



~~CITY OF CHARLES STURT~~



~~By-law made under the Local Government Act 1999~~

## **PERMITS AND PENALTIES BY-LAW ~~2014~~2021**

### **By-law No. 1 of ~~2014~~2021**

~~To provide for a permit system, to fix maximum set penalties for offences against Council breaches of by-laws, to provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of such Council's by-laws and to revoke by-laws for related purposes.~~

#### **Part 1 – Preliminary**

##### **1. Short Title**

This by-law may be cited as the *Permits and Penalties By-law ~~2014~~2021*.

##### **2. Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### ~~3.1. Revocation~~

~~All by-laws previously made or adopted by the council, prior to the date this by-law is made, are hereby revoked from the day on which this by-law comes into operation.~~

##### ~~4.3. Definitions~~

~~3.1~~ In any by-law of the Council, unless the contrary intention is clearly indicated:

~~4.4.3.1.1~~ ~~'authorised person'~~**person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;

~~3.1.2~~ ~~'person'~~**Council** means the City of Charles Sturt;

~~3.1.3~~ **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;

3.1.4 driver of a vehicle means the person driving the vehicle;

3.1.5 motor vehicle has the same meaning as in the Road Traffic Act 1961;

4.23.1.6 person includes a natural person or, a body corporate or incorporated association;

4.3 'Council' means the City of Charles Sturt.

3.1.7 road has the same meaning as in the Local Government Act 1999;

3.1.8 vehicle has the same meaning as in the Road Traffic Act 1961 and the Australian Road Rules and includes a motor vehicle.

3.2 In this by-law:

3.2.1 owner has the same meaning as in the Road Traffic Act 1961;

3.2.2 prescribed offence means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

#### 5.4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

## Part 2 — Permits

### 6.5. Council may grant permits May Grant Permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

6.45.1 The permit must be in writing:-

6.2 The Council may:

5.2 a person may apply for permission by:

5.2.1 making a written application for permission to the Council or its duly authorised agent;

5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;

5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind;

5.3 the Council may:

5.3.1 provide that the permit applies for a particular term;

~~6.2.15.3.2~~ attach conditions to the permit the Council considers appropriate;

~~6.2.25.3.3~~ change or revoke a condition, by notice in writing; or

~~6.2.35.3.4~~ add new conditions, by notice in writing;

~~6.35.4~~ A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;

~~6.45.5~~ The Council may revoke a permit, by notice in writing, if:

~~6.4.15.5.1~~ the holder of the permit fails to comply with a condition attached to it;  
or

~~6.4.25.5.2~~ the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;

~~6.55.6~~ The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;

5.7 a person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:

5.7.1 the person pays the permit fee (if any) by (as the case may be):

5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;

5.7.1.2 credit or debit card; or

5.7.1.3 such other method of payment that may be approved by the Council by resolution;

5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

## Part 3 – Enforcement

### 7.6. Penalties

~~7.16.1~~ A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.

~~7.26.2~~ A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences of a continuing nature against a by-law.

## 7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an 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 applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or
- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
- 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 7.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.

7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

7.8 If:

7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or

7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

## 8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

8.1 a specified place was a road or local government land; or

8.2 a specified vehicle was driven, parked or left standing in a specified place; or

8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or

8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or

8.5 a specified person was an authorised person; or

8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or

8.7 a specified person was the owner or driver of a specified vehicle; or

8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or

8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

## Part 4 – Miscellaneous

### 9. Revocation

Council's *Permits and Penalties By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of ~~Charles Sturt~~ held on the ~~11<sup>th</sup> day of August 2014~~ \_\_\_\_\_ day of ~~20~~ \_\_\_\_\_ 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 ~~Mark Withers~~Paul Sutton  
Chief Executive Officer

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## CITY OF CHARLES STURT

*By-law made under the Local Government Act 1999*

### MOVEABLE SIGNS BY-LAW 20142021

#### By-law No. 2 of 20142021

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

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Moveable Signs By-law 20142021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law, unless the contrary intention is clearly indicated:

- 3.1 ~~approved construction~~ **construction** means a moveable sign which:
- 3.1.1 is not more than 1 metre high, 700 mm in length and 700 mm in width; and
  - 3.1.2 when placed on a footpath in a display position is not more than ~~600~~700 mm in length; and
  - 3.1.3 is constructed so as not to be (or ~~be~~ likely to be) a hazard to a member of the public using the footpath upon which the moveable sign has been placed; and
  - 3.1.4 is constructed so as to be (~~and to be~~ likely to be) stable when displayed upon a footpath including being stable during adverse weather conditions; and
  - 3.1.5 does not rotate, contain flashing lights or is illuminated internally or externally; and
  - 3.1.6 does not have balloons, flags, streamers or other things attached to it;

- 3.2 ~~'banner'~~**banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.3 ~~'business premises'~~**premises** means the premises from which a business, trade or calling is conducted that is open to the public;
- 3.4 ~~'footpath'~~**footpath** means:
- 3.4.1 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 3.4.2 that part of a road between the edge of the carriageway and the boundary between the road and the adjoining land on the same side of the carriageway as that edge;
- 3.5 ~~'moveable sign'~~**sign** has the same meaning as in the *Local Government Act 1999*;
- 3.6 ~~'road'~~**road** has the same meaning as in the *Local Government Act 1999*;
- 3.7 ~~'road related area'~~**area** has the same meaning as in the *Road Traffic Act 1961*.

