

**CORPORATION OF THE CITY OF ADELAIDE**  
**PERMITS AND PENALTIES BY-LAW 2024**  
**REASONS, OBJECTIVES AND IMPLEMENTATION**  
**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS**

The Council's by-laws have been prepared taking into account the Council's current needs, community views and changes that have been made to the law.

This by-law assists in the interpretation of the Council's other by-laws. It sets up a permit system to avoid repetition of words in by-laws. It also makes provision for offences and penalties including continuing offences and penalties. It is desirable and useful to have this by-law.

**OBJECTIVES**

To set up a permit system for use in any by-law as required, to provide for offences and penalties and to indicate the Council's intentions with respect to the construction of its by-laws.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Permits and Penalties By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'approved form', 'authorised person', 'the Council', 'drive', 'driver', 'food business', 'local government land', 'owner', 'permission', 'person', 'premises', 'prescribed offence', 'proprietor', 'road', 'vehicle' and 'writing'.
- Clause 4: This clause provides that when a by-law of the Council states that a person needs a permit or permission, such application must be in writing. The Council may provide the permit for a particular term, attach conditions, change or revoke a condition or add new conditions to the permit. There is a positive obligation on a person who holds a permit to comply with every condition and that failure to do so constitutes a breach of the by-law.

This clause allows the Council to revoke a permit in writing if the permit holder fails to comply with a condition or if the permit is of a continuing nature and the Council has reasonable grounds for revoking it.

The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit.

Clause 5: Provides for offences and penalties for contravention or failure to comply with any by-law of the Council.

Clause 6: Provides that if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of the offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence will apply.

The owner and driver of the vehicle are not liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances.

Provides that an expiation notice must be accompanied with a notice in writing to the owner to provide the Council with a statutory declaration.

Provides that before proceedings are commenced against the owner of a vehicle, the Council must send the owner a notice setting out the particulars of the offence and inviting the owner to complete the statutory declaration. This subparagraph does not apply where an owner has elected to be prosecuted or proceedings have been commenced against the owner who has been named in the statutory declaration as the driver.

Provides that it is a defence in proceedings against this paragraph to show that as a consequence of some unlawful act the vehicle was not in the possession or control of the owner. This subparagraph does not apply if the owner of the vehicle made the declaration knowing it to be false in a material particular.

Provides that where an expiation notice is given to, or proceedings are commenced, a person named as the alleged driver in a statutory declaration, the notice or summons must be accompanied by a notice setting out particulars of the relevant statutory declaration. The particulars must not include the address of the person who provided the statutory declaration.

Clause 7: Provides that the owner of a food business will be given a food business notification confirmation for an application pursuant to Section 86 of the *Food Act 2001*. Clause 7 creates an obligation upon that proprietor to keep a copy of that food business notification confirmation displayed in a prominent position at the premises.

Clause 8: Provides for nine evidentiary aids in proceedings against a prescribed offence.

Clause 9: States that every by-law of the Council shall be subject to any Act of Parliament and regulations made thereunder.

Clause 10: Revokes Council's previous *Permits and Penalties By-law*, published in the Gazette on 23 August 2018.

## **IMPLEMENTATION**

Not applicable to this by-law.

## **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law on its own will not restrict competition.

## **CONSULTATION**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received one comment, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Allow food trucks to operate without a permit in specific areas.	Respondent 12.	Comment noted. No action required.

This by-law has not been submitted to any other person for comment.

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 Michael Sedgman  
 Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**  
**MOVEABLE SIGNS BY-LAW 2024**  
**REASONS, OBJECTIVES AND IMPLEMENTATION**  
**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS**

This by-law is being made as part of the overall review of the Council's by-laws.

**OBJECTIVES**

To set standards for moveable signs on roads, to provide conditions for the design, construction, appearance and placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Moveable Signs By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'authorised person', 'banner', 'boundary', 'business', 'business premises', 'ceremonial street', 'footpath area', 'local government land', 'moveable sign', 'road', 'road related area' and 'vehicle'.
- Clause 4: Sets out restrictions relating to the design and construction of any moveable sign.
- Clause 5: Sets out restrictions relating to the appearance of moveable signs on a road.
- Clause 6: Sets out the requirements for the placement of moveable signs.
- Clause 7: Sets out further restrictions regarding moveable signs displayed on a public street or road, including the nature of the material contained in the moveable sign, the number of moveable signs per business, the times during which moveable signs may be displayed and the positioning and display of moveable signs.
- Clause 8: Sets out a requirement to obtain permission of the Council to display or cause to be displayed a moveable sign on any local government land or resting on or attached to a vehicle on any local government land, other than where the sign is attached to a licensed taxi or bus, on or attached to a vehicle belonging to any Council and which has been placed on or attached to the vehicle with the consent of the Council to which the vehicle belongs on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of

which is to identify it as belonging to a business or comprising a sunscreen on a vehicle, where any message or trade name or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle.

