

**CERTIFICATE OF VALIDITY**

**UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999**

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**By-law No 4 – Local Government Land 2016**

*A by-law to regulate the access to and use of local government land (other than roads) and certain public places*

and do certify that in my opinion the Corporation of the City of Campbelltown has power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999*, sections 238(1), 240, 246(1)(a), 246(1)(b), 246(2), 246(3)(a), 246(3)(c), 246(3)(d), 246(3)(e) and 246(3)(f),

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 30<sup>th</sup> day of May 2016

  
.....  
Carolyn Jane Hillman Vigar, Legal Practitioner

**THE CORPORATION OF THE CITY OF CAMPBELLTOWN**  
**BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999**



**By-Law No. 4 – Local Government Land**

A by-law to regulate access to and use of local government land (other than roads) and certain public places.

**PART 1 – PRELIMINARY**

**1. Title**

This by-law may be cited as the *Local Government Land By-law 2016*.

**2. Objectives**

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:

- 2.1 to protect the convenience, comfort and safety of members of the public;
- 2.2 to enhance the amenity of the Council area;
- 2.3 to prevent and mitigate nuisances;
- 2.4 to prevent damage to local government land; and
- 2.5 for the good rule and government of the area.

**3. Commencement**

This by-law comes into operation on 1 January 2017.

**4. Application**

- 4.1 Subject to clauses 4.2, 4.3 and 4.4, this by-law applies throughout the Council area.
- 4.2 Clauses 6.1, 6.6, 6.10, 6.19 and 6.20 do not apply to electoral matter authorised by a candidate and which is related to:
  - 4.2.1 a Commonwealth or State election and 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;
  - 4.2.2 an election held under the Act or the *Local Government (Elections) Act 1999* and posted during the period commencing four weeks immediately before the date that has been set (either by or under

either Act) for polling day and ending at the close of voting on polling day; or

- 4.2.3 occurs during the course of and for the purpose of a referendum or a poll.
- 4.3 Clause 8.11 of this by-law only applies in such part or parts of the Council area as the Council may by resolution determine in accordance with section 246(3)(e) of the Act.
- 4.4 This by-law does not apply to a police officer, emergency worker, 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.
- 4.5 The *Permits and Penalties By-law 2016* operates in respect of:
  - 4.5.1 permissions required by or given under this by-law; and
  - 4.5.2 penalties for breach of this by-law.

## 5. Definitions

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

- 5.1 **Act** means the *Local Government Act 1999*;
- 5.2 **animal** refers to all animals (including birds and insects), except dogs;
- 5.3 **authorised person** has the same meaning as in the Act;
- 5.4 **boat** includes a raft, pontoon or other similar device;
- 5.5 **building** includes any structure and/or fixture of any kind whether for human habitation or not;
- 5.6 **camp** includes setting up a camp, erecting any tent or other structure of calico, canvas, plastic or similar material, or causing a tent, caravan or motor home to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance;
- 5.7 **Council** means the Corporation of the City of Campbelltown;
- 5.8 **effective control** means a person exercising effective control of an animal either:
  - 5.8.1 by means of a physical restraint; or
  - 5.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 5.9 **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 any person within its immediate vicinity;

- 5.10 **emergency worker** is a person identified in regulation 54 of the *Road Traffic (Road Rules — Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 5.11 **local government land** means all land owned by the Council or under the Council's care, control and management;
- 5.12 **park** has the same meaning as in the Act;
- 5.13 **playing area** means an area designated by the Council for organised sport or recreation activities;
- 5.14 **poll** means a poll undertaken by the Council under the *Local Government (Elections) Act 1999*;
- 5.15 **public place** has the same meaning as in the Act;
- 5.16 **reserve** has the same meaning as in the Act;
- 5.17 **road** has the same meaning as in the Act;
- 5.18 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 5.19 **waters** includes any body of water including a pond, lake, river, creek or wetland on local government land.

## **PART 2 – USE OF LOCAL GOVERNMENT LAND**

### **6. Activities requiring permission**

No person shall, without permission, on any local government land:

#### **6.1 Advertising**

Display or erect any sign or hoarding, other than a moveable sign which is displayed in accordance with the Council's *Moveable Signs By-Law 2016*, for the purpose of commercial advertising or any other purpose.

#### **6.2 Aircraft**

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

#### **6.3 Amplification**

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

#### **6.4 Animals**

6.4.1 Cause or allow any animal to stray onto, move over, graze or be left unattended on any local government land.

6.4.2 Cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land.

- 6.4.3 Lead, drive or exercise any animal in such a manner as to cause a nuisance or endanger the safety of another person.

**6.5 Athletic and ball sports**

- 6.5.1 Promote, organise or take part in any organised athletic sport or competition on any local government land.
- 6.5.2 Play or practice the game of golf on any local government land other than a golf course.

**6.6 Attachments**

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on local government land.

**6.7 Boats**

Subject to the provisions of the *Harbors and Navigation Act 1993*:

- 6.7.1 launch or retrieve a boat to or from any waters;
- 6.7.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 6.7.3 propel, float or otherwise use a boat on or in any waters;
- 6.7.4 hire out a boat or otherwise use a boat for commercial purposes; or
- 6.7.5 moor a boat on any waters or to a pontoon attached to local government land.

**6.8 Camping and tents**

- 6.8.1 Erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 6.8.2 Camp or remain overnight on any local government land.

**6.9 Closed lands**

Enter or remain on any part of local government land:

- 6.9.1 at any time during which the Council has declared that the part shall be closed to the public and which is indicated by a sign adjacent to the entrance to that part;
- 6.9.2 where the land is enclosed by fences and/or walls and gates otherwise providing access to the land have been closed and locked; or
- 6.9.3 where admission charges are payable, for that person to enter that part without paying those charges.

