

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 1 – Permits and Penalties By-law 2025**

*This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.*

and do certify that in my opinion:

**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(g) and 246(3)(h)(iii);*

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

**DATED** the 18 day of July 2025



Cimon Burke, Legal Practitioner



## CITY OF NORWOOD PAYNEHAM & ST PETERS

### PERMITS AND PENALTIES BY-LAW 2025

#### By-law No. 1 of 2025

*A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Norwood Payneham & St Peters.

### 2. Authorising Law

This By-law is made under section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

### 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. 1 – Permits and Penalties 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>

#### Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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

This By-law applies throughout the Council's area.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the City of Norwood Payneham & St Peters; and
- 6.3 **person** includes a natural person or a body corporate; and
- 6.4 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;

6.5 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.5.1 a bridge, viaduct or subway; or

6.5.2 an alley, laneway or walkway; and

6.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.6.1 a motor vehicle trailer and a tram;

6.6.2 a bicycle;

6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.6.4 a combination; and

6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

## **7. Construction of By-laws Generally**

7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:

7.2.1 permission granted specifically to an applicant; or

7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

## **PART 2 – PERMITS AND PENALTIES**

### **8. Permits**

8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

- 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
- 8.4 The Council (or a person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

## **9. Offences and Penalties**

- 9.1 A person who acts in contravention of any By-law of the Council is guilty of an offence and may be liable to pay:
- 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

### **Note-**

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

## **10. Liability of Vehicles Owners and Expiation of Certain Offences**

- 10.1 Without derogating from the liability of any other person, but subject to this clause 10, 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 or expiation fee as is prescribed for the principal offence.
- 10.2 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.
- 10.3 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, within the period specified in the notice, with a statutory declaration:
- 10.3.1 setting out the name and address of the driver; or

- 10.3.2 if the owner 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).
- 10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:
- 10.4.1 setting out particulars of the alleged prescribed offence; and
- 10.4.2 inviting the owner, if they were 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 subclause 10.3.
- 10.5 Subclause 10.4 does not apply to:
- 10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 10.5.2 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.
- 10.6 Subject to subclause 10.7, in proceedings against the owner of a vehicle for an offence against this subclause, it is a defence to prove:
- 10.6.1 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
- 10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.
- 10.7 The defence in subclause 10.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 10.8 If:
- 10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this clause 10; or
- 10.8.2 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.
- 10.9 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.

## 11. Evidence

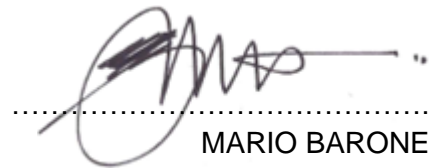
In proceedings for a prescribed offence, an allegation in an Information that:

- 11.1 a specified place was a road or local government land; or

- 11.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 11.3 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
- 11.4 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
- 11.5 a specified person was an authorised person; or
- 11.6 a specified provision was a condition of a specified permit granted under clause 8 of this by-law; or
- 11.7 a specified person was the owner or driver of a specified vehicle; or
- 11.8 a person named in a statutory declaration under clause 10 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
- 11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause 10 of this by-law on a specified day,

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

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



MARIO BARONE  
Chief Executive Office

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 2 – Moveable Signs By-law 2025**

*This By-law is to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.*

and do certify that in my opinion:


**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 226, 238, 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);*

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

**DATED** the 18 day of July 2025



Cimon Burke, Legal Practitioner





City of  
Norwood  
Payneham  
& St Peters

## CITY OF NORWOOD PAYNEHAM & ST PETERS

### MOVEABLE SIGNS BY-LAW 2025

#### By-law No. 2 of 2025

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the City of Norwood Payneham & St Peters.