Clause 9: Sets out the requirements relating to banners.

Clause 10: Sets out the exemptions relating to the advertising of garage sales, where permission is granted for the placement of a moveable sign, when placed on a road pursuant to an authorisation under the *Local Government Act 1999* or another Act, open inspection signs for real estate or related to a State or Commonwealth election during certain times or a referendum.

Clause 11: Sets out the circumstances in which an authorised person of the Council can direct the removal of a non-complying moveable sign and the circumstances under which the authorised person may remove the non-complying sign themselves.

Clause 12: Sets out the circumstances in which an authorised person of the Council can direct the relocation or removal of a complying moveable sign.

Clause 13: Revokes Council's previous *Moveable Signs By-law* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received six comments, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Questions definitions relating to Ceremonial Road, King William Street and North Terrace.	Respondent 2	Comment noted. No action required.
2.	Enquiry about the absence of pro-active monitoring details and	Respondent 2	Comment noted. No action required.

Item	Submission / Comment	Name of person (de-identified), or entity, that raised the concern	Action taken by the Council in response to the concern
	clarification on whether the authorised officer is simply being reactive.		
3.	Enquiry of the existence of a three strikes and you are out policy for repeat non-compliance.	Respondent 2	Comment noted. No action required.
4.	Concern about the lack of enforcement and penalties for non-compliant A-frame placements leading to repeat offences.	Respondent 2	Comment noted. No action required.
5.	Concern about A-frame placement at intersections where pedestrian congestion occurs, with the 1.8m distance from the corner being insufficient.	Respondent 2	Comment noted. No action required.
6.	Observation about bus zones becoming crowded and queues exceeding the marked zone length.	Respondent 2	Comment noted. No action required.

This by-law has not been submitted to any other person for comment.

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 Michael Sedgman  
 Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**  
**LOCAL GOVERNMENT LAND BY-LAW 2024**  
**REASONS, OBJECTIVES AND IMPLEMENTATION**  
**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS**

This by-law is being made as part of the overall review of the Council's by-laws.

**OBJECTIVES**

To provide for the management and regulation of the use and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Local Government Land By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'authorised person', 'boat', 'building', 'Central Market', 'e-cigarette', 'electoral matter', 'emergency vehicle', 'horse riding track', 'liquor', 'livestock', 'local government land', 'model aircraft', 'national soldiers memorial', 'offensive', 'playspace', 'public place', 'River Torrens', 'road', 'smoke', 'tobacco product', 'vehicle', 'waters' and 'wheeled recreational device'.
- Clause 4: Contains a number of activities which are prohibited on local government land in the absence of permission of the Council:

**Alteration to Local Government Land**

Prevents the alteration of local government land, including:

- altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- changing or interfering with the construction, arrangement or materials of the land; or
- changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or

- planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land.

**Amplification**

Prevents the use of an amplifier or other mechanical or electrical device to amplify sound to the public.

**Athletic and Ball Sports and Games**

Prevents the promotion or taking part in organised athletic sport where the Council has resolved that land applies.

**Boats**

Prevents a person from hiring, or offering for hire, a boat, raft, pontoon or other watercraft, launching or retrieving those items to or from any waters, and propelling, floating or otherwise using any boat, raft, pontoon or other watercraft on any waters.

**Boat Ramps**

Prevents the launch or retrieval of a boat from a boat ramp constructed for that purpose.

Prevents any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.

**Bridge Jumping**

Prevents jumping or diving into any waters from any bridge or any other structure.

**Burials and Memorials**

Prevents the burying of human or animal remains, spreading the ashes of same or erecting any memorial.

**Business Use**

Prevents providing services for monetary consideration, including but not limited to, personal training services.

**Camping and Tents**

Prevents camping or remaining overnight in the open, a building, a vehicle or otherwise and includes the erection of a tent or other structure.

**Canvassing**

Prevents the conveyance of advertising, religious or other message to people except for the message that relates to a Commonwealth or State election and is conveyed during a period commencing at 5:00pm on the day before the issuing of the election.

The clause also exempts material related to local government elections in line with the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* and referendums.

### **Closed Lands**

Prevents a person from entering or remaining on any part of the local government land:

- at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or
- where the land is enclosed by fences, walls or gates and they have been closed and locked; or
- where admission charges are payable, without paying those charges,

### **Collections and Donations**

Prevents the collection of anything from any passer-by or ask for or receive or indicate that they desire a donation of money or any other thing.

### **Depositing Rubbish etc**

Prevents the deposit of any structure, goods, materials, earth, soil, clay, gravel, sand, timber, stones, pebbles or any other matter or substance (including any liquid substance).

### **Distribution**

Prevents a person from distributing anything to any person except material that is related to a Commonwealth or State election, a local government election or a referendum.

### **Entertainment and Busking**

Prevents a person from singing or performing, etc, or playing a musical instrument for the purpose of entertaining and prevents conducting any concert, festival, show, public gathering, circus, meeting, performance or other similar activity.

