

Several minor changes and word edits to the by-law have been made which do not impact on the intent of the by-law. More specific amendments or additions to the by-law are provided below.

Part 1 – Preliminary

6. Interpretation

Clause 6.8 (new) **emergency worker** has the same meaning as in the *Road Traffic (Road Rules Ancillary and Miscellaneous Provisions) Regulations 2014*;

The definition of an emergency worker is relevant to the exemption described in Clause 12.1.

Clause 6.12 (new) **organised sport** means an organised sporting competition approved by the Council including any related training session or match but does not include social play;

This clause describes organised sport that is approved by the Council.

Clause 6.15 (new) **public place** means a place to which the public has access (whether an admission fee is charged or not) and includes coastal waters adjacent to the foreshore extending from the low water mark for a distance of fifty (50) metres;

The term 'public place' is relevant for on-leash and dog prohibited controls (to be determined by the Council) and now includes coastal waters extending 50m from the low water mark (which is normally the Council boundary). The Minister's approval under section 18A of the *Harbours & Navigation Act 1993* will be required for this clause to operate in relation to coastal waters.

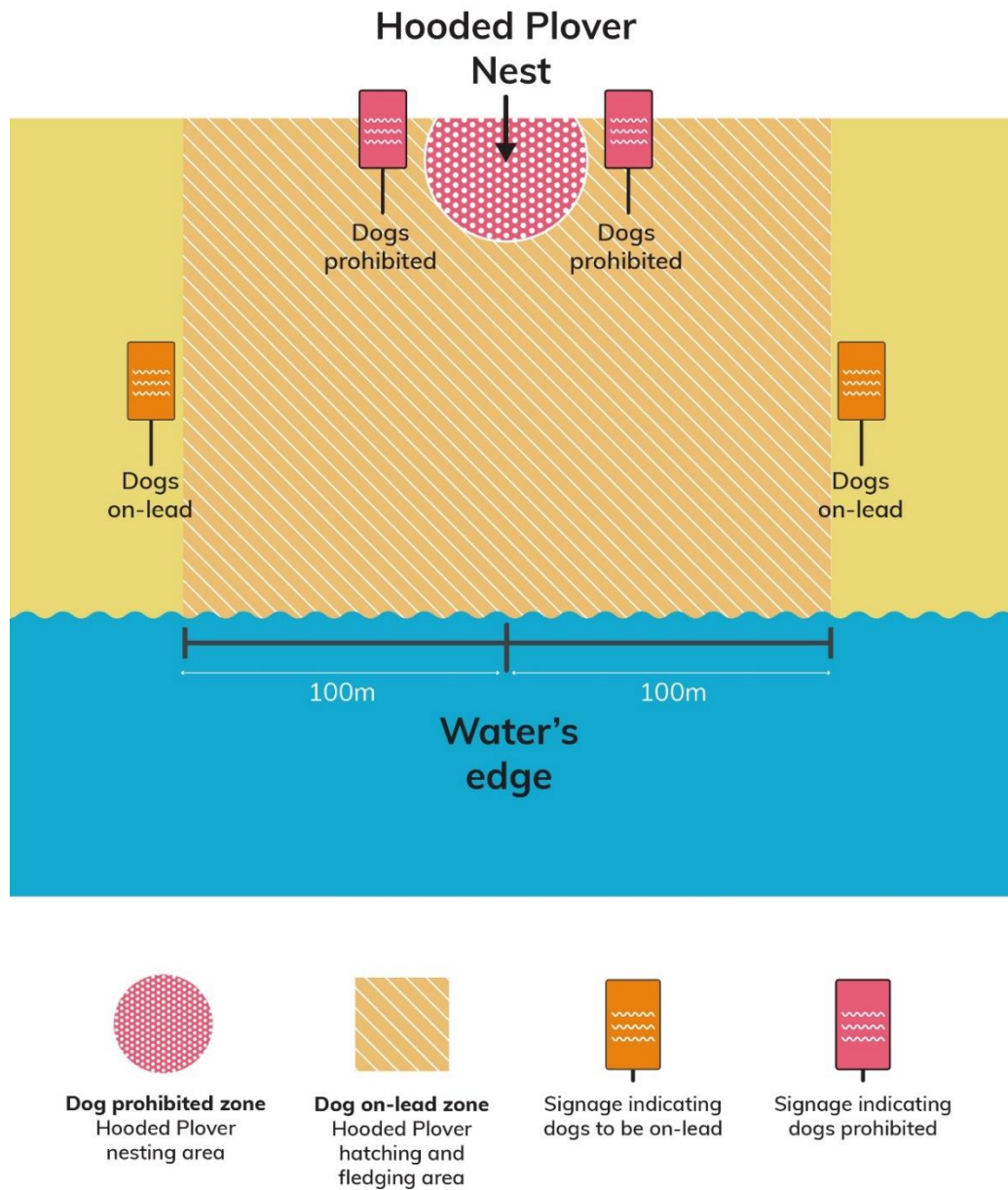
Protecting Hooded Plovers

Clauses 6.19 and 6.20 introduce definitions of a hooded plover dog-prohibited zone and dog on-leash zone. These definitions are given effect in clauses 9.4 dog on-leash areas and clause 10.5 dog prohibited areas.

The proposed clauses provide for a dog prohibited zone around a fenced hooded plover nest and a dog on-leash zone 100m either side of the nesting site which will be effective when signposted to protect hooded plover chicks while they are foraging and until they fledge.

Only the hooded plover nesting site will be fenced or bunted and seeks to maximise protection of hooded plovers and minimise the disruption to dog owners in the vicinity of a hooded plover breeding site. See diagram below which illustrates the proposed clauses.

Diagram illustrating hooded plover dog-prohibited zone and dog on-leash zone.



Part 2 – Limits on Dog Numbers

7. Limits on dog numbers in private premises

Clause 7.1 (amended) Subject to clauses 7.2 and 7.3 a person must not, without Council permission, keep or cause, suffer or permit to be kept.

The wording has been updated to widen the scope beyond simply keeping, which enables a breach of the limit on dog numbers to be more easily enforced.

Clause 7.6 (new) No dog is to be kept on any premises where the Council reasonably considers there is no secure or appropriate area where a dog may be effectively confined.

This prohibits a person from keeping a dog on any premises that are not suitable to contain the dog (for instance, so that it does not wander at large), as determined by the Council. Its inclusion is intended to provide a way to potentially assist where a dog frequently wanders from a property because inadequate steps have been taken to contain the dog.

