



# Application of by-laws

Date: December 2023

# Application of Councils By-laws

On Thursday, 3 August 2023, Council's seven by-laws were gazetted in the South Australian Government Gazette. They will come into operation four months from this date (Sunday, 3 December 2023).

In accordance with Section 246(2)(e) of the Local Government Act 1999, specific provisions within the by-laws only apply to those portions of land which have been identified by Council resolution.

This primarily relates to locations where there are specific needs or desires for non-standard dog leashing requirements, and to locations where there are specific needs in relation to undertaking activities on local government land.

The provisions that apply to areas are to be determined by the Council cannot be enforced until Council determines the areas in respect of which they apply.

At the Ordinary Council meeting held on Monday, 11 December 2023, Council resolved the following application of Councils by-laws effective from Tuesday, 12 December 2023.

## By-law 3 – Roads

Details of By-law Provision	Area to which the provision applies
<b>4.9 Preaching</b>	
preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply.	No location identified

## By-Law 4 – Local Government Land

Details of By-law Provision	Area to which the provision applies
<b>4.6 Animals</b>	
4.6.1.3 cause or allow any animal under their control to swim or bathe in the any waters to which the Council has resolved this subparagraph shall apply.	Shall apply to all waters on Local Government Land.
<b>4.8 Aquatic Life</b>	
Take, interfere with, introduce or disturb any aquatic life in any waters to which the Council has resolved this subparagraph shall apply;	Shall apply to all waters on Local Government Land (fishing is permitted).

<b>4.10 Boats</b>	
subject to the provisions of the <i>Harbors and Navigation Act 1993</i> and the <i>Marine Safety (Domestic Commercial Vessel) National Law</i> .	
4.10.1 hire or offer for hire a boat, raft, pontoon or other watercraft.	No locations have been identified.
4.10.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters.	Shall apply to all waters on Local Government Land (for a motorised craft only).
4.10.3 propel, float, install, maintain or otherwise use any boat, raft, pontoon, steps, jetty or other watercraft or similar structure on any waters.	Shall apply to all waters on Local Government Land (for non-motorised craft only).
4.10.4 launch or operate a model boat on any waters.	Shall apply to all waters on Local Government Land.
<b>4.20 Fishing</b>	
4.20.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or  4.20.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply.	Shall apply to the waters of Encounter Lakes and Franklin Island Lake, subject to the following conditions: <ul style="list-style-type: none"> <li>○ not within 25 metres of the inlet or outlet structure of Encounter Lakes; and</li> <li>○ not within 10 metres of the bridge over the Franklin Island Lake; and</li> <li>○ not within 10 metres of Encounter Lakes pump station (35 Bartel Boulevard, Encounter Bay).</li> </ul>
<b>4.22 Funerals, burials and scattering ashes</b>	
4.22.1 bury, inter or scatter the ashes of any human or animal remains; 4.22.2 erect any memorial; 4.22.3 conduct or participate in a funeral ceremony;  on land to which the Council has resolved this subparagraph will apply.	No locations have been identified.
<b>4.24 Lighting</b>	
4.24.1 use or operate any fixed floodlight; 4.24.2 use or operate any portable floodlight between sunrise and sunset on land to which the Council has resolved this subparagraph shall apply.	No location has been identified.

<b>4.25 Model aircraft, boats and cars</b>	
4.25.2 fly or operate a model aircraft, model boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply.	Shall apply to all Local Government Land.
<b>4.26 No Liquor</b>	
4.26.1 consume, carry or be in possession or charge of any liquor on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve); 4.26.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve).	No location has been identified.
<b>4.28 Playing Games</b>	
4.28.2 promote, organise or take part in any organised athletic sport in any area to which the Council has resolved this subparagraph shall apply;	No location has been identified.
4.28.3 play any organised competition sport, as distinct from organised social play, in any area to which the Council has resolved this subparagraph shall apply.	No location has been identified.
<b>4.35 Skateboards and Small Wheeled Devices</b>	
subject to the <i>Road Traffic Act 1961</i> , and the <i>Local Government Act 1999</i> , ride on a skateboard, e-scooters, segways, other motorised transport or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply.	Shall apply to all local government land (subject to the Road Traffic Act 1961).
<b>4.37 Weddings, Functions and Special Events</b>	
4.37.1 hold, conduct or participate in a marriage ceremony, funeral or special event; 4.37.2 erect a marquee, stage or structure; 4.37.3 conduct any commercial filming; on land to which the Council has resolved this subparagraph will apply.	No location has been identified.
<b>5.5 Fishing</b>	