### **Erection of Structures**

Prevents the erection of fences and hoarding that are made of barbed or razor wire and not easily visible at night. Also prevents the erection or placement or allowing to remain a ladder, trestle or other equipment likely to cause an obstruction or danger.

### **Fires**

Prevents a person from lighting a fire unless it is in a place provided by the Council, in a portable barbecue used in an area that is clear of flammable material for a distance of at least four metres, or in accordance with the *Fire and Emergency Services Act 2005*.

### **Fireworks**

Prevents the ignition or discharge of any fireworks.

### **Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*, prevents a person from:

- damaging, picking, or interfering with any plant or flower;
- leading or driving any animal to stand on any flower bed or garden;
- depositing or removing soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- teasing, removing or causing harm to any animal or bird or the eggs or young of any animal or bird;
- picking or disturbing any fruit, nuts, berries or native seeds;
- disturbing or interfering with any burrow, nest or habitat of any animal or bird.
- using, possessing or having control of any device for the purpose of killing or capturing any animal or bird;
- burning any timber or dead wood.

### **Liquor**

Prevents a person from consuming, carrying, or being in possession or charge of any liquor on any local government land comprising parks or reserves to which the Council has resolved the subparagraph shall apply.

### **Livestock**

Prevents causing livestock to stray or be left unattended.

Prevents causing or allowing livestock to enter in any waters to which the Council has resolved this subparagraph shall apply.

Prevents leading or driving livestock except where the Council has set aside a track.

Prevents allowing livestock to damage any flower bed, garden, tree, lawn or other item or place.

Prevents the training of livestock.

### **Model Aircraft, Boats and Cars**

Prevents a person from flying or operating a model aircraft or drone aircraft, subject to the provisions of the *Civil Aviation Act 1988*.

Prevents a person from operating a model aircraft, boat or model/remote control car on local government land to which the Council has resolved the subparagraph applies.

### **Obstructions**

Prevents the obstruction of any path, footpath, track, gateway or other area or erecting over same any object including, but not limited to, planter box, hoarding, crane, cherry picker, elevated platform vehicle, scaffolding, stage,, ladder, trestle, appliance or other equipment.

### **Organised Ceremonies and Events etc**

Prevents the holding, conducting or participation in a funeral, 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 20.

### **Overhanging Articles**

Prevents a person from suspending or hanging an article or object from a building, veranda, pergola, post or other structure where it might present a nuisance or danger to a person using the land.

### **Playing Area**

Prevents a person from, on local government land:

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

### **Preaching and Canvassing**

Prevents a person from preaching, canvassing, haranguing, touting for business or conduct any survey or opinion poll except for State, Commonwealth and local government elections and referendums upon condition.

### **Public Exhibitions and Displays**

Prevents a person from allowing or causing any public exhibition or display or allow to be displayed any bills, advertisements including stickers and stencils to a building or structure except those items related to State, Commonwealth or local government elections and referendums.

**Riverbank**

Prevents the driving or propelling of a vehicle onto or from a riverbank other than by a ramp or thoroughfare constructed on the riverbank or provided by the Council for that purpose.

**Rubbish and Rubbish Dumps**

Prevents a person from interfering with, removing or taking away any rubbish that has been discarded at any rubbish dump on local government land and the removal, dispersal or interference with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any local government land, or placed on local government land for collection by the Council.

**Swimming**

Prevents a person swimming, bathing or washing in any waters to which this subparagraph applies.

**Trading**

Prevents a person from buying and selling or leasing goods and services including from vehicles, watercraft, aircraft, stall, stand, table, tray, carpet or other structure.

**Vehicles**

Prevents a person from driving or propelling any vehicle on local government land unless on an area or road that is constructed or set aside by the Council for that purpose.

Clause 5: Contains a number of activities which are prohibited on local government land:

**Birds**

Prohibits feeding any bird.

**Climbing**

Prohibits the climbing on or over any fixture, fitting, plant, object or building other than in a playground or other similar area that the Council has indicated by signage set aside for that purpose.

**Damaging or Defacing Property**

Prohibits damaging or defacing property by attaching to any object, including an animal on a leash or a bike to any tree, gate, fence or other fixture other than a designated bicycle rack.

**Fishing**

Prohibits the fishing in any waters to which the Council has resolved this subparagraph shall apply including from any bridge or other structure.

**Interference with Permitted Use**

Prohibits the interruption of another person's lawful use of local government land for which permission has been granted.

**Playing Games**

Prohibits the playing of a game which is likely to cause damage or endanger the safety or comfort of any person or where a sign indicates that the game is prohibited.

**Public Conveniences**

Prohibits the smoking of tobacco or other substance, depositing anything in a pan, urinal or drain or using it for a purpose for which it was not designed or constructed.

Prohibits entering public conveniences unless that person is of a gender indicated in writing or on a sign located at the public convenience. This subclause does not apply to:

- genuine emergencies;
- vulnerable person or their caregiver;
- to a person that is intersex, transgender or gender diverse;
- people with a disability or their caregiver.

