

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

PERMITS AND PENALTIES BY-LAW 2020 BY-LAW NO. 1 OF 2020

STATUS

This by-law has been identified as one which of itself will not restrict competition.

Report

This by-law has been reviewed in light of the National Competition Policy.

The objectives of the by-law are to:

- (a) provide for a permit system and fix maximum and minimum penalties in Council by-laws;
- (b) clarify the construction of such by-laws.

There is no potential to restrict competition within the provisions of Permits and Penalties By-law 2020, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopts Permits and Penalties By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

LOCAL GOVERNMENT LAND BY-LAW 2020
BY-LAW NO. 2 OF 2020

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

This by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) Certain activities as set out in the by-law may only be undertaken where the prior permission of the Council has been obtained.
- (b) 'Permission' means the permission of the Council or other person authorised by the Council given in writing as prescribed in By-law No. 1 - Permits and Penalties.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To provide for the management and regulation of the use of and access to all land vested in or under the control of the Council, including the prohibition and regulation of particular activities on local government land.

The objectives of the by-law include:

- (a) the prevention of damage to local government land;
- (b) the prevention and suppression of nuisances;
- (c) protecting the convenience, comfort and safety of the residents in the Council's area and members of the public generally;
- (d) protecting the amenity of the Council area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain a permit has the potential to restrict competition by limiting the number of providers of goods or services and/or by restricting the space or area the permit holder may occupy. Additionally, it contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT

There are no directly relevant alternative means of regulating these activities when carried out on local government land.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with any conditions imposed by the Council, for example, finding another site on which to carry out the particular activity.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - the administrative costs in maintaining equipment utilised for issuing permits e.g. permit vending-machines;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of local government land on behalf of the community;
 - the approval of suitable applicants who will be required to comply with safety, health and hygiene standards;
 - the protection of the Council's property;
 - a reduction in the level of inconvenience which could be caused to members of the public by unregulated conduct.
4. There appears to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of Local Government Land By-law 2020 favour the community by proper control of activities on local government land over which the Council has a responsibility to manage properly as trustees for the community at large and which the Council holds for the benefit of all of its community.

The costs to the person requiring the permit and the community (if any) are outweighed by the benefits for the community to be achieved from the by-law.

It should also be noted that in any event very few of the costs and benefits are likely to be measurable in financial terms.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt Local Government Land By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

ROADS BY-LAW 2020 **BY-LAW NO. 3 OF 2020**

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

The by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) Certain activities set out in the by-law require the permission of the Council.
- (b) 'Permission' means the permission of the Council or other person authorised by the Council given in writing as prescribed in By-law No. 1 - Permits and Penalties.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To provide for the management of public roads.

The objectives of the by-law include:

- (a) the prevention and suppression of nuisances;
- (b) protecting the convenience, comfort and safety of the residents in the Council's area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain a permit has the potential to restrict competition by limiting the number of providers of goods and services and/or by restricting the space or area the permit holder may occupy. Additionally, it contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT?

There is no directly relevant alternative means of regulating the activities when carried out on roads.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH THE COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with the conditions, for example, finding another site on which to carry out the particular activity.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of roads on behalf of the community;
 - the approval of suitable applicants who will comply with safety, health and hygiene standards;
 - a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of Roads By-law 2020 favour the community by proper control of activities on roads over which the Council has a responsibility to manage properly as trustees for the community at large.

The cost to the person requiring the permit and the community (if any) are outweighed by the benefits for the community to be achieved from the by-law.

It should also be noted that in any event very few of the costs and benefits are likely to be measurable in financial terms.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt Roads By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

MOVEABLE SIGNS BY-LAW 2020
BY-LAW NO. 4 OF 2020

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

This by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) The by-law imposes restrictions on where moveable signs may be placed, the number of signs and their design. This may limit the extent of advertising conducted by businesses using moveable signs.
- (b) 'Permission' means the permission of the Council or other persons authorised by the Council given in writing as prescribed in By-law No. 1 - Permits and Penalties.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

The objectives of the by-law include:

- (a) the prevention and suppression of nuisances;
- (b) protecting the convenience, comfort and safety of members of the public;
- (c) protecting or enhancing the amenity of the Council's area;
- (d) ensuring a moveable sign does not unreasonably restrict the use of a road.

DOES THE BY-LAW RESTRICT COMPETITION?

The restrictions in the by-law have the potential to restrict competition by placing controls over the positioning of and number of moveable signs that may be displayed. The requirement to obtain a permit in circumstances outside of those contemplated by this by-law also has the potential to restrict competition. Additionally, it contains an administrative discretion in favour of the Council which can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT

There are no directly relevant alternative means of regulating the placement of moveable signs on roads in the Council's area.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with any condition imposed by the Council.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of moveable signs on roads on behalf of the community;
 - the protection of the Council's and other property within the Council's area;
 - the protection and enhancement of the amenity of the Council's area;
 - the protection of the safety of members of the public;
 - a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs is not regulated.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of Moveable Signs By-law 2020 favour the community by proper control of the design, construction, appearance and

placement of moveable signs on roads which the Council has a responsibility to manage properly in the interests of the community at large.

