

CITY OF ONKAPARINGA**DOGS BY-LAW 2022****By-law No. 7 of 2022**

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2022* and is By-law No. 7 of the City of Onkaparinga.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to protect the convenience, comfort and safety of members of the public;
- 3.2 to reduce the incidence of environmental nuisance caused by dogs;
- 3.3 to promote responsible dog ownership; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 7 – Dogs 2015.*²

- 4.2 This By-law will expire on 1 January 2030.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law*.
- 5.2 Subject to clause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 9.1 and 10.4 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means *the Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within three (3) metres of such devices if there is no enclosed area);
- 6.5 **Council** means the City of Onkaparinga;
- 6.6 **dog** (except as indicated in clause 7.2) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of physical restraint (as defined under section 8 of the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules-Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9 **foreshore** means:
- 6.9.1 beach areas comprising land extending from the low water mark on the sea shore to the nearest road or section boundary;

- 6.9.2 any park or reserve under the Council's care, control and management that is adjacent to a beach area (as defined under clause 6.9.1); and
- 6.9.3 land comprising pedestrian and/or vehicular access routes to beach areas including (but not limited to) boat ramps, pedestrian ramps, steps, walkways or other access routes;
- 6.10 **keep** includes the provision of food or shelter;
- 6.11 **Local Government land** means land owned by the Council or under the Council's care, control and management;
- 6.12 **organised sport** means an organised sporting competition that is approved by the Council, including any related training session or match but does not include social play;
- 6.13 **park or reserve** includes any parkland, public square, ornamental garden, plantation pond, lake, oval, sports ground, or similar public open space, or any part thereof, but does not include a foreshore;
- 6.14 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.15 **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 inland from the low water mark for a distance of fifty (50) metres;
- 6.16 **rural dwelling** means a dwelling that is not in a residential zone and on an allotment (or combination of allotments) that is greater than 2 hectares in area;
- 6.17 **shared path** has the same meaning as under the *Australian Road Rules*;
- 6.18 for the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and the leash, chain or cord is either:
- 6.18.1 secured to a fixed object; or
- 6.18.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;
- 6.19 a **Hooded Plover dog-prohibited zone** is any portion of land on the foreshore, Local Government land or any other public place that:
- 6.19.1 an authorised person or other person authorised by the Council in writing (which authorisation may be subject to any conditions the Council sees fit to impose) has enclosed by a temporary fence or other barrier; and

- 6.19.2 is identified by a sign that includes the words '*hooded plover breeding site*' that is erected on or near the fence or other barrier; and
- 6.20 a **Hooded Plover dog on-leash zone** is any land on the foreshore, Local Government land or any other public place that is within one hundred (100) metres of any sign thereon that includes the words '*hooded plover*' or otherwise indicates hooded plovers are or may be present in the area.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on dog numbers in private premises

- 7.1 Subject to clauses 7.2 and 7.3, a person must not, without Council permission, keep or cause, suffer or permit to be kept:
- 7.1.1 more than three (3) dogs in a rural dwelling; or
- 7.1.2 more than two (2) dogs in any premises that are not a rural dwelling.
- 7.2 For the purposes of clause 7.1, '**dog**' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 An application for permission to keep an additional dog must be in the form determined by the Council and be accompanied by information regarding:
- 7.4.1 the type and size of the property on which it is proposed to keep the dogs;
- 7.4.2 the manner in which it is proposed that the dogs will be contained; and
- 7.4.3 any other information that the Council requires to ensure proper consideration of the application.
- 7.5 The Council may require that premises which are the subject of an application for permission to keep additional dogs are inspected by an authorised person (before the application is determined) for the purpose of assessing the suitability of the premises for housing dogs.

- 7.6 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.

PART 3 – DOG CONTROLS

8. Dog exercise areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

9. Dog on leash areas

Subject to clause 10, a person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on any Local Government land or public place to which the Council has resolved this subclause applies and other than in accordance with any times or conditions specified in any resolution by the Council for this purpose;
- 9.2 between the hours of 10:00am and 8:00pm on any day when daylight savings is in operation, on any foreshore to which the Council has resolved this subclause applies;
- 9.3 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; or
- 9.4 on or within a Hooded Plover dog on-leash zone—

unless the dog is under effective control by means of a leash.

10. Dog prohibited areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 in any children's playground;
- 10.2 in relation to a jetty that extends from the foreshore or other land within the Council's area, on any part of the jetty;
- 10.3 within 20 metres of a skate park on Local Government land excluding any shared path in that area;

10.4 on any Local Government land, foreshore, or public place to which the Council has resolved this subclause applies and other than in accordance with any times or other conditions specified in a resolution by the Council for this purpose; or

10.5 on or within a Hooded Plover dog-prohibited zone.

Note -

The foreshore controls under this by-law operate such that dogs:

- *are not permitted on any foreshore that is designated as a dog prohibited area under clause 10; and*
- *must otherwise be exercised on-leash on those foreshore areas that are designated as an on-leash area under clause 9.2 between 10:00am and 8:00pm when daylight savings is in operation; and*
- *may, outside of 10:00am and 8:00pm during daylight savings and subject to any resolution of the Council to the contrary under clause 9.2, be exercised off-leash provided they are under effective control.*

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995* to remove and dispose of dog faeces deposited in a public place).

PART 4 – EXEMPTIONS

12. Council may grant exemptions

12.1 The restrictions in clauses 9 and 10 do not apply to:

- 12.1.1 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
- 12.1.2 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.

12.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

12.3 An exemption granted under subclause 12.2:

- 12.3.1 may be granted or refused at the discretion of the Council;
- 12.3.2 may operate indefinitely or for a period specified in the notice of exemption; and

12.3.3 is subject to any conditions specified in the notice of exemption. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

13. Orders

13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:

13.1.1 if the conduct is still continuing – to stop the conduct; and

13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

13.2 A person must comply with an order under this clause.

13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed in a Court of competent jurisdiction.

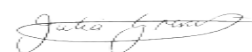
13.4 However, an authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Onkaparinga held on the **19 July 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.