## Part 2 – Provisions Applicable to Moveable Signs

### 4. Design and Construction

A moveable sign displayed on a road must: be of an approved construction.

- 4.1 ~~— be constructed so as not to present a hazard to any member of the public;~~
- 4.2 ~~— be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;~~
- 4.3 ~~— not be unsightly or offensive in appearance;~~
- 4.4 ~~— not contain flashing or moving parts;~~
- 4.5 ~~— be not more than one metre high, 700mm in width or 700mm in depth.~~

### 5. Placement

A moveable sign displayed on a public road must not:

- 5.1 be placed anywhere except on the footpath; ~~and~~
- 5.2 be placed on a footpath that is less than 2.5 metres wide; ~~and~~
- 5.3 be placed on the sealed part of a footpath unless the sealed part is wide enough to contain the moveable sign and still leave a clear thoroughfare of at least 1.2 metres wide; ~~and~~
- 5.4 be placed on a landscaped area ~~(other than when landscaping comprises only lawn); and;~~



5.5 be placed on a designated parking area or within one metre of an entrance to or exit from premises; ~~and~~

~~5.6 — be fixed, tied or chained to, leaned against any bus shelter; and~~

~~5.75.6~~ be placed within 10 metres of the far curb of an intersection; ~~and~~

~~5.85.7~~ be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign); ~~and~~

~~5.95.8~~ be displayed to advertise a business while the business is providing outdoor dining facilities on a public road; ~~and~~

~~5.105.9~~ unreasonably restrict the use of the footpath or road or endanger the safety of members of the public.

## 6. Restrictions

A moveable sign displayed on a public road is subject to the following restrictions:

6.1 the moveable sign must only contain material which advertises a business being conducted on premises immediately adjacent to the sign;

6.2 only one moveable sign is to be displayed in relation to a business premises;

6.3 the moveable sign must not be displayed unless the business to which it relates is open to the public and the public are able to attend the premises at the time the sign is displayed;

6.4 the moveable sign must be clearly visible if displayed during the hours of darkness;

6.5 the moveable sign must be of an approved construction.

## 7. Banners

A banner must:

7.1 only be displayed on a road, footpath or road related area;

7.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;

7.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;

7.4 if it relates to an event, not be displayed more than one month before and two days after the event it advertises;

7.5 not be displayed for a continuous period of more than one month and two days in any ~~twelve~~12 month period;

7.6 not exceed ~~3 m~~3m<sup>2</sup> in size.

### Part 3 – Enforcement

#### 8. Removal of Unauthorised Moveable Signs

- 8.1 If a moveable sign has been placed on any public road or footpath in contravention of this by-law or of Section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath.
- 8.2 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove the sign.
- 8.3 If a moveable sign is removed under subparagraph 8.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 8.4 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 8.2 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

#### 9. Removal of Authorised Moveable Signs

- 9.1 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the moveable sign, at the request of an authorised officer if, in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.
- 9.2 A moveable sign must be removed or relocated by the person who placed the movable sign on a road or public place or the owner of the sign, at the request of an authorised person, if so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

### Part 4 – Miscellaneous

#### 10. Specified Exemptions

This by-law does not apply to a moveable sign which:

- 10.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
- 10.2 directs people to [thea current](#) open inspection of any land or building that is available for purchase or lease;
- 10.3 directs people to a [current](#) garage sale that is being held on residential premises provided the sign does not restrict the use of the road or endanger the safety of members of the public;

~~10.4~~ — directs people to a charitable function;

~~10.5~~~~10.4~~ is a flat sign containing only the banner or headlines of a newspaper or magazine provided:

~~10.5.1~~~~10.4.1~~ the sign does not restrict the use of the road or endanger members of the public; and

~~10.5.2~~~~10.4.2~~ only three such signs are displayed in relation to a business premises;

~~10.6~~~~10.5~~ is related to a ~~State or~~ Commonwealth election ~~and is displayed that occurs~~ during the period commencing ~~at 5:00pm~~ on the ~~day before the~~ issue of ~~the~~ writ or writs for the election and ending at the close of polls on polling day;

~~10.6~~ is related to a State election and is otherwise authorised to be exhibited under the Section 246 of *Local Government Act 1999* or the *Electoral Act 1985*;

10.7 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is ~~displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day; otherwise~~ authorised to be exhibited under Section 246 of *Local Government Act 1999*;

10.8 related to a referendum and is displayed during the course and for the purpose of that referendum;

10.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or

10.10 is a sign of a class prescribed in ~~the~~ regulations.

