

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**City of Whyalla**

**By-law No 7 – Caravans & Camping 2021**

*To regulate camping and the use of caravans in the Council's area.*

and do certify that in my opinion:

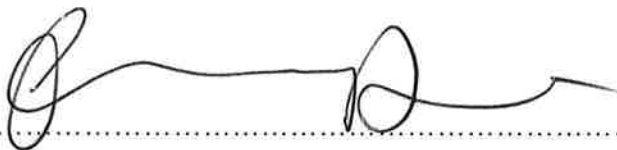
City of Whyalla

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 239, 246(1)(a), 246(3)(a), 246(3)(c) and 246(3)(e); Local Government (General) Regulation 2013: regulation 28; Harbors and Navigation Act 1993: section 18A;*

and the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 12 day of August 2021

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a loop, ending in a short horizontal stroke.

Cimon Burke, Legal Practitioner

**CITY OF WHYALLA**  
**CARAVANS & CAMPING BY-LAW 2021**

**By-law No. 7 of 2021**

*A by-law to regulate camping and the use of caravans in the Council's area.*

**PART 1 – PRELIMINARY**

**1. Title**

This By-law may be cited as the *Caravans & Camping By-law 2021* and is By-law No. 7 of the City of Whyalla.

**2. Authorising law**

This By-law is made under sections 238 and 246 of the *Local Government Act 1999*, regulation 28 of the *Local Government (General) Regulations 2013*, and section 18A of the *Harbours and Navigation Act 1993*.

**3. Purpose**

The objectives of this By-law are to regulate camping on Local Government Land, roads and foreshore areas:

- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land and roads;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

**4. Commencement, revocation and expiry**

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:<sup>1</sup>

*By-law No. 7 – Caravans and Camping 2014.*<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2029.<sup>3</sup>

**Note-**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

## 5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2. This By-law applies throughout the Council area unless stated otherwise.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **camp** includes setting up a camp, or causing:
  - 6.2.1 a tent (including a tent trailer) or other structure of calico, canvas, plastic or other similar material; or
  - 6.2.2 a swag or similar bedding; or
  - 6.2.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;to remain on Land overnight, whether or not any person is in attendance or sleeps on the Land;
- 6.3. **Camping reserve** means an area on Land that the Council has set aside as a camping reserve and which is identified as such by one or more signs installed on the Land or in its vicinity that includes the words 'camping reserve' (with or without other words).
- 6.4. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.5. **Foreshore** means land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from the high water mark (whichever is the lesser distance);
- 6.6. **Land** means any Local Government land, road or foreshore or part thereof;
- 6.7. **Local Government land** means all land owned by the Council or under the Council's care, control and management;
- 6.8. **Road** has the same meaning as in the *Local Government Act 1999*
- 6.9. **Vehicle** has the same meaning as in the *Road Traffic Act 1961*.

## PART 2 – REGULATION OF CAMPING

### 7. General Camping Controls

A person must not, without permission of the Council, engage in or undertake the following on any Land except on a camping reserve:

- 7.1. **Camping**
  - 7.1.1 Camp or sleep overnight other than:
    - (a) in a caravan park which the proprietor has permission to operate

- (b) on any Land that has been designated and set aside by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained in the signage erected on the Land or in its vicinity; or

7.1.2 Subject to this clause 7, Pitch, erect or construct any tent or other structure of calico, canvas, plastic or any similar material, or tie any rope, rug or article to any tree, stake, plant or other objects.

## 7.2. Caravans

Subject to clause 7.1, use, occupy, cause, suffer or permit any other person to use or occupy any caravan or other vehicle on Land for or in connection with camping activities, including (but not limited to) washing, cooking, sleeping.

## 8. Camping reserves

A person must not engage in or undertake the following on a camping reserve:

### 8.1. Limit on camping time

Camp for a period in excess of two consecutive weeks.

### 8.2. Break in camping time

Having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of four consecutive weeks has expired.

### 8.3. Fail to allow inspection

Fail to permit any Council officer or authorised person to enter onto and inspect his or her campsite or any tent, caravan or vehicle thereon or thereby.

### 8.4. Fail to keep site clean

Fail to keep the area on which he or she is camped and the surrounds in a clean, tidy and sanitary condition.

### 8.5. Improper use of ablutionary facilities (showers, washing and toilet facilities)

In any ablutionary facilities:

- 8.5.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for the purpose;
- 8.5.2 smoke tobacco or any other substance;
- 8.5.3 deposit anything in a pan, urinal or drain that is likely to cause a blockage or damage;
- 8.5.4 use the ablutionary facilities for a purpose for which it was not designed or constructed;
- 8.5.5 enter any ablutionary facilities that are set aside for the use of the opposite gender except for:

(a) a child under the age of ten (10) years accompanied by an adult person; and/or

(b) providing assistance to a person with a disability;

8.5.6 deface, foul or use other than for its proper purpose or cause any unsanitary or unclean condition in any ablutionary facility or any apparatus, fixtures or fittings therein.

#### **8.6. Litter and Waste**

8.6.1 Deposit or leave thereon anything obnoxious or offensive

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

8.6.3 Deposit in any rubbish bin thereon any waste or rubbish contrary to any information on signs on the bin or in its vicinity.

#### **8.7. Camping Fees**

Fail to pay any applicable camping fees for the camping reserve that may be set by the Council from time to time by resolution, and which fees are set out on a sign erected on or in the vicinity of a camping reserve.

### **PART 3 – ENFORCEMENT**

#### **9. Orders**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

#### **10. Exemptions**

10.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or 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 in accordance with a direction of a Council officer.

10.2. The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

10.3. An exemption—

10.3.1 may be granted or refused at the discretion of the Council; and

10.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

10.3.3 is subject to any conditions specified in the instrument of exemption.

- 10.4. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 10.5. The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of City of Whyalla held on the **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

A handwritten signature in black ink, appearing to read 'Justin Commons', with a long horizontal flourish extending to the right.

JUSTIN COMMONS  
Chief Executive Officer

16 August 2021