

CITY OF SALISBURY

By-law made under the Local Government Act, 1999

By-law No. 4 – Local Government Land

For the management and regulation of access to and use of land owned by the Council or under the care, control and management of the Council (other than roads).

1. Definition

In this by-law –

- 1.1 “Authorised Person” has the same meaning as in the Local Government Act 1999.
- 1.2 “Camp” includes setting up a camp, or allowing a caravan or tent to remain on the land whether or not any person is in attendance or sleeps on the land.
- 1.3 “Children’s Playground” means any enclosed area in a recreation area in which there is equipment or other installed devices for the purpose of children’s play (or any area in a recreation area within 3 metres of such devices if there is no enclosed area).
- 1.4 “Local Government Land” means all land and buildings owned by or under the care, control and management of the Council except Roads.
- 1.5 “Open Container” means a container which:
 - 1.5.1 after the contents of the container have been sealed at the time of manufacture –
 - 1.5.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
 - 1.5.1.2 being a can, it has been opened or punctured;
 - 1.5.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 1.5.1.4 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
 - 1.5.2 is a flask, glass, mug or other container able to contain liquid.
- 1.6 “Park” has the same meaning as in the Local Government Act 1999.
- 1.7 “Public Place” means a place (including a place on private land) to which the public has access but does not include any part of a community parcel divided by a plan of community division under the Community Titles Act 1996.
- 1.8 “Recreation Area” means and includes parklands, plantations, ornamental grounds, reserves, land or other property owned by or held in trust for or under the care, control and management of the Council for recreation purposes, or any part thereof.
- 1.9 “Reserve” has the same meaning as in the Local Government Act 1999.
- 1.10 “Road” has the same meaning as in the Local Government Act 1999.

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- 1.11 "Vehicle" has the same meaning as in the Road Traffic Act 1961 and the Australian Road Rules.
- 1.12 "Waters" includes any body of water including a pond, lake, river, creek or wetlands under the care, control or management of the Council.

2. **Activities requiring permission**

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

2.1 **Access to Water**

- 2.1.1 Subject to the provisions of the Harbors and Navigation Act 1993, enter any Waters, swim, use a boat, other object or device in or on any Waters except:
 - 2.1.1.1 in an area which the Council has by resolution determined may be used for such purpose; and
 - 2.1.1.2 in accordance with any conditions that the Council may have determined by resolution apply to such use;

2.2 **Advertising**

Display or erect any sign or hoarding, for the purpose of commercial advertising or any other purpose;

2.3 **Amplification**

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to broadcast announcements or advertisements;

2.4 **Animals**

- 2.4.1 Other than the foreshore:
 - 2.4.1.1 cause or allow any animal to stray onto, move over, graze or be left unattended on any Local Government Land;
 - 2.4.1.2 cause or allow any animal to enter, swim, bathe or remain in any Waters located on Local Government Land to which this subparagraph applies;
- 2.4.2 Comprising the foreshore cause or allow any animal to enter, swim, bathe or remain in the sea or any other Waters;

2.5 **Attachments***

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government Land except for any electoral matter attached to a tree, plant, structure or fixture by or with the authority of a candidate 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 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 is posted during the course of and for the purposes of a Referendum;

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2.6 Aquatic Life

Take, interfere with, introduce or disturb any aquatic life in any Waters located on Local Government Land, to which this subparagraph applies.

2.7 Bees

Place any hive of bees on such land, or allow it to remain thereon.

2.8 Boats

2.8.1 Launch, propel, float or otherwise use any boat, raft, pontoon, or watercraft, including a model boat on or in any Waters located on Local Government Land to which this subparagraph applies;

2.8.2 Launch or retrieve a boat to or from any Waters on Local Government Land to which this subparagraph applies;

2.8.3 Hire out a boat, raft, pontoon or watercraft or similar device or otherwise use such device for commercial purposes;

2.9 Buoys, etc

Place a buoy, cable, chain, hawser, rope or net in or across any Waters on Local Government Land;

2.10 Busking and Entertaining

2.10.1 Sing, busk or play any recording or use any musical instrument for the apparent purpose of either entertaining others or receiving money such as to cause a public nuisance;

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

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*

Convey any advertising or other message to any bystander, passer-by or other person except for any message or material 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 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 that is related to and conveyed during the course of and for the purposes of a Referendum;

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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 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;

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, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign or property of the Council on Local Government Land;

2.15 Distribution*

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 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 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 that is related to and placed, given out or distributed during the course of and for the purposes 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 or otherwise solicit.

2.17 Fires

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

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

2.17.1.2 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.