## 11. Revocation

Council's *Moveable Signs By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of ~~Charles Sturt~~ held on the ~~14<sup>th</sup> day of August 2014~~ \_\_\_\_\_ day of ~~20~~ \_\_\_\_\_ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Mr ~~Mark Withers~~Paul Sutton  
Chief Executive Officer

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## CITY OF CHARLES STURT

*By-law made under the Local Government Act 1999*

### LOCAL GOVERNMENT LAND BY-LAW ~~2014~~2021

#### By-law No. 3 of ~~2014~~2021

*For the management and regulation of the use of and access to local government land vested in or under the control of the Council and public places (other than roads), including the prohibition and regulation of particular activities on local government land and in public places.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Local Government Land By-law ~~2014~~2021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law:

3.1 ~~'animal'~~animal includes birds, insects and marine creatures;

3.2 ~~'camp'~~camp includes setting up a camp, or ~~cause~~causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;

3.3 e-cigarette means:

3.3.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or

3.3.2 a device of a kind resolved by the Council and notified by notice in the Gazette to be an e-cigarette;

~~3.3.4~~ electoral matter'matter has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

~~3.5~~ ~~'emergency vehicle'~~**vehicle** means a vehicle driven by a person who is an emergency worker;

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~~3.43.6~~ **emergency worker** has the same meaning as in Regulation 54 of the Australian Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;

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~~3.53.7~~ ~~'liquor'~~**liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;

~~3.63.8~~ **local government land**~~'land'~~**land** means land owned by the Council or under the Council's care, control and management (except roads);

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~~3.9~~ ~~'model aircraft'~~**includes a drone**;

~~3.73.10~~ ~~'motor vehicle'~~**vehicle** has the same meaning as in the *Road Traffic Act 1961*;

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~~3.83.11~~ ~~'on water activity'~~**activity** includes fishing (whether from a boat or other vessel, structure or land), swimming, bathing, diving, rowing or boating;

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~~3.93.12~~ ~~'open container'~~**container** means a container which:

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~~3.9.13.12.1~~ after the contents thereof have been sealed at the time of manufacture; and

~~3.9.1.43.12.1.1~~ being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);

~~3.9.1.23.12.1.2~~ being a can, it has been opened or punctured;

~~3.9.1.33.12.1.3~~ being a cask, has had its tap placed in a position to allow it to be used;

~~3.9.1.43.12.1.4~~ being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or

~~3.9.23.12.2~~ is a flask, glass or mug or other container used for drinking purposes;

~~3.13~~ ~~'personal watercraft'~~ has the same meaning as in the *Harbors and Navigation Act 1993*;

~~3.103.14~~ **public place**~~'place'~~**place** means a place (including a place on private land) to which the public has access (except a road) but does not include any part of a community parcel divided by a plan of community division under the *Community Titles Act 1996*;

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~~3.15~~ **smoke** means:

~~3.15.1~~ in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or

3.15.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use.

## **Part 2 – Management of Local Government Land and Public Places**

### **4. Activities Requiring Permission**

A person must not, without permission, on any local government land:

#### **4.1 Advertising**

display any sign for the purpose of advertising;

#### **4.2 Amplification**

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;

#### **4.3 Animals**

4.3.1 enter in company with any animal that the Council has resolved is prohibited from local government land, except land to which the Council has resolved that such an animal is permitted, and has indicated the same through the erection of a sign or signs;

4.3.2 exercise any animal in such a manner as to endanger the safety of any other person;

#### **4.4 Animals on Foreshore**

4.4.1 allow or suffer any animal under his or her control to swim or bathe in the sea or any other open public water to the inconvenience, annoyance, or danger of any other person bathing or swimming;

4.4.2 exercise any horse on the foreshore in such manner as to endanger the safety of any other person;

#### **4.5 Animals in Lakes and Ponds**

comprising a pond or lake, to which this subparagraph applies, allow or suffer any animal to enter or remain therein;

#### **4.6 Athletic and Ball Sports**

4.6.1 promote, organise or take part in any organised athletic sport;

4.6.2 to which this subparagraph applies, play or practice the game of golf;

#### **4.7 Attachments**

attach, hang or fix any item to any tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council;

#### 4.8 **Boat Ramps**

launch or retrieve a boat or other vessel to or from any pond or lake to which this subparagraph applies;

#### 4.9 **Bridge Jumping**

jump or dive from any bridge;

#### 4.10 **Buoys**

~~comprising a pond or lake,~~ place a buoy, cable, chain, hawser, rope or net in, on or across ~~any~~the pond or lake;

#### 4.11 **Busking**

sing, busk or play a musical instrument for the purpose of or so as to appear to be for the purpose of entertaining others or receiving money;

#### 4.12 **Camping**

~~4.12.1~~ camp;

~~4.12.2~~ erect any tent or other structure of calico, canvas, plastic or similar material;

~~4.12.3~~ camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the land in such a vehicle is permitted;

#### 4.13 **Canvassing**

convey any advertising, religious or other message to any bystander, passerby or other person;

#### 4.14 **Cemeteries**

comprising a cemetery:

4.14.1 bury or inter any human or animal remains;

4.14.2 erect any memorial;

~~4.14.31.1.1~~ drive or propel any motor vehicle, except on paths or roads constructed and set aside by the Council for that purpose;

#### 4.15 **Closed Lakes**

comprising a lake or pond, enter, remain in or on, or engage in any on water activity on any part of the lake or pond at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;

**4.16 Closed Lands**

enter or remain on any part the land:

- 4.16.1 at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;
- 4.16.2 where the land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or
- 4.16.3 where admission charges are payable, to enter without paying those charges;
- 4.16.4 constituting a revegetation area, where a sign or signs indicate that the land is closed for that purpose;

**4.17 Digging Soil**

to which this subparagraph applies, dig the soil for or collect worms, shellfish, grubs or insects;

**4.18 Distribution**

distribute anything to any bystander, passerby or other person;

**4.19 Donations**

ask for or receive or indicate that he or she desires a donation of money or any other thing;

**4.20 Fires**

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

~~4.20.1 in a place provided by the Council for that purpose; or~~

~~4.20.2~~ 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 four metres;

