

**THE DISTRICT COUNCIL OF KAROONDA EAST MURRAY**  
*By-law made under the Local Government Act 1999*

**By-law No. 3 – Local Government Land**

*For the management and regulation of the use of and access to Local Government Land owned by or under the care, control and management of the Council (other than streets and roads), including the prohibition and regulation of particular activities on such Local Government Land.*

**1. Definitions**

In this By-law –

- 1.1 “Authorised Person” has the same meaning as in the Local Government Act 1999.
- 1.2 “Building” includes any structure and/or fixture of any kind whether for human habitation or not.
- 1.3 “Liquor” has the same meaning as in the Liquor Licensing Act 1997.
- 1.4 “Local Government Land” means all land owned by the Council or under the Council’s care, control and management except Roads.
- 1.5 “Offensive” includes threatening, abusive, insulting or annoying behaviour and “offend” has a complementary meaning.
- 1.6 “Park” has the same meaning as in the Local Government Act 1999.
- 1.7 “Public Place” has the same meaning as in the Local Government Act 1999.
- 1.8 “Reserve” has the same meaning as in the Local Government Act 1999.
- 1.9 “Road” has the same meaning as in the Local Government Act 1999 and includes a footpath.
- 1.10 “Vehicle” has the same meaning as in the Road Traffic Act 1961.
- 1.11 “Waters” includes any body of water including a pond, lake, river, creek or wetland under the care, control and management of the Council.

**2. Activities Requiring Permission**

A person must not, without permission, undertake any of the following activities on any Local Government Land:

- 2.1 *Advertising*  
Display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.
- 2.2 *Amplification*  
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound.
- 2.3 *Animals*
  - 2.3.1 Cause or allow any animal to stray onto, move over, graze or be left unattended on any Local Government Land.
  - 2.3.2 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 subparagraph shall apply.

2.3.3 Lead or drive a horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind.

2.4 *Annoyance*

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

2.4.1.1 using that land; or

2.4.1.2 occupying nearby premises,

by making a noise or creating a disturbance.

2.5 *Aquatic Life*

Introduce any aquatic life to any Waters located on Local Government Land.

2.6 *Attachments*

2.6.1 Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government Land except for:

2.6.1.1 any electoral matter attached by or with the authority of a candidate and which is related to a Commonwealth or State election and is attached during the period commencing on the issue of the writ or writs for the election and ending at close of polls on polling day; or

2.6.1.2 any electoral matter attached by or with the authority of a candidate and which is related to an election held under the Local Government Act 1999 or the Local Government (Elections) Act 1999 and is attached during the period commencing four (4) 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

2.6.1.3 any matter posted during the course of and for the purposes of a Referendum.

2.7 *Bees*

Place any hive of bees on Local Government Land, or allow it to remain thereon.

2.8 *Bridge Jumping*

Jump or dive from any bridge on Local Government Land.

2.9 *Buildings*

Use any building, or structure on Local Government Land for any purpose other than its intended purpose.

2.10 *Burials and Memorials*

2.10.1 Bury, inter or spread the ashes of any human or animal remains.

2.10.2 Erect any memorial.

2.11 *Camping and Tents*

2.11.1 Erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

- 2.11.2 Camp or sleep overnight except where a person is in a caravan park on Local Government Land, the proprietor of which has been given permission to operate the caravan park on that land.

2.12 *Canvassing*

- 2.12.1 Convey any advertising, religious or other message to any bystander, passer-by or other person except for any message or material:
  - 2.12.1.1 that is related to a Commonwealth or State election and is conveyed 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
  - 2.12.1.2 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 (4) 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
  - 2.12.1.3 that is related to, and conveyed, during the course of and for the purpose of a Referendum.

2.13 *Closed Lands*

- 2.13.1 Enter or remain on any part of Local Government Land:
  - 2.13.1.1 at any time during which the Council has declared that part to be closed to the public and which is indicated by a sign adjacent to the entrance to that effect on or adjacent to the land;
  - 2.13.1.2 where the land is enclosed with fences and/or walls, and gates, that have been closed and locked; or
  - 2.13.1.3 where admission charges are payable, for a person to enter that part, without paying those charges.

2.14 *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council on Local Government Land.

2.15 *Distribution*

- 2.15.1 Place on any Vehicle (without the consent of the owner of the Vehicle), or 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:
  - 2.15.1.1 that is related to a Commonwealth or State election and is placed, given out or distributed 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
  - 2.15.1.2 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 (4) 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
  - 2.15.1.3 that is related to and placed, given out or distributed during the course of and for the purpose of a Referendum.

2.16 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

2.17 *Entertainment and Busking*

2.17.1 Sing, busk or play any recording or use any musical instrument for the apparent purpose of either entertaining others or receiving money.