.....
Julia Grant
Acting Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

City of Onkaparinga

By-law No 7 – Dogs By-law 2022

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area

and do certify that in my opinion:

City of Onkaparinga

has the power to make the By-law by virtue of the following statutory provisions:

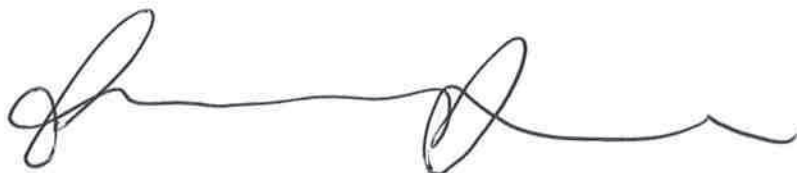
Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);

Dog and Cat Management Act 1995: section 90; and

Harbors and Navigation Act 1993: section 18A.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 20 day of June 2022

A handwritten signature in black ink, appearing to read 'Cimon Burke', with a long horizontal flourish extending to the right.

Cimon Burke, Legal Practitioner

CITY OF ONKAPARINGA

Notice of Application of Dogs By-law

PURSUANT to Section 246 (4a) of the Local Government Act 1999, notice is hereby given that at its meeting on 8 September 2015, the Council determined to establish dog controls under By-law No. 7—Dogs 2015 as follows:

Foreshore Controls

Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, and for the purposes of Clause 8.2 of By-law No. 7—Dogs 2015 (the by-law), the Council has resolved that dogs must be under effective control by means of a leash between the hours of 10 a.m. to 8 p.m. on any day when daylight savings is in operation on all foreshore areas within the Council's area excluding:

1. The foreshore areas that are designated as dog prohibited areas under Clause 10.4 of the by-law;
2. 'O'Sullivan Beach to Christies Beach dog exercise area', an area bounded on the north by an imaginary line continued westerly from the southern street alignment of Selway Terrace, O'Sullivan Beach and on the south by an imaginary line continued westerly from the northern street alignment of Heather Street, Christies Beach, at any time;
3. 'Port Noarlunga South dog exercise area', an area bounded on the north by the centre line of the Onkaparinga River Mouth, Port Noarlunga South and on the south by an imaginary line continued westerly from the northern alignment of Cliff Avenue, Port Noarlunga South, at any time;
4. 'Seaford to Moana dog exercise area', an area bounded on the north by an imaginary line continued westerly from the southern alignment of Tiller Drive, Seaford and on the south by an imaginary line continued westerly from the northern street alignment of Robertson Road, Moana, at any time;
5. 'Maslin Beach dog exercise area', an area bounded by an imaginary line from the northern side of Broadbeach Drive, Maslin Beach and heading in a northerly direction to Ochre Point at any time;
6. 'Aldinga Beach dog exercise area', an area bounded by an imaginary line west of the northern side of Ocean Street, Aldinga Beach and heading in a northerly direction to stairs situated 100 metres north of Butterworth Road, Aldinga Beach (Snapper Point), at any time; and
7. 'Sellicks Beach dog exercise area', an area bounded by an imaginary line from the northern side of Robert Street and the Esplanade at Sellicks Beach and heading in a southerly direction to the southern boundary of the Council area (Cactus Canyon), at any time.

Dog On-Leash Areas

Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, and for the purposes of Clause 9 of By-law No. 7—Dogs 2015 (the by-law), the Council has resolved that the following areas are dog on leash areas:

8. On any shared path, being a path that is designated for use by pedestrians and riders of bicycles;
9. 'Thalassa Park', the portion of land at Allotment 26 of Section 256, Windebanks Road, Aberfoyle Park, known as Thalassa Park;
10. 'Willunga Court House', the portion of land at 61 High Street, Willunga, known as Willunga Court House;
11. 'Kestrel Circuit Reserve' (formerly described as Peddler Creek Reserve), the section of reserve contained within Allotment 1027 of DP 56283 and the portion of Allotment 510 of DP 67616 that is north of the southernmost alignment of Henley Circuit, Seaford Rise;
12. 'Byards Road wetland', the wetland contained within Section 1661, HP 105500 that is east of Byards Road, Reynella East;

13. The portion of Local Government Land adjoining the Onkaparinga River south of River Road, Port Noarlunga within Allotment 2 of Section 314, FP 1062;
14. Tangari Regional Park, Woodcroft; the areas of well vegetated reserve traversed by walking trails within Allotment 2 of Sections 552 and 554, FP 6901, Pimpala Road, Woodcroft; and
15. Maslin Beach, the foreshore at Maslin Beach between the southern boundary of the lower carpark adjacent to the Maslin Creek and the landmark known as Blanche Point, between the hours of 10 a.m. to 8 p.m. on any day when daylight saving is in operation.

Dog Prohibited Areas

Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999 and for the purposes of Clause 10.4 of By-law No. 7—Dogs 2015 (the by-law), the Council has resolved that the following are dog prohibited areas:

16. 'Port Noarlunga Beach', the portion of the Port Noarlunga Beach that is situated between the most northern point of the beach that is bounded by the cliffs at one end and continues south to the southern end of the Port Noarlunga Surf Life Saving Club rooms, between the hours of 10 a.m. to 8 p.m. on any day from when daylight saving is in force;
17. A. E. Young Reserve, Port Noarlunga South (Sec. Pt 522, HP 106000), which is also known as Jubilee Playground Reserve;
18. 'Hart Road wetland', Allotment 801 in Deposited Plan 66717, also known as Hart Road wetland, Aldinga Beach;
19. 'Open Market—Christies Beach', the Reserve located at 121 Beach Road, Christies Beach between the hours of 8 a.m. to 2 p.m. on days upon which the Original Open Market operates; and
20. Local Government land immediately south of Saltfleet St Bridge and west of Weatherald Terrace, Port Noarlunga South, comprising Allotment 2 of Section 2114, DP 67564.

By-law requirements come into effect on 4 October 2015. Maps that outline the areas described in paragraphs 2-7, 9-15 and 16-20 above are available for inspection on the Council's website www.onkaparingacity.com and at the Council's offices.

