



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2018

By-law No. 3 of 2018

For the management of all land vested in or under the care, control and management of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **Authorised Person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **Boat** means any boat, craft, raft or other vessel designed or constructed for the purpose of carrying persons on water;
- 3.3 **Building** includes any structure and or fixture of any kind whether for human habitation or not;
- 3.4 **Central Market** means portion of allotment 11 in Filed Plan 26448, being portion of the land comprised in Certificate of Title Volume 6118 Folio 750, and being that portion that was previously comprised as Town Acres 333 and 380 in the Council's area, but excludes that area above ground level car park known as UPark on Central Market;
- 3.5 **E-Cigarette** means:
 - 3.5.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
 - 3.5.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an E-Cigarette;

- 3.6 **Electoral Matter** has the same meaning as in the *Electoral Act 1985*;
- 3.7 **Emergency Vehicle** has the same meaning as in the *Australian Road Rules* and the *Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 2014*;
- 3.8 **Horse Riding Track** means the area set aside primarily for the purpose of riding horses in Nanto Womma (Park 6) located in the North Park Lands between Robe Terrace, Medindie Road, LeFevre Terrace and Kingston Terrace or any other area that the Council may by resolution designate for that purpose;
- 3.9 **Liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 3.10 **Livestock** has the same meaning as in the *Livestock Act 1997*, but does not include dogs and cats;
- 3.11 **Local Government Land** means all land vested in or under the care, control and management of the Council (except streets and roads);
- 3.12 **Model Aircraft** includes a drone;
- 3.13 **National Soldiers Memorial** means the land described in Section 2(1) of the *National Soldiers Memorial Act 1949*;
- 3.14 **Offensive** includes threatening, abusive, insulting or annoying behaviour and 'offend' has a complementary meaning;
- 3.15 **Playground** means:
- 3.15.1 any fenced area on or in which there is equipment or other installed devices for the purpose of children's play; or
 - 3.15.2 any unfenced area within 15 m of equipment or other installed devices for the purposes of children's play;
- 3.16 **Public Place** has the same meaning as in the *Local Government Act 1999*;
- 3.17 **River Torrens** means any part of the River Torrens situated within the area of the Council, including, but not limited to:
- 3.17.1 the waters known as Torrens Lake;
 - 3.17.2 the waters impounded by the dam referred to in Section 25 of the *Adelaide Park Lands Act 2005*; and
 - 3.17.3 any watercourse or drain leading to the River Torrens;
- 3.18 **Road** has the same meaning as in the *Local Government Act 1999* and includes a footpath;
- 3.19 **Smoke** means:
- 3.19.1 in relation to a Tobacco Product, smoke, hold, or otherwise have control over, an ignited Tobacco Product; or

- 3.19.2 in relation to an E-Cigarette, to inhale from, hold or otherwise have control over, an E-Cigarette that is in use;
- 3.20 **Tobacco Product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 3.21 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*;
- 3.22 **Waters** includes any body of water, including a pond, lake, river, creek or wetland under the care, control and management of the Council;
- 3.23 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not without permission on any Local Government Land:

4.1 Alteration of Local Government Land

make an alteration to the land, including:

- 4.1.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.1.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.1.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;

4.3 Athletic and Ball Sports and Games

- 4.3.1 promote, organise or take part in any organised athletic sport in any area to which this subparagraph applies;
- 4.3.2 play or practice the game of golf in any area to which this subparagraph applies;

- 4.3.3 play any organised competition sport, as distinct from organised social play, in any area to which this subparagraph applies;

4.4 Boats

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 4.4.1 hire or offer for hire a boat, raft, pontoon or other watercraft or use same for commercial purposes;
- 4.4.2 launch, propel, float or otherwise use any boat, raft, pontoon or other watercraft on any Waters;

4.5 Boat Ramps

- 4.5.1 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 4.5.2 allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

4.6 Bridge Jumping

jump or dive into any Waters from any bridge or any other structure;