### 2. Authorising Law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

### 3. Purpose

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council 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. 2 – Moveable Signs 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>

#### Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2025*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the City of Norwood Payneham & St Peters;
- 6.6 **footpath** area means:
- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
- 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;
- 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.9.1 a bridge, viaduct or subway;
- 6.9.2 an alley, laneway or walkway; and
- 6.9.3 the footpath area.
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.10.1 a motor vehicle trailer and a tram;
- 6.10.2 a bicycle;
- 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.10.4 a combination; and
- 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

## **PART 2 – MOVEABLE SIGNS**

### **7. Construction and Design**

A moveable sign must:

- 7.1 be of a kind known as:
  - 7.1.1 an 'A' frame or sandwich board sign;
  - 7.1.2 an 'inverted 'T' sign;
  - 7.1.3 a 'tear drop' sign;
  - 7.1.4 a flat sign; or
  - 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or, subject to this By-law, securely fixed in position so as to keep its position in any weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 1 metre in height or 0.6 metres in depth and width;
- 7.8 in the case of a 'tear drop' sign, not exceed 2.4 metres in height or 0.6 metres in depth and width;
- 7.9 in the case of an 'A' frame or sandwich board sign:
  - 7.9.1 be hinged or joined at the top; or
  - 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
  - 7.9.3 not have a base area in excess of 0.6 square metres; and
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

## 8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed on the sealed part of a footpath unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare (of sealed footpath area) of:
  - 8.3.1 in the case of moveable signs placed on The Parade, Norwood, at least 2 metres between the sign and the building line or, where there is no building, the adjoining property boundary; and
  - 8.3.2 in all other cases, at least 1.5 metres between the sign and the building line or, where there is no building, the adjoining property boundary;
- 8.4 placed other than on the kerb side of the footpath area (or, if there is no kerb, on the side closest to the carriageway) but must not be placed closer than 0.5 metres to the kerb;
- 8.5 tied, fixed, leaned against or attached to, or placed closer than 1 metre from another structure, object (including another moveable sign, bus shelter, or business merchandise display), tree, bush or plant;
- 8.6 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.7 placed on a footpath adjacent a loading zone, bus stop or taxi rank;
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a designated parking area;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.13 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
  - 8.13.1 it compromises the safety of any person or places a person at risk of harm; or
  - 8.13.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road; or
  - 8.13.3 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed.

## **9. Appearance**

A moveable sign placed on the footpath area of a road must, in the reasonable opinion of an authorised person:

- 9.1 be painted or otherwise detailed at a competent and professional manner;
- 9.2 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;
- 9.3 not have balloons, flags, streamers or other things attached to it; and
- 9.4 not rotate or contain flashing parts.

## **10. Banners**

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

### **Note-**

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

## **11. Restrictions**

- 11.1 A person must not, without the Council's permission:
  - 11.1.1 cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time;
  - 11.1.2 display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates; or
  - 11.1.3 cause or allow a moveable sign to be placed on a road unless:
    - 11.1.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
    - 11.1.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 11.2 If in the opinion of the Council a road is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on that road on such conditions as the Council thinks fit.

## 12. Exemptions

- 12.1 Subclauses 7.6, 8.4, 9.1, 9.2 and 11.1 of this By-law do not apply to a moveable sign that:
- 12.1.1 advertises a garage sale taking place from residential premises but provided that no more than six (6) moveable signs are displayed at any one time in relation to the garage sale taking place at that residential premises; or
  - 12.1.2 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.
- 12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

**Note-**

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes:

- a sign placed pursuant to an authorisation under another Act;
- a sign designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

## PART 3 – ENFORCEMENT

### 13. Removal of Moveable Signs

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

**Note-**

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the reasonable opinion of an 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; or

- 13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the Council of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



.....  
MARIO BARONE  
Chief Executive Officer



SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 3 – Roads By-law 2025**

*A By-law for the management, control and regulation of activities on roads and other land in the Council's area.*

and do certify that in my opinion:

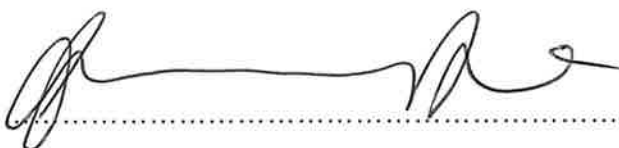
**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Local Government (General) Regulations 2013: regulation 28.*

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

DATED the 18 day of July 2025



Cimon Burke, Legal Practitioner



City of  
Norwood  
Payneham  
& St Peters

## CITY OF NORWOOD PAYNEHAM & ST PETERS

### ROADS BY-LAW 2025

#### By-law No. 3 of 2025

*A By-law for the management, control and regulation of activities on roads and other land in the Council's area.*

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**PART 1– PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Norwood Payneham & St Peters.