**4.21 Fireworks**

use, discharge or explode any fireworks;

**4.21.22 Fishing**

fish:

~~4.21.14.22.1~~ in any pond or lake to which this subparagraph applies;

~~4.21.24.22.2~~ from any place or structure to which this subparagraph applies;

~~4.21.34.22.3~~ from any bridge ~~or structure~~;



~~4.21.44.22.4~~ in any pond or lake where signage indicates that it has been closed for health reasons;

#### ~~4.224.23~~ **Flora and Fauna**

~~4.22.14.23.1~~ damage, pick, prune or otherwise interfere with any plant or flower or other vegetation thereon; or

~~4.22.24.23.2~~ tease, or cause any harm to any animal, bird or marine creature,

unless they are acting in accordance with the provisions of the *Native Vegetation Act 1991*, *National Parks and Wildlife Act 1972* and/or the *Crown LandsLand Management Act 2009* (to the extent applicable);

#### ~~4.234.24~~ **Hiring Boats**

~~4.23.14.24.1~~ ~~comprising a pond or lake,~~ hire out a boat or vessel or otherwise use it for commercial purposes ~~in any pond or lake;~~ or

~~4.23.24.24.2~~ ~~comprising the foreshore,~~ hire out a boat or vessel ~~on or from any part of the foreshore;~~

#### ~~4.244.25~~ **Horses and Cattle**

ride, lead, ~~herd,~~ exercise or ~~drive any otherwise allow a~~ horse, ~~cattle or sheep;~~

~~4.25.1~~ ~~to be on or remain on the foreshore or bathe in any waters at the foreshore, except between the hours of 4:00am and 8:00am on any day, unless Council has resolved a section of foreshore to which this subparagraph would not apply; or~~

~~4.25.2~~ ~~to be on any other land~~ except where the Council has set aside a track or other area for use by or in connection with ~~the animal of that kind~~ ~~this subparagraph;~~

#### ~~4.25~~ **Horses on Foreshore**

~~comprising the foreshore, drive, lead or ride any horse;~~

#### 4.26 **Interference with Land**

interfere with or alter the land ~~(whether or not such land is a pond or lake),~~ including:

4.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

4.26.2 erecting or installing a structure (including fencing, posts, buildings, pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the land;

4.26.3 changing or interfering with the construction, arrangement or materials of the land;

- 4.26.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land;
- 4.26.5 planting a tree or other vegetation on the land, damaging, picking, pruning or otherwise interfering with the vegetation on the land, or removing vegetation from the land; or
- 4.26.6 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;

#### 4.27 **Launching and Retrieval of ~~Motorised~~ Personal Watercraft**

launch or retrieve a ~~motorised~~ personal watercraft from or onto the beach into or from the sea except in any area where the Council has resolved that such an activity is permitted, and has indicated the same through the erection of a sign or signs;

#### 4.28 Model Aircraft, Boats and Cars

4.28.1 fly or operate a model aircraft, boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;

4.28.2 fly or operate a model aircraft, boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;

#### 4.28.4.29 Motor Vehicles on Parklands

comprising a park, garden or reserve:

4.28.14.29.1 drive or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles;

4.28.24.29.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or

4.28.34.29.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;

4.29.4 drive or propel any motor vehicle, except on paths or roads constructed and set aside by the Council for that purpose;

#### ~~4.29 Vehicles on Foreshore~~

~~comprising the foreshore, drive or propel a motor vehicle onto, from or on the foreshore except for the purpose of launching or retrieving a boat, so long as the vehicle is driven or propelled;~~

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~~4.29.11.1.1 on an area that is constructed or set aside by the Council for that purpose; or~~

~~4.29.21.1.1 on an area to which the Council has resolved such an activity is permitted, and has indicated the same through the erection of a sign or signs;~~

#### ~~4.30~~ **No Liquor**

#### ~~4.30~~ **consume, carry or be Organised Ceremonies and Events**

~~4.30.1 conduct or participate in possession or charge of any liquor a funeral, marriage ceremony, game, picnic, other event or entertainment on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);, except where the number of persons attending the event or entertainment does not exceed 50;~~

~~4.30.2—excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);~~

#### ~~4.31~~ **Public Exhibitions and Displays**

~~allow or cause any public exhibition or display;~~

#### ~~4.314.32~~ **Picking Fruit**

~~pick fruit, nuts or berries from any tree or bush;~~

#### ~~4.324.33~~ **Pontoons**

~~comprising a pond or lake, install or maintain a pontoon, fixed floating jetty, or other jetty (, whether temporary or permanent) in or on any pond or lake to which this subparagraph applies;~~

#### ~~4.334.34~~ **Preaching**

~~preach or harangue;~~

#### ~~4.344.35~~ **Removing Soil**

~~carry away or remove any soil, sand, seaweed, timber, stones, pebbles or other organic or inorganic materials or any part of the land;~~

#### ~~4.354.36~~ **Swimming**

~~swim or bathe in any pond or lake to which this subparagraph applies;~~

#### ~~4.364.37~~ **Toilets**

~~in any public convenience on local government land:~~

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~~4.36.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;~~

~~4.36.24.37.1~~ smoke tobacco or any other substance;

~~4.36.34.37.2~~ deposit anything in a pan, urinal or drain which is likely to cause a blockage;