5.5.1 fish, including with a hand spear or spear gun in any waters to which the Council has determined this subparagraph applies except in the area of Encounter Lakes.	No location has been identified (except in the area of Encounter Lakes and Franklin Lake).
<b>5.8 Smoking</b>	
Smoke any substance: 5.8.1 in any building or part of any building; or 5.8.2 on any local government land; to which the Council has resolved this subparagraph shall apply.	No location has been identified.
<b>Clause 5.9 Swim</b>	
Swim, dive, scuba dive or snorkel in any waters to which the Council has determined this subparagraph applies;	Shall apply to all waters on Local Government Land (except for dive and scuba dive).

## By-law 5 – Dogs

Details of By-law Provision	Area to which the provision applies
<b>4. Dog Free Areas</b>	
4.1 A person must not on any local government land to which this paragraph applies allow a dog in that person's control to be in or remain in that place unless the dog is an assistance dog; 4.2 A person must not allow a dog under that person's control to be or remain on any local government land that has been identified as a Hooded Plover breeding site by a temporary fenced exclusion zone with a sign at least 50 metres away from the fence to indicate.	No location has been identified.
<b>5. Dog on Leash Areas</b>	
A person must not allow a dog under that person's control to be or remain:  5.1 on local government land or public place to which the Council has resolved that this subparagraph applies.	The following areas are 'Dog on-leash areas' 24/7 for the purposes of Clause 5.1: <ul style="list-style-type: none"> <li>• Soldiers Memorial Reserve</li> <li>• Soldiers Memorial Garden</li> <li>• Warland Reserve</li> <li>• Along the foreshore areas adjacent to Encounter Lakes and Franklin Island Lakes: <ul style="list-style-type: none"> <li>○ John Simmons Park–</li> </ul> </li> </ul>



	<p>Corner of Central Drive and Clifton Way</p> <ul style="list-style-type: none"> <li>○ CM Thorpe Park – Corner Mathew Flinders Drive and Bartel Boulevard</li> <li>○ John Crompton Reserve – Corner Tabernacle and Nicholas Baudin Drive</li> </ul> <ul style="list-style-type: none"> <li>● Petrol Cove;</li> <li>● Hindmarsh River Estuary Sand Dunes;</li> <li>● Inman River Estuary Sand Dunes; and</li> <li>● Wright Island.</li> </ul>
<p>A person must not allow a dog under that person’s control to be or remain:</p> <p>5.1 on local government land or public place to which the Council has resolved that this subparagraph applies.</p>	<p>The foreshore area between the Bluff and Chiton Rocks will have the following Dog leashing requirements (excluding Hindmarsh River, Inman River Estuaries and Wright Island) for the purposes of Clause 5.1:</p> <ul style="list-style-type: none"> <li>● Daylight Savings (October to March) <ul style="list-style-type: none"> <li>○ Dogs must be on-leash between 10am and 6pm during daylight savings; and</li> <li>○ Dogs may be off-leash (must be under effective control) between 6pm and 10am during daylight saving (October to March)</li> </ul> </li> <li>● Non-Daylight Savings (April to September) <ul style="list-style-type: none"> <li>○ Dogs may be off-leash (must be under effective control) during non-daylight saving.</li> </ul> </li> </ul>
<p><b>6. Dog Exercise Areas</b></p>	
<p>6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 8 for the purpose of exercising a dog under his or her control.</p>	<p>Victor Harbor Dog Park located at the corner of George Main Road and Oval Park Road, Victor Harbor is a Dog Exercise Area.</p>

## By-law 7 – Foreshore

Details of By-law Provision	Area to which the provision applies
<b>5.1 Alcohol</b>	
Consume or possess or be in charge of any liquor.	No location has been identified.
<b>5.8 Fishing</b>	
Cast or keep in open public water any fishing line, net or trap to catch fish or Coothen water creatures in any area, bridge, pontoon or jetty in any area to which the Council has resolved this paragraph applies.	No location has been identified.