**2. Authorising Law**

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

**3. Purpose**

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

**4. Commencement 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. 3 – Roads 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<sup>2</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 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.1 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may determine by resolution in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means City of Norwood Payneham & St Peters;
- 6.5 **effective control** means a person exercising effective control of an animal either:
  - 6.5.1 by means of a physical restraint; or
  - 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.7 **moveable sign** has the same meaning as in the Act;
- 6.8 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
  - 6.8.1 a bridge, viaduct or subway; or
  - 6.8.2 an alley, laneway or walkway; and
- 6.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
  - 6.9.1 a motor vehicle trailer and a tram;
  - 6.9.2 a bicycle;
  - 6.9.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
  - 6.9.4 a combination; and
  - 6.9.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

### Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

## PART 2 – USE OF ROADS

### 7. Activities Requiring Permission

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

#### 7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.

**Note-**

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

Section 226A(1)) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).

#### 7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for broadcasting announcements or advertisements.

#### 7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except for on a road to which the Council has determined this subclause applies (if any).

7.3.2 Subject to clause 7.3.1:

7.3.2.1 lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control; or

7.3.2.2 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

#### 7.4 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

#### 7.5 Preaching and Canvassing

7.5.1 Preach, harangue, or canvass for religious or charitable purposes.

7.5.2 Convey any religious or other message to any bystander, passerby or other person.

## 7.6 Public Exhibitions and Displays

- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.
- 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.6.4 Cause any public exhibition or displays.

## 7.7 Soliciting

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

## 7.8 Shared Transport Devices

- 7.8.1 Subject to the *Road Traffic Act 1961*:
  - 7.8.1.1 operate a share transport device scheme; or
  - 7.8.1.2 leave a share transport device on a road other than in accordance with any conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website.
- 7.8.2 For the purposes of this subclause 7.8:
  - 7.8.2.1 **share transport device** means a bike, scooter or other mobility device that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
  - 7.8.2.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) or other mobility devices being made available for hire by any person for a fee or otherwise.

## 7.9 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

## 7.10 Rubbish Bins

Deposit in any Council bin on a road any rubbish:

- 7.10.1 emanating from a domestic, commercial or trade source; or
- 7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

## PART 3 – ENFORCEMENT

### 8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

### 9. Orders

If a person does not 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.

#### Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) if the conduct is still continuing – to stop the conduct; and*
- b) whether or not the conduct is still continuing – to take specified action to remedy the contravention*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

### 10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

## PART 4 – MISCELLANEOUS

### 11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, 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 or in accordance with a direction of a Council Officer.

11.2 The Council may otherwise, 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.

11.3 An exemption:

11.3.1 may be granted or refused at the discretion of the Council;

- 11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.3.3 is subject to any conditions specified in the instrument of exemption.
- 11.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.5 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 the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



.....  
MARIO BARONE  
Chief Executive Officer



SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 4 – Local Government Land By-law 2025**

*This By-law is to manage and regulate the access to and use of Local Government land and certain public places.*

and do certify that in my opinion:

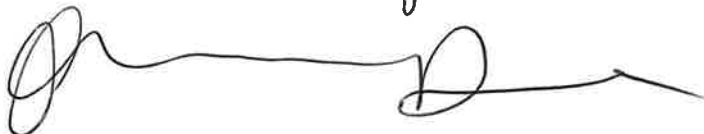
**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and  
Harbors and Navigation Act 1993: section 18A;*

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

**DATED** the 18 day of July 2025



Cimon Burke, Legal Practitioner



## CITY OF NORWOOD PAYNEHAM & ST PETERS

### LOCAL GOVERNMENT LAND BY-LAW 2025

#### BY-LAW NO. 4 OF 2025

*A By-law to manage and regulate the access to and use of Local Government land and certain public places.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Local Government Land By-law 2018* and is By-law No. 4 of the City of Norwood Payneham & St Peters.