4.7 Burials and Memorials

- 4.7.1 bury, inter or spread the ashes of any human or animal remains;
- 4.7.2 erect any memorial;

4.8 Business Use

conduct, provide or offer to provide services for monetary consideration, including but not limited to personal training services;

4.9 Camping and Tents

- 4.9.1 camp or remain overnight whether in the open, a building, a vehicle or otherwise;
- 4.9.2 erect any tent or other structure;

4.10 Canvassing

convey any advertising, religious or other message to any bystander, passer by or other person except for any message or material:

- 4.10.1 that is related to a Commonwealth or State election and is conveyed during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

4.10.2 that is related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is conveyed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

4.10.3 that is related to, and conveyed, during the course of and for the purpose of a Referendum;

4.11 Closed Lands

enter or remain on any part of Local Government Land including any Waters:

4.11.1 at any time during which the Council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part of the land;

4.11.2 where the land is enclosed with fences and/or walls, and gates have been closed and locked; or

4.11.3 where admission charges are payable, without paying those charges;

4.12 Collections and Donations

collect anything from any passer-by or ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.13 Depositing Rubbish etc

deposit any structure, goods, materials, earth, soil, clay, gravel, sand, timber, stones, pebbles or any other matter or substance (including any liquid substance);

4.14 Distribution

give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person except any hand bill, book, notice, leaflet or other printed matter:

4.14.1 that is related to a Commonwealth or State election and is placed, given out or distributed during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

4.14.2 that is related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is placed, given out or distributed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

4.14.3 that is related to and placed, given out or distributed during the course of and for the purpose of a Referendum;

4.15 Entertainment and Busking

- 4.15.1 sing, busk, perform, chant, recite, mime or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons;
- 4.15.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity;

4.16 Erection of Structures

- 4.16.1 erect a fence or hoarding, if:
 - 4.16.1.1 the fence or hoarding is made of or contains barbed or razor wire; or
 - 4.16.1.2 the fence is not easily visible at night and thereby creates a danger to users of the land;
- 4.16.2 erect, place, use or allow to remain:
 - 4.16.2.1 a ladder or trestle;
 - 4.16.2.2 any other equipment, appliance, object or material likely to cause an obstruction or danger to any person;
- 4.16.3 park, place, use or allow to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker;

4.17 Fires

subject to the *Fire and Emergency Services Act 2005*, light any fire except:

- 4.17.1 in a place provided by the Council for that purpose; or
- 4.17.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 m;

4.18 Fireworks

use, discharge or explode any fireworks;

4.19 Flora and Fauna

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 4.19.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 4.19.2 lead or drive any animal or stand or walk on any flower bed or garden plot;
- 4.19.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

- 4.19.4 take, interfere with, tease, harm or disturb any animal, bird, marine creature or insect or the eggs or young of any animal, bird, marine creature or insect;
- 4.19.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 4.19.6 disturb, interfere with or damage any burrow, nest or habitat of any animal bird;
- 4.19.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;
- 4.19.8 burn any timber or dead wood;

4.20 Liquor

consume, carry or be in possession or in charge of any Liquor on any Local Government Land comprising Parks or Reserves to which the Council has resolved this subparagraph shall apply;

4.21 Livestock

- 4.21.1 cause or allow any Livestock to stray onto, move over, graze or be left unattended;
- 4.21.2 cause or allow any Livestock to enter, swim, bathe or remain in any Waters located on Local Government Land to which the Council has resolved this subparagraph shall apply;
- 4.21.3 lead or drive any Livestock, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind;
- 4.21.4 allow any Livestock to damage and flower bed, garden plot, tree, lawn or other item or place;
- 4.21.5 train any Livestock;

4.22 Model Aircraft, Boats and Cars

- 4.22.1 fly or operate a Model Aircraft, boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of Local Government Land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;
- 4.22.2 fly or operate a Model Aircraft, boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;

4.23 Obstructions

- 4.23.1 obstruct any path, footpath, track, gateway or other area;

- 4.23.2 erect, place, use or allow to remain over any path, footpath, track, gateway or other area any object including, but not limited to, any planter box, hoarding, crane, cherry picker, elevated platform vehicle, scaffolding, stage, ladder, trestle, appliance, or other equipment.

