use Park Lands.
- Some locations have more merit than others due to the amount of conveniently located on-street parking not being equal across all Park Lands.
- Potential to charge a fee for temporary parking and use funds to remediate or enhance Park Lands.



Reduce vehicles on Park Lands regardless of competition/event type

- Able to be delivered through a number of short and long term approaches, including:
 - Stronger enforcement approach (vehicle expiations or penalties for license holders).
 - Physical barriers at key points preventing driving on Park Lands.
 - Creating more parking capacity – either on street or additional hard stand.
 - Programs providing transit between central parking areas and key Park Land sites (e.g. shuttle buses).
- Other methods can be investigated if Council seeks to address the tension in this manner.
- Each approach to is likely to have different flow-on impacts to Park Lands users.

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