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

2.18 *Fires*

2.18.1 Subject to the Fire and Emergency Services Act 2005 light any fire except –

2.18.1.1 in a place provided by the Council for that purpose;

2.18.1.2 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 metres.

2.19 *Flora and Fauna*

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

2.19.1.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;

2.19.1.2 lead or drive any animal or stand or walk on any flower bed or garden plot;

2.19.1.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

2.19.1.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

2.19.1.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

2.19.1.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

2.19.1.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;

2.19.1.8 burn any timber or dead wood.

2.20 *Games*

2.20.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.

2.20.2 To which this subparagraph shall apply, play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government Land which 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.

2.20.3 Play or practice the game of golf on Local Government Land to which the Council has resolved this subparagraph shall apply.

2.21 *Litter*

2.21.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.

2.21.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.

2.22 *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.

2.23 *Model Aircraft, Boats and Cars*

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 of and enjoyment of the land.

2.24 *Overhanging Articles or Displaying Personal Items*

Suspend or hang any article or object from any building, verandah, pergola, post or other structure on Local Government Land where it might present a nuisance or danger to any person using the land or be of an unsightly nature.

2.25 *Playing Area*

2.25.1 Use or occupy any playing area:

2.25.1.1 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);

2.25.1.2 in any manner contrary to the purpose for which the playing area was intended to be used or occupied;

2.25.1.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

2.26 *Posting of Bills*

2.26.1 Post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on any Local Government Land or Public Place except for:

2.26.1.1 any electoral matter posted on a building or structure by or with the authority of a candidate which is related to a Commonwealth or State election and is posted 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

2.26.1.2 any electoral matter posted on a building or structure by or with the authority of a candidate which is related to an election held under the Local Government Act 1999 or the Local Government (Elections) Act 1999 and is posted during the period commencing four (4) 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

- 2.26.1.3 any matter posted during the course of and for the purpose of a Referendum.

2.27 *Preaching*

Preach, harangue or solicit for religious purposes.

2.28 *Toilets*

2.28.1 In any public convenience on Local Government Land:

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

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

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

2.28.1.4 enter any toilet that is set aside for use of the opposite sex except:

(a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or

(b) to provide assistance to a disabled person; or

(c) in the case of a genuine emergency.

2.29 *Trading*

Sell, buy, offer or display anything for sale.

2.30 *Use of Equipment*

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

2.30.1.1 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

2.30.1.2 if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

2.31 *Weddings*

Hold, conduct or participate in a 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 twenty (20).

2.32 *Working on Vehicles*

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

**3. Prohibited Activities**

A person must not undertake any of the following activities on any Local Government Land:

3.1 *Animals*

3.1.1 Cause or allow any animal to damage any flower bed, garden, pot, tree, lawn or other item located thereon.

3.1.2 Lead, drive or exercise any horse in such manner as to endanger the safety of any other person.

3.2 *Damaging Property*

Damage or remove a building, structure or fixture located on Local Government Land.

3.3 *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.

3.4 *Nuisance*

Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

3.5 *Playing games*

3.5.1 Play or practice a game –

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

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

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

3.6 *Smoking*

3.6.1 Smoke tobacco or any other substance in any building on Local Government Land.

3.6.2 Smoke tobacco or any other substance on any Local Government Land or part thereof to which the Council has resolved this subparagraph shall apply.

3.7 *Solicitation*

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

3.8 *Throwing objects*

Throw, roll, project or discharge any stone, substance or other missile which endangers the safety of any person.

3.9 *Waste*

3.9.1 Deposit or leave thereon:

3.9.1.1 anything obnoxious or offensive.

3.9.1.2 any offal, dead animal, dung or filth.

3.9.1.3 any mineral, mineral waste, industrial waste or by-products.

3.9.2 Foul or pollute any Waters situated thereon.

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

3.9.4 Deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

**4. Directions**

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

- 4.1 that person's use of the land;
- 4.2 that person's conduct and behaviour on the land;
- 4.3 that person's safety on the land;
- 4.4 the safety and enjoyment of the land by other persons.

**5. Removal of Animals, Persons and Objects**

5.1 If any animal, person or object is found on any part of Local Government Land in breach of a by-law:

5.1.1 any person in charge of the animal, person or object shall forthwith remove it from that part of the land on the request of an Authorised Person; and

5.1.2 an Authorised Person may remove the animal or object from the land if the person in charge of it fails to comply with the request, or if no person is in charge of it.

5.2 A person who is committing or has committed a breach of this by-law must immediately comply with a direction of an Authorised Person to leave that part of the Local Government Land.

**6. Application of this by-law**

Any of subparagraphs 2.3.2, 2.20.2, 2.20.3, 2.22 and 3.6.2 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).

**7. Exemptions**

The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council 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 to the driver of an emergency vehicle when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.

The foregoing by-law was duly made and passed at a meeting of the District Council of Karoonda East Murray held on the 9 December 2008, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Peter Smithson, Chief Executive Officer