



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 26 AUGUST 2021

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All instruments appearing in this gazette are to be considered official, and obeyed as such

GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 26 August 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Eastern Water Conservation and Drainage Board, pursuant to the provisions of the South Eastern Water Conservation and Drainage Act 1992:

Member: from 26 August 2021 until 25 August 2025
James Stuart Blake Holyman

By command,

STEVEN SPENCE MARSHALL
Premier

21EWDEWSC0026

Department of the Premier and Cabinet
Adelaide, 26 August 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Housing Trust Board of Management, pursuant to the provisions of the South Australian Housing Trust Act 1995:

Member: from 1 September 2021 until 31 August 2023
Samuel Montgomery Moore

Member: from 1 November 2021 until 30 October 2024
Linda Rae Matthews

By command,

STEVEN SPENCE MARSHALL
Premier

MHACS21008

Department of the Premier and Cabinet
Adelaide, 26 August 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the State Bushfire Coordination Committee, pursuant to the provisions of the Fire and Emergency Services Act 2005:

Member: from 26 August 2021 until 13 November 2023
Michael James Garrod
Sarah Reachill

Deputy Member: from 26 August 2021 until 13 November 2023
Tessa Nicole Bignell Roberts (Deputy to Ashley)
Jonathan Luke Clark (Deputy to Garrod)
Merridie Shepherd Martin (Deputy to Reachill)

By command,

STEVEN SPENCE MARSHALL
Premier

21EMS0008CS

Department of the Premier and Cabinet
Adelaide, 26 August 2021

His Excellency the Governor in Executive Council has been pleased to appoint Peter George Kassapidis as a full-time Commissioner of the South Australian Employment Tribunal for a term of one year commencing on 13 September 2021 and expiring on 12 September 2022 - pursuant to the provisions of the South Australian Employment Tribunal Act 2014.

By command,

STEVEN SPENCE MARSHALL
Premier

T&F21/066CS

CONSTITUTION ACT 1934

SECTION 13(4)

Assembly to Fill Vacancy in Legislative Council

Pursuant to a Proclamation made by His Excellency The Governor on the 12th day of August 2021, an assembly of Members of both Houses of Parliament was held on the 24th day of August 2021, to fill the seat in the Legislative Council which had become vacant by virtue of the resignation of the Honourable John David Wickham Ridgway, MLC.

At that assembly Heidi Margaret Girolamo was duly elected to fill the said vacancy.