**Repairs to Vehicles**

Prohibits the performance of work on vehicles with the exception of running repairs in the case of a breakdown.

**Smoking**

Prohibits the smoking in any building, or on any local government land to which the Council has resolved.

**Solicitation**

Prohibits the touting or soliciting of customers for the parking of vehicles or for any other commercial purpose whatsoever.

### **Use of Council Rubbish Bins**

Prevents a person from depositing any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.

### **Use of Equipment**

Prohibits the use of any equipment or property belonging to the Council other than in manner and for the purpose for which it was designed.

### **Waste**

Prohibits the depositing in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

### **Waters**

Prohibits the washing of clothes in, and/or add any substance to any waters.

### **Wheeled Recreational Devices**

Prohibits the use of a wheeled recreational device on any part of local government land to which the subparagraph applies.

Clause 6: Prohibits a person to do any of the following without permission in the Adelaide Central Market:

- bring into or allow any animal to remain except for assistance dogs;
- drive or use a forklift, failing to carry proof of qualification or failing to equip a forklift with amber flashing warning devices and an audible reversing warning device.

Clause 7: Prohibits a person from doing any of the following on a horse riding track:

- ride or gallop a horse;
- train a racehorse, trotting horse or quarter horse; or
- ride or drive a horse which is attached to a cart or vehicle.

Clause 8: Prohibits a person from doing any of the following on the National Soldiers Memorial including surrounding forecourts and gardens:

- affix any object or erect any fixture;
- sit or lie on any part of the building;
- lie or stand on any seat; or
- drive any vehicle, bicycle, small wheeled recreational vehicle including roller blades.

Clause 9: Requires a person to comply with any reasonable direction or request from an authorised person relating to the person's use, conduct, behaviour or safety on the land, or the safety and enjoyment of the land by other persons.

Clause 10: Provides that any animal found on local government land must be removed by a person in charge of the animal at the reasonable request of an authorised person, or an authorised person may remove the animal if the person fails to comply or no person is in charge of the animal. Provides an authorised person may direct any person who is committing, or has committed, a breach of the by-law to leave local government land.

Clause 11: If an object is obstructing local government land, then Council may remove the object with the exception of objects that have been placed with the permission of the Council or some other lawful authority.

Clause 12: Exempts Police officers, Council officers and employees or contractors performing works for the Council under the supervision of a Council officer and emergency workers performing emergency duties.

Clause 13: Enables the Council to specify by way of resolution the areas where certain parts of the by-law shall apply.

Clause 14: Revokes Council's previous *Local Government Land By-law* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received three comments, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Fantastic to see gender inclusivity introduced into this by-law.	Respondent 1	Comments noted – no amendment.
2.	Single sex bathrooms only. Invalid bathrooms should be the only bathrooms persons of either sex can use.	Respondent 10	Comments noted – no amendment.
3.	Disagrees with gender neutral language contained within public conveniences allowing intersex persons into either facility.	Respondent 13	Comments noted – no amendment.

This by-law has not been submitted to any other person for comment.

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Michael Sedgman  
Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**  
**ROADS BY-LAW 2024**  
**REASONS, OBJECTIVES AND IMPLEMENTATION**  
**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS**

This by-law is being made as part of the overall review of the Council's by-laws.

**OBJECTIVES**

To provide for the management of public roads in the Council's area.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Roads By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'authorised person', 'electoral matter', 'emergency vehicle', 'livestock', 'model aircraft', 'road', 'vehicle' and 'wheeled recreational device'.
- Clause 4: Contains a number of activities which are prohibited on a road in the absence of permission of the Council:

**Advertising**

Prevents displaying any sign other than a moveable sign which is displayed on a road in accordance with the Council's *Moveable Signs By-law 2024* and prevents the placement of goods, or the parking or standing of a vehicle on the road, for the purposes of soliciting business or offering or exposing goods for sale, except where a person is simply travelling along a road.

**Amplification**

Prevents the use of an amplifier or other device on a road, whether mechanical or electrical, for the purpose of amplifying sound.

**Bicycles**

Prevents a person from chaining, locking or affixing a bicycle to any pole, fence or other structure on a road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose.

**Bridge Jumping**

Prevents a person from jumping or diving from any bridge or other structure.

**Distribute**

Prevents a person from distributing any hand bill, book, notice, leaflet or other printed matter to any passer-by except when the material relates to a Commonwealth or State election or local government election or referendum on condition.

**Donations**

Prevents a person from asking for, receiving or indicating that he or she desires a donation of money or any other thing or otherwise solicit for religious or charitable purposes.

**Fires and Fireworks**

Prevents the lighting of any fire except in a place provided for that purpose or use fireworks.

**Hatches**

Prevents the leaving of any hatch connected with adjacent premises unattended when open.

**Livestock**

Prevents leading any livestock except set aside by resolution for that purpose.