The costs to the person requiring a permit and the community are outweighed by the benefits to the community to be achieved from the by-law.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt Moveable Signs By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

DOGS BY-LAW 2020
BY-LAW NO. 5 OF 2020

STATUS

This by-law has been identified as one which will not have the potential to restrict competition.

Report

This by-law has been reviewed in light of the National Competition Policy.

The by-law provides for the management and control of dogs within the Council's area and to limit the number of dogs that may be kept on premises.

The objectives of the by-law are to:

- (a) protect the comfort and safety of residents in and visitors to the Council's area;
- (b) establish areas within the Council that are dog free, in which dogs must be on leashes and restrained or where dogs may be exercised.

There is no potential to restrict competition within the provisions of the Dogs By-law 2020, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the Dogs By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

CATS BY-LAW 2020
BY-LAW NO. 6 OF 2020

STATUS

This by-law has been identified as one in which will not have the potential to restrict competition.

REPORT

This by-law has been reviewed in light of the National Competition Policy.

The by-law provides for the control and management of cats within the Council's area and to limit the number of cats that maybe kept on premises.

The objectives of the by-law include:

- (a) protecting the comfort and safety of residents in and visitors to the Council's area;
- (b) limiting the number of cats kept at premises for hygiene and amenity purposes.

There is no potential to restrict competition within the provisions of Cats By-law 2020, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt Cats By-law 2020 as drafted.

YORKE PENINSULA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

PORT VINCENT MARINA BY-LAW 2020
BY-LAW NO. 7 OF 2020

STATUS

This by-law has been identified as one in which parts of the by-law have the potential to restrict competition.

POTENTIAL RESTRICTIONS

This by-law contains certain provisions which may be regarded as having the potential to restrict competition as follows.

- (a) Certain activities as set out in the by-law may only be undertaken where the prior permission of the Council has been obtained.
- (b) 'Permission' means the permission of the Council or other person authorised by the Council given in writing as prescribed in By-law No. 1 - Permits and Penalties.
- (c) The Council or other person authorised by the Council may attach conditions to a grant of permission as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- (d) Any permit holder shall comply with every such condition.
- (e) The Council or other person authorised by the Council may revoke such grant of permission at any time by notice in writing to the permit holder.

OBJECTIVES OF THE BY-LAW

To provide for the management and regulation of the use of Port Vincent Marina, including the regulation of particular activities within the Port Vincent Marina.

The objectives of the by-law include:

- (a) the prevention of damage to waterways, boat ramps and pontoons;
- (b) the prevention and suppression of nuisances;
- (c) protecting the convenience, comfort and safety of the residents and persons in the vicinity of the Port Vincent Marina;
- (d) protecting the amenity of the Council area.

DOES THE BY-LAW RESTRICT COMPETITION?

The requirement to obtain a permit has the potential to restrict competition by limiting the number of providers of goods or services and/or by restricting the space or area the permit holder may occupy. The by-law contains an administrative discretion in favour of the Council that can be used selectively without any objective criteria.

ALTERNATIVE MEANS OF ACHIEVING THE SAME RESULT

There are no directly relevant alternative means of regulating these activities when carried within the Port Vincent Marina.

IS THE BY-LAW AN APPROPRIATE METHOD OF CONTROL? **DO THE BENEFITS OUTWEIGH COSTS TO THE COMMUNITY?**

1. The costs to the person requiring the permit will include:
 - the administrative costs in making the application;
 - any permit fee;
 - the costs of compliance with any conditions imposed by the Council, for example, finding another site on which to carry out the particular activity.
2. The costs to the Council will include:
 - the administrative costs in making the by-law;
 - the administrative costs in considering the application;
 - staffing costs of supervision and enforcement of the by-law.
3. The benefits to the community will include:
 - the proper management of the Port Vincent Marina on behalf of the community;
 - the approval of suitable applicants who will be required to comply with safety, health and hygiene standards;
 - the protection of the Council's property;
 - a reduction in the level of inconvenience which could be caused to members of the public by unregulated conduct.
4. There appear to be no substantial costs to the community by the enactment of this by-law.

SUMMARY

The potential restrictions on competition within the provisions of Port Vincent Marina By-law 2020 favour the community by proper control of activities within the Port Vincent Marina over

which the Council has a responsibility to manage properly for the benefit of all of its community.

The costs to the person requiring the permit and the community (if any) are outweighed by the benefits for the community to be achieved from the by-law.

It should also be noted that in any event very few of the costs and benefits are likely to be measurable in financial terms.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt Port Vincent Marina By-law 2020 as drafted.