



## CITY OF PORT ADELAIDE ENFIELD

### LOCAL GOVERNMENT LAND AMENDMENT BY-LAW 2023

#### By-law No. 9 of 2023

*A By-law to amend the Local Government Land By-Law of the City of Port Adelaide Enfield to address matters raised by the Legislative Review Committee*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the '*Local Government Land Amendment By-law 2023*' and is By-law No. 9 of the City of Port Adelaide Enfield.

### 2. Authorising Law

This By-law is made under sections 246 and 249 of the *Local Government Act 1999*.

### 3. Purpose

The objective of this By-law is to make minor amendments, as requested by the Legislative Review Committee and as set out in Part 2, to various provisions in the Council's Local Government Land By-law that was made by the Council on 12 July 2022 and published in the *Government Gazette* on 28 July 2022.

### 4. Commencement, Revocation and Expiry

4.1 Pursuant to section 249(6)(d) of the *Local Government Act 1999*, this By-law will take effect on the date that it is published in the *Government Gazette*.

4.2 This By-law will expire on 1 January 2030.

### 5. Interpretation

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

5.1 **Act** means the *Local Government Act 1999*;

5.2 **Council** means the City of Port Adelaide Enfield; and

5.3 **LGL By-law** means the *Local Government Land By-law 2022* made by the Council on 12 July 2022 and published in the *Government Gazette* on 28 July 2022.

## PART 2 – AMENDMENT TO LOCAL GOVERNMENT LAND BY-LAW

### 6. Amendment to 'Donations' clause

As and from the date that this By-law takes effect, subclause 9.15 of the LGL By-law is deleted and substituted with the following:

#### **9.15 Donations**

*Ask for or receive or indicate that the person desires a donation of money or any other thing.*

### 7. Amendments to 'Overhanging articles' clause

As and from the date that this By-law takes effect, subclause 9.28 of the LGL By-law is deleted and substituted with the following:

#### **9.28 Overhanging articles**

*Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature in the reasonable opinion of an authorised person.*

**8. Amendments to 'Swimming' clause**

As and from the date that this By-law takes effect, the reference to 9.35.2 in subclause 9.36.1 of the LGL By-law is deleted and replaced with 9.36.2

**9. Amendments to 'Weddings, funerals and special events' clause**

As and from the date that this By-law takes effect, the word 'ceremony' is to be inserted after the word 'funeral', where the word 'funeral' appears in subclause 9.39.1 and in subclause 9.39.2

**10. Amendments to 'Ablutionary facilities' clause**

As and from the date that this By-law takes effect, clause 10.1.5 of the LGL By-law is deleted and substituted with the following:

10.1.5 *enter any ablutionary facility unless the person is of the gender indicated in writing or on a sign located on that facility except:*

10.1.5.1 *in the case of a genuine emergency; or*

10.1.5.2 *where a vulnerable person is being assisted by the vulnerable person's caregiver, parent or guardian; or*

10.1.5.3 *if the person is intersex, transgender or gender diverse; or*

10.1.5.4 *if the person is a person with a disability; or*

10.1.5.5 *if the person is assisting a person with a disability.*

**11. Amendments to 'Directions' clause**

As and from the date that this By-law takes effect, subclause 11.2 of the LGL By-law is deleted and substituted with the following:

11.2 *A person who, in the opinion of an authorised person (acting reasonably), is likely to commit or has committed, a breach of this By-law must immediately comply with a reasonable direction of an authorised person to leave that part of Local Government land.*

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

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MARK WITHERS  
Chief Executive Officer