

APPENDIX 28

**INSTRUMENT OF DELEGATION UNDER
CHAPTER 12 Part 1 - BYLAWS
OF THE LOCAL GOVERNMENT ACT 1999**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

BY-LAW NO.3 OF 2019 - LOCAL GOVERNMENT LAND	
A By-law to regulate the access to and use of Local Government land (other than roads), and certain public places.	
PART 2 – MANAGEMENT OF LOCAL GOVERNMENT LAND	
5. Activities requiring permission	
<i>5.1 Advertising</i>	
To authorise a permit or license to display any sign for the purpose of commercial advertising other than a moveable sign which is displayed in accordance with the <i>Moveable Signs By-law 2019</i> .	URPS - J.Lewis, S.Channon, P.Harnett, R.Gosling
<i>5.2 Aircraft</i>	
Subject to the <i>Civil Aviation Act 1988</i> , to authorise a permit or license to land any aircraft on, or take off any aircraft from any land excluding the Ceduna Airport.	Manager Governance
<i>5.3 Amplification</i>	
To authorise a permit or license to use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.	Manager Governance Manager Administration & Finance
<i>5.4 Animals</i>	
5.4.1 To authorise a permit to cause or allow any animal to stray onto, move over, graze or be left unattended; or	Manager Governance

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5.4.2 To authorise a permit to cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this subparagraph shall apply; or	Manager Administration & Finance Compliance Officer
5.4.3 To authorise a permit to lead or drive a horse, cattle sheep or goat, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind.	
5.5 Annoyance	
To authorise a permit or license to undertake activities that has a potential to offend or unreasonably interfere with any other person:	
5.5.1 using that land; or	Manager Governance
5.5.2 occupying nearby premises,	Manager Administration & Finance
by making an unreasonable noise in the circumstances or creating a disturbance of the peace	
5.6 Aquatic Life	
To authorise a permit to introduce any non-native aquatic life to any waters	Manager Governance
5.6 Athletic, Fitness and ball sports	
To authorise a permit or license to	Manager Governance
5.7.1 promote, organise or take part in any organised athletic sport or fitness activity ;	Manager Administration & Finance
5.7.2 play any organised competition sport;	
5.7.3 play or practise the game of golf;	
5.8 Attachments	
To authorise a permit to attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.	Manager Governance Manager Infrastructure & Engineering Services
5.9 Bees	
To authorise a permit or license to place a hive of bees on such land, or allow it to remain thereon.	URPS - J.Lewis, S.Channon, P.Harnett, R.Gosling

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	Manager Governance Manager Administration & Finance
<i>5.10 Boats, boat ramps and marinas</i>	
Subject to the provisions of the <i>Harbors and Navigation Act 1993</i> , and the <i>Marine Safety (Domestic Commercial Vessel) National Law</i> to authorise a permit or license to:	Manager Governance Manager Administration & Finance
5.10.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;	
5.10.2 launch or retrieve a boat from any boat ramp to which the Council has determined this subparagraph applies other than in accordance with any conditions specified on a sign or signs erected in the vicinity of the boat ramp, including (but not limited to) conditions which may restrict the type of boat that may be launched from that boat ramp;	
5.10.3 moor a boat in any waters or to local government land to which the Council has determined this subparagraph applies;	
5.10.4 moor any boat on or to local government land, other than in accordance with any time limits and other conditions (if any) determined by resolution of the Council and contained in any signage erected in the vicinity.	
5.10.5 allow a boat to be moored at any berth in a marina;	
5.10.6 allow a boat to be berthed alongside a wharf in a marina;	
5.10.7 allow a boat to be moored in a boat ramp launching basin;	
5.10.8 stay overnight on a boat moored in a marina, boat ramp launching basin or boat ramp parking area;	
5.10.9 undertake major repairs to a moored boat in a marina;	
5.10.10 undertake minor repairs to a moored boat in a marina, other than minor repairs carried out within the confines of the boat itself and between the hours of 7am and 8pm Monday to Saturday only	
5.10.11 use angle grinders, sand blasters or other electrical power tools or welding equipment on a boat in a marina, boat ramp launching basin or boat ramp parking area, except for minor maintenance work;	
5.10.12 hire out a boat or otherwise use a boat for commercial	