### 2. Authorising Law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

### 3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's 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. 4 – Local Government Land 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033<sup>3</sup>

#### Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2025*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.3, 9.9.1, 9.9.3, 9.23.2, 9.23.3, 9.25.2, 9.34, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4 Subclauses 9.5.1, 9.13.2.2, and 9.23.1 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **boat** includes a raft, pontoon or personal watercraft or other similar device;
- 6.5 **camp** includes setting up a camp or causing:
- 6.5.1 a tent or other structure of calico, canvas, plastic or other similar material;
  - 6.5.2 a swag or similar bedding; or
  - 6.5.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—
- to remain on Local Government land or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

### Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

- 6.6 **Council** means the City of Norwood Payneham & St Peters;
- 6.7 **effective control** means a person exercising effective control of an animal either:
- 6.7.1 by means of physical restraint; or
  - 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8 **electoral 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;
- 6.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.10 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.11 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.12 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);

- 6.13 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.14 **open container** means a container that:
- 6.14.1 after the contents of the container have been sealed at the time of manufacture:
    - 6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
    - 6.14.1.2 being a can, it has been opened or punctured;
    - 6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
    - 6.14.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - 6.14.2 is a flask, glass, mug or other container able to contain liquid;
- 6.15 **personal watercraft** means a device that:
- 6.15.1 is propelled by a motor; and
  - 6.15.2 has a fully enclosed hull; and
  - 6.15.3 is designed not to retain water if capsized; and
  - 6.15.4 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;
- 6.16 **recreation ground** means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any area of land contiguous thereto and used in connection with it.
- 6.17 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.17.1 a bridge, viaduct or subway; or
  - 6.17.2 an alley, laneway or walkway; and
- 6.18 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.19 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.20 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:

- 6.20.1 a motor vehicle trailer and a tram;
  - 6.20.2 a bicycle;
  - 6.20.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
  - 6.20.4 a combination; and
  - 6.20.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;
- 6.21 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – ACCESS TO LOCAL GOVERNMENT LAND****7. Access**

The Council may:

- 7.1 close or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

**8. Closed Lands**

A person must not, without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

**PART 3 – USE OF LOCAL GOVERNMENT LAND****9. Activities Requiring Permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land (or where indicated on a road).

**9.1 Advertising**

Display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on the land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

**9.2 Aircraft**

Subject to the *Civil Aviation Act 1988*, land any aircraft (including a helicopter) on, or take off any aircraft from the land.

**9.3 Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

**9.4 Amplification**

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound, including for broadcasting announcements, or advertisements.

**9.5 Animals**

9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on except on any Local Government land to which the Council has resolved this clause applies and provided that the animal or animals are under effective control.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

**9.6 Annoyance**

Do anything likely to offend or unreasonably interfere with any other person:

9.6.1 using that land; or

9.6.2 occupying nearby premises;

by making a noise or creating a disturbance.

**9.7 Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

**9.8 Bees**

Place a hive of bees on such land, or allow it to remain thereon.

## 9.9 Boats

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*.

- 9.9.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;
- 9.9.2 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.3 moor a boat on any waters or to Local Government land to which the Council has determined this subclause applies.

## 9.10 Bridge Jumping

Jump or dive from a bridge on Local Government land.

## 9.11 Buildings

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

## 9.12 Burials and Memorials

- 9.12.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.12.2 Erect any memorial.

## 9.13 Camping and Tents

On Local Government land or on a road:

- 9.13.1 subject to this subclause 9.13, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 9.13.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
  - 9.13.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
  - 9.13.2.2 on any Local Government land or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or road.



**9.14 Canvassing**

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.

**9.15 Defacing Property**

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

**9.16 Distribution**

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

**9.17 Donations**

Ask for or receive or indicate a desire for a donation of money or any other thing.

**9.18 Encroachment**

Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.

**9.19 Entertainment and Busking**

9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

**9.20 Fires**

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

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

9.20.2 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 (4) metres.

**9.21 Fireworks**

Ignite, explode or use any fireworks.

**9.22 Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

- 9.22.2 cause or allow an animal to stand or walk on or drive a vehicle over any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.22.8 collect or take any dead wood or timber or burn any timber or dead wood;

with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.

## **9.23 Games and Sport**

- 9.23.1 Participate in, promote or organise any organised competition or sports distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 On Local Government land to which the Council has resolved this subclause applies, play or practise any game which involves kicking, hitting or throwing a ball or other object.
- 9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Play or practise the game of golf on Local Government Land other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its delegate).

## **9.24 Interference with Land**

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;

- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

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

Subject to the *Civil Aviation Safety Regulations 1998*:

- 9.25.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.25.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.