M. DOWD, Chief Executive Officer

CITY OF ONKAPARINGA

Notice of Application of Dogs and Foreshore By-laws

Pursuant to section 246(4a) of the *Local Government Act 1999* (the Act), notice is hereby given that at its meeting on 17 August 2021, the Council resolved that:

- Clause 10.4 of the Council's *Dogs By-law 2015* (By-law No. 7), applies to all fenced Hooded Plover breeding sites located on the foreshore or on any other Local Government land so that these sites are 'dog prohibited' areas;
- Clause 9.8.1 of the Council's *Foreshore By-law 2015* (By-law No. 6) applies to all fenced Hooded Plover breeding sites located on the foreshore so that these sites constitute an area on the foreshore where a vehicle may not be driven or propelled; and
- a '**Hooded Plover breeding site**' is any land that has been identified by a temporary fenced exclusion zone with a sign at least 20m away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

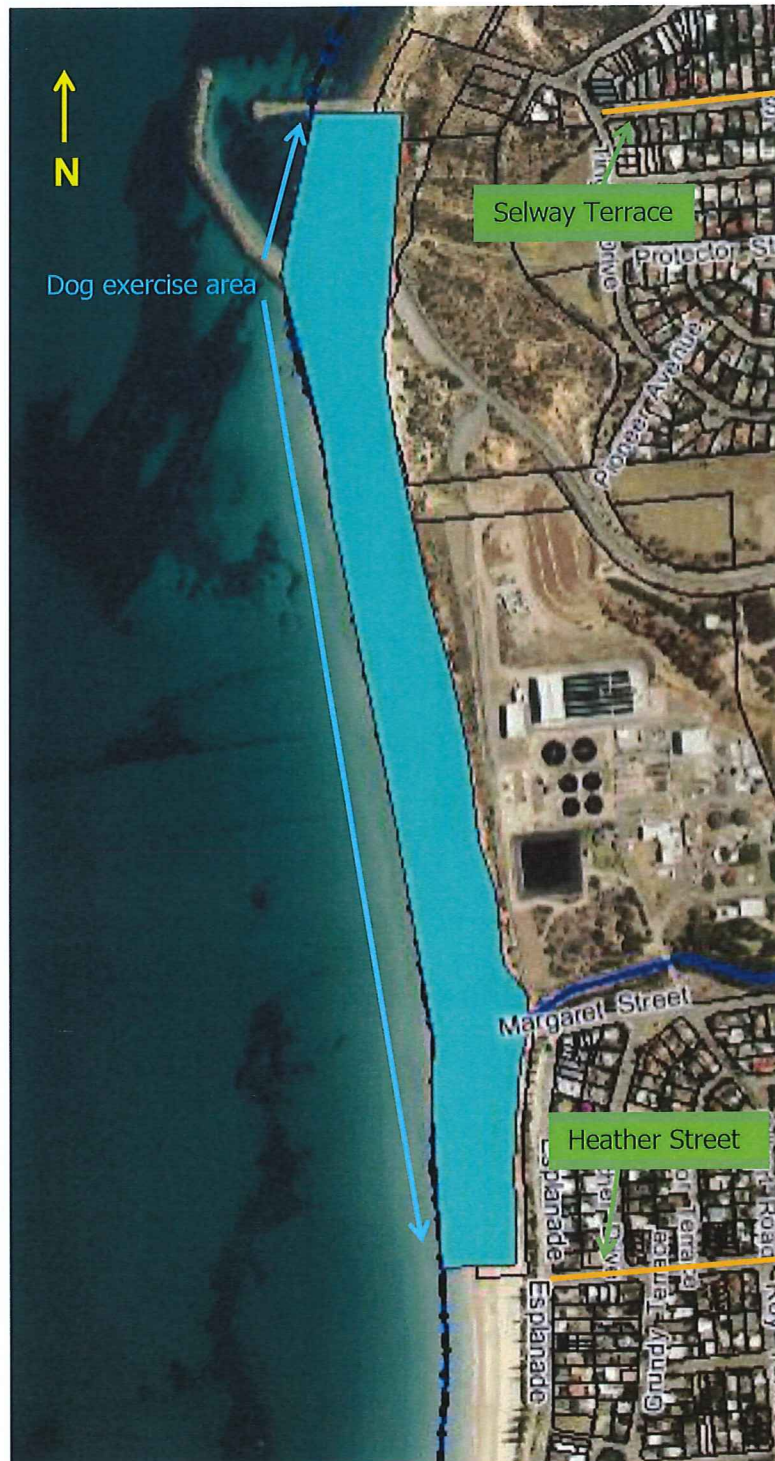
Further information regarding these by-law controls is available on the Council's website at www.onkaparingacity.com and can be inspected at the Council's offices at the Civic Centre, Ramsay Place, Noarlunga Centre during business hours.

Dated: 16 September 2021

SCOTT ASHBY
Chief Executive Officer

O'SULLIVAN BEACH/CHRISTIES BEACH DOG EXERCISE AREA:

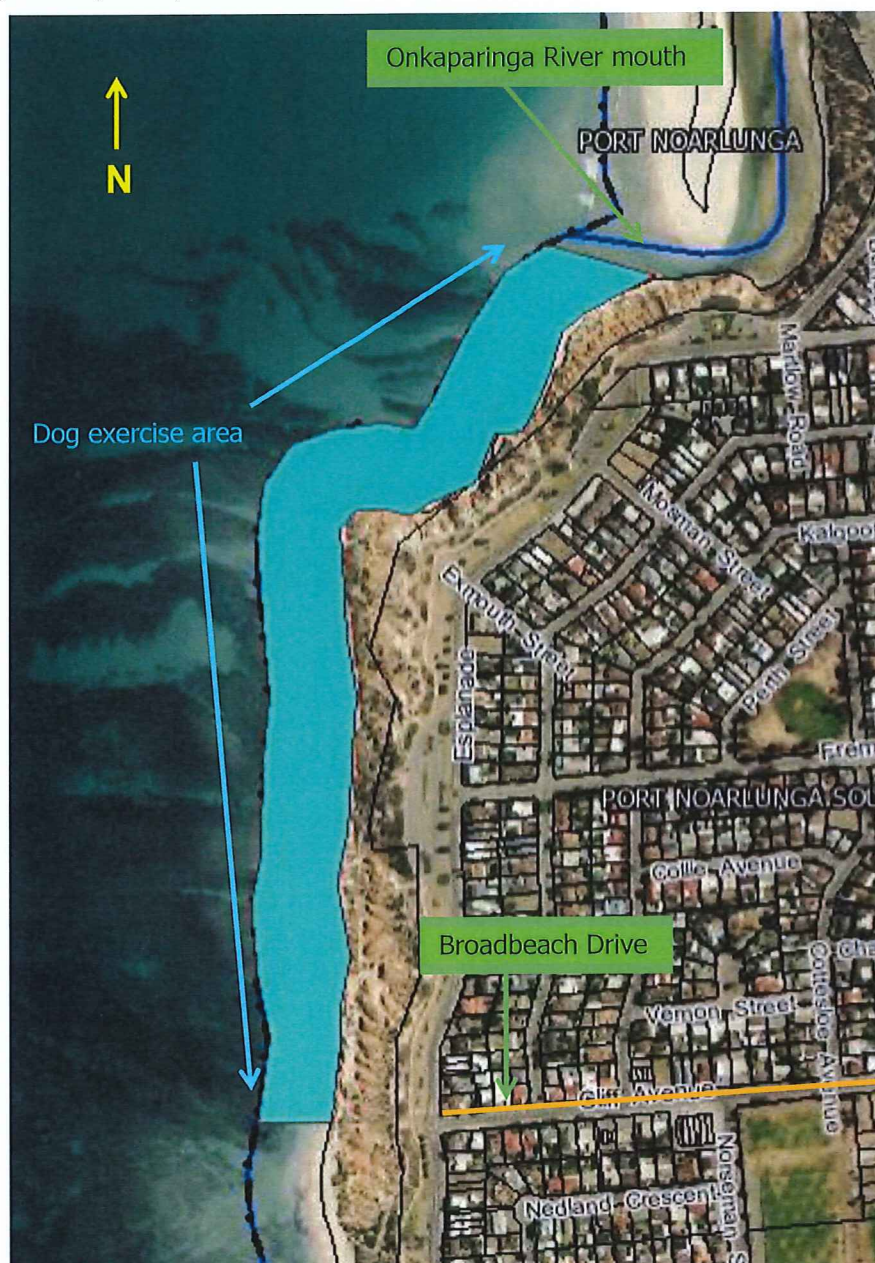
From the southern alignment of Selway Terrace, O'Sullivan Beach to the northern alignment of Heather Street, Christies Beach, at any time.



For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.

PORT NOARLUNGA SOUTH EXERCISE AREA:

From the Onkaparinga River mouth to the northern alignment of Cliff Avenue, Port Noarlunga South, at any time.

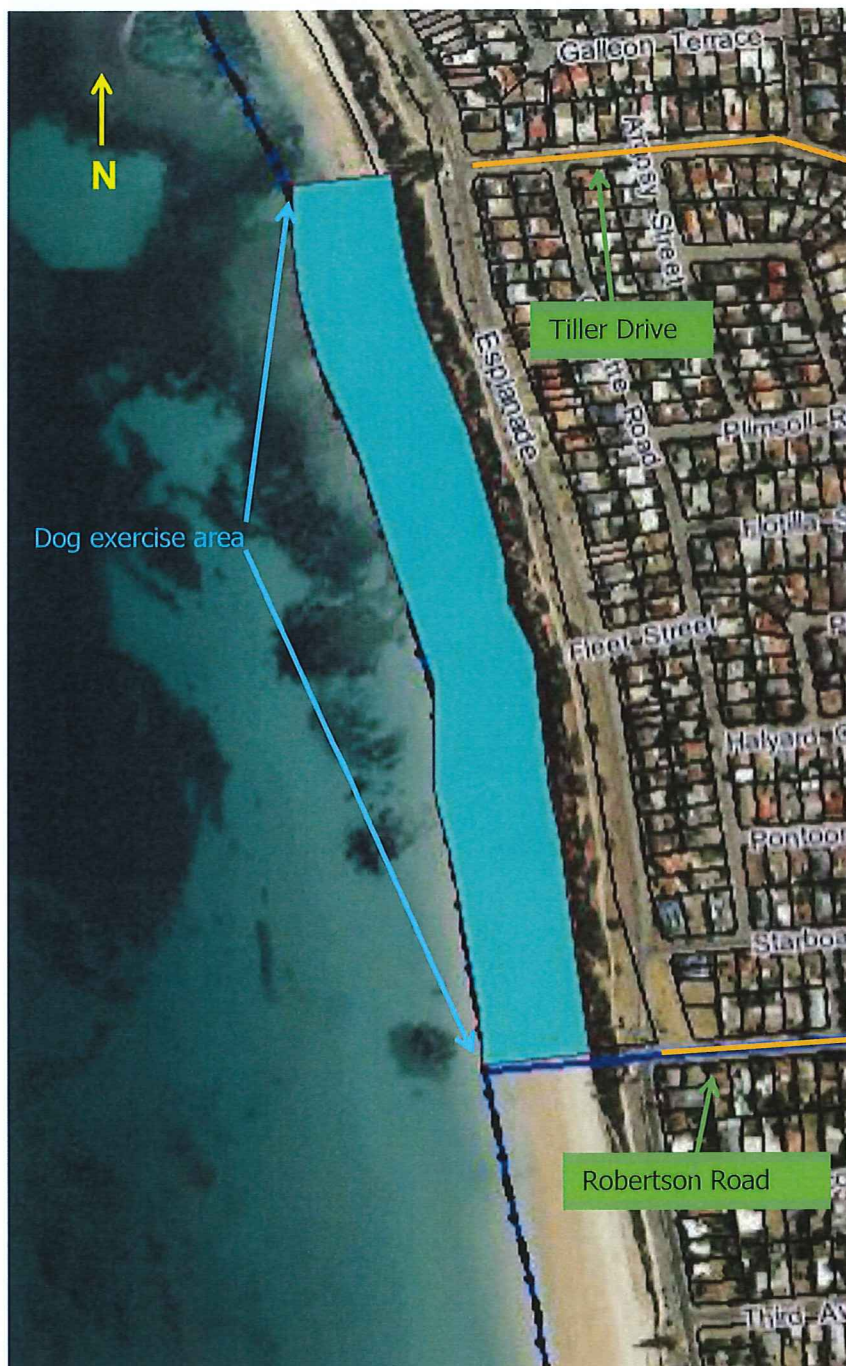


For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.