4.24 Organised Ceremonies and Events etc

hold, conduct or participate in a funeral, marriage ceremony, game, picnic, other event or entertainment on any Local Government Land except where the number of persons attending the event or entertainment does not exceed 20;

4.25 Overhanging Articles

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using Local Government Land;

4.26 Playing Area

use or occupy any playing area:

- 4.26.1 in such a manner as to damage or be likely to damage the surface of the playing area and/or infrastructure (above and under ground level);
- 4.26.2 in any manner contrary to the purpose for which the playing area was intended to be used or occupied;
- 4.26.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area;

4.27 Preaching and Canvassing

preach, canvass, harangue, tout for business or conduct any survey or opinion poll except:

- 4.27.1 in any area where the Council has, by resolution, determined this restriction shall not apply; or
- 4.27.2 any opinion poll that is related to a Commonwealth or State election and is conducted during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 4.27.3 any opinion poll that is related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is conducted during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 4.27.4 any opinion poll that is related to and is conducted during the course of and for the purpose of a Referendum;

4.28 Public Exhibitions and Displays

- 4.28.1 allow or cause any public exhibition or display;
- 4.28.2 allow or cause to be displayed any bills, advertisements or other papers or items or mark with any substance or apply any stickers or stencils to a building or structure on Local Government Land or other public place except any bills, advertisements or other papers or items:
 - 4.28.2.1 that are related to a Commonwealth or State election and are displayed during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 4.28.2.2 that are related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and are displayed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 4.28.2.3 that are related to and displayed during the course of and for the purpose of a Referendum;

4.29 Riverbank

drive or propel a Vehicle onto or from a riverbank other than by a ramp or thoroughfare constructed on the riverbank or provided by the Council for that purpose;

4.30 Rubbish and Rubbish Dumps

- 4.30.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land;
- 4.30.2 remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging etc) that has been discarded in a Council bin on Local Government Land;

4.31 Swimming

swim, bathe or wash in any Waters to which this subparagraph applies;

4.32 Trading

- 4.32.1 carry on the business of buying or selling, or offering or exposing for sale, or hiring or leasing any goods or services including, but not limited to any Vehicle, watercraft or aircraft; or
- 4.32.2 set up a Vehicle, stall, stand, table, tray, carpet or other structure for the apparent purpose of buying or selling, or offering or exposing for sale, or hiring or leasing any goods or services including, but not limited to any Vehicle, watercraft or aircraft;

4.33 Vehicles

drive or propel any vehicle on local government land unless on an area or road that is constructed or set aside by the Council for that purpose.

5. Prohibited Activities

A person must not on any Local Government Land:

5.1 Birds

feed any bird;

5.2 Climbing

climb on or over any fixture, fitting, plant, object or building other than in a Playground or other similar area that the Council has indicated by signage set aside for that purpose;

5.3 Damaging or Defacing Property

attach any object, including an animal on a leash or a bike to any tree, gate, fence or other fixture other than a designated bicycle rack;

5.4 Fishing

5.4.1 fish in any Waters on Local Government Land to which the Council has resolved this subparagraph shall apply;

5.4.2 fish from any bridge or other structure on Local Government Land to which the Council has resolved this subparagraph shall apply;

5.5 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of Local Government Land which is permitted or for which permission has been granted;

5.6 Playing Games

play or practice a game:

5.6.1 which is likely to cause damage to the land or anything in or on it;

5.6.2 which endangers the safety or interferes with the comfort of any person;

5.6.3 in any area where a sign indicates that the game is prohibited;

5.7 Repairs to Vehicles

perform the work of repairing, washing, painting, panelbeating or other work of any nature on or to any Vehicle, provided that this subparagraph shall not extend to running repairs in the case of breakdown;

5.8 Smoking

- 5.8.1 Smoke in any building on Local Government Land;
- 5.8.2 Smoke on any Local Government Land or part thereof to which the Council has resolved this subparagraph shall apply;

5.9 Solicitation

tout or solicit customers for the parking of Vehicles or for any other commercial purpose whatsoever;

5.10 Toilets

in any public convenience:

- 5.10.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 5.10.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.10.3 use it for a purpose for which it was not designed or constructed;
- 5.10.4 obstruct any cubicle, walkway or public area;
- 5.10.5 enter any toilet that is set aside for use of the opposite sex except:
 - 5.10.5.1 where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
 - 5.10.5.2 to provide assistance to a disabled person; or
 - 5.10.5.3 in the case of a genuine emergency;

5.11 Use of Council Rubbish Bins

deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

5.12 Use of Equipment

use any form of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed;

5.13 Waste

deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs;

5.14 Waters

wash clothes in, and/or add any substance to any Waters;

5.15 Wheeled Recreational Devices

use a Wheeled Recreational Device on any part of Local Government Land to which this subparagraph applies.

Part 3 – Restrictions Applying in Specific Areas**6. Central Market**

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following in the Adelaide Central Market without the permission of the Council:

6.1 Animals

bring into or allow any animal to remain (except an Assistance Dog as defined in the *Dog and Cat Management Act 1995*);

6.2 Forklifts

6.2.1 drive or use a forklift;

6.2.2 fail to carry proof of being qualified to drive a forklift;

6.2.3 fail to equip any forklift with an amber flashing warning device and an audible reversing warning device.

7. Horse Riding Track

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following on a Horse Riding Track:

7.1 ride a horse at a gallop;

7.2 train a racehorse, trotting horse or quarter horse; or

7.3 ride or drive a horse with or attached to any cart or Vehicle.

8. National Soldiers Memorial

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following in or on the National Soldiers Memorial or in or on the forecourt and gardens surrounding the National Soldiers Memorial:

8.1 affix any object or erect any fixture;

8.2 sit or lie upon any part of the building;

8.3 lie or stand on any seat; or

8.4 drive any vehicle, bicycle, small wheeled recreational vehicle including roller blades.

Part 4 – Miscellaneous**9. Directions**

A person must comply with any reasonable direction or request from an Authorised Person relating to:

- 9.1 that person's use of the land;
- 9.2 that person's conduct and behaviour on the land;
- 9.3 that person's safety on the land;
- 9.4 the safety and enjoyment of the land by other persons.

10. Removal of Animals and Exclusion of Persons

10.1 If any animal is found on Local Government Land in breach of a by-law:

10.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an Authorised Person; and

10.1.2 any Authorised Person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.

10.2 An Authorised Person may direct any person who is considered to be committing, or has committed, a breach of a by-law to leave Local Government Land.

11. Removal of Obstructions

If an object is obstructing any part of Local Government Land then the Council may remove the object provided that this paragraph shall not apply to any object that has been placed on Local Government Land with the permission of the Council or the object has been placed on the Local Government Land by some other lawful authority.

12. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or an emergency worker when driving an Emergency Vehicle in an emergency situation.

13. Application of Paragraphs

Any of subparagraphs 4.3, 4.20, 4.21.2, 4.22.2, 4.31, 5.4, 5.8.2 and 5.15 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

14. Revocation

Council's *By-law No. 3 – Local Government Land*, published in the *Gazette* on 9 June 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Adelaide held on *14 AUGUST* 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

A handwritten signature in black ink, appearing to read 'Beth Davidson-Park', written over a dotted line.

Beth Davidson-Park
Acting Chief Executive Officer