

Identification of Local Government Land for application of Council By-law provisions

Some provisions of the Council's new by-laws (to take effect 1 January 2017) are worded in such a way that they only apply to Local Government Land in respect of which the Council has determined that they apply (or don't apply).

Notice is hereby given that the City of Victor Harbor has resolved the following:

By-law No. 3 - Roads

Activities requiring permission

Details of By-law provision	Area to which the provision applies
Animals	
7.3.2 Lead, herd or exercise an animal on a road, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.	No location specified
Camping and Tents	
7.4.2 Camp or remain overnight except on a road designated by the Council by resolution for this purpose (if any) and in accordance with any conditions determined by the Council and displayed on any signage on or near the road.	No location specified

By-law No. 4 - Local Government Land

Activities requiring permission

Details of By-law provision	Area to which the provision applies
Animals	
9.4.2 Cause or allow an animal to enter, swim, bathe or remain in any waters.	All waters on Local Government Land
Aquatic Life	
9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has determined this clause applies.	All Local Government Waters (fishing is permitted).
Boats	
9.9.1 Launch or retrieve a boat to or from any waters council has determined this applies	All Local Government Waters for motorised craft only.
9.9.3 Propel, float or otherwise use a boat on or in any waters except an area set by Council	All Local Government Waters for non motorised craft
9.9.5 Moor a boat on any waters or to a pontoon attached to local government land, except in an area Council has determined.	No location specified
Boat Ramps	

9.10.2 Launch or retrieve a boat from or on to any boat ramp on Local Government Land to which the Council has determined this clause applies other than in accordance with the conditions determined by the Council, including any condition specified on a sign displayed on or in the vicinity of the boat ramp	No location specified
Camping and Tents	
9.14.2 Camp or stay overnight except in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any)	No location specified
Games and Sport	
9.23.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play on Local Government Land to which the Council has resolved this clause applies.	All Local Government Land All Local Government Land
9.23.2 Play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government Land to which the Council has resolved this applies, which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.	All Local Government Land All Local Government Land
9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government Land to which the Council as resolved this applies.	
9.23.5 Play or practice any game or sport on Local Government Land to which the Council has resolved this subclause applies.	
Model Aircraft, Boats and Cars	
9.24.2 Fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government Land to which the Council has resolved this applies	All Local Government Land
Swimming	
9.33 Subject to the provisions of the Harbors and Navigation Act 1993, enter, swim in, bathe or engage in any aquatic activity in any waters except in an area determined by Council.	Encounter Lakes and Franklin Island Lake subject to the following conditions:) Not within 25 metres of the inlet or outlet structure of Encounter Lakes.) Not within 10 metres of the bridge over the Franklin Island Lake.) Not within 10 metres of Encounter Lakes pump station (35 Bartel Blvd).

Wheeled Recreation Device (includes rollerblades, roller skates and skateboard)	
9.37 Subject to the Road Traffic Act 1961, ride a wheeled recreational device on Local Government Land to which the Council has determined this clause applies.	No locations specified
Smoking	
10.11 Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product: 10.11.2 on any land to which the Council has determined this subclause applies	No locations specified.

Activities **prohibited**

Fishing	Area to which the provision applies
10.5 Fish in any waters to which the Council has determined this sub clause applies.	<p>Conditions on fishing apply to lakes as follows:</p> <ul style="list-style-type: none">) From any portion of the inlet structure at Encounter Lakes and Franklin Island Lake.) Within 20 metres of a bridge over Franklin Island Lakes.) Within 20 metres of swimmers or boats.) Within 6 metres of the boundaries of any private residential properties abutting Encounter Lake and Franklin Island Lake.) Within 10 metres of Encounter Lakes pump station (35 Bartel Blvd)

By-law No. 7 - Foreshore

Activities requiring permission

Animals	Area to which the provision applies
7.3.1 Allow, ride or take any animal onto or allow it to remain on the foreshore or in any adjacent waters except on any part or parts of the foreshore to which the Council has resolved this clause applies	<p>No location specified</p> <p><i>Council resolved that its permit system will preclude horses from remaining on the foreshore or in any adjacent waters where specific signs are erected for protection of Hooded Plovers.</i></p>
Boat Ramps	
7.5.1 Launch or retrieve a boat from or onto any boat ramp on any part of the foreshore to	<p>No location specified</p> <p>Note: Boat launching areas currently provided are:</p>

