



By-law made under the Local Government Act 1999

ROADS BY-LAW 2026

By-Law No 3 of 2026

For the management, control and regulation of activities on roads in the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2026*

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.

3. Interpretation

In this by-law:

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.3 **effective control** means a person exercising effective control of an animal either:
 - 3.3.1 by means of a physical restraint;
 - 3.3.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 3.4 **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;
- 3.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.6 **model aircraft** includes a drone;

3.7 **moveable sign** has the same meaning as in the *Local Government Act 1999*; and

3.8 **township** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of the Council:

4.1 Advertising

4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2026*;

4.1.2 place or maintain any goods on the road or park or stand a vehicle on the road for the purpose of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale; or

4.1.2.3 conveying any advertising, religious or other message to any bystander, passerby or other person,

provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any 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, then only if under the effective control of a person;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Annoyance

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

4.4.1 using the road; or

4.4.2 occupying nearby premises,

by making a noise or creating a disturbance;

4.5 Bridge Jumping

jump from or dive from a bridge;

4.6 Camping

4.6.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.6.2 camp or remain overnight; or

4.6.3 camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the road in such a vehicle is permitted;

4.7 Defacing Property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or other property of the Council;

4.8 Dispose of Dead Animals

dispose of any dead animals or part thereof in any Council rubbish bin;

4.9 Distributing

distribute any handbill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person;

4.10 Donations

ask for or receive or indicate that they desire a donation of money or any other thing or otherwise solicit for charitable purposes;

4.11 Exhibition or Display

4.11.1 sing, busk or play any recording or musical instrument for the apparent purpose of either entertaining others or receiving money;

4.11.2 conduct or hold any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity;

4.11.3 cause any public exhibitions or displays;

4.12 Fires

light any fire except:

- 4.12.1 in a place provided by the Council for that purpose; or
- 4.12.2 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 metres; and
- 4.12.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.13 **Fireworks**

ignite, explode or use any fireworks or rockets;

4.14 **Fishing**

fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;

4.15 **Flora and Fauna**

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

- 4.15.1 damage, pick, disturb, interfere with or remove any plant or flower;
- 4.15.2 lead or drive any animal, or stand or walk, on any flower bed or garden plot;
- 4.15.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or other organic material from the road;
- 4.15.4 take, interfere with, tease, harm or disturb any animal or the eggs or young of any animal;
- 4.15.5 disturb, interfere with or damage any burrow, nest or habitat of any animal;
- 4.15.6 use, possess or have control of any device for the purpose of killing or capturing any animal;
- 4.15.7 burn any timber or dead wood;

4.16 **Games**

- 4.16.1 promote, organise or participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that road or detract from or be likely to detract from another person's lawful use and enjoyment of that road;
- 4.16.2 fly any model aircraft;
- 4.16.3 participate in any game, recreation or amusement which is likely to cause damage to lawns, gardens, trees or other property; or

- 4.16.4 participate in any game, recreation or event where the Council has caused a notice to be erected indicating the playing of such a game, recreation or event is prohibited;

4.17 Overhanging Articles

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using a road;

4.18 Picking Fruit

pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

4.19 Preaching

preach, harangue or otherwise solicit for religious purposes;

4.20 Repairs to Vehicles

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;

4.21 Rubbish Bins

- 4.18.1 deposit any domestic or commercial waste or other rubbish emanating from domestic or commercial premises in any Council rubbish bin;

- 4.18.2 remove, dispense or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin;

4.22 Solicitation

tout or solicit customers for the parking of vehicles or for any other purpose;

4.23 Use of Equipment

use any item of equipment and/or facilities or other Council property:

- 4.23.1 other than in the manner and for the purpose for which it was designed or set aside; and

- 4.23.2 where any nearby sign states the conditions of use, except in accordance with such conditions.

Part 3 - Miscellaneous

5. Directions

A person must comply with any reasonable direction or request from an authorised person relating to:

- 5.1 that person's use of the road;
- 5.2 that person's conduct and behaviour on the road;
- 5.3 that person's safety on the road;
- 5.4 the safety and enjoyment of other persons on the road; and
- 5.5 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the road.

6. Removal of Animals and Directions to Persons

- 6.1 If any animal is found on a road in breach of a by-law any person in charge of the animal shall remove it on the request of an authorised person.
- 6.2 An authorised person may:
 - 6.2.1 remove the animal if a person fails to comply with the request, or if no person is in charge of the animal;
 - 6.2.2 direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road, and failure to comply with that direction forthwith is a breach of this by-law; and
 - 6.2.3 direct any person who is considered to be committing or has committed a breach of this by-law to cease that action and to take specified action to remedy the breach.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, 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 to an emergency worker performing emergency duties.
- 7.2 The restrictions in paragraph 4.1.2.3, 4.2, 4.8, 4.10.2 and 4.10.3 of this by-law do not apply to:
 - 7.2.1 electoral matters authorised by a candidate related to a State or Commonwealth election that are otherwise authorised to be exhibited under Sections 226 or 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;
 - 7.2.2 electoral matters authorised by a candidate related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that are otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or
 - 7.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.

8. Application

Subparagraph 4.14 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

9. Revocation

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 4 July 2019, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Town of Gawler held on the day of 2026 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Chris Cowley
Chief Executive Officer