**6.10 Distribute material**

Give out, distribute to any bystander or passer-by any handbill, book, notice, leaflet or other printed matter.

**6.11 Donations and charitable collections**

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

**6.12 Entertainers**

Sing, busk or play any recording or use any musical instrument for the apparent purpose of entertaining other persons or receiving money.

**6.13 Fireworks**

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

**6.14 Flora and fauna**

Other than in areas designated by the Council by resolution and subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

6.14.1 damage, pick, disturb, interfere with or remove any tree, plant or flower;

6.14.2 cause or allow any animal to stray onto, move over, graze or remain on any flower bed or garden plot;

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

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

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

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

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

6.14.8 collect, remove or burn any wood fallen from trees, except where the Council expressly indicates that the wood is available for collection.

**6.15 Memorials**

Erect any memorial.

**6.16 Model aircraft, boats and vehicles**

Subject to clause 7, fly or operate a model aircraft, boat or vehicle or a remote control aircraft, boat or vehicle in a manner which may cause or be likely to cause injury or discomfort to any 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.

**6.17 Overhanging articles**

Suspend or hang any article or thing 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 local government land.

**6.18 Playing area**

Use or occupy a playing area:

- 6.18.1 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);
- 6.18.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied;
- 6.18.3 in a manner which endangers the safety or interferes with the comfort of any person; or
- 6.18.4 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

**6.19 Posting of bills**

Post any bills, advertisements or other papers or items on a building or structure on local government land or other public place.

**6.20 Preaching and canvassing**

Preach to, harangue, solicit, canvass or convey any advertising of a religious or other message to any bystander, passer-by or other person.

**6.21 Ropes**

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

**6.22 Rubbish**

Throw, cast, place, deposit or leave any rubbish, waste or refuse of any kind whatsoever, except in any refuse containers provided for that purpose.

**6.23 Swimming**

Swim or bathe in any waters.

**6.24 Trading**

6.24.1 Carry on the business of selling, buying, offering, displaying or exposing for sale any goods, merchandise, commodity, article or thing.

6.24.2 Set up a van or other vehicle, stall or other structure, tray, carpet or device for the purpose of buying, selling, offering, displaying or exposing for sale any goods, merchandise, commodity, article or thing.

**6.25 Vehicles**

6.25.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.

6.25.2 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.

**6.26 Weddings, functions and special events**

6.26.1 Hold, conduct or participate in a marriage ceremony, funeral or special event, except where the number of persons attending the event or entertainment does not exceed 50 people.

6.26.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

6.26.3 Hold or conduct any filming where the filming is for a commercial purpose.

**7. Thorndon Park**

No person shall, without permission, operate a model aircraft or boat at Thorndon Park.

**8. Prohibited activities**

No person shall on any local government land:

**8.1 Animals**

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

**8.2 Bees**

Place or install a bee hive or otherwise keep or maintain bees.

**8.3 Bridge jumping**

Jump or dive from any bridge.



**8.4 Burials**

Bury or inter animal remains.

**8.5 Defacing property**

Deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign, equipment, bridge or other property of the Council therein.

**8.6 Fires**

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

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

8.6.2 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 in all directions (including overhanging vegetation).

**8.7 Glass**

Throw, cast, place, deposit or otherwise leave any item made of glass or any glass, except in a refuse or recycling bin provided for that purpose.

**8.8 Handbills on cars**

Place or put on any vehicle any handbill, advertisement, notice or printed matter, unless authorised to do so by law.

**8.9 Interference**

Unreasonably interfere with any other person's use of the land.

**8.10 Repairs to vehicles**

Perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, except for running repairs in the case of a breakdown.

**8.11 Smoking**

Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product or smoke any other substance on any local government land to which this clause applies.

**8.12 Toilets**

In any public convenience:

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

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

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

8.12.4 enter a toilet that is set aside for use of the opposite sex except:

- (a) where the person entering the toilet is a child under the age of eight years and is accompanied by an adult parent or guardian of the sex appropriate to the toilet;
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.

### 8.13 Use of equipment

Use any form of equipment, facility or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside, or in such manner as is likely to damage or destroy it.

## PART 3 – ENFORCEMENT

### 9. Directions

9.1 A person must comply with any reasonable direction, request or order from an authorised person relating (but not confined) to:

- 9.1.1 that person's use of any local government land;
- 9.1.2 that person's conduct and behaviour on any local government land;
- 9.1.3 that person's safety on any local government land; or
- 9.1.4 the safety and enjoyment of any local government land by other persons.

9.2 Any 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.

### 10. Removal of animals and objects

If any animal or object is found on any part of local government land in breach of this by-law:

- 10.1 any person having control, charge, possession or authority over the animal or object must remove it immediately from that part of the land on the request of an authorised person; and
- 10.2 an authorised person may remove the animal or object from the land if the person having control, charge, possession or authority over the animal or object fails to comply with the request, or if no person has or apparently has, control, charge, possession or authority over the animal or object.

### 11. Recovery of expenses

Where a person breaches this by-law and does not comply with an order made against them by Council pursuant to section 262(1) of the Act, the Council is able to

recover from the person the expenses incurred in carrying out the order pursuant to section 262(3) of the Act as a debt by an action in a court of competent jurisdiction.

This by-law was duly made and passed at a meeting of the Corporation of the City of Campbelltown on 7 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.



.....  
Paul Di Iulio  
Chief Executive Officer