<p>which the Council has determined this clause applies without having:</p> <p>A Purchased a short term ticket; or</p> <p>B Been granted an annual launch permit.</p>	<ul style="list-style-type: none">) Victor Harbor (Bluff) Boat Ramp (ramp fee required).) Victor Harbor (Kent Reserve) launching area) Victor Harbor (the Causeway) launching area) Victor Harbor (Yacht Club) launching area
<p>7.5.2 Except for on any portion of the foreshore to which the Council has resolved this clause applies, launch or retrieve a boat from or onto the foreshore without using a boat ramp constructed or provided by the Council for that purpose.</p>	<p>No location specified</p>
<p>7.5.3 Use a boat ramp on any foreshore to which the Council has determined this clause applies to launch or retrieve a boat, or for any other purpose, other than in accordance with the conditions determined by Council (if any).</p>	<p>No location specified</p>
<p>Camping and tents</p>	
<p>7.6.2 Camp or sleep overnight except in an area that the Council has, by resolution, designated for camping.</p>	<p>No location specified</p>
<p>Pontoon</p>	
<p>7.11 Moor a boat to or allow any boat to remain stationary on any pontoon installed on subjacent land to which the Council has resolved this clause applies other than in accordance with the conditions determined by the Council and displayed on any sign on or in the vicinity of the pontoon.</p>	<p>No location specified</p>
<p>Sandboarding</p>	
<p>7.12 Use a sandboard or other item except in any area the Council has resolved this clause applies</p>	<p>No location specified</p>

Activities prohibited

Vehicles and Boats	Area to which the provision applies
8.7.1 Drive or propel a vehicle on any portion of the foreshore to which the Council has resolved this clause applies.	All parts of the foreshore excluding for the purpose to use a boat ramp or launching area provided by the Council for that purpose.
8.7.4 Use any ramp or thoroughfare to which the Council has resolved this clause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by Council.	No location specified

By-Law No. 4 - Dogs**Dog 'on Leash' Areas and Dog 'Prohibited' Areas**

Clauses 10 and 11.1 only apply in such part or parts of the Council area as Council has resolved.

Detail of By-law provision	Area to which the provision applies
<p>10. Dog on Leash areas (other than the foreshore)</p> <p>A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government Land or in a public place to which the Council has determined this clause applies unless the dog is under effective control by means of a leash.</p>	<ul style="list-style-type: none">) Soldiers Memorial Reserve) Soldiers Memorial Gardens) Warland Reserve) Within 20 metres of the BMX track at all times.) On any shared path (shared path is a path that is designated for use by pedestrians and riders of bicycles)) Within 20 metres of playground equipment at all times.) Within 20 metres of any person or group of people participating in organised sport or school activities officially convened by licensed sports and school groups within their licensed areas.) Along the foreshore areas where specific signs and/or fencing are erected designating Hooded Plover nests/chicks during breeding/nesting season.

	<p>Along the foreshore areas adjacent to Encounter Lakes and Franklin Island Lakes:</p> <ul style="list-style-type: none">) John Simmons Park – Corner of Central Drive and Clifton Way.) CM Thorpe Park - Corner Mathew Flinders Drive and Bartel Blvd.) John Crompton Reserve – Corner Tabernacle and Nicholas Baudin Drive
Dog Prohibited areas	Area to which the provision applies
<p>11. A person must not allow a dog under that person’s control, charge or authority (except an assistance dog) to enter or remain:</p> <p>11.1 on any Local Government Land or public place to which the Council has determined this clause applies.</p>	<p>The following foreshore areas adjacent to Encounter Lakes and Franklin Island Lakes:</p> <p style="padding-left: 40px;">Swimming in Encounter lakes, Franklin Island Lakes and Encounter Waters</p>

Expiation Fees

That in accordance with Section 246(5) (b) of the *Local Government Act*, Council sets expiation fees for alleged offences against Clause 9.1 of Council’s *Permits and Penalties By-Law 2016* (committed by virtue of a breach, contravention or failure to comply with the below By-Laws) in accordance with the amounts specified below, effective on the date on which the By-Laws come into operation:

Permits and Penalties By-law	\$187.00
Moveable Signs By-law	\$187.00
Roads By-law	\$187.00
Local Government Land By-law	\$187.00 (excluding clause 9.10.2)
	\$ 50.00 (Clause 9.10.2 only)
Dogs By-law	\$187.00
Cats By-law	\$187.00
Foreshore By-law	\$187.00 (excluding clause 7.5.1)
	\$ 50.00 (clause 7.5.1 a & b)

Authorised Officers

That Council authorises the Chief Executive Officer (or delegate), under Part 2 of By-law 1 - Permits and Penalties, to grant permission to a person who seeks permission to undertake an activity under Council By-laws that is otherwise prohibited under a Council By-law, and that the authorisations be recorded in Council's Delegations Register.

That Council authorises the Chief Executive Officer (or delegate), under Part 2 of By-law 1 - Permits and Penalties the authority to attach such conditions as may be necessary to a grant of permission, to vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission, or to suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

That the authorization to implement Council By-laws, as resolved, shall take effect on the commencement of the By-laws on **1 January 2017**.