## 9.26 **Overhanging Articles**

Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

- 9.26.1 present a nuisance or danger to a person using the land; or
- 9.26.2 cause an unsightly condition.

## 9.27 **Preaching**

Preach, harangue or solicit for religious or other purposes.

## 9.28 **Recreation ground**

Use or occupy a recreation ground:

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

## 9.29 **Rubbish Dumps and Rubbish Bins**

- 9.29.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.

- 9.29.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).

### 9.30 Shared Transport Devices

Subject to the *Road Traffic Act 1961*:

- 9.30.1 operate a share transport device scheme;
- 9.30.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).
- 9.30.3 For the purposes of this subclause 9.28:
- 9.30.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 9.30.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

### 9.31 Trading

- 9.31.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.31.2 Carry on any business or promote or advertise the same.
- 9.31.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

### 9.32 Vehicles

- 9.32.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
- 9.32.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
- 9.32.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.

### **9.33 Weddings, Functions and Special Events**

- 9.33.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.33.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.33.3 Hold or conduct any filming where the filming is for a commercial purpose.

### **9.34 Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

## **10. Prohibited Activities**

A person must not do any of the following activities on Local Government land:

### **10.1 Animals**

- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

### **10.2 Annoyances**

- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.

### **10.3 Equipment**

- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
  - 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
  - 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
  - 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

**10.4 Fishing**

Fish in any waters to which the Council has resolved this subclause applies.

**10.5 Glass**

Willfully break any glass, china or other brittle material.

**10.6 Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

**10.7 Nuisance**

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

**10.8 Obstruction**

Obstruct:

10.8.1 any path or track;

10.8.2 any door, entrance, stairway or aisle in any building; or

10.8.3 any gate or entrance to or on Local Government land.

**10.9 Playing Games**

Play or practise a game or sport or participate in any form of recreation or amusement:

10.9.1 which is likely, in the reasonable opinion of an authorised person, to:

10.9.1.1 cause damage to the land or anything on it; or

10.9.1.2 to endanger the safety of any person; or

10.9.2 in any area where a sign indicates that the game, sport or amusement is prohibited.

**10.10 Smoking**

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

**10.11 Solicitation**

Subject to subclause 9.27, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

## 10.12 Throwing Objects

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

## 10.13 Toilets

In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):

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

10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;

10.13.3 use the facilities for a purpose for which it was not designed or constructed; or

10.13.4 enter any gender specific public convenience except:

10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;

10.13.4.2 where the person is:

(a) a vulnerable person; or

(b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or

10.13.4.3 for the purpose of providing assistance to a person with a disability; or

10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or

10.13.4.5 in the case of a genuine emergency.

## 10.14 Waste

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.14.3 Deposit in any rubbish bin:

10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

## PART 4 – ENFORCEMENT

### 11. Directions

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of Local Government land.

### 12. 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.

#### Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

*a) if the conduct is still continuing - to stop the conduct; and*

*b) whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

### 13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

## PART 5 – MISCELLANEOUS

### 14. Exemptions

14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, 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 or in accordance with a direction of a Council officer.



- 14.2 The restrictions in subclauses 9.14 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
  - 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and 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
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, 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.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
  - 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 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 the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



MARIO BARONE  
Chief Executive Officer

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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 5 – Dogs By-law 2025**

*This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.*

and do certify that in my opinion:

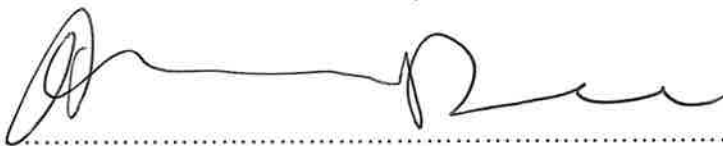
**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);  
Dog and Cat Management Act 1995: section 90; and  
Harbors and Navigation Act 1993: section 18A;*

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

**DATED** the 18 day of July 2025



Cimon Burke, Legal Practitioner



City of  
Norwood  
Payneham  
& St Peters

## CITY OF NORWOOD PAYNEHAM & ST PETERS

### DOGS BY-LAW 2025

#### By-law No. 5 OF 2025

*A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the City of Norwood Payneham & St Peters.