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purposes; or	
5.10.13 hire out a boat on or from the foreshore.	
5.10.14 jump, dive or swim from any boat ramp or similar type of infrastructure;	
5.10.15 allow a vehicle to remain stationary on a boat ramp longer than is reasonably necessary to launch or retrieve a boat;	<p>Manager Governance</p> <p>Manager Administration & Finance</p> <p>Compliance Officer</p>
5.11 Boat Harbours	
5.11.1 To authorise a permit to intentionally interfere with any of the moorings in a boat harbour;	<p>Manager Governance</p> <p>Manager Administration & Finance</p>
5.11.2 To authorise a permit to anchor or moor a boat in a boat harbour in a manner that causes the boat to obstruct the entrance to the harbour;	
5.11.3 To authorise a permit to throw, discharge, or place any marine offal or waste, sewerage, food waste or other rubbish of any kind, into waters or surrounds of a boat harbour;	
5.11.4 To authorise a permit to fish, swim, dive, scuba dive, or snorkel in a boat harbour or conduct or participate in any water sport in a boat harbour; or	
5.11.5 To authorise a permit to handle any fuel or dangerous or flammable substance in such a manner that may expose a person or property to damage;	
5.12 Camping & Tents	
5.12.1 To authorise a permit to camp or stay overnight, other than in an area which has been set aside by the Council for camping purposes and, in accordance with any conditions that may be determined by resolution of the Council and contained in any signage erected thereon;	<p>Manager Governance</p> <p>Manager Administration & Finance</p> <p>Compliance Officer</p>
5.12.2 To authorise a permit to erect any tent, booth, marquee or other structure for the purpose of habitation on any land to which the Council has determined this subparagraph applies; or	

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5.12.3 To authorise a permit to camp on any land for longer than any time period that the Council has resolved applies;	
5.13 Canvassing & Preaching	
To authorise a permit to preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution , determined this restriction shall not apply;	Manager Governance Manager Administration & Finance
5.14 Burials and Memorials	
5.14.1 To authorise a permit to bury, inter or inter any human or animal remains.	Manager Governance Administration Officer L.Dunn
5.14.2 To authorise a permit or license to erect any memorial.	Manager Governance
5.15 Closed Lands	
5.15.1 To authorise a person to enter or remain on any Local Government Land at any time during which the Council has declared that part to be closed to the public and which closure is indicated by a sign on or adjacent to that land to that effect	Manager Governance Manager Administration & Finance
5.15.2 To authorise a person to enter or remain on any Local Government Land where land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or	
5.15.3 To authorise a person to enter or remain on any Local Government Land where admission charges are payable to enter without paying those charges;	
5.16 Dead Animals	
To authorise a permit to dispose of any dead animals or part thereof in any Council rubbish bin unless the Council has designated the bin for that purpose by the erection of a sign or signs;.	Manager Governance Manager Administration & Finance
5.17 Defacing Property	
To authorise a permit or license to deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.	

<i>5.18 Distribution</i>		
	To authorise a permit or license to distribute any handbill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.	Manager Governance
<i>5.19 Donations</i>		
	To authorise a permit or license to ask for, receive or indicate that he or she desires a donation of money or any other thing.	Manager Governance Manager Administration & Finance
<i>5.20 Encroachment</i>		
	To authorise a permit to erect or place any fencing, posts or other structures or any other items or substances so as to encroach onto the land	Manager Governance
<i>5.21 Entertainment</i>		
5.21.1	To authorise a permit to sing, busk or play a recording or musical instrument for the purpose of, or so as to appear to be for the purpose of, entertaining others whether or not receiving money.	Manager Governance Manager Administration & Finance
5.21.2	To authorise a permit or license to conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.	
<i>5.22 Filming</i>		
	To authorise a permit to conduct or participate in any filming where the filming is for a commercial purpose.	Manager Governance Manager Administration & Finance
<i>5.23 Fires</i>		
5.23.1	To authorise a permit to light any fire except in a place provided or approved by the Council for that purpose; or	Manager Governance Fire Prevention Officer
5.23.2	To authorise a permit to light any fire except in in a portable barbecue, as long as the barbecue is used in an area that is clear of flammable material for a distance of at least four metres;	