**Model Aircraft and Cars**

Prevents flying model aircraft, etc in areas the Council has resolve the subparagraph applies.

**Preaching and Canvassing**

Prevents a person from preaching, canvassing, haranguing or otherwise soliciting for religious purposes except on any road that the Council has determined to be exempt.

**Public Exhibitions and Displays**

Prevents a person from singing, busking or playing a musical instrument, or conducting or holding any concert, festival, show, circus, performance or other similar activity, or causing any public exhibitions or displays.

**Repairs to Vehicles**

Prevents the performance of work on any vehicle with the exception of running repairs in the case of a break down.

**Rubbish**

Prevents the removal or interference with rubbish that has been discarded in Council bins.

**Tents and Camping**

Prevents a person from camping or remaining overnight in the open, a building, a vehicle or otherwise or the erection of tents or other structures.

**Touting for Business**

Prevents a person from touting for business.

**Use of Council Rubbish Bins**

Prevents a person from depositing any commercial waste in Council rubbish bins.

**Venue Management**

Prevents a person allowing patrons to queue outside a venue.

**Wheeled Recreational Devices**

Prevents the use of wheeled recreation devices on a footpath.

Clause 5: Contains a number of activities which are prohibited on a road:

**Birds**

Prohibits feeding birds.

**Climbing**

Prohibits climbing on any fixture, fitting, plant, object or building.

**Damaging or Defacing Property**

Prohibits the attachment of any object to a tree, gate, fence or other fixture.

**Glass**

Prohibits wilfully breaking glass and other brittle material.

**Interference with Permitted Use**

Prohibits the interruption or interference with another person's use of a road which is permitted or for which permission has been granted.

**Public Conveniences**

Prohibits the smoking of tobacco or other substance, depositing anything in a pan, urinal or drain or using it for a purpose for which it was not designed or constructed.

Prohibits entering public conveniences unless that person is of a gender indicated in writing or on a sign located at the public convenience. This subclause does not apply to:

- genuine emergencies;
- vulnerable person or their caregiver;
- to a person that is intersex, transgender or gender diverse;
- people with a disability or their caregiver.

Clause 6: Requires a person to comply with any reasonable direction from an authorised person relating to the person's use, conduct, behaviour or safety on the road, or the safety and enjoyment of the road by other persons.

Clause 7: Requires a person to comply with any request from an authorised person to remove an animal found on a road in breach of the by-law. Empowers an authorised person to remove an animal if the person fails to comply with the request or if there is no one in charge of the animal.

Requires a person who is committing a breach of the by-law must comply with a direction of an authorised person to leave that part of the road and an authorised person may remove without force a person who is found in breach of the by-law.

Clause 8: If any goods, materials, object or substance has been left on a road in breach of this by-law an authorised person or their agent may remove the item and dispose of it in a manner that authorised person thinks fit and may recover the costs of so doing from the person responsible as a debt.

Clause 9: Exempts Police officers, Council officers and employees or contractors performing works for the Council under the supervision of a Council officer and emergency workers performing emergency duties.

Clause 10: Enables the Council to specify by way of resolution the areas where a certain part of the by-law shall apply.

Clause 11: Revokes Council's previous *Roads By-law* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

## **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received one comment, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Recommendation to remove provision 4.5 'Distribute' and its subsections from draft By-law No 4, citing concerns over limiting the distribution of printed materials and free speech.	Respondent 3	Comment noted. No action required.

.....  
 Michael Sedgman  
 Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**  
**WASTE MANAGEMENT BY-LAW 2024**  
**REPORT TO LEGISLATIVE REVIEW COMMITTEE**  
**REASONS, OBJECTIVES AND IMPLEMENTATION**

**REASONS**

This by-law is being made as part of the overall review of the Council's by-laws.

**OBJECTIVES**

To regulate and control the removal of general (landfill) waste, co-mingled recycling and green organic recycling from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council. It is desirable and useful to have this by-law.

**CLAUSES**

Clause 1: Creates the short title for the by-law namely *Waste Management By-law 2024*.

Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.

Clause 3: Defines certain terms for the purposes of the by-law, namely 'commercial and industrial waste (general)', 'commercial cardboard', 'bin', 'domestic waste', 'domestic waste bin', 'footpath area', 'green organics', 'green organics bin', 'hard waste', 'hazardous waste', 'listed waste', 'private thoroughfare', 'radioactive waste', 'recyclables', 'recyclables bin' and 'road'.

Clause 4: Provides that every occupier must keep bins on their premises except when facilitating kerbside collection services.

Provides that bins must be kept clean, closed and labelled with the address of the premises or business name to which they relate (whilst on the road).

Clause 5: Places obligations on the occupier of premises to ensure that the specific waste container only contains that type of waste.

Places obligations on the occupier in relation to the state and condition of the container.

Provides for the provision of a kerbside collection service and places certain obligations on the occupier of premises including the time of placing and location of placing the containers for collection and their subsequent removal after collection.