### 2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.

### 3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's 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. 5 – Dogs 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<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 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 9 and 10.3 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means City of Norwood Payneham & St Peters;
- 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.11 **public picnic or barbeque area** means an area in a public place at which fixed cooking facilities and/or dining equipment (including chairs and tables) are located.
- 6.12 **small dwelling** means a self-contained residence that is:
- 6.12.1 a residential flat building;
- 6.12.2 contained in a separate strata unit or community title;
- 6.12.3 on an allotment less than 400 square metres in area; or
- 6.12.4 without a secure yard of at least 100 square metres in area;
- 6.13 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

**PART 2 – LIMITS ON DOG NUMBERS****7. Limits on Dog Numbers in Private Premises**

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
- 7.1.1 more than one dog in a small dwelling; or
  - 7.1.2 more than two dogs on any premises other than a small dwelling; or
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
  - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

**PART 3 – DOG CONTROLS****8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

**Note –**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

**9. Dog on Leash Areas**

A person must not, without the Council's permission, 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 any Local Government land or public place (including a park) to which the Council has determined this clause applies, unless the dog is under effective control by means of a leash.

## **10. Dog Prohibited Areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land;
- 10.2 within 15 metres of a public picnic or barbeque area; or
- 10.3 on any other Local Government land or public place to which the Council has determined this subclause applies.

## **11. Dog Faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

## **12. Dog obedience classes**

A person must not, without permission of the Council, arrange or conduct dog obedience training classes on Local Government land.

## **PART 4 – EXEMPTIONS**

### **13. Council May Grant Exemptions**

- 13.1 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.
- 13.2 An exemption:
  - 13.2.1 may be granted or refused at the discretion of the Council;
  - 13.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 13.2.3 is subject to any conditions specified in the instrument of exemption.
- 13.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 13.4 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.

## **PART 5 – ENFORCEMENT**

### **14. Orders**

- 14.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

- 14.1.1 if the conduct is still continuing – to stop the conduct; and
- 14.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 14.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 14.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 14.4 An authorised person may not use force against a person.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



.....  
MARIO BARONE  
Chief Executive Officer



SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 6 – Waste Management By-Law 2025**

*To regulate the removal of domestic waste from premises within the Council's area.*

and do certify that in my opinion:

**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 238, 239 and 246; and  
Local Government (General) Regulations 2013: regulation 28(b);*

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

DATED the 18 day of July 2025



.....  
Cimon Burke, Legal Practitioner



City of  
Norwood  
Payneham  
& St Peters

## CITY OF NORWOOD PAYNEHAM & ST PETERS

### WASTE MANAGEMENT BY-LAW 2025

#### By-law No. 6 of 2025

*A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.*

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## **PART 1 – PRELIMINARY**

### **1. Title**

This By-law may be cited as the *Waste Management By-law 2025* and is By-law No. 6 of the City of Norwood Payneham & St Peters.

### **2. Authorising law**

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, and regulation 28(b) of the *Local Government (General) Regulations 2014*.

### **3. Purpose**

The objectives of this By-law are:

- 3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste and other waste;
- 3.2 to prevent damage to Council property and land;
- 3.3 to outline the requirements for the use of Council's domestic kerbside waste collection service;
- 3.4 to protect the convenience, comfort and safety of members of the public;
- 3.5 to enhance the amenity of the Council area; and
- 3.6 for the good rule and government of the Council 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. 6 – Waste Management 2018.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<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 2025*.
- 5.2 This By-law applies throughout the Council's area.

## 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed by the Council as an authorised person pursuant to section 260 of the Act;
- 6.3 **Council** means the City of Norwood Payneham & St Peters;
- 6.4 **crossover** means the portion of a road (usually connected to a driveway on private property) that provides vehicular access to adjoining land;
- 6.5 **domestic waste** means any kind of domestic waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood and any toxic waste or other waste specified by the Council and noted on its website;
- 6.6 **domestic waste container** means a container for the disposal of domestic waste to be collected by the Council that is approved by the Council;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **green organics** means compostable waste, and includes food waste, garden organic waste, paper towel or other materials for which permission has been given by the Council;
- 6.9 **green organics container** means a container to be collected by the Council for the disposal of green organics and that is approved by the Council for this purpose;
- 6.10 **Hard Waste** means any internal or external domestic items such as (but not limited to) fridges, and mattresses but excludes any waste or other items as may be specified by the Council and noted on its website;
- 6.11 **occupier** has the same meaning as in the *Local Government Act 1999*;
- 6.12 **premises** means premises to which the Council's domestic waste collection service is made available;
- 6.13 **recyclables** means waste that can be recycled including 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 but excluding any item specified by the Council and noted on its website;
- 6.14 **recyclables container** means a container for the disposal of recyclables to be collected by the Council that is approved by the Council;