5.23.3 To authorise a permit to light any fire except in accordance with the <i>Fire and Emergency Services Act 2005</i>	
5.24 Fireworks	
To authorise a permit or license to Ignite or discharge any fireworks or rockets.	Manager Governance
5.25. Flora and Fauna	
Subject to the <i>Native Vegetation Act 1991</i> and the <i>National Parks and Wildlife Act 1972</i> :	
5.25.1 To authorise a permit or license to damage, pick, disturb, interfere with or remove any plant or flower;	Manager Governance Manager Infrastructure & Engineering Services
5.25.2 To authorise a permit or license to lead or drive any animal, or stand or walk, on any flower bed or garden plot;	
5.25.3 To authorise a permit or license to deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;	
5.25.4 To authorise a permit or license to 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;	
5.25.5 To authorise a permit or license to pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;	
5.25.6 To authorise a permit or license to disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;	
5.25.7 To authorise a permit or license to, use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature.	
5.26 Interference with land	
To authorise a permit or license to interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:	Manager Governance Manager Infrastructure & Engineering Services
5.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;	
5.26.2 erecting or installing a structure in, on, across, under or over the land;	
5.26.3 changing or interfering with the construction, arrangement or	

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materials of the land;	
5.26.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or	
5.26.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;	
5.27 Levying charges	
To authorise a permit or license to levy or collect a fee or charge for admission to any part of Local Government land;	Manager Administration & Finance
5.28 Liquor	
To authorise a permit or Licence excepting in a sealed container, to consume, carry or be in possession or charge of any liquor in an open container (provided the land constitutes a park or reserve) except on premises in respect of which a licence is in force pursuant to the <i>Liquor Licencing Act 1997</i> .	Manager Governance
5.29 Model Aircraft, Drones, Boats and Cars	
<i>Subject to the Civil Aviation Act 1988:</i>	
5.29.1 To authorise a permit or license to fly or operate a model aircraft or drone aircraft, boat or remote control vehicle in a manner which may cause injury or discomfort to a person on or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or.	Manager Governance
5.29.2 To authorise a permit or license to fly or operate a model aircraft or drone aircraft, boat or remote control vehicle on any local government land to which the Council has resolved this subparagraph applies;	
5.30 Overhanging Articles or Displaying Personal Items	
To authorise a permit or license to suspend or hang any article or thing from any building, verandah , pergola, post or other structure on local government land where it might present a nuisance or danger to any person using local government land or be of an unsightly nature:	URPS - J.Lewis, S.Channon, P.Harnett, R.Gosling Manager Governance

<i>5.31 Playing Area</i>	
To authorise a permit or license to use or occupy a playing area:	
5.31.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);	Manager Governance Manager Infrastructure & Engineering Services
5.31.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or	
5.31 3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.	
<i>5.32 Pontoons</i>	
To authorise a permit or license to install or maintain a pontoon or jetty in any waters.	Manager Infrastructure & Engineering Services
<i>5.33 Removing Soil</i>	
To authorise a permit or license to carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land.	Manager Infrastructure & Engineering Services
<i>5.34 Repairs to vehicles</i>	
To authorise a permit or license to perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except running repairs in the case of breakdown	Manager Governance
<i>5.35 Ropes</i>	
To authorise a permit or license to place a buoy, cable, chain, hawser, rope or net in or across any waters.	Manager Governance Manager Infrastructure & Engineering Services Manager Administration & Finance