Provides for the collection of commercial cardboard on particular conditions.

Clause 6: Provides that a person must not remove, disburse or interfere with any waste that has been placed on a footpath area or a road.

Clause 7: Provides that the owner or occupier of a private thoroughfare shall keep the thoroughfare clean and free of refuse, rubbish and waste material.

Clause 8: Revokes Council's previous *Waste Management By-law* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the council to control those activities.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received four comments, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Support for current changes with a request for mandatory waste services (organic, recycle, and landfill) for offices, based on square footage and tenant number, to enhance.	Respondent 4	Comment noted. No action required.
2.	Support for single-sex bathrooms; invalid bathrooms for either sex.	Respondent 10	Comment noted. No action required.
3.	Enforcement of rules needed, including timely fines for commercial bin removal.	Respondent 11	Comment noted. No action required.
4.	Ensure correct bins are provided for intended used.	Respondent 12	Comment noted. No action required.

This by-law has not been submitted to any other person for comment.

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 Michael Sedgman  
 Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**

**RUNDLE MALL BY-LAW 2024**

**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS, OBJECTIVES AND IMPLEMENTATION**

**REASONS**

This by-law is being made as part of a review of the Council's by-laws and to ensure the proper management of Rundle Mall for the community.

**OBJECTIVES**

To provide for the management of, access to and use of Rundle Mall. The by-law replaces the Council's current model by-law for the management of pedestrian malls and supplements the provisions of Council's roads by-law in Rundle Mall.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely Rundle Mall By-law 2024.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'authorised person', 'building', 'e-cigarette', 'emergency worker', 'model aircraft', 'permission', 'smoke', 'tobacco product' and 'wheeled recreational device'.
- Clause 4: Contains a number of activities which are prohibited in Rundle Mall in the absence of permission of the Council.

**Amplification**

Prevents a person from using an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound.

**Athletic and Ball Sports and Games**

Prevents a person from promoting, organising or taking part in any athletic sport, ball sport or game, or playing or practising any game which is likely to cause damage to Rundle Mall or any fixtures or fittings.

**Burials and Memorials**

Prevents a person from spreading the ashes of any human or animal remains or erecting any memorial in Rundle Mall.

### **Erection of Structures**

Prevents a person from:

- erecting a fence or hoarding; or
- erecting, placing, using or allowing to remain a ladder or trestle or any other equipment or material likely to cause an obstruction or danger to any person in Rundle Mall; or
- parking, placing, using or allowing to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker.

### **Fireworks**

Prevents a person from using, discharging or exploding any fireworks.

### **Model Aircraft and Cars**

Prevents a person from flying or operating a model aircraft or model/remote control car.

### **Organised Ceremonies and Events Etc**

Prevents a person from holding, conducting or participating in a funeral, marriage ceremony, picnic or other event or entertainment.

### **Overhanging Articles**

Prevents a person from suspending or hanging any article or thing from any building, verandah, pergola, post or other structure.

### **Rubbish & Rubbish Dumps**

Prevents a person from removing, dispersing or otherwise interfering with any rubbish that has been discarded in a Council bin in Rundle Mall.

### **Touting for Business**

Prevents a person from touting for business.

Clause 5: Contains a number of activities which are prohibited in Rundle Mall:

#### **Birds**

Prohibits a person from feeding any bird.

#### **Climbing**

Prohibits a person from climbing on or over any fixture, fitting, plant, object or building.

#### **Damaging or Defacing Property**

Prohibits a person from:

- defacing, damaging, painting, writing, etc on any tree, rock, gate, building or other property of the Council; or
- attaching any object to any tree, gate, fence or other fixture other than a designated bicycle rack.

### **Glass**

Prohibits a person from willfully breaking any glass, china or other brittle material.

### **Interference with Permitted Use**

Prohibits a person from interrupting, disrupting or interfering with any other person's use of Rundle Mall which is permitted, or for which permission has been granted.

### **Missiles**

Prohibits a person from throwing, rolling or discharging any stone, substance or missile to the danger of any person, property or animal.

### **Public Conveniences**

Prohibits a person a person in any public convenience in Rundle Mall or the vicinity of Rundle Mall from:

- urinating other than in a urinal pan or defecating other than in a pan set apart for that purpose;
- depositing anything in a pan, urinal or drain which is likely to cause a blockage;
- using it for a purpose which it was not designed or constructed;
- entering any toilet that is set aside for the use of the opposite gender except when a child under the age of eight years is accompanied by an adult, or to provide assistance to a disabled person, or in the case of a genuine emergency;
- enter any public convenience unless the person of the gender indicated in writing or on a sign located on the public convenience with the exception of the following:
  - in a genuine emergency;
  - a vulnerable person or their caregiver;
  - a person that is intersex, transgender or gender diverse;
  - a person with a disability or their caregiver.

### **Smoking**

Prohibits a person from smoking tobacco, an e-cigarette or any other substance in certain areas.