SEAFORD/MOANA EXERCISE AREA:

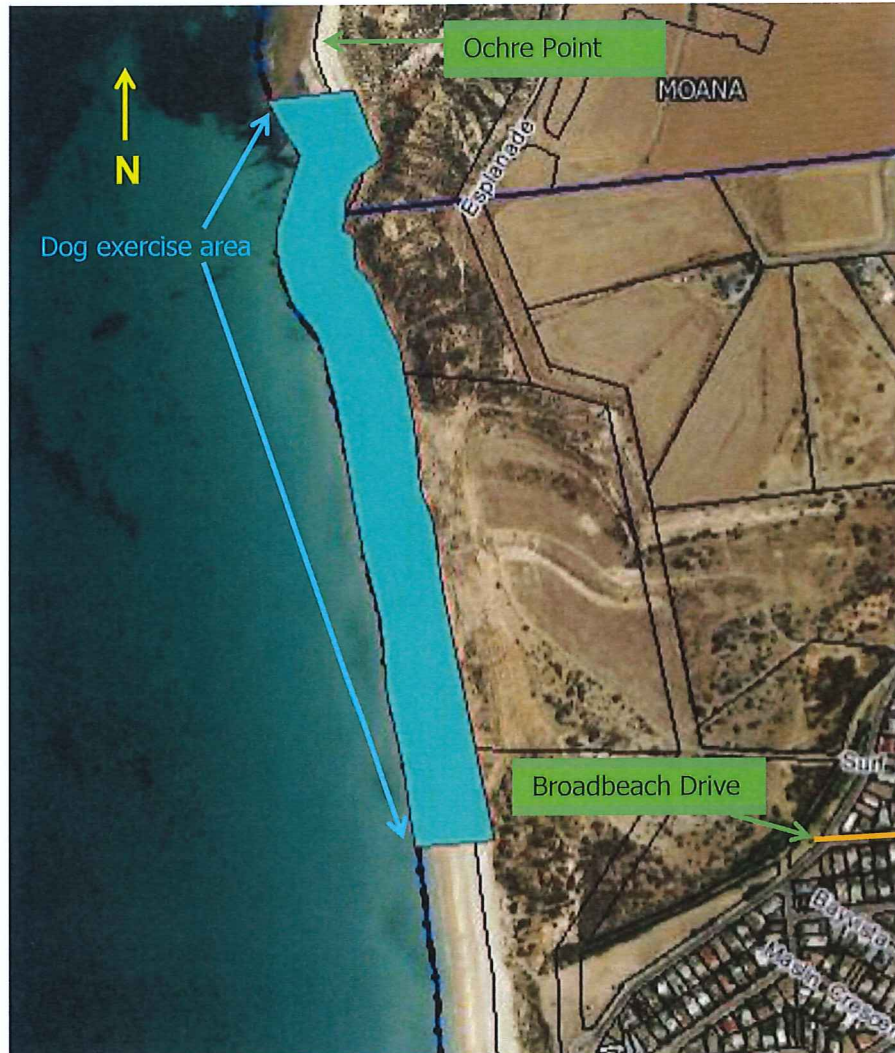
From the southern alignment of Tiller Drive, Seaford, to the northern alignment of Robertson Road, Moana, at any time.



For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.

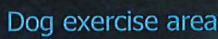
MASLIN BEACH DOG EXERCISE AREA:

From Ochre Point to the northern side of Broadbeach Drive, Maslin Beach, at any time.



For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.

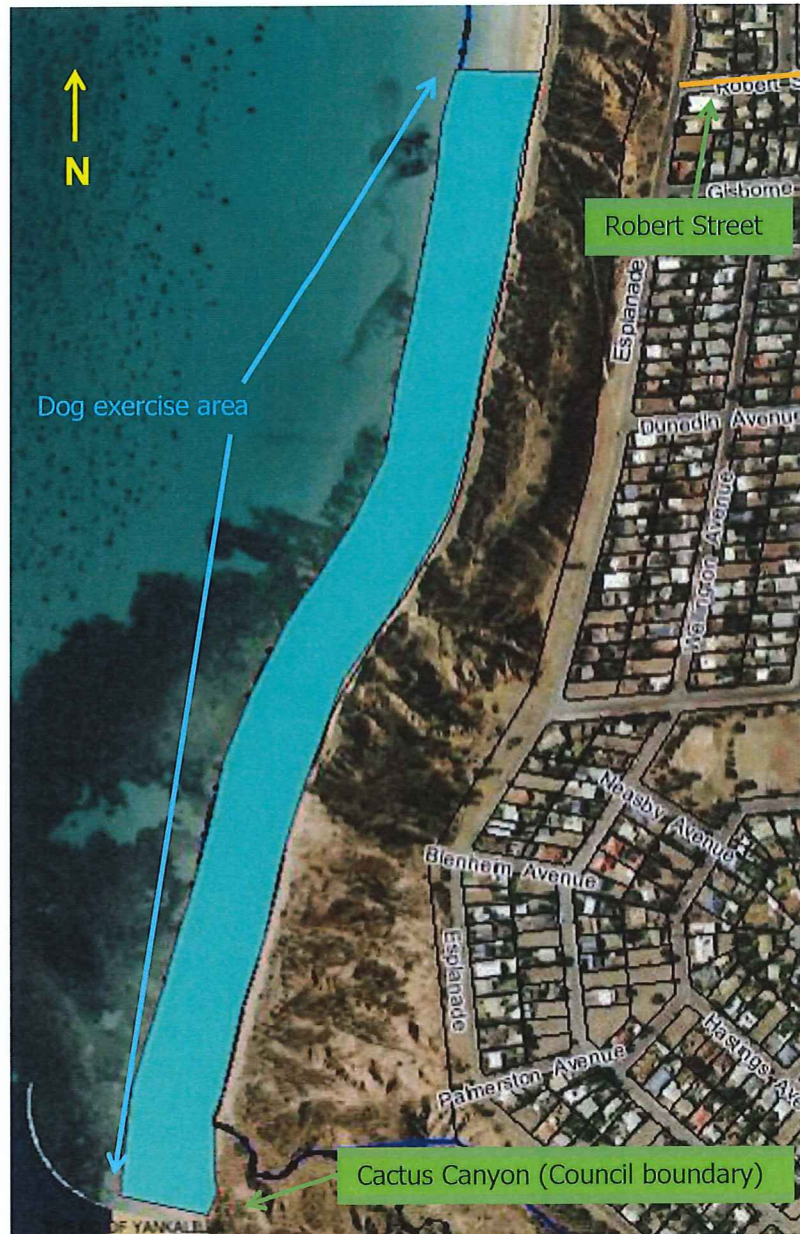
From the stairs situated 100 metres north of Butterworth Road, Aldinga Beach (Snapper Point) to the northern side of Ocean Street, Aldinga Beach, at any time.



