



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999 and the City of Adelaide Act 1998

RUNDLE MALL BY-LAW 2018

By-law No. 6 of 2018

For the management of Rundle Mall.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Rundle Mall 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 **Building** includes any structure and/or fixture of any kind whether for human habitation or not;
- 3.3 **E-Cigarette** means:
 - 3.3.1 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
 - 3.3.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an E-Cigarette;
- 3.4 **Emergency Worker** has the same meaning as in the *Australian Road Rules and the Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 2014*;
- 3.5 **Model Aircraft** includes a drone;
- 3.6 **Permission** means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates;

3.7 **Smoke** means:

- 3.7.1 in relation to a Tobacco Product, smoke, hold, or otherwise have control over, an ignited Tobacco Product; or
- 3.7.2 in relation to an E-Cigarette, to inhale from, hold or otherwise have control over, an E-Cigarette that is in use;

3.8 **Tobacco Product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;

3.9 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Rundle Mall

4. Activities Requiring Permission

A person must not without Permission in Rundle Mall or in the vicinity of Rundle Mall:

4.1 **Amplification**

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

4.2 **Athletic and Ball Sports and Games**

- 4.2.1 promote, organise or take part in any athletic sport, ball sport or game;
- 4.2.2 play or practice any game which is likely to cause damage to Rundle Mall or any fixtures or fittings thereon;

4.3 **Burials and Memorials**

- 4.3.1 spread the ashes of any human or animal remains;
- 4.3.2 erect any memorial;

4.4 **Erection of Structures**

- 4.4.1 erect a fence or hoarding;
- 4.4.2 erect, place, use or allow to remain:
 - 4.4.2.1 a ladder, step-ladder, trestle, stage, scaffolding, planter box, crate or any item used as a platform; or
 - 4.4.2.2 any other equipment, appliance, object or material likely to cause an obstruction or danger to any person;
- 4.4.3 park, place, use or allow to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker;

4.5 Firearms and Fireworks

use, discharge or explode any firearms or fireworks;

4.6 Model Aircraft and Cars

fly or operate a Model Aircraft or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being in Rundle Mall or detract from or be likely to detract from another person's lawful use of and enjoyment of Rundle Mall;

4.7 Organised Ceremonies and Events etc

hold, conduct or participate in a funeral, marriage ceremony, picnic, or other like event or entertainment;

4.8 Overhanging Articles

suspend or hang any article or thing from any Building, verandah, pergola, post or other structure;

4.9 Rubbish and Rubbish Dumps

remove, disperse or interfere with any rubbish (including bottles, newspapers, cans containers or packaging etc) that has been discarded in a Council bin;

4.10 Touting for Business

tout for business.

5. Prohibited Activities

A person must not in Rundle Mall or in the vicinity of Rundle Mall:

5.1 Birds

feed any bird;

5.2 Climbing

climb on or over any fixture, fitting, plant, object or building;

5.3 Damaging or Defacing Property

5.3.1 deface, damage, paint, write, cut names or make marks on any tree, rock gate, fence, building, sign or other property of the Council;

5.3.2 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 Glass

wilfully break any glass, china or other brittle material;

5.5 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of the Rundle Mall which is permitted or for which Permission has been granted;

5.6 Missiles

throw, roll or discharge any stone, substance or missile to the danger of any person, property or animal;

5.7 Playing Games

play or practice any game:

5.7.1 which is likely to cause damage to Rundle Mall or anything in it or in the vicinity of Rundle Mall; or

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

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

5.8 Public Conveniences

in any public convenience:

5.8.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

5.8.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

5.8.3 use it for a purpose for which it was not designed or constructed;

5.8.4 obstruct any cubicle, walkway or public area;

5.8.5 enter any toilet that is set aside for use of the opposite gender except:

5.8.5.1 if the person is under the age of eight years accompanying an adult; or

5.8.5.2 to provide assistance to a disabled person; or

5.8.5.3 in the case of a genuine emergency;

5.9 Smoking

Smoke in any area to which the Council has resolved this subparagraph shall apply;

5.10 Wheeled Recreational Devices

use a Wheeled Recreational Device.

6. Removal of Obstructions

If an object is obstructing any part of a Rundle Mall then the Council may remove the object provided that this paragraph does not apply to any object that has been placed in the Rundle Mall with the Permission of the Council or by some other lawful authority.

Part 3 – Miscellaneous

7. Permits

Despite the Council's *Permits and Penalties By-law 2018*, where this by-law states that a person needs a 'permit' or 'Permission' to do a specified thing, then the following provisions apply:

- 7.1 The permit must be in writing.
- 7.2 The Council may:
 - 7.2.1 attach conditions to the permit;
 - 7.2.2 change or revoke a condition, by notice in writing; or
 - 7.2.3 add new conditions, by notice in writing.
- 7.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.
- 7.4 The Council may revoke a permit, by notice in writing, if:
 - 7.4.1 the holder of the permit fails to comply with a condition attached to it; or
 - 7.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 7.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.
- 7.6 For the avoidance of doubt, where Permission is required under this by-law, that Permission is granted under this paragraph 7 and the Council's *Permits and Penalties By-law 2018* shall not apply for the purposes of that Permission.

8. Offences and Penalties

- 8.1 Despite the Council's *Permits and Penalties By-law 2018*:
 - 8.1.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty being the maximum penalty referred to in the *City of Adelaide Act 1998*, which may be fixed for offences against a by-law;
 - 8.1.2 A person who is found guilty of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty being the

maximum amount referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

- 8.2 For the avoidance of doubt, where a penalty is imposed for an offence against this by-law, that penalty is imposed under this paragraph 8 and the Council's *Permits and Penalties By-law 2018* shall not apply for the purposes of that penalty.

9. Application of Paragraphs

Paragraph 5.9 of this by-law shall apply only in such part or parts of the area of the Council as the Council may by resolution determine in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

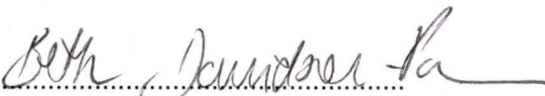
10. Exemptions

The restrictions in this by-law do not apply to any police officer, emergency worker, Council Officer or employee of the Council acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council.

11. Revocation

Council's adoption of the *Model by-law for the management of pedestrian malls* published in the *Gazette* on 1 December 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.


.....
Beth Davidson-Park
Acting Chief Executive Officer