### **Wheeled Recreational Devices**

Prohibits a person from using a wheeled recreation device in Rundle Mall.

- Clause 6: Permits the Council to remove any object that is obstructing any part of Rundle Mall provided it is not an object that has been placed in Rundle Mall with the permission of the Council or by some other lawful authority.
- Clause 7: Provides that for the purposes of this by-law, permission is granted under this clause and not the Council's *Permits and Penalties By-law 2024*. Provides that permission must be sought by written application to the Council in the designated form (if any) and accompanied by the fee (if any) prescribed by the Council. Permits the Council, or such other person as the Council may by resolution authorise, to attach such conditions to the grant of permission as it thinks fit, and to vary or revoke such conditions or impose new conditions by notice in writing to the permit holder. Requires any permit holder to comply with every condition imposed by Council or other authorised person and permits Council to suspend or revoke such grant or permission at any time by notice in writing to the permit holder.

Provides that permission granted pursuant to Council's *Permits and Penalties By-law 2024* shall not apply for the purposes of the permission granted pursuant to this paragraph 7.

- Clause 8: Provides that any person who breaches this by-law is guilty of an offence and is liable to the maximum penalty referred to in the *City of Adelaide Act 1998*. Also provides that any person who commits a breach of this by-law on a continuing nature shall be guilty of an offence, and in addition to any other penalty, shall be liable to a further penalty for every day on which the offence is continued.

Where a penalty is imposed for an offence against this by-law, the Council's *Permits and Penalties By-law 2024* shall not apply for the purpose of that penalty.

- Clause 9: Provides that subparagraph 5.8 (smoking) shall only apply in such portion or portion of the area as the Council by resolution directs.
- Clause 10: Exempts police officers, Council officers and employees acting in the course and within the scope of their duties, contractors while performing work for the Council and while acting under supervision of the Council officer, and emergency workers when driving an emergency vehicle in an emergency situation from application of the by-law.
- Clause 11: Revokes the model by-law for the management of pedestrian malls published in the gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices or by  
LRC Report By-law No 6 – Rundle Mall

prosecution if necessary.

## **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

## **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received twelve comments, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Opposition to the term 'interfere with' in 4.9, arguing it targets tidy individuals collecting refundable containers for financial support without causing harm.	Respondent 5	Comment noted. No action required.
2.	Concern about limited bird feeding options due to reduced vegetation in urban areas, highlighting the joy people find in feeding birds.	Respondent 6	Comment noted. No action required.
3.	Concern that new clause 5.7 may prohibit parents from taking young children of the opposite gender into public conveniences, suggesting children be identified as 'vulnerable persons' for.	Respondent 7	Comment noted. No action required.
4.	Replace 'is' with 'identifies as' in proposed clause 5.7.5.3 for clarity.	Respondent 7	Comment noted. No Action required.
5.	Appreciation for updates but concern over policing access to toilets.	Respondent 8	Comment noted. No Action required.
6.	Concerns about safety and policing in toilets, suggesting ungendered toilets for inclusivity.	Respondent 8	Comment noted. No Action required.
7.	Ensure protesting remains allowed for democratic free speech.	Respondent 8	Comment noted. No Action required.
8.	Confirm ball sports ban doesn't affect scouts' orienteering or kids' activities.	Respondent 8	Comment noted. No Action required.
9.	Reword by-law 5.7.5.3 to avoid distress to gender-diverse individuals, focusing on respectful behaviour.	Respondent 9	Comment noted. No Action required.
10	Support for single-sex bathrooms;	Respondent 10	Comment noted. No Action

Item	Submission / Comment	Name of person (de-identified), or entity, that raised the concern	Action taken by the Council in response to the concern
	invalid bathrooms for either sex.		required.
11.	Maintain prohibition of firearms for public safety.	Respondent 10	Comment noted. No Action required.
12.	Support for advertising to attract people back to the city.	Respondent 12	Comment noted. No Action required.

This by-law has not been submitted to any other person for comment.

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Michael Sedgman  
Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**

**DOGS BY-LAW 2024**

**REASONS, OBJECTIVES AND IMPLEMENTATION**

**REPORT TO THE LEGISLATIVE REVIEW COMMITTEE**

**REASONS**

This by-law has been prepared as part of the overall review of the Council's by-laws. The by-law replaces the Council's current by-law relating to dogs, taking into account the Council's current needs.

**OBJECTIVES**

To assist the Council in controlling and managing dogs within the Council's area and to limit the number of dogs that may be kept on premises. This by-law revokes Council's current dogs by-law.