2.18 Fishing

2.18.1 Fish in any Waters on Local Government Land to which this subparagraph applies;

2.18.2 Fish from any bridge or other structure on Local Government Land;

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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 onto 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;

2.20 **Foreshore**

2.20.1 Comprising the foreshore:

- 2.20.1.1 launch or retrieve a boat other than from a boat ramp constructed for that purposes;
- 2.20.1.2 allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

2.21 **Games**

- 2.21.1 Participate in, promote or organise any game, recreation or amusement 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;
- 2.21.2 Play any organised competition or sport, as distinct from organised social play, on Local Government Land to which this subparagraph applies 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;
- 2.21.3 Play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government Land to which this subparagraph applies 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;

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2.21.4 Play or practice the game of golf on Local Government Land to which this subparagraph applies;

2.22 Liquor

2.22.1 Consume, carry or be in possession or charge of any liquor on Local Government Land comprising Parks or Reserves to which this subparagraph applies;

2.22.2 Consume, carry or be in possession or charge of any liquor in any open container, except a sealed container, on Local Government Land comprising Parka or Reserves to which this subparagraph applies;

2.23 Model Aircraft and Cars

2.23.1 Fly or operate a model aircraft;

2.23.2 Operate a model car;

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;

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 Pontoons

Install or maintain a pontoon, fixed floating jetty or other jetty;

2.27 Posting of Bills etc*

Post any bills, advertisements or other papers or items on a building or structure on Local Government Land or Public Place except for 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 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 is posted during the course of and for the purposes of a Referendum;

2.28 Preaching*

Preach, harangue or solicit;

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2.29 Skateboards, Small Wheeled Vehicles

Subject to the Road Traffic Act 1961, and the Local Government Act 1999, ride on a skateboard or use roller skates or blades or similar devices on Local Government Land to which this subparagraph applies;

2.30 Swimming

Swim, bathe or enter any Waters located on Local Government Land to which this subparagraph applies;

2.31 Times of Sport

Play or practice any game or sport on Local Government Land or part to which this subparagraph applies other than at the times determined by the Council and indicated on a sign applicable to such area and displayed adjacent to the land or part, provided that this restriction does not apply if no times are indicated;

2.32 Trading

Sell, buy, offer or display anything for sale;

2.33 Weddings, Funerals or Special Events

Conduct or participate in a marriage ceremony, funeral or special event;

2.34 Working on 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 vehicle 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 enter, swim, bathe or remain in any Waters to the inconvenience, annoyance or danger of any other person bathing or swimming;

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

3.1.3 Comprising the foreshore, lead, drive or exercise any horse in such manner as to endanger the safety of any other person;

3.2 Annoyances

Unreasonably annoy or interfere with any other person's use of the land by making a noise, being annoying, offensive, indecent or creating a disturbance;

3.3 Bridge Jumping

Jump or dive from any bridge on Local Government Land;

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3.4 Control of Certain Land

Enter in or remain on any building or premises on Local Government Land to which this subparagraph applies;

3.5 Damaging Property

Damage or remove a building, structure or fixture located on the land;

3.6 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;

3.7 Playing Games

3.7.1 Play or practice a game –

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

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

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

3.8 Throwing Objects

Except where otherwise permitted by this by-law, throw, roll, discharge or project a stone, substance or other missile;

3.9 Toilets

3.9.1 In any toilet:

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

3.9.1.2 smoke tobacco or any other substance;

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

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

3.9.1.5 enter any toilet that is set aside for use by the opposite sex except in the case of:

(a) a child under the age of 5 years who is accompanied by an adult person of that opposite sex; or

(b) providing assistance to a disabled person;

3.10 Use of Equipment

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

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3.11 **Waste**

3.11.1 Deposit or leave thereon:

3.11.1.1 anything obnoxious or offensive;

3.11.1.2 any offal, dead animal, dung or filth;

3.11.1.3 any mineral, mineral waste, industrial waste or bi-products;

3.11.2 Foul or pollute any waters situated thereon;

3.11.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose;

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

4. **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.

5. **Directions**

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

5.1 that person's use of the land;

5.2 that person's conduct and behaviour on the land;

5.3 that person's safety on the land;

5.4 the safety and enjoyment of the land by other persons.

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

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

6.1.1 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

6.1.2 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.

6.2 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.

6.3 An authorised person may remove any person from Local Government Land who is committing a breach of a by-law but may not use force in doing so.

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7. Application

- 7.1 Any of subparagraphs 2.1.1.1, 2.4.1.2, 2.6, 2.8.1, 2.8.2, 2.18.1, 2.21.1, 2.21.2, 2.21.3, 2.21.4, 2.22.1, 2.29, 2.30 and 2.31 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury held on the 28th day of July 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.

Mr Stephen Hains
Chief Executive Officer

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