



Horses on the Foreshore Policy

Reference Number:	4.23
Type:	Council
Category:	Safety & Community
Relevant Community Plan Outcome:	<ul style="list-style-type: none">• Enhance the quality and diversity of open and public spaces• Educate and regulate to enable a safe and healthy environment
Responsible Officer(s):	Manager Public Health & Safety
First Issued/Approved:	
Minutes Reference:	CoS 5/03/2018, Item 3.12
Last Reviewed:	March 2018
Next Review Due:	March 2020
Applicable Legislation:	By-Law 3 - Local Government Land
Related Policies:	Nil
Related Procedures:	Nil

1. Purpose

The City of Charles Sturt recognises the long standing practice of horse owners and trainers using sections of the Charles Sturt foreshore as an area to ride, exercise and train their horses. However, this use can sometimes cause conflict with the interests of other beach users and local residents. A degree of control is therefore required.

Council's By-law 3 (refer [Appendix A](#)) provides the legislative power for this control with the By-law.

2. Scope

This policy is intended for use by the Community Safety Business Unit who is responsible for the enforcement of Council's Bylaws.

3. Policy Statement

Council recognises that it is important for horse owners to have access to suitable exercise facilities such as the foreshore. A degree of control is required to ensure the safe shared use of this area. Therefore horse owners or trainers will be required to obtain and hold a current permit from Council to exercise their horse on the foreshore area within the City of Charles Sturt. These permits will be subject to conditions with the aim of ensuring a safe environment is maintained for all foreshore users. The conditions will relate to the time, specific areas, the horse riders responsibilities and the collection and disposal of any manure.

4. Definitions

Nil

CITY OF CHARLES STURT

By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2014

By-law No. 3 of 2014

For the management and regulation of the use of and access to local government land vested in or under the control of the Council and public places (other than roads), including the prohibition and regulation of particular activities on local government land and in public places.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2014*.

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 *Local Government Act 1999*.

Definitions

In this by-law:

- 2.1 'animal' includes birds, insects and marine creatures;
- 2.2 'camp' includes setting up a camp, or cause 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;
- 2.3 '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;
- 2.4 'emergency vehicle' has the same meaning as in the *Australian Road Rules*;
- 2.5 'liquor' has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 2.6 'local government land' means land owned by the Council or under the Council's care, control and management (except roads);
- 2.7 'motor vehicle' has the same meaning as in the *Road Traffic Act 1961*;

- 2.8 'on water activity' includes fishing (whether from a boat or other vessel, structure or land), swimming, bathing, diving, rowing or boating;
- 2.9 'open container' means a container which:
- 2.9.1 after the contents thereof have been sealed at the time of manufacture; and
- 2.9.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 2.9.1.2 being a can, it has been opened or punctured;
- 2.9.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 2.9.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 2.9.2 is a flask, glass or mug or other container used for drinking purposes;
- 2.10 'public place' means a place (including a place on private land) to which the public has access (except a road) but does not include any part of a community parcel divided by a plan of community division under the *Community Titles Act 1996*.

Part 2 – Management of Local Government Land and Public Places

3. Activities Requiring Permission

A person must not, without permission, on any local government land:

3.1 Advertising

display any sign for the purpose of advertising;

3.2 Amplification

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

3.3 Animals

3.3.1 enter in company with any animal that the Council has resolved is prohibited from local government land, except land to which the Council has resolved that such an animal is permitted, and has indicated the same through the erection of a sign or signs;

3.3.2 exercise any animal in such a manner as to endanger the safety of any other person;

3.4 Animals on Foreshore

3.4.1 allow or suffer any animal under his or her control to swim or bathe in the sea or any other open public water to the inconvenience, annoyance, or danger of any other person bathing or swimming;

3.4.2 exercise any horse on the foreshore in such manner as to endanger the safety of any other person;

3.5 Animals in Lakes and Ponds

comprising a pond or lake, to which this subparagraph applies, allow or suffer any animal to enter or remain therein;