6.15 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.15.1 a bridge, viaduct or subway; or

6.15.2 an alley, laneway or walkway;

6.16 **waste** means domestic waste, recyclables, hard waste, green organics or any other item being disposed of as it is no longer required; and

6.17 **waste containers** means domestic waste containers, recyclables containers and green organics containers or any other container used to store waste.

## **PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES**

### **7. Rubbish and Waste Collection**

A person must not leave waste on a road or public place for collection by the Council or its agents except in accordance with this By-law or otherwise with the permission of the Council.

### **8. Provide Containers**

An occupier of premises must keep on his or her premises a domestic waste container and a recyclables container.

### **9. Waste collection service**

An occupier of premises may put domestic waste, green organics and recyclables out for collection by the Council or its contractors provided that:

9.1 the domestic waste, green organics and recyclables are contained within a waste container designated for that type of waste and that is approved by the Council;

9.2 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and

9.3 the domestic waste, green organics and recyclables are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing.

### **10. Obligations of occupiers**

Every occupier of premises must:

#### **10.1 Domestic waste**

not place, cause, suffer or permit any waste other than domestic waste to be in a domestic waste container;

**10.2 Recyclables**

not place, cause, suffer or permit waste other than recyclables to be in a recyclables container;

**10.3 Green Organics**

not place, cause, suffer or permit waste other than green organics to be in a green organics container; and

**10.4 Damage**

immediately arrange for the replacement or repair of a waste container kept on the premises if the same becomes damaged or worn to the extent that:

10.4.1 it is not robust or watertight;

10.4.2 it is unable to be moved on its wheels efficiently when empty or full;

10.4.3 the lid does not seal the container when closed; or

10.4.4 its efficiency or use is, in the reasonable opinion of an authorised person, otherwise impaired;

**10.5 Keep container clean**

cause each waste container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times;

**10.6 Sealing of container**

cause each waste container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container;

**10.7 Collecting services**

facilitate the collection and removal of waste from the premises by ensuring all waste containers containing waste for collection by the Council or its contractors are placed on the road for collection:

10.7.1 on the day appointed by the Council for the collection of waste from those premises or after 4pm the night before (and not before this time); and

10.7.2 in a position:

10.7.2.1 adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and

10.7.2.2 not under the overhanging branches of any trees; and

10.7.2.3 if placed on a crossover, only on the part of a crossover (where it abuts the carriageway) that is closest to the edge of the crossover

and not in the centre of the crossover or in any other place or manner that may reasonably be considered (in the reasonable opinion of an authorised person) to create a restriction or a danger for other pedestrians or vehicular access to the crossover; and

- 10.7.2.4 as may otherwise be required by the Council (including in any location specified by the Council) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing;

#### **10.8 Removal of container**

not, without a reasonable excuse (as determined by an authorised person acting reasonably), fail to remove all waste containers from the road on the same day as the collection of waste has occurred;

#### **10.9 Waste**

not place any waste container on the road for collection by the Council its agents or contractors unless the waste container contains only the type of waste that is permitted to be disposed of in that waste container; and

#### **10.10 Hard waste**

not place any hard waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or specified on the Council's website.

### **11. Unlawful interference with waste**

A person must not, without the Council's permission, take or interfere with any waste that has been left on a road for collection by the Council, its agents or contractors.

## **PART 3 – ENFORCEMENT**

### **12. 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.

### **13. Exemptions**

13.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course of 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.

13.2 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.