~~4.36.44.37.3~~ use it for a purpose or manner for which it was not designed or constructed;

~~4.36.5 enter any toilet that is set aside for use of the opposite sex except where:~~

~~4.36.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or~~

~~4.36.5.2 to provide assistance to a disabled person;~~

#### 4.374.38 **Use of Boats**

~~use a boat or vessel in any~~comprising a pond or lake to which this subparagraph applies, use a boat or vessel;

#### 4.384.39 **Vehicles on Boat Ramps**

~~4.38.14.39.1~~ launch or retrieve a boat or vessel other than from a boat ramp constructed for that purpose;

~~4.38.24.39.2~~ allow any motor vehicle to remain stationary on any boat ramp longer that is necessary to launch or retrieve a boat or vessel;

#### ~~4.39~~ **Weddings**

~~comprising a park or reserve, conduct or participate in a marriage ceremony;~~

#### 4.40 **Vehicles on the Foreshore**

comprising the foreshore, drive or propel a motor vehicle onto, from or on the foreshore except for the purpose of launching or retrieving a boat, so long as the vehicle is driven or propelled:

4.40.1 on an area that is constructed or set aside by the Council for that purpose; or

4.40.2 on an area to which the Council has resolved such an activity is permitted, and has indicated the same through the erection of a sign or signs;

#### 4.404.41 **Working on Vehicles**

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

**~~5. Posting of Bills~~**

~~A person must not, on local government land or in a public place, without permission, post any bills, advertisements or other papers or items on a building or structure.~~

**~~6.5. Prohibited Activities~~**

A person must not on local government land:

**~~6.15.1 Annoyances~~**

annoy or unreasonably interfere with any other person's use of the land by making a noise or by creating a disturbance that has not been authorised by the Council;

**~~6.25.2 Interference with Permitted Use~~**

interrupt or disrupt or interfere with any person's use of a park, ~~reserves~~reserve or the foreshore for which permission has been granted;

**~~6.3 Smoking~~**

~~to which this subparagraph applies, smoke tobacco or any other substance;~~

**~~5.3 Use of Council Rubbish Bins~~**

~~deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;~~

**~~6.45.4 Use of Equipment~~**

use any item of equipment and/or facilities or other Council property other than in the manner and for the purpose for which it was designed or set aside.

**Part 3 – Enforcement****~~7.6. Removal of Encroachment or Interference~~**

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

~~7.16.1~~ cease the encroachment or interference; and

~~7.26.2~~ remove the source of the encroachment or interference; and

~~7.36.3~~ reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

**~~8.7.~~ Council ~~may~~May do ~~work~~Work**

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to paragraph ~~76~~ of this ~~bylaw~~by-law, then an authorised person may:

~~8.17.1~~ undertake the work; and

~~8.27.2~~ recover the cost of doing so from that person.

**~~9.8.~~ Directions**

Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

~~9.18.1~~ that person's use of the land;

~~9.28.2~~ that person's conduct and behaviour on the land;

~~9.38.3~~ that person's safety on the land;

~~9.48.4~~ the safety and enjoyment of the land by other persons.

**~~10.9.~~ Removal of Animals**

If any animal is found on local government land in breach of a by-law:

~~10.19.1~~ any person in charge of the animal will remove it on the request of an authorised person; and

~~10.29.2~~ an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

**Part 4 – Miscellaneous****~~11.10.~~ Exemptions**

~~11.110.1~~ 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 an emergency worker when driving an emergency vehicle.

~~10.2~~ The restrictions in paragraph 4.11 do not apply to an activity carried out in a manner approved by resolution of the Council.

~~10.3~~ The restrictions in paragraph 4.33 do not apply where the person responsible for installing or maintaining the structure has obtained any development approval required under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* and maintains a policy of insurance which provides at least \$20 million of public liability coverage for the structure.

~~11.210.4~~ The restrictions in subparagraphs 4.1, 4.7, 4.13 and 4.18 of this by-law do not apply to:

~~41.2.4~~10.4.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing ~~on~~at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

~~41.2.2~~10.4.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs 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

~~41.2.3~~10.4.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

#### ~~42.11.~~Application of Paragraphs

Any of paragraphs 4.5, 4.6.2, 4.8, 4.17, ~~4.21~~22.1, ~~4.21~~22.2, ~~4.30.1, 4.30~~28.2, ~~4.32, 4.35, 4.37~~36 and ~~6.34~~38 of this by-law will apply only in such portion or portions of the area as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

#### 12. Revocation

Council's *Local Government Land By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of Charles Sturt held on the ~~11<sup>th</sup> day of August 2014~~\_\_\_\_\_ day of \_\_\_\_\_ ~~20~~\_\_\_\_\_ 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 ~~Mark Withers~~Paul Sutton  
Chief Executive Officer



## CITY OF CHARLES STURT

*By-law made under the Local Government Act 1999*

### ROADS BY-LAW 20142021

#### By-law No. 4 of 20142021

*For the management, control and regulation of activities on roads.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Roads By-law 20142021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law unless the contrary intention is clearly indicated:

3.1 ~~'camp'~~**camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the ~~road~~**land** for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the ~~road~~**land**;

3.2 ~~'emergency vehicle'~~**vehicle** means a vehicle driven by a person who is an emergency worker;

3.23.3 ~~emergency worker~~, has the same meaning as in ~~the Australian Road Rules and Regulation 54 of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999~~**2014**;

3.33.4 ~~'electoral matter'~~**matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

3.43.5 ~~'green organics'~~**organics** means any clean organic matter consisting of lawn clippings, plants, leaves, prunings or other materials for which permission has been given by the Council but no item larger than 15 cm in diameter;

3.53.6 ~~'household waste'~~**waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;



3.63.7 ~~'recyclables'~~**recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;

3.73.8 ~~'road'~~**road** has the same meaning as in the *Local Government Act 1999*.