3.6 Athletic and Ball Sports

3.6.1 promote, organise or take part in any organised athletic sport;

3.6.2 to which this subparagraph applies, play or practice the game of golf;

3.7 Attachments

attach, hang or fix any item to any tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council;

3.8 Boat Ramps

launch or retrieve a boat or other vessel to or from any pond or lake to which this subparagraph applies;

3.9 Bridge Jumping

jump or dive from any bridge;

3.10 Buoys

place a buoy, cable, chain, hawser, rope or net in, on or across any pond or lake;

3.11 Busking

sing, busk or play a musical instrument for the purpose of or so as to appear to be for the purpose of entertaining others or receiving money;

3.12 Camping

camp;

3.13 Canvassing

convey any advertising, religious or other message to any bystander, passerby or other person;

3.14 Cemeteries

comprising a cemetery:

3.14.1 bury or inter any human or animal remains;

3.14.2 erect any memorial;

3.14.3 drive or propel any motor vehicle, except on paths or roads constructed and set aside by the Council for that purpose;

3.15 Closed Lakes

comprising a lake or pond, enter, remain in or on, or engage in any on water activity on any part of the lake or pond at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;

3.16 Closed Lands

enter or remain on any part the land:

3.16.1 at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;

3.16.2 where the land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or

3.16.3 where admission charges are payable, to enter without paying those charges;

3.16.4 constituting a revegetation area, where a sign or signs indicate that the land is closed for that purpose;

3.17 Digging Soil

to which this subparagraph applies, dig the soil for or collect worms, shellfish, grubs or insects;

3.18 Distribution

distribute anything to any bystander, passerby or other person;

3.19 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

3.20 Fires

light any fire except:

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

3.20.2 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 metres;

3.21 Fishing

fish:

3.21.1 in any pond or lake to which this subparagraph applies;

3.21.2 from any place to which this subparagraph applies;

3.21.3 from any bridge or structure;

3.21.4 in any pond or lake where signage indicates that it has been closed for health reasons;

3.22 Flora and Fauna

3.22.1 damage, pick, prune or otherwise interfere with any plant or flower or other vegetation thereon; or

3.22.2 tease, or cause any harm to any animal, bird or marine creature, unless they are acting in accordance with the provisions of the *Native Vegetation Act 1991*, *National Parks and Wildlife Act 1972* and/or the *Crown Lands Management Act 2009* (to the extent applicable);

3.23 Hiring Boats

3.23.1 hire out a boat or vessel or otherwise use it for commercial purposes in any pond or lake; or

3.23.2 hire out a boat or vessel on or from any part of the foreshore;

3.24 Horses and Cattle

ride, lead, herd, exercise or drive any horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;

3.25 Horses on Foreshore

comprising the foreshore, drive, lead or ride any horse;

3.26 Interference with Land

interfere with or alter the land (whether or not such land is a pond or lake) including:

- 3.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 3.26.2 erecting or installing a structure (including fencing, posts, buildings, pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the land;
- 3.26.3 changing or interfering with the construction, arrangement or materials of the land;
- 3.26.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land;
- 3.26.5 planting a tree or other vegetation on the land, damaging, picking, pruning or otherwise interfering with the vegetation on the land, or removing vegetation from the land; or
- 3.26.6 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;

3.27 Launching and Retrieval of Motorised Personal Watercraft

launch or retrieve a motorised personal watercraft from or onto the beach into or from the sea except in any area where the Council has resolved that such an activity is permitted, and has indicated the same through the erection of a sign or signs;

3.28 Motor Vehicles on Parklands

comprising a park, garden or reserve:

- 3.28.1 drive or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles;
- 3.28.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 3.28.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;

3.29 Vehicles on Foreshore

comprising the foreshore, drive or propel a motor vehicle onto, from or on the foreshore except for the purpose of launching or retrieving a boat, so long as the vehicle is driven or propelled:

3.29.1 on an area that is constructed or set aside by the Council for that purpose; or

3.29.2 on an area to which the Council has resolved such an activity is permitted, and has indicated the same through the erection of a sign or signs;

3.30 No Liquor

3.30.1 consume, carry or be in possession or charge of any liquor on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);

3.30.2 excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);

3.31 Picking Fruit

pick fruit, nuts or berries from any tree or bush;

3.32 Pontoons

install or maintain a pontoon, fixed floating jetty, or other jetty (whether temporary or permanent) in or on any pond or lake to which this subparagraph applies;

3.33 Preaching

preach or harangue;

3.34 Removing Soil

carry away or remove any soil, sand, seaweed, timber, stones, pebbles or other organic or inorganic materials or any part of the land;

3.35 Swimming

swim or bathe in any pond or lake to which this subparagraph applies;

3.36 **Toilets**

in any public convenience on local government land:

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

3.36.2 smoke tobacco or any other substance;

3.36.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

3.36.4 use it for a purpose for which it was not designed or constructed;

3.36.5 enter any toilet that is set aside for use of the opposite sex except where:

3.36.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or

3.36.5.2 to provide assistance to a disabled person;

3.37 **Use of Boats**

use a boat or vessel in any pond or lake to which this subparagraph applies;

3.38 **Vehicles on Boat Ramps**

3.38.1 launch or retrieve a boat or vessel other than from a boat ramp constructed for that purpose;

3.38.2 allow any motor vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat or vessel;

3.39 **Weddings**

comprising a park or reserve, conduct or participate in a marriage ceremony;

3.40 **Working on Vehicles**

perform the work of repairing, washing, painting, panel beating or other work of a similar nature on or to any motor vehicle, except for running repairs in the case of breakdown.

4. **Posting of Bills**

A person must not, on local government land or in a public place, without permission, post any bills, advertisements or other papers or items on a building or structure.

5. **Prohibited Activities**

A person must not on local government land:

5.1 **Annoyances**

annoy or unreasonably interfere with any other person's use of the land by making a noise or by creating a disturbance that has not been authorised by the Council;

5.2 Interference with Permitted Use

interrupt or disrupt or interfere with any person's use of a park, reserves or the foreshore for which permission has been granted;

5.3 Smoking

to which this subparagraph applies, smoke tobacco or any other substance;

5.4 Use of Equipment

use any item of equipment and/or facilities or other Council property other than in the manner and for the purpose for which it was designed or set aside.

Part 3 – Enforcement

6. Removal of Encroachment or Interference

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

6.1 cease the encroachment or interference; and

6.2 remove the source of the encroachment or interference; and

6.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

7. Council may do work

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to paragraph 7 of this bylaw, then an authorised person may:

7.1 undertake the work; and

7.2 recover the cost of doing so from that person.

8. Directions

Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

- 8.1 that person's use of the land;
- 8.2 that person's conduct and behaviour on the land;
- 8.3 that person's safety on the land;
- 8.4 the safety and enjoyment of the land by other persons.

9. Removal of Animals

If any animal is found on local government land in breach of a by-law:

- 9.1 any person in charge of the animal will remove it on the request of an authorised person; and
- 9.2 an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

Part 4 – Miscellaneous

10. Exemptions

- 10.1 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 when driving an emergency vehicle.
- 10.2 The restrictions in paragraph 4.7, 4.13 and 4.18 of this by-law do not apply to:
 - 10.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that 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; or
 - 10.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that 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
 - 10.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

11. Application of Paragraphs

Any of paragraphs 4.5, 4.6.2, 4.8, 4.17, 4.21.1, 4.21.2, 4.30.1, 4.30.2, 4.32, 4.35, 4.37 and 6.3 of this by-law will apply only in such portion or portions of the area as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Charles Sturt held on the 11th day of August 2014 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 Mark Withers - Chief Executive