For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.

SELICKS BEACH EXERCISE AREA:

From the northern side of Robert Street, Sellicks Beach, to the southern boundary of the Council area, also known as Cactus Canyon, at any time.



For further information please contact the Community Safety section on 8384 0666, or email us at mail@onkaparinga.sa.gov.au.



Dog on-leash area



Thalassa Park & Gardens



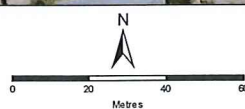
0 20 40 60 Meters

Prepared by City of Onkaparinga, 20 August 2015
 Date of Review: City of Onkaparinga, 2015
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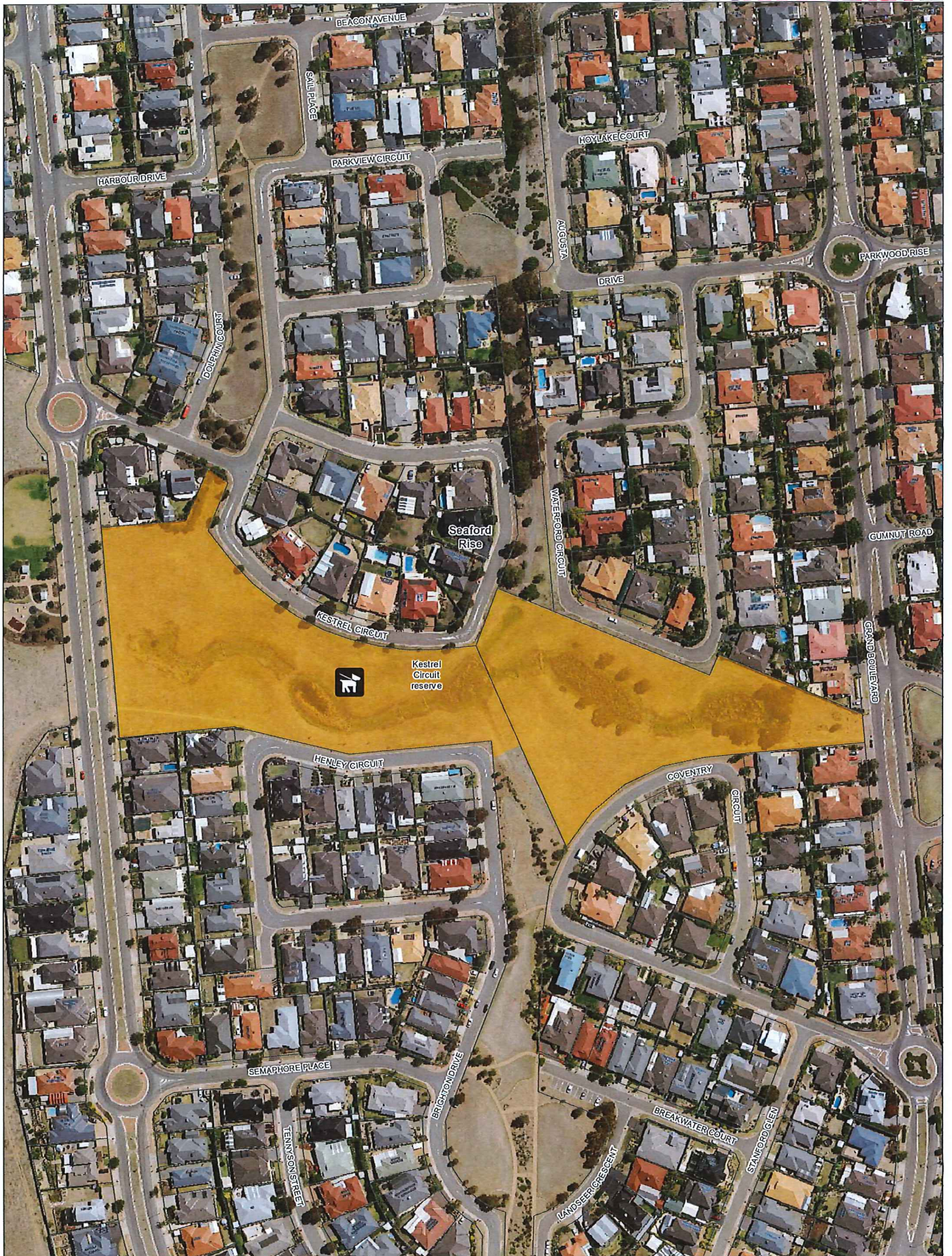


Dog on-leash area

Willunga Court House



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Existing on-leash area

Kestrel Circuit reserve



0 25 50 Meters

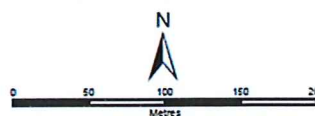
Byards Road Wetland, Reynella East, Dog on-leash area



Proposed on-leash (Byards Rd, Wetlands)