## Part 2 – Management of Roads

### 4. Activities Requiring Permission

A person must not, without permission, on any road:

#### 4.1 Advertising

display any sign for the purpose of advertising, other than a moveable sign which is displayed on a road in accordance with or exempt from the provisions of the Council's *Moveable Signs By-law 20142021*;

#### 4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

#### 4.3 Animals

exercise any animal in such a manner as to endanger the safety of another person;

#### 4.4 Bicycles

chain, lock or affix 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;

#### 4.5 Bridge Jumping

jump or dive from any bridge or other structure;

#### 4.44.6 Camping

4.6.1 camp;

4.4.14.6.2 erect any tent or other structure of calico, canvas, plastic or similar material ~~as a place of habitation;~~

4.4.2 —camp ~~or sleep overnight;~~

4.4.34.6.3 ~~camp or sleep overnight~~ in a motorhome, except where a sign or signs erected by the Council ~~indicate~~indicates that camping on the road in such a vehicle is permitted;

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**4.54.7 Canvassing**

convey any advertising, religious or other message to any bystander, passerby or other person;

**4.64.8 Donations**

ask for or receive or indicate that he or she desires a donation of money or any other thing;

**4.7 ~~Handbills on Vehicles~~**

~~place on any vehicle, or cause to be placed on any vehicle (without the consent of the owner of the vehicle), any handbill, book, notice, leaflet, or other printed matter;~~

**4.8 ~~Posting of Bills~~**

~~post any bills, advertisements or other papers or items on a building or structure;~~

**4.9 Preaching**

~~preach or harangue;~~

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;

**4.10 Public Exhibitions and Displays**

4.10.1 sing, busk, play a recording or use a music instrument, or perform similar activities;

4.10.2 conduct or hold a concert, festival, show, circus, performance or a similar activity;

4.10.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;

4.10.4 cause any public exhibitions or display;

**4.11 Touting for Business**

tout for business;

**4.12 Use of Council Rubbish Bins**

deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

**4.114.13 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 breakdown.

**Part 3 – Miscellaneous****5. Waste Management**

An occupier of premises must:

- 5.1 facilitate the collection and removal of household waste, recyclables or green organics from the premises on the day of or the night before the scheduled collection day (and not before these times); and
- 5.2 in order to comply with subparagraph 5.1, ensure that, prior to the time appointed by the Council for the collection of a particular kind of household waste, recyclables or green organics from the premises, the container containing that kind of waste is placed out for collection in a position:
  - 5.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises;
  - 5.2.2 that is not under the overhanging branches of any street tree that would obstruct the collection vehicle;
  - 5.2.3 as otherwise approved by the Council; ~~and~~
- 5.3 remove the waste, recyclables or green organics container from its position on the same day as the collection, after the collection has taken place.

**6. Exemptions**

- 6.1 The restrictions in this by-law do not apply to any Police ~~officer, emergency services officer~~ Officer, Council ~~officer~~ 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~~ Officer, or to an emergency worker when driving an emergency vehicle.
- 6.2 The restrictions in paragraphs ~~4.1, 4.5, 4.7, 4.8~~ 4.1, 4.5, 4.7, 4.8 and 4.9 of this by-law do not apply to:
  - 6.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing ~~on~~ at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - 6.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs 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

6.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

6.3 The restrictions in paragraph 4.10.1 do not apply to an activity carried out in a manner approved by resolution of the Council.

## 7. Revocation

Council's Roads By-law 2014, published in the Gazette on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of Charles Sturt held on the ~~11<sup>th</sup>~~ \_\_\_\_\_ day of ~~August 2014~~ \_\_\_\_\_ ~~20~~ 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 ~~Mark Withers~~ Paul Sutton  
Chief Executive Officer

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## CITY OF CHARLES STURT

*By-law made under the Dog and Cat Management Act 1995  
and the Local Government Act 1999*

### DOGS AND CATS BY-LAW ~~2014~~2021

#### By-Law No. 5 of ~~2014~~2021

*For the management and control of dogs and cats within the Council's area.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Dogs and Cats By-law ~~2014~~2021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law unless the contrary intention is clearly indicated:

~~3.1 'assistant dog' means a guide dog, hearing dog or disability dog as those terms are defined in the *Dog and Cat Management Act 1995*~~

~~3.23.1 'approved kennel establishment'~~**establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993 or Planning, Development and Infrastructure Act 2016* for the keeping of dogs or cats on a temporary or permanent basis;

~~3.3 'cat' means an animal of the species *felis catus* over the age of three months;~~

~~3.2 'cattery'~~**assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;

~~3.3~~ **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;

~~3.4~~ **cat** has the same meaning as in the *Dog and Cat Management Act 1995*;

~~3.43.5~~ **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993 or Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;

~~3.53.6~~ ~~'children's playground'~~ **playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);

~~3.63.7~~ ~~'control'~~ **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;