**REFERRALS**

This by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995* and no recommendations were received.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely Dogs By-law 2024.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'approved kennel establishment', 'assistance dog', 'control', 'dangerous dog', 'dog', 'effective control', 'local government land', 'park', 'play space', 'premises', 'prescribed breed', 'public place' and 'small dwelling'.
- Clause 4: Limits the number of dogs that may be kept without the Council's permission in a Small Dwelling and other Premises.
- Clause 5: Exempts certain premises from compliance with Clause 4.
- Clause 6: Prohibits a person from allowing a dog to be or remain on any local government land identified by the Council as a dog free area other than an Assistance Dog.
- Clause 7: Prohibits a person from allowing any dog to be or remain on any local government land identified by the Council as a dog on leash area unless the dog is restrained by a lead not exceeding two metres in length and securely tethered to a fixed object or held by a person capable of controlling the dog.
- Clause 8: Prohibits a person from, subject to clauses 6, 7 and 8.4 of the by-law, entering any part of local government land to exercise a dog unless that dog remains

under effective control and prohibits the entry of dangerous dogs and dogs of a prescribed breed into dog exercise areas.

Clause 9: Enables the Council to identify where clause 8.2.2 of the by-law applies and directs that clauses 6 and 7.2.1 of the by-law shall apply in such portions of the Council's area as the Council may by resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*. Compels the Council to provide information regarding these restrictions.

Clause 10: Revokes Council's previous By-law No. 7 – Dogs published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received no comments.

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board made no recommendations in relation to the by-law.

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Michael Sedgman  
Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**

**CATS BY-LAW 2024**

**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS, OBJECTIVES AND IMPLEMENTATION**

**REASONS**

This by-law is being made as part of the overall review of the Council's by-laws and the upcoming expiry of those by-laws.

**OBJECTIVES**

To assist the Council in controlling and managing cats within the Council's area.

**REFERRAL**

This by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995* and no recommendations were received.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Cats By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'approved kennel establishment', 'cat', 'keep' and 'premises'.
- Clause 4: Limits the number of cats over the age of three months that a person may keep on any premises without the Council's permission. Provides that this limit does not apply to certain premises, including a cattery, pet shops and veterinary practices, or where an authorised person of the Council is satisfied no nuisance or insanitary condition is being caused by cats kept on the premises and all cats over the age of three months are desexed.
- Clause 5: The Council may serve notices on an occupier of a premises or the owner of a cat requiring specific action to be taken to ensure compliance with this by-law. The person must comply with the requirements of the notice and if they fail to do so, the Council may carry out the requirements of the notice and recover its costs from that person.
- Clause 6: Revokes Council's previous *Cats By-law* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received one comment, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Unsupportive of by-law generally.	Respondent 6	Comment noted. No action required.

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board made no recommendations in relation to the by-law.

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Michael Sedgman  
Chief Executive Officer

**CORPORATION OF THE CITY OF ADELAIDE**

**LODGING HOUSES BY-LAW 2024**

**REPORT TO LEGISLATIVE REVIEW COMMITTEE**

**REASONS, OBJECTIVES AND IMPLEMENTATION**

**REASONS**

This by-law has been prepared as part of the overall review of the Council's by-laws. This by-law replaces the Council's current by-law relating to Lodging Houses, taking into account the Council's current needs.

**OBJECTIVES**

To provide for the control, licensing, inspection and regulation of Lodging Houses in the Council's area. This by-law revokes the Council's current Lodging Houses by-law.

**CLAUSES**

- Clause 1: Creates the short title for the by-law namely *Lodging Houses By-law 2024*.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'authorised person', 'building', 'licence', 'lodging house', 'long term accommodation', 'short term accommodation', 'proprietor' and 'unit'.
- Clause 4: Provides that a person must not let any building or lodgings without a Licence. Provides that a Licence may be issued at the discretion of the Council or another person authorised by the Council and entitles the holder to conduct the business of a Lodging House.
- Clause 5: Sets out the requirements for Licence applications.
- Clause 6: Provides a person licensed under this by-law must pay to the Council an annual Licence fee fixed by the Council payable upon the granting of an application for a Licence or renewal of an existing Licence.
- Clause 7: Provides that the Council may place a number of Licence conditions on the Licence and for the revocation and suspension of Licences.
- Clause 8: Provides that a person must not, without permission of the Council or an Authorised Person, add to or alter any Lodging House or use any part of Lodging House other than as specified by the Council.
- Clause 9: Provides that an Authorised Person may at any reasonable time enter and inspect a Lodging House. Provides that the Proprietor of a Lodging House must not hinder or obstruct any Authorised Person and provides every Lodger must

give access to his or her room to any Authorised Person for the purposes of the inspection.

Clause 9: Revokes Council's previous *By-law No. 9 – Lodging Houses* published in the Gazette on 23 August 2018.

### **IMPLEMENTATION**

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

### **NATIONAL COMPETITION POLICY**

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

### **SUBMISSIONS**

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received one comment, summarised below.

<b>Item</b>	<b>Submission / Comment</b>	<b>Name of person (de-identified), or entity, that raised the concern</b>	<b>Action taken by the Council in response to the concern</b>
1.	Support for single-sex bathrooms; invalid bathrooms for either sex.	Respondent 10	Comment noted. No action required.

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Michael Sedgman  
Chief Executive Officer