13.3 An exemption:

13.3.1 may be granted or refused at the discretion of the Council;

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

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

13.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

13.5 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 the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
.....  
MARIO BARONE  
Chief Executive Officer



SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care 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 NORWOOD PAYNEHAM & ST PETERS**

**By-law No 7 – Cats By-Law 2025**

*A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.*

and do certify that in my opinion:

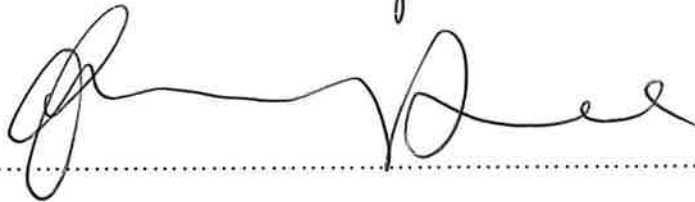
**CITY OF NORWOOD PAYNEHAM & ST PETERS**

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

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), and 246(3)(f); and  
Dog and Cat Management Act 1995: section 90;*

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

DATED the 18 day of July 2025

A handwritten signature in black ink, appearing to read 'Cimon Burke', written over a horizontal dotted line.

Cimon Burke, Legal Practitioner



## CITY OF NORWOOD PAYNEHAM & ST PETERS

### CATS BY-LAW 2025

#### By-law No. 7 of 2025

*A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 7 of the City of Norwood Payneham & St Peters.

### 2. Authorising Law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

### 4. Expiry

- 4.1 This By-law commences in accordance with the Act<sup>1</sup> and will expire on 1 January 2033<sup>2</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. 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 2025*.
- 5.2 This By-law applies throughout the Council's area.

### 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the City of Norwood Payneham & St Peters;
- 6.4 **effective control by means of physical restraint** means:
  - 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and does not exceed 2 metres in length; or
  - 6.4.2 a person has secured the cat in a cage, vehicle or other object or structure.

- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or
  - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or
  - 6.6.3 acts in a manner that is injurious to a person's real or personal property; or
  - 6.6.4 wanders onto land without the consent of the owner or occupier of the land; or
  - 6.6.5 defecates or urinates on land without the consent of the owner or occupier of the land;
- 6.7 **owner** of a cat has the same meaning as in section 5 of *the Dog and Cat Management Act 1995*;
- 6.8 **premises** includes any land, (whether used or occupied for domestic or non- domestic purposes), and any part thereof; and
- 6.9 **the person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*;

**Note-**

Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

## **PART 2 – LIMITS ON CAT NUMBERS**

### **7. Limits on Cat Numbers in Private Premises**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to:
- 7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;
  - 7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:
    - 7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within three (3) months of the commencement of this By-law;
    - 7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*;
    - 7.2.2.3 no insanitary condition is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or the keeping of the cats on the premises;

- 7.2.2.4 no nuisance is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or by the keeping of the cats on the premises; and
  - 7.2.2.5 no additional cats are acquired or kept on the premises over and above those cats notified to the Council in accordance with subclause 7.2.2.1 after the By-law commences operation.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:
  - 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
  - 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

### PART 3 – CAT CONTROLS

#### 8. Cats not to be a nuisance

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purpose of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

#### 9. Effective Confinement of Cats

- 9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take all reasonable steps to ensure that the cat is confined, at all times, to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.
- 9.3 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

#### 10. Registration of cats

- 10.1 The Council may resolve to adopt a registration scheme for cats.
- 10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.3 An application for registration of a cat must:

- 10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and
  - 10.3.2 be accompanied by the fee (if any) prescribed by the Council; and
  - 10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
  - 10.3.4 identify with reference to an address the premises at which the cat is kept; and
  - 10.3.5 otherwise comply with any other requirements determined by the Council.
- 10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 10.5 Subclause 10.2 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

**Note—**

An approved cattery is an example of a business involving the keeping of cats.

- 10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

**PART 4 – EXEMPTIONS****11. Council May Grant Exemptions**

- 11.1 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.
- 11.2 An exemption:
- 11.2.1 may be granted or refused at the discretion of the Council;
  - 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 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.

**PART 5 – ENFORCEMENT****12. Orders**

- 12.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 12.1.1 if the conduct is still continuing – to stop the conduct; and

- 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 An authorised person may not use force against a person.

**Note-**

For example, an authorised person may order a person to cease keeping more than the permitted number of cats on that person's premises.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



.....  
MARIO BARONE  
Chief Executive Officer