

**COORONG DISTRICT COUNCIL****PERMITS AND PENALTIES BY-LAW 2023****By-law No. 1 of 2023**

*A By-law to provide for a permit system, to fix maximum penalties in Council by-laws, and to clarify the construction of by-laws.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Permits and Penalties By-law 2023* and is By-law No. 1 of the Coorong District Council.

### 2. Authorising Law

This By-law is made under section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

### 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 operation<sup>1</sup>:

*By-law No.1 – Permits and Penalties 2016.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2031.<sup>3</sup>

#### 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

This By-law applies throughout the Council's area.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the Coorong District Council; and
- 6.3 **person** includes a natural person or a body corporate.

#### Note-

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

## 7. Construction of By-laws Generally

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted in writing by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
  - 7.2.1 permission granted specifically to an applicant; or
  - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

## PART 2 – PERMITS AND PENALTIES

### 8. Permits

- 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as the Council may authorise) may attach conditions to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission under a By-law must comply with every condition attached to the permission. Failure to do so is an offence (to the extent that the failure gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

### 9. Offences and Penalties

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
  - 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
  - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

#### Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
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BRIDGET MATHER  
Chief Executive Officer

**COORONG DISTRICT COUNCIL****ROADS BY-LAW 2023****By-law No. 2 of 2023**

*A By-law for the management, control and regulation of activities on roads in the Council's area.*

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## PART 1– PRELIMINARY

### 1. Title

This By-law may be cited as the *Roads By-law 2023* and is By-law No. 2 of the Coorong District Council.

### 2. Authorising Law

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

### 3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; 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 operation<sup>1</sup>:

*By-Law No. 2 – Roads 2016.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2031.<sup>3</sup>

#### 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 2023*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 7.3 and 7.5.2 of this By-law applies throughout the Council area except in such 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 **animal** means all animals includes birds and insects but does not include a dog;

- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp or causing:
- 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material;
  - 6.4.2 a swag or similar bedding; or
  - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle;
- to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance or sleeps thereon;
- 6.5 **Council** means the Coorong District Council;
- 6.6 **effective control** means a person exercising effective control of an animal either:
- 6.6.1 by means of a physical restraint; or
  - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9 **moveable sign** has the same meaning as in the Act;
- 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.10.1 a bridge, viaduct or subway; or
  - 6.10.2 an alley, laneway or walkway;
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.12 **waste containers** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

**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-law was made.

**PART 2 – USE OF ROADS****7. Activities Requiring Permission**

A person must not engage in or undertake any of the following activities on a road without the permission of the Council.

## 7.1 Advertising

Display, hold or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2023*.

**Note-**

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2022*.

## 7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound including for the broadcasting of announcements or advertisements.

## 7.3 Animals

Lead, drive or exercise any animal except on any road to which the Council has resolved this subclause applies and only then, in accordance with any conditions determined by the Council which conditions may relate to an animal of a particular kind.

**Note-**

This by-law is, and must be read, subject to the *Road Traffic Act 1961*, which regulates the riding of horses on a road. Accordingly, and to avoid doubt, subclause 7.3 does not operate to regulate the exercising of a horse by riding it on a road.

## 7.4 Attachments

Attach or cause to be attached, hang or fix anything to a Council owned tree, plant, equipment, fence, post, structure or fixture on a road.

## 7.5 Camping and Tents

7.5.1 Subject to this subclause 7.5, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.5.2 Camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

7.5.2.1 on a road to which the Council has resolved this subclause applies (and thereby designated as a camping area); and

7.5.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

## 7.6 Donations

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

## 7.7 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, vegetation, or watercourse in a road or cause a hazard to users of the road.



**7.8 Preaching and Canvassing**

- 7.8.1 Preach, harangue, solicit or canvass for religious or charitable purposes.
- 7.8.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.

**7.9 Public Exhibitions and Displays**

- 7.9.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.9.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.9.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.9.4 Cause any public exhibition or displays.

**7.10 Repairs to Vehicles**

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

**7.11 Waste and Rubbish Bins**

- 7.11.1 Deposit or leave thereon anything obnoxious or offensive.
- 7.11.2 Deposit in any bin on a road that is provided by the Council for use by the public any rubbish:
  - 7.11.2.1 emanating from a domestic, commercial or trade source; or
  - 7.11.2.2 that is not rubbish of the type permitted to be placed in that bin, as indicated on signs on the bin or in its vicinity.

**7.12 Waste Containers**

Place, cause or allow to be placed, waste containers on a road to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:

- 7.12.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.12.2 in a position that:
  - 7.12.2.1 is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road;
  - 7.12.2.2 as may otherwise be directed by the Council; and
- 7.12.3 for a period that does not extend beyond 11:59pm on the next day following the day that waste has been collected from the waste container.

**Note-**

To avoid doubt subclause 7.12.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11:59pm on the day following the date of collection.

## PART 3 – ENFORCEMENT

### 8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order that the person leave that part of the road.

### 9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

#### Note-

Section 262(1) of the Act states:

- (1) *If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
- (a) *If the conduct is still continuing - to stop the conduct; and*
  - (b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

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

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

### 10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

## PART 4 – MISCELLANEOUS

### 11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, 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 or in accordance with a direction of a Council Officer.

11.2 The restriction in subclause 7.8.2 of this By-law does not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs 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

- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 11.3 The Council may otherwise, 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.
- 11.4 An exemption under subclause 11.3:
- 11.4.1 may be granted or refused at the discretion of the Council;
- 11.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.4.3 is subject to any conditions specified in the instrument of exemption.
- 11.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.6 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.
- 12. Liability of Vehicle Owners**
- 12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
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**BRIDGET MATHER**  
Chief Executive Officer

**COORONG DISTRICT COUNCIL****LOCAL GOVERNMENT LAND BY-LAW 2023****By-law No. 3 of 2023**

*A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Local Government Land By-law 2023* and is By-law No. 3 of the Coorong District Council.

### 2. Authorising Law

This By-law is made under 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 regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent damage to Local Government land;
- 3.2 to protect the convenience, comfort and safety of members of the public;
- 3.3 to enhance the amenity of the Council's area; and
- 3.4 to prevent and mitigate nuisances;
- 3.5 for the good rule and government of the Council's 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 operation<sup>1</sup>:

*By-law No. 3 – Local Government Land 2016.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2031.<sup>3</sup>

#### 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 2023*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.3, 9.5.2, 9.24.3, 9.24.4, 9.26.2, 9.33, 10.6 and 10.12 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.
- 5.4 Subclauses 9.10.1, 9.10.2, 9.14.2 and 9.24.1 of this By-law apply throughout the Council area except in such 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 **animal** means all animals and includes birds and insects but does not include a dog unless otherwise stated;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.5 **camp** includes setting up a camp or causing:
  - 6.5.1 a tent or other structure of calico, canvas, plastic or similar material; or
  - 6.5.2 a swag and/or similar bedding; or
  - 6.5.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.6 **coastal waters** mean ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
- 6.7 **Council** means the Coorong District Council;
- 6.8 **effective control** means a person exercising effective control of an animal either:
  - 6.8.1 by means of a physical restraint; or
  - 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.10 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules-Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.11 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.12 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.13 **Local Government land** means all land owned by the Council or under the Council's care, control and management, except roads;
- 6.14 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.15 **open container** means a container that:

6.15.1 after the contents of the container have been sealed at the time of manufacture:

6.15.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);

6.15.1.2 being a can, it has been opened or punctured;

6.15.1.3 being a cask, it has had its tap placed in a position to allow it to be used;

6.15.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or

6.15.2 is a flask, glass, mug or other container able to contain liquid;

6.16 **personal watercraft** has the same meaning as in the *Harbours and Navigation Act 1993*, which is a device that:

6.16.1 is propelled by a motor;

6.16.2 has a fully enclosed hull;

6.16.3 is designed not to retain water if capsized; and

6.16.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.17 **road** has the same meaning as in the Act;

6.18 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;

6.19 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;

6.20 **waters** mean a body of water under the care, control and management of the Council, including a pond, lake, river, creek or wetlands but excluding coastal waters; and

6.21 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

## **PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**

### **7. Access**

The Council may:

7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and

7.2 fix charges or fees payable for entry onto any part of Local Government land.

## **8. Closed Lands**

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at the entrance of the land notifying that the land has been closed.

## **PART 3 – USE OF LOCAL GOVERNMENT LAND**

### **9. Activities Requiring Permission**

**Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following activities on Local Government land.

#### **9.1 Advertising**

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

#### **9.2 Aircraft**

Subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land.

#### **9.3 Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this paragraph applies.

#### **9.4 Amplification**

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound, including broadcasting announcements or advertisements.

#### **9.5 Animals**

Subject to this subclause 9.5:

- 9.5.1 cause or allow any animal to stray onto, move over, graze or be left unattended on any local government land;
- 9.5.2 cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this subclause applies; or



- 9.5.3 exercise, lead or drive any animal, except on any track or other area that the Council has set aside (as indicated by signage) for the use by, or in connection with an animal or type of animal.

#### 9.6 **Annoyance**

Do anything likely to offend or unreasonably interfere with any other person:

- 9.6.1 using that land; or
  - 9.6.2 occupying nearby premises;
- by making a noise or creating a disturbance.

#### 9.7 **Aquatic life**

Introduce any aquatic life to any waters located on local government land.

#### 9.8 **Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture.

#### 9.9 **Bees**

Place a hive of bees thereupon, or allow it to remain thereon.

#### 9.10 **Boats and Mooring**

Subject to the *Harbours and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.10.1 launch or retrieve a boat to or from any waters except in an area to which the Council has resolved this subclause applies and other than in accordance with any conditions that the Council has determined applies to such activity;
- 9.10.2 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies; or
- 9.10.3 moor any boat on or to Local Government land.

#### 9.11 **Bridge Jumping**

Jump from or dive from a bridge.

#### 9.12 **Buildings**

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

#### 9.13 **Burials and Memorials**

- 9.13.1 Bury, inter or spread the ashes of any human or animal remains (including the remains of a dog).
- 9.13.2 Erect any memorial.

**9.14 Camping and Tents**

9.14.1 Subject to this subclause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

9.14.2 Camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except in:

9.14.2.1 a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or

9.14.2.2 an area to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.

**9.15 Canvassing**

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

**9.16 Defacing Property**

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

**9.17 Donations**

Ask for or receive or indicate a desire for a donation of money or any other thing.

**9.18 Encroachment**

Erect, maintain or place, or cause to be erected, maintained or placed, any fencing, post, vegetation or other structure or item so as to encroach onto the land.

**9.19 Entertainment and Busking**

9.19.1 For the purpose of entertaining others and whether or not receiving money, sing, busk or play a recording or use a musical instrument.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

**9.20 Equipment**

Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.

**9.21 Fires**

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

9.21.1 in a place provided by the Council for that purpose; or

9.21.2 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 four (4) metres.

## 9.22 Fireworks

Subject to the *Explosives (Fireworks) Regulations 2001*, use, ignite, discharge or explode any fireworks.

## 9.23 Flora and Fauna

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

- 9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree, fungi or flower thereon;
- 9.23.2 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.3 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.23.4 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.5 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.6 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.23.7 collect, remove or burn any wood fallen from trees;

with the exception that subclauses 9.23.3 and 9.23.6 do not apply to lawful fishing activities.

## 9.24 Games and Sport

- 9.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play except on any Local Government land to which the Council has resolved this subclause applies.
- 9.24.2 Play, practise or participate in any game which involves the use of a ball, missile or other object 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 that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.24.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.24.4 Play or practice the game of golf on local government land to which the Council has resolved this clause shall apply.

**9.25 Interference with Land**

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.25.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.25.2 erecting or installing a structure in, on, across, under or over the land;
- 9.25.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.25.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.25.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

**9.26 Model Aircraft, Boats and Cars**

- 9.26.1 Fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.26.2 Fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.

**9.27 Overhanging Articles**

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might, in the reasonable opinion of an authorised person;

- 9.27.1 present a nuisance or danger to a person using the land;
- 9.27.2 or be of an unsightly nature.

**9.28 Playing Area**

Use or occupy a playing area:

- 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed on or in the vicinity of the playing area.

**9.29 Preaching**

Preach, harangue or solicit for religious purposes.

**9.30 Trading**

- 9.30.1 Sell, buy, offer or display anything for sale, hire or lease any goods, merchandise, commodity, article or thing.
- 9.30.2 Carry on or cause to be carried on any business.
- 9.30.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose (as determined by an authorised officer acting reasonably) of buying, selling, offering, displaying for sale or the hiring or leasing of any goods merchandise, commodity, article or thing.

**9.31 Vehicles**

- 9.31.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose as indicated by signage thereon.
- 9.31.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.31.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

**9.32 Weddings, Functions and Special Events**

- 9.32.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.32.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.32.3 Hold or conduct any filming where the filming is for a commercial purpose.

**9.33 Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

**10. Prohibited Activities**

A person must not do any of the following on Local Government land.

**10.1 Ablutionary Facilities**

In any ablutionary facility (being showers, washing and toilet facilities) on Local Government land:

- 10.1.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.1.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;
- 10.1.3 use the facility for a purpose for which it was not designed or constructed;
- 10.1.4 deface, or make use of a facility other than for its proper purpose or cause any unsanitary or unclean condition in any ablutionary facility;

## **10.2 Animals**

- 10.2.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.2.2 Cause or allow any animal to damage any flower bed, garden, pot, tree, lawn or other item located thereon.
- 10.2.3 Lead, drive or exercise any animal in such manner as to endanger the safety of any other person.

## **10.3 Annoyances**

Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.

## **10.4 Climbing**

Climb on or over any fixture, fitting, plant, object or building thereon other than in a playground or similar area that the Council has set aside for that purpose.

## **10.5 Equipment**

Use any item of equipment, facilities or property belonging to the Council;

- 10.5.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it; or
- 10.5.2 if the person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

## **10.6 Fishing**

- 10.6.1 Fish in any waters to which the Council has resolved this subclause applies.
- 10.6.2 Fish from any bridge or other structure on local government land to which the Council has resolved this clause shall apply.

## **10.7 Glass**

Wilfully break any glass, china or other brittle material.

## **10.8 Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

## **10.9 Nuisance**

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

**10.10 Obstruction**

Obstruct or cause to be obstructed:

10.10.1 any path or track;

10.10.2 any door, entrance, stairway or aisle in any building; or

10.10.3 any gate or entrance thereon.

**10.11 Playing Games**

Play or practise a game:

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

10.11.2 in any area where a sign indicates that the game is prohibited.

**10.12 Smoking**

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

**10.13 Solicitation**

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

**10.14 Waste and Rubbish**

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.14.3 Deposit in any rubbish bin on Local Government land that is provided by the Council for use by the public:

10.14.3.1 any rubbish emanating from a domestic, trade or commercial source; or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

**PART 4 – ENFORCEMENT****11. Directions**

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of that land;

11.1.2 that person's conduct and behaviour on that land;

11.1.3 that person's safety on that land; or

11.1.4 the safety and enjoyment of other persons on that land.

- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 246 of the Act, which includes an order to leave that part of Local Government land.

## 12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

### Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) If the conduct is still continuing - to stop the conduct; and*
- b) whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

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

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land; or
- dismantle and remove a structure erected on Local Government land without permission.

## 13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised person reasonably believes that no person is in charge of the animal or object.

## PART 5 – MISCELLANEOUS

## 14. Exemptions

- 14.1 The restrictions in this By-law do not apply to any emergency worker, 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 or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclause 9.15 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
  - 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs 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
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, 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.



14.4 An exemption under subclause 14.3:

14.4.1 may be granted or refused at the discretion of the Council;

14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and

14.4.3 is subject to any conditions specified in the instrument of exemption.

14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

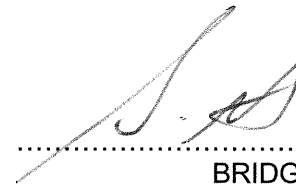
14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**15. Liability of Vehicle Owners**

15.1 For the purposes of this clause 15, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.

15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



BRIDGET MATHER  
Chief Executive Officer

**COORONG DISTRICT COUNCIL****DOGS BY-LAW 2023****By-law No. 4 of 2023**

*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.*

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Dogs By-law 2023* and is By-law No. 4 of the Coorong District Council.

**2. Authorising Law**

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

**3. Purpose**

The objects of this By-law are to:

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

**4. Commencement, Revocation and Expiry**

- 4.1 The following By-law previously made by the Council is revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-Law No. 4 – Dogs 2016.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2031.<sup>3</sup>

**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**

This By-law operates subject to the Council's *Permits and Penalties By-law 2023*.

- 5.1 Subject to subclause 5.2, this By-law applies throughout the Council's area.
- 5.2 Clauses 9 and 10 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 premises 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 **Council** means the Coorong District Council;
- 6.5 **dog** (except as indicated in clause 7) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
  - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 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:
  - 6.7.1 secured to a fixed object; or
  - 6.7.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **Local Government land** means land that is owned by or under the Council's care, control or management;
- 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.11 **premises** includes land and part thereof whether used or occupied for domestic or non-domestic purposes;
- 6.12 **small dwelling** means a flat, a serviced flat, home unit, strata unit, community lot or a suite of rooms which is wholly occupied, or designed or intended to be occupied, as a separate dwelling;
- 6.13 **working livestock dog** means a dog:
  - 6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is:
    - 6.13.1.1 a primary producer; or
    - 6.13.1.2 engaged or employed by a primary producer; and
  - 6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

**Note-**

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

**PART 2 – LIMITS ON DOG NUMBERS****7. Limits on Dog Numbers in Private Premises**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
- 7.1.1 more than one (1) dog on any premises that is a small dwelling; and
  - 7.1.2 more than three (3) dogs on any premises other than a small dwelling within any township; and
  - 7.1.3 more than four (4) dogs on any premises outside any township but excluding a working livestock dog.
- 7.2 For the purposes of subclause 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 Subclause 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 other 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 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 An application for permission to keep an additional dog must be in the form determined by the Council and be accompanied by information regarding:
- 7.5.1 the type and size of the property on which it is proposed to keep the dogs;
  - 7.5.2 the manner in which it is proposed that the dogs will be contained; and
  - 7.5.3 any other information that the Council requires to ensure proper consideration of the application.
- 7.6 No dog is to be kept on any premises where, in the opinion of an authorised person, 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**

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 on any Local Government land or public place to which the Council has resolved this subclause applies unless the dog is under effective control by means of a leash.

**10. Dog Prohibited Areas**

A person must not cause or allow a dog under that person's control, charge or authority, except an assistance dog, to be or remain on any Local Government land or public place to which the Council has resolved this subclause applies.

**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 the obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

**PART 4 – EXEMPTIONS****12. Council May Grant Exemptions**

12.1 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.

12.2 An exemption:

12.2.1 may be granted or refused at the discretion of the Council;

12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

12.2.3 is subject to any conditions specified in the instrument of exemption.

12.3 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.

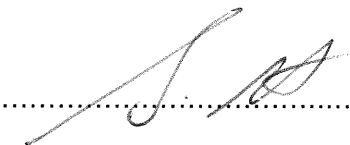
13.4 An authorised person may not use force against a person.

**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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



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BRIDGET MATHER  
Chief Executive Officer

**COORONG DISTRICT COUNCIL****MOVEABLE SIGNS BY-LAW 2023****By-law No. 5 of 2023**

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Moveable Signs By-law 2023* and is By-law No. 5 of the Coorong District Council.

### 2. Authorising Law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

### 3. Purpose

The objects of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 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 operation<sup>1</sup>:

*By-law No. 5 – Moveable Signs 2016.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2031.<sup>3</sup>

#### 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 2023*.
- 5.2 This By-law applies throughout the Council area and is subject to the exemptions set out in clause 12.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a slip of cloth, plastic or other material hung up or mounted to a building or other structure by its ends or corners or carried on a pole, fence or other structure;

- 6.4 **business premises** means premises from which a business is being conducted and to which a moveable sign relates;
- 6.5 **Council** means the Coorong District Council;
- 6.6 **footpath area** means:
- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; and
- 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government** land has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.9.1 a bridge, viaduct or subway; or
- 6.9.2 an alley, laneway or walkway;
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**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-law was made.

**PART 2 – MOVEABLE SIGNS****7. Construction and Design**

A moveable sign placed on a road must:

- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign, a tear drop sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition, including so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain moving parts or have balloons, flags, streamers or other things attached to it;
- 7.8 other than a tear drop sign, not be tied, fixed or attached to anything;

- 7.9 not contain flashing lights or be illuminated internally;
- 7.10 other than a tear drop sign, not be more than 0.9 metres high and 0.6 metres in width;
- 7.11 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 7.12 in the case of an 'A' frame or sandwich board sign:
  - 7.12.1 be hinged or joined at the top;
  - 7.12.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.13 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

## **8. Appearance**

A moveable sign displayed on a road must, in the reasonable opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours:
  - 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
  - 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
  - 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

## **9. Placement**

- 9.1 Subject to this clause 9, a moveable sign may be placed:
  - 9.1.1 on the footpath which is at least 2.3 metres wide;
  - 9.1.2 at least 0.6 metres from:
    - 9.1.2.1 where the road has a kerb, the kerb;
    - 9.1.2.2 where the road has no kerb but has a shoulder, the shoulder; or
    - 9.1.2.3 where the road has neither a kerb nor a shoulder, the edge of the carriageway;
- 9.2 A moveable sign must be placed:
  - 9.2.1 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, resting against the premises of the business to which the moveable sign relates;

- 9.2.2 directly in front of the business premises to which it relates;
- 9.2.3 within the projections of the side boundaries of the business premises to which it relates.
- 9.3 A moveable sign must not be placed:
  - 9.3.1 on a landscaped area, other than on landscaping that comprises only lawn;
  - 9.3.2 on a designated parking area or within 1 metre of an entrance to premises;
  - 9.3.3 so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
  - 9.3.4 so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway;
  - 9.3.5 within 6 metres of an intersection;
  - 9.3.6 within 2 metres of any other structure, object or plant (including another moveable sign); and
  - 9.3.7 so that it prevents a clear passage for pedestrians of at least 2 metres.

## 10. Banners

A person must not erect or display a banner on a building or on a structure on a road without the Council's permission.

### Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Act.

## 11. Restrictions

- 11.1 A person (including, but not limited to, the owner or operator of a business) must not cause or allow more than two moveable signs for a business premises to be displayed on a road at any time.
- 11.2 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3 A person must not cause or allow a moveable sign to be placed on a road unless:
  - 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
  - 11.3.2 the business premises to which it relates is open to the public.

- 11.4 A person must comply with the following requirements in respect of the placement or display of a moveable sign on a road:
- 11.4.1 if during the hours of darkness, the sign must be in a lit area and be clearly visible; and
- 11.4.2 the sign must not be displayed on a traffic island or on the carriageway of a road.
- 11.5 Notwithstanding compliance with provisions of this By-law and if, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council considers appropriate.

## 12. Exemptions

- 12.1 Subclauses 11.1 and 11.3 do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 12.2 Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains newspaper headlines and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement (which permission may be granted by way of the Council adopting a policy of general application for this purpose).

### Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- the sign is of a prescribed class.

## PART 3 – ENFORCEMENT

### 13. Removal of Moveable Signs

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

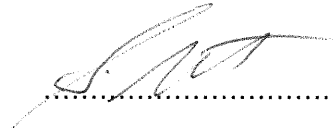
### Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law;
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the reasonable opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 14. Liability of Vehicle Owners**
- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



BRIDGET MATHER  
Chief Executive Officer