



CITY OF
Port Adelaide Enfield

CITY OF PORT ADELAIDE ENFIELD
CARAVANS & CAMPING BY-LAW 2022

By-law No. 8 of 2022

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

CONTENTS

PART 1 – PRELIMINARY	2
1. Title	2
2. Authorising law	2
3. Purpose	2
4. Commencement and expiry	2
5. Application.....	2
6. Interpretation	3
PART 2 – REGULATION OF CAMPING	3
7. General camping controls.....	3
PART 3 – ENFORCEMENT	4
8. Orders.....	4
9. Exemptions	4
10. Liability of vehicle owners	5

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Caravans & Camping By-law 2022* and is By-law No. 8 of the City of Port Adelaide Enfield.

2. Authorising law

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

3. Purpose

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

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

4. Commencement and expiry

- 4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with section 249(5) of the Act.¹
- 4.2 This By-law will expire on 1 January 2030.²

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council area unless stated otherwise and to foreshore areas within the Harbor of Port Adelaide.
- 5.3 Subclause 7.1.1.2 of this By-law applies throughout the Council area except in such parts of the Council area as the Council may by resolution determine in accordance with section 246(3)(e) of the Act.

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.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **camp** includes setting up a camp, or causing:
- 6.2.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.2.2 a swag or similar bedding; or
 - 6.2.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home, or other camping vehicle;
- to remain on land overnight, whether or not any person is in attendance or sleeps on the land;
- 6.3 **Council** means the City of Port Adelaide Enfield;
- 6.4 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.5 **foreshore** means land extending;
- 6.5.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or
 - 6.5.2 for a distance of 50 metres from the high water mark,
- (whichever is the lesser) and to avoid doubt includes foreshore areas within the Harbor of Port Adelaide;
- 6.6 **Harbor of Port Adelaide** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.7 **land** means any Local Government land, road or foreshore or part thereof;
- 6.8 **Local Government land** means all land owned by the Council or under the Council's care, control and management;
- 6.9 **road** has the same meaning as in the *Local Government Act 1999*; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – REGULATION OF CAMPING

7. General camping controls

A person must not, without permission of the Council, engage in or undertake the following on any land:

- 7.1 **Camping**
- 7.1.1 Camp or sleep overnight except:

- 7.1.1.1 in a caravan park which the proprietor has permission to operate;
or
- 7.1.1.2 on any land 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 resolution of the Council and contained on signage erected on the land or in its vicinity.

7.2 Caravans

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

PART 3 – ENFORCEMENT

8. 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.

9. Exemptions

- 9.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer or in accordance with a direction of a Council officer.
- 9.2 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.
- 9.3 An exemption:
 - 9.3.1 may be granted or refused at the discretion of the Council;
 - 9.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 9.3.3 is subject to any conditions specified in the instrument of exemption.
- 9.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 9.5 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.

10. Liability of vehicle owners

- 10.1 For the purposes of this clause 10, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 10.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of City of Port Adelaide Enfield held on the **12 July 2022** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



MARK WITHERS
Chief Executive Officer