Part 3 – Dog Controls

9. Dog on-leash areas

On-leash controls have been combined which applies to all non-privately owned land. This has removed the need to include separate requirements dealing with foreshore areas and public land. The reasons for this recommendation are:

- to simplify enforcement so that it is not necessary to prove the relevant area is a foreshore and to establish that the land is a foreshore, local government land or public place;
- the on-leash areas are still to be determined by Council.
- the wording of clause 9 enables the Council to decide on times when the on-leash controls apply (where appropriate) and any other conditions. This gives the Council flexibility to change the times and conditions from time-to-time as it sees fit and to address any changing circumstances.

Clause 9.3 (new) on any park or reserve where organised sport is played as indicated on signage on or in the vicinity of the park or reserve during such times that organised sport is being played on that park or reserve;

This clause has been included as an option requiring dogs to be on-leash when organised sport is being played (refer to the definition of 'organised sport' at clause 6.12). It only applies where a sign on or near the park or reserve indicates that the land is used for organised sport, at the times when the sport is being played.

10. Dog prohibited areas

Clause 10.2 (amended) in relation to a jetty that extends from the foreshore or other land within the Council's area, on any part of the jetty;

To the extent that jetties on the foreshore extend into the coastal waters outside of the Council's boundary, it is necessary to obtain the Minister's approval for the by-law pursuant to section 18A of the *Harbors & Navigation Act 1993*. Legal advice states that in the absence of the Minister's approval for this provision, it will only be operable in relation to the part of a jetty that is in the Council's area.

The purpose of this provision relates specifically to the Port Noarlunga jetty being the only jetty within the Council area that is under our care and control. The provision to prohibit dogs on the jetty is in place in consideration of the large number of anglers regularly present on the jetty and the hazard to all parties should a dog be present in that environment.

Part 4 Exemptions

12. Council may grant exemptions - The exemptions clause has been expanded to provide greater flexibility to the Council.

Clause 12.1 (new) The restrictions in clauses 9 and 10 do not apply to a dog that is being used for a law enforcement purpose that is under the control of a police officer who is acting in the course of the police officer's official duties; or a dog that is being used by an emergency worker for a search and rescue purpose, or otherwise in connection with the emergency worker's official duties.

Exemption clauses allow SAPOL and SES to use dogs for law enforcement or search and rescue in dog on-leash and dog prohibited areas.

The definition of an emergency worker is provided in clause 6.8.