<i>5.36 Rubbish dumps and rubbish bins</i>	
To authorise a permit or license to remove, dispense, take away or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded:	Manager Governance Manager Infrastructure & Engineering Services
5.36.1 In a Council rubbish bin:	
5.36.1 In a Council rubbish dump;	
<i>5.37 Smoking</i>	
To authorise a permit or license to smoke tobacco or any other substance in any building:	<i>Manager Governance</i>
To authorise a permit or licence to smoke tobacco or any other substance on any local government land or part thereof to which the Council has resolved this subparagraph shall apply;	
<i>5.38 Swimming and aquatic activity</i>	
Subject to the provisions of the <i>Harbors and Navigation Act 1993</i> to authorise a permit or license to swim in, bathe or enter any waters except:	Manager Governance
5.38.1 in waters comprising the sea;	
5.38.2 in an area which the Council has determined may be used for such purposes and in accordance with any conditions that the Council may have determined by resolution apply to such use.	
<i>5.39 Trading</i>	
To authorise a permit or license to Sell, buy, offer or display anything for sale.	Manager Governance Manager Administration & Finance
<i>5.40 Use of Water</i>	
To authorise a permit or license to use any water provided by the Council for the purposes of:	Manager Governance Manager Administration & Finance
5.40.1 washing any vehicle, boat or trailer;	
5.40.2 washing any animal; or	
5.40.3 washing or showering any person,	

unless the Council has determined the water may be used for such purpose as indicated by a nearby sign;	
5.41 Vehicles	
5.41.1 To authorise a permit or license to drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.	Manager Governance Manager Infrastructure & Engineering Services
5.41.2 To authorise a permit or license to promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.	
5.41.3 To authorise a permit or license to repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.	Manager Governance Manager Infrastructure & Engineering Services
5.42 Weddings, Functions and Special events	
5.42.1 To authorise a permit or license to hold, conduct or participate in a marriage ceremony, funeral or special event.	Manager Governance Manager Administration & Finance
5.42.2 To authorise a permit or license to erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.	
5.29.3 To authorise a permit or license to hold or conduct any filming where the filming is for a commercial purpose.	
12. Orders	
Authorised to recover costs of any action taken under section 262(3) of the Act from the person to whom an order was directed.	Manager Governance Manager Administration & Finance
For the purposes of By Law 3 of 2019 Local Government Land a authorised person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999;	

BY-LAW NO. 4 OF 2019 - DOGS & CATS	
A By-law to limit the number of dogs and cats kept on premises and for the management and control of dogs and cats in the Council area.	
PART 2 –DOG MANAGEMENT & CONTROL	
8. Limits on Dog Numbers	
8.2 Subject to clauses 8.4, and 8.6, to authorise or permit a person to keep:	Manager Governance Compliance Officer (See Limitations)
8.2.1 in a township, more than one dog in a small premises;	
8.2.2 in a township, more than two dogs in premises other than a small dwelling;	
8.2.3 in a caravan park more than one dog per 600 square meters of than area of the park available for occupation in powered sites or cabins	
8.2.4 in a community or homeland, more than two dogs in a residential premises; and	
8.2.5 outside of a township, more than three dogs (other than working livestock dogs);	
8.5 To authorise the inspection of premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.	Manager Governance Compliance Officer
9 Limits on Cat Numbers	
9.1 Subject to clause 9.2, to authorise or permit a person to keep in any premises:	
9.1.1 more than 2 cats;	Manager Governance Compliance Officer (See Limitations)
9.3 To authorise the inspection of premises which are the subject of an application for permission to keep additional cats, must be inspected	Manager Governance

by an authorised person for the purpose of assessing the suitability of the premises for housing cats.	Compliance Officer
11. Orders	
11.3 Authorised to recover costs of any action so taken from the person to whom an order was directed.	Manager Governance Manager Administration & Finance
For the purposes of By Law 4 of 2019 Dogs and Cats a authorised person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999 and a person who has been appointed under the Dog and Cat Management Act as a dog management officer means— (a) a member of the police force; or (b) a person holding office as a dog management officer under Part 3; <i>or cat management officer</i> means a person holding office as a cat management officer under Part 7;	