Byards Road Wetland



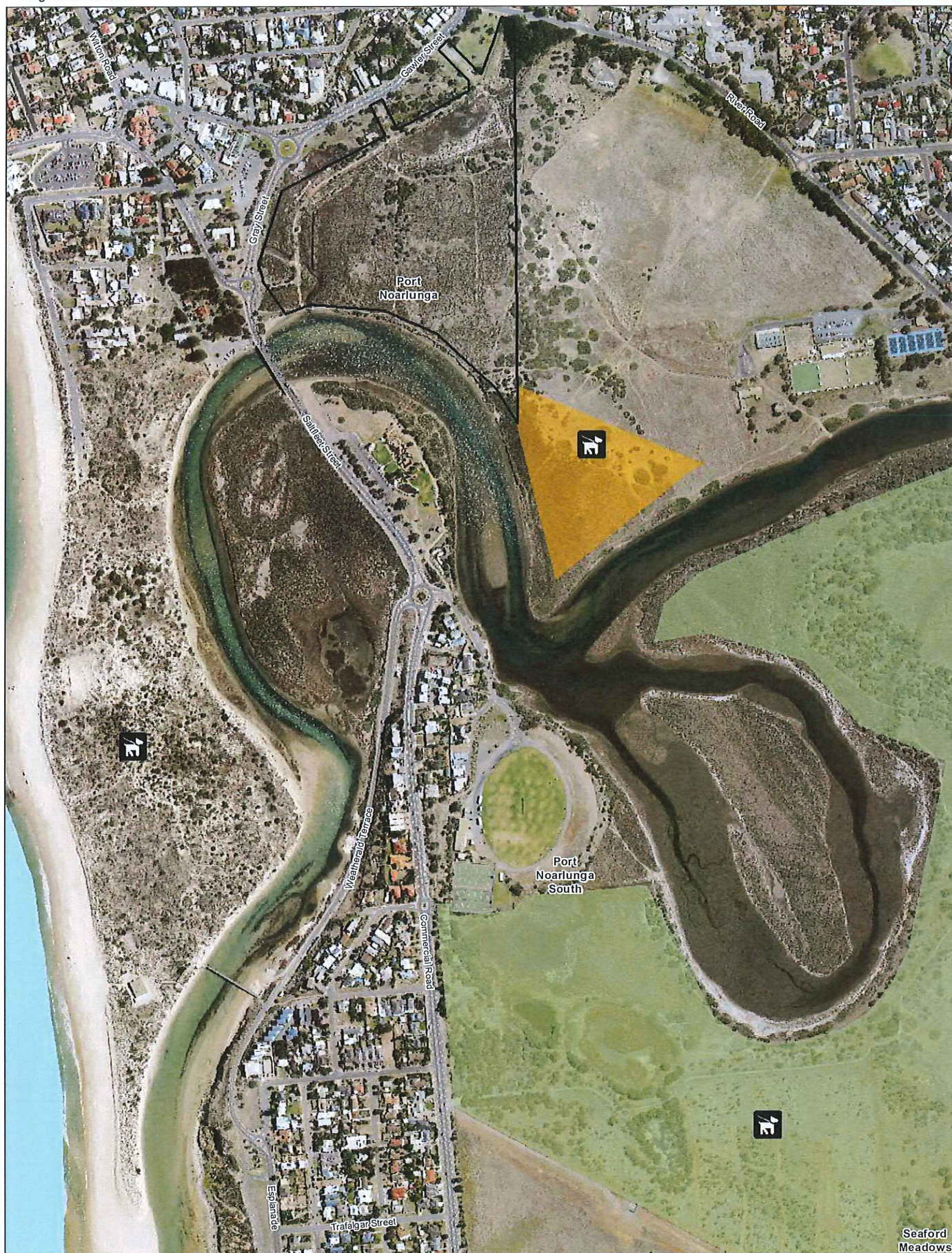
Produced by City of Onkaparinga. Thursday, 7 May 2015

Date Source: City of Onkaparinga 2015

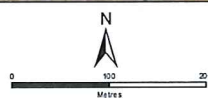
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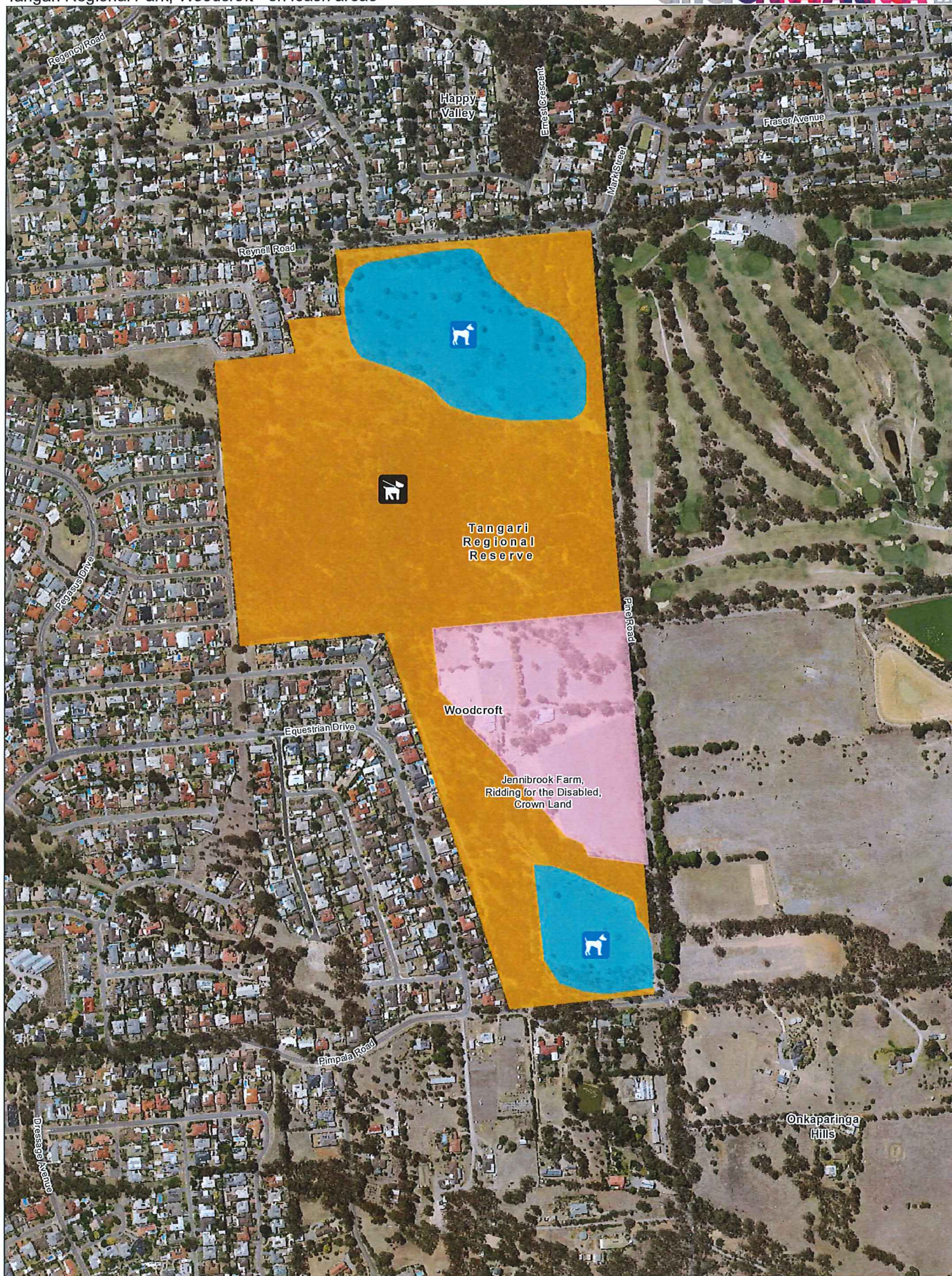
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- Crown Land
- Dog on leash area
- Onkaparinga River Recreation Park, Dept of Environment Water & Natural Resources



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Dog off Leash



Dog off leash area



Tangari Regional Reserve



Dog on Leash



Jennibrook Farm, Riding for the Disabled, Crown Land

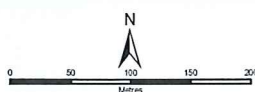


0 50 100 150
Metres

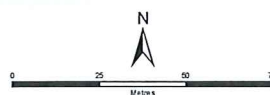
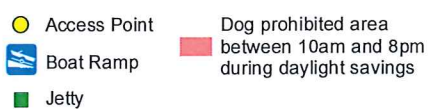
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Dog on-leash area
between the hours of 10am and 8pm
on any day from when daylight saving is in operation



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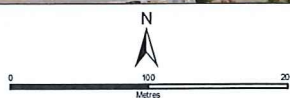
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Existing dog prohibited area



A.E. Young Reserve / Jubilee Park



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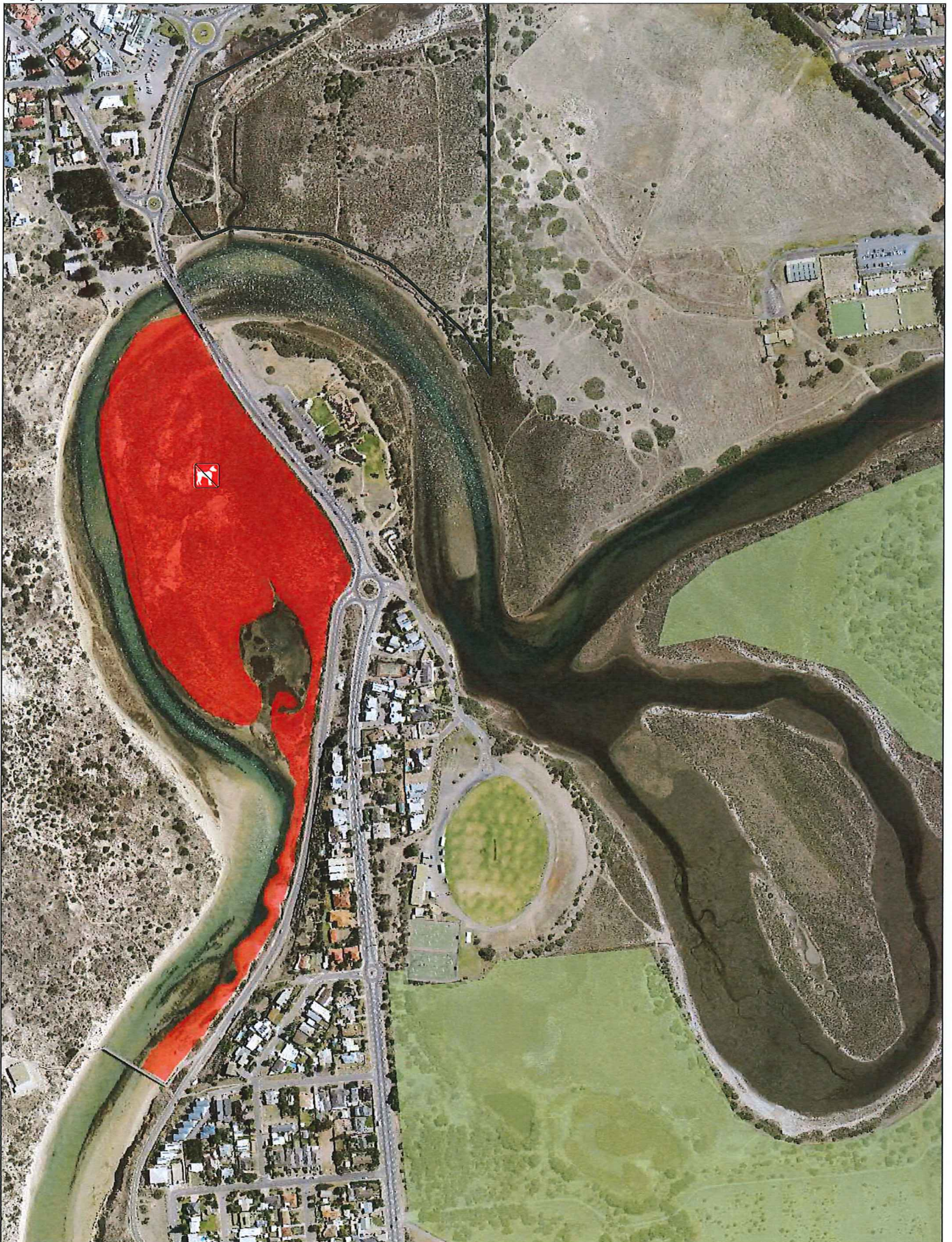


Dog prohibited between the hours of 8:00am and 2:00pm on the first and third Sunday of every month when the Original Open Market operates

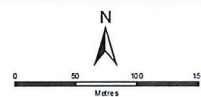
Original Open Market



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- Crown Land
 Dog prohibited area
 Onkaparinga River Recreation Park, Dept of Environment Water & Natural Resources



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