



By-law made under the Local Government Act 1999

CAMPING AND MOORING BY-LAW 2024

By-law No. 7 of 2024

To regulate, control and prohibit camping activities and the mooring of vessels in Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Camping and Mooring By-law 2024*.

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

3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*.

3.2 **boat** includes a houseboat, raft, canoe, personal watercraft or any other similar device;

3.3 **camp** includes setting up a camp, or causing or allowing a tent, sleeping bag, caravan or motor home to remain on land for the purpose of staying overnight whether or not any person is in attendance or sleeps on the land;

3.4 **camping reserve** means:

3.4.1 any park, reserve, road or other local government land which the Council has, by resolution, determined to be a camping reserve for the purposes of this by-law; and

3.4.2 which is identified by one or more signs bearing the words 'camping reserve' or 'camping area' with or without other words;

3.5 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;

3.6 **park** has the same meaning as in the *Local Government Act 1999*;

3.7 **personal watercraft** means a device that:

3.7.1 is propelled by a motor; and

3.7.2 has a fully enclosed hull; and

3.7.3 is designed not to retain water if capsized; and

3.7.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,

and includes the device commonly referred to as a jet ski;

3.8 **prescribed fee** means the fee set by the Council, by resolution, for that purpose;

3.9 **prescribed limit** means:

3.9.1 if signage installed by the Council states a limit, that limit;

3.9.2 if no signage installed by the Council states a limit, no longer than five consecutive days;

3.10 **reserve** has the same meaning as in the *Local Government Act 1999*;

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

3.12 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Camping

4. General Controls

A person must not do any of the following on any park, reserve, road or other local government land without the permission of Council:

4.1 Camping

camp or sleep overnight;

4.2 Caravans and Motor Homes

use, occupy, cause, suffer or permit any other person to use or occupy any caravan, motor home or other vehicle as a place of habitation;

4.3 Tents

4.3.1 pitch, erect or construct any tent or other structure of calico, canvas, plastic or any other similar material; or

4.3.2 tie a rope, rug or other article to any tree, stake, plant or other object for use as a place of habitation.

5. Exemptions

- 5.1 The restrictions in paragraph 4 of this by-law do not apply:
- 5.1.1 where the person is in a caravan park, the proprietor of which has permission to operate the caravan park;
 - 5.1.2 where a sign or signs have been erected by the Council indicating that camping activities are permitted on that land either generally, or in a particular vehicle or structure;
 - 5.1.3 in a camping reserve.
- 5.2 The restrictions in paragraph 4.3 of this by-law do not apply to a place of habitation created or erected by the Council or another government instrumentality.

6. Camping Reserves

6.1 Requirement to Comply with Camping Rules

- 6.1.1 A person must not camp on a camping reserve unless the person complies with the camping rules.
- 6.1.2 For the purposes of paragraph 6.1 a person complies with the **camping rules** if the person:
- 6.1.2.1 pays the prescribed fee (if any) in the manner determined by the Council;
 - 6.1.2.2 either –
 - 6.1.2.2.1 displays the permit issued by the Council for the purposes of these rules (if any) in their vehicle so that it is legible from the front windscreen of the vehicle (or such other location as may be stated on the permit); or
 - 6.1.2.2.2 has an electronic version of the permit available for inspection by an authorised person;
 - 6.1.2.3 camps at the camping reserve for no longer than the prescribed limit;
 - 6.1.2.4 complies with any conditions set by the Council and stated on the permit; and
 - 6.1.2.5 complies with the requirements of any signage installed in the camping reserve by the Council related to the use of the land.

6.2 Requirement to Keep Camp Clean

A person must keep the area on which they are camped, and its surrounds, in a clean, tidy and sanitary condition.

6.3 Inspections by Authorised Persons

- 6.3.1 An authorised person may, at any reasonable time, enter and inspect a camp on a camping reserve.
- 6.3.2 An authorised person may require a person who the authorised person reasonably suspects to be camping on a camping reserve to:
 - 6.3.2.1 state the person's full name and usual place of residence;
 - 6.3.2.2 provide evidence of the person's identity.
- 6.3.3 For the purposes of subparagraph 6.3.1, an authorised person may enter any building, vehicle or structure:
 - 6.3.3.1 after giving reasonable notice to its owner or occupier; or
 - 6.3.3.2 on the authority of a warrant issued by a Magistrate in accordance with the *Local Government Act 1999*.
- 6.3.4 A person must not, without reasonable excuse, refuse, fail to comply, or obstruct an authorised person in the exercise of powers under this paragraph.

Part 3 – Management of Mooring

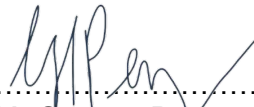
7. General Controls

- 7.1 A person must not without the permission of Council, and in compliance with the mooring rules, moor any boat on or to any park, reserve, road or other local government land upon which the Council has installed signage advising that mooring is prohibited except with the permission of the Council.
- 7.2 A person must not moor any boat on or to any park, reserve, road or other local government unless the person complies with the mooring rules.
- 7.3 For the purposes of paragraph 7.2 a person complies with the **mooring rules** if the person:
 - 7.3.1 moors the boat at the park, reserve, road or other local government land for no longer than the prescribed limit;
 - 7.3.2 pays the prescribed fee (if any) in the manner determined by the Council;
 - 7.3.3 complies with the requirements of any signage installed on the land by the Council related to the use of the land for the purposes of mooring;

7.3.4 does not dispose of any effluent other than at a designated site for the disposal of such effluent.

7.4 A person must not obstruct any boat or mooring place, or access to any boat or mooring place, whether that access is by water or land.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Loxton Waikerie held on the eighteenth day of September 2024 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 Gregory Perry
Acting Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which the District Council of Loxton Waikerie intends to make, being *Camping and Mooring By-law 2024* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Sections 239(1), 246(1), 246(2) and 246(3);

Local Government (General) Regulations 2013, Regulation 28;

Legislation Interpretation Act 2021, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 5th day of September 2024.



Paul St Leger Kelly, Legal Practitioner