BY-LAW NO. 5 OF 2019 - ROADS	
A By-law to regulate certain activities on roads in the Council area.	
PART 2 – USE OF ROADS	
5. Activities Requiring Permission	
To authorise a permit or license for the following activities on a road:	
<i>5.1 Advertising</i>	
5.1.1 display any sign for the purpose of commercial advertising , other than:	
5.1.1.1 a moveable sign which is displayed on a public road in accordance with the Council's <i>Moveable Signs By-law 2019</i> ;	URPS - J.Lewis, S.Channon, P.Harnett, R.Gosling
5.1.1.2 a fixed sign advertising the sale or lease of real property that is displayed:	
(a) temporarily , while the property advertised on the sign is for sale or lease;	

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(b) within 500mm of the property boundary between the road and the property for sale or lease; and	
(c) parallel to the property boundary between the road and the property for sale or lease;	
5.1.2 place or maintain any goods or sign on the road or park or stand a vehicle on the road for the purpose of:	Manager Governance
5.1.2.1 soliciting any business from any person; or	
5.1.2.2 offering or exposing goods or services for sale.	
provided that this subparagraph 5.1.2 shall not apply to a person who is simply travelling along a road;	
5.2 Amplification	
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;	Manager Governance
5.3 Animals	
5.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.	Manager Governance Compliance Officer
5.3.2 Lead, herd or exercise an animal in such a manner as to endanger the safety of any person.	
5.3.3 within a township, allow any animal under that person's control to defecate on the road, unless the person immediately removes the faeces and disposes of them in a lawful and suitable manner	
5.4 Camping and Tents	
5.4.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.	Manager Governance
5.4.2 Camp or remain overnight.	Compliance Officer

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<i>5.5 Donations</i>	
Ask for or receive or indicate that he or she desires a donation of money or any other thing or otherwise solicit for charitable purposes;	Manager Governance Manager Administration & Finance
<i>5.6 Driving on formed surfaces</i>	
Drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;	Manager Governance Compliance Officer
<i>5.7 Exhibitions or Displays</i>	
7.6.1 sing, busk, or play any recording or musical instrument for the apparent purpose of either entertaining others or receiving money.	Manager Governance
7.6.2 conduct or hold any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity.	
7.6.3 erect a stage or structure for the purpose of conducting or holding any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity ;	
7.6.4 cause any public exhibitions or displays.	
<i>5.8 Fishing</i>	
<i>Fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;</i>	
<i>5.9 Obstructions</i>	
Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road or footway, water- channel, or watercourse in a road;	Manager Governance
<i>5.10 Preaching</i>	
Preach, harangue or otherwise solicit for religious purposes; and.	Manager Governance
<i>5.11 Repairs to Vehicles</i>	
Perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown	Manager Governance

For the purposes of By Law 5 of 2019 Roads a authorised person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999	
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BY-LAW NO. 6 OF 2019 – WASTE MANAGEMENT	
A By-law to regulate certain activities on roads in the Council area.	
PART 2 – WASTE COLLECTION SERVICES	
7. <i>Interference with waste/hard waste</i>	
To authorise a permit or license to remove, disburse or interfere with any waste, or hard waste that has been placed on a road or in a domestic waste container on a road for the apparent purpose of collection by the Council, its agents or contractors	Manager Infrastructure & Engineering Services Manager Governance
PART 3 – ENFORCEMENT	
8. <i>Orders</i>	
Authorised to recover costs of any action so taken from the person to whom an order was directed.	Manager Administration & Finance
For the purposes of By Law 6 of 2019 Waste Management a authorised person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
BY-LAW NO. 4 OF 2019 - DOGS & CATS	
8.2	Council Resolution 3c/122016
9.2	That Council Officers, at their discretion, including consultations with neighbours be authorised to approve the number of dogs and cats that can be kept on any premises to an upper limit of 4 dogs or 4 cats or a combination of dogs and cats not exceeding 2 dogs and 2 cats.