~~3.7~~ ~~'dog'~~ means an animal of the species *canis familiaris* over the age of three months but does not include a dingo or a cross of a dingo;

~~3.8~~ ~~'dog'~~ has the same meaning as in the *Dog and Cat Management Act 1995*;

~~3.83.9~~ ~~'effective control'~~ **control** means a person exercising effective control of a dog either:

~~3.8.13.9.1~~ by means of a physical restraint;

~~3.8.23.9.2~~ by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;

~~3.10~~ ~~'keep'~~ **Hooded and Red Capped Plover breeding site** means any land within 50 metres of a sign installed by the Crown or Council on land that indicates a Hooded and/or Red Capped Plover breeding nest, eggs or chicks are or may be present on the land or in the vicinity;

~~3.93.11~~ ~~'keep'~~ includes the provision of food or shelter;

~~3.103.12~~ ~~'public place'~~ **place** means a place to which the public has access (whether an admission fee is charged or not);

~~3.113.13~~ ~~'small premises'~~ **premises** means a premises comprising any self-contained dwelling where the property, or part thereof (i.e. flat, home unit etc), contains a secured unobstructed yard area of less than 100 square metres.

## Part 2 – Dog Management and Control

### 4. Limit on Dog Numbers

4.1 The limit on the number of dogs kept:

4.1.1 in a small premises shall be one dog;

4.1.2 in premises other than a small premises, where a dog can be effectively contained, the limit shall be two dogs;

4.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:

4.2.1 the premises is an approved kennel establishment; or

4.2.2 the Council has exempted the premises from compliance with this subparagraph.

## 5. Dog Free Areas

A person must not in any local government land or public place, 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 ~~assistant~~assistance dog.

## 6. Dogs on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 6.1 on local government land or public place to which the Council has resolved that this ~~subclauses~~subparagraph applies;
- 6.2 on any park or reserve during times when organised sport is being played;
- 6.3 within ~~5~~five metres of a children's playground;
- 6.4 in a Hooded or Red Capped Plover breeding site,

unless the dog is secured by a strong leash not exceeding ~~2~~two metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

## 7. Dog Exercise Areas

- 7.1 A person may enter upon any part of local government land or a public place identified by the Council as a dog exercise area in accordance with paragraph 11 for the purpose of exercising a dog under his or her control.
- 7.2 Where a person enters upon such land for that purpose, he or she must ensure that the dog under his or her control remain under effective control ~~while~~whilst on that land.
- 7.3 The Council must erect a sign or signs to denote the local government land or public places to which this paragraph applies, and information will be provided, in a manner determined by the Chief Executive Officer of the Council, to inform the public about such public places.

## 8. Dog Faeces

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in his or her possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

## Part 3 – Cat Management and Control

### 9. Limit on Cat Numbers

- 9.1 The limit on the number of cats to be kept on any premises is two.
- 9.2 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the limit unless:

- 9.2.1 the premises is a cattery; or
- 9.2.2 the Council has exempted the premises from compliance with this subparagraph.

## Part 4 - Miscellaneous

### 10. Granting of Permits

Prior to the Council granting permission under subparagraph 4.2 or 9.2 the Council must consider whether:

- 10.1 an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 10.2 a nuisance is caused or has been caused to any neighbour as a result of the keeping of animals on the premises;
- 10.3 there exists sufficient space, shelter on the premises for the keeping of the animals;
- 10.4 the animals can be adequately contained to the premises;
- 10.5 any order pursuant to Section ~~25430~~ of the *Local Government Nuisance and Litter Control Act* ~~1999~~2016 has been issued in respect of the premises or the applicant for permission.

### 11. Application of Paragraphs

Any of paragraphs 5, 6.1 and 7.1 of this by-law will apply only in such portion or portions of local government land or a public place as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

### 12. Revocation

Council's *Dogs and Cats By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of Charles Sturt held on the ~~11<sup>th</sup> day of August 2014~~ \_\_\_\_\_ day of 20 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 ~~Mark Withers~~ Paul Sutton  
Chief Executive Officer





## CITY OF CHARLES STURT

*By-law made under the Local Government Act 1999*

### DOMESTIC LIVESTOCK MANAGEMENT BY-LAW 20142021

#### By-law No. 6 of 20142021

*For the management, control and regulation of the keeping of livestock on residential premises, and for related purposes.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Domestic Livestock Management By-law 20142021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law:

3.1 ~~'cat'~~**cat** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.2 ~~'dog'~~**dog** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.3 ~~'keep'~~**keep** includes care, feed, control or possess, whether temporary or permanent;

3.4 ~~'livestock'~~**livestock** means animals kept or usually kept in a domestic or captive state, including cattle, goats, camels, horses, sheep, swine, birds, poultry, pigeons, bees and fish kept or usually kept in a commercial aquarium or fish farm, but does not include a dog or cat;

3.5 ~~'poultry'~~**poultry** includes chickens, roosters, turkeys, ducks and geese;

3.6 ~~'prescribed livestock'~~**livestock** means bees, birds, pigeons and fish;

3.7 ~~'residential premises'~~**premises** means premises with a property comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling land use category within the meaning of the *Development Local Government (General) Regulations 20082013*; and

- 3.8 ~~'road'~~road has the same meaning as in the *Local Government Act 1999*; and
- 3.9 ~~'small premises'~~premises means residential premises where the property, or part thereof, contains a secured unobstructed yard area of less than 100 square metres.

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## Part 2 – Livestock Management

### 4. Permission to be Obtained to Keep Livestock in Excess of the Limit

A person must not, without permission, keep or permit to be kept any livestock on residential premises where the number of livestock on the premises exceeds the limit prescribed for any kind of livestock under this by-law.

Note: In addition to requiring permission under this by-law, a person may also require approval under the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* to keep certain livestock on residential premises.

### 5. Limit on Livestock Numbers

The limit on the number of livestock (other than prescribed livestock and poultry) kept:

- 5.1 on a small premises is one animal;
- 5.2 on premises other than a small premises is two animals.

### 6. Compliance with Prescribed Standards

- 6.1 The owner of livestock kept on residential premises must ensure that the livestock is kept in a place that complies with the prescribed place standards provided for in Part 4.
- 6.2 The owner of livestock kept on residential premises in a structure constructed on or after 21 December 2014 must ensure that the structure complies with the prescribed structure standards provided for in Part 4.

### 7. Feed Storage

The owner of livestock kept on residential premises must ensure that any food for the livestock is stored in an air-tight, rodent proof container when not in use.

## Part 3 – Specific Requirements for Poultry and Pigeons

### 8. Keeping Poultry

- 8.1 The limit on the number of poultry kept:
- 8.1.1 on a small premises is five birds;
- 8.1.2 on premises other than a small premises is 10 birds.
- 8.2 A person must not, without permission, keep a rooster on residential premises.

- 8.3 The owner of a poultry kept on residential premises must ensure that all poultry faeces, feathers, refuse and dropped or scattered feed on the premises are removed and disposed of ~~at least twice each week.;~~

8.3.1 at least twice each week; and

8.3.2 as often as is necessary to prevent the escape of offensive odours from the premises.

## 9. Keeping Pigeons

- 9.1 The limit on the number of pigeons kept:

9.1.1 on a small premises is 15;

9.1.2 on premises other than a small premises is 30.

- 9.2 The owner of a pigeon kept on residential premises must ensure that the pigeon is kept in an enclosure that complies with the prescribed enclosure standards provided for in Part 4.

- 9.3 The owner of a pigeon kept on residential premises must not feed or permit a person to feed the pigeon unless it is inside in the enclosure specified in subparagraph 9.2.

- 9.4 The owner of a pigeon kept on residential premises must ensure that all pigeon faeces, feathers, refuse and dropped or scattered feed on the premises are removed and disposed of ~~at least twice each week.;~~

9.4.1 at least twice each week; and

9.4.2 as often as is necessary to prevent the escape of offensive odours from the premises.

## Part 4 – Prescribed Standards

### 10. Place Standards

A place complies with the 'prescribed place standards' if:

- 10.1 the livestock may extend its legs, wings or body to their full natural extent;
- 10.2 the livestock may stand, sit or perch, or the place is otherwise adequate for the needs of the animal;
- 10.3 the place is in a clean and sanitary condition; and
- 10.4 the livestock can be adequately contained to the premises.

### 11. Structure Standards

A structure complies with the 'prescribed structure standards' if it is:

- 11.1 located in the rear yard of the premises;
- 11.2 located not less than [four](#) metre from the boundary line between the owner's premises and any abutting premises;
- 11.3 soundly constructed of durable materials;
- 11.4 impervious to water;
- 11.5 constructed of materials that may be readily sanitised;
- 11.6 maintained in a good state of repair free from cracks, holes, rust and other damage;
- 11.7 kept in a way that minimises the transfer of pathogenic agents; and
- 11.8 adequately ventilated for the health and comfort of the livestock.

## 12. Enclosure Standards

An enclosure complies with the 'prescribed enclosure standards' if it:

- 12.1 is adequate for the size and breed of pigeon;
- 12.2 has its inside walls and ceilings (except walls and ceilings constructed of wire) painted or disinfected at least twice yearly;
- 12.3 otherwise complies with the prescribed place and shelter standards provided for in paragraphs 10 and 11 of this by-law.

## Part 5 – Miscellaneous

### 13. Granting of Permits

Prior to the Council granting permission under paragraph 4 or 8.2 the Council must (in addition to any other relevant matters) consider whether:

- 13.1 an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 13.2 a nuisance is caused or has been caused to any neighbour as a result of the keeping of animals on the premises or is likely to be caused by the keeping of the livestock;
- 13.3 there exists sufficient space, shelter on the premises for the keeping of the livestock;
- 13.4 the livestock can be adequately contained to the premises;
- 13.5 any other animals are kept or proposed to be kept on the premises;

- 13.6 any order pursuant to Section ~~25430~~ of the *Local ~~Government Nuisance and Litter Control~~ Act ~~1999~~2016* has been issued in respect of the premises or the applicant for permission.

#### 14. Exemptions

- 14.1 The restrictions in this by-law do not apply to livestock for which the Council has granted a specific exemption from the restriction.
- 14.2 The limit prescribed in paragraphs 5, 8.1 and 9.1 does not include any livestock under three months of age.

#### 15. Revocation

Council's *Domestic Livestock Management By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the ~~Council of the~~ City of Charles Sturt held on the ~~11<sup>th</sup> day of August 2014~~ \_\_\_\_\_ day of 20 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 ~~Mark Withers~~ Paul Sutton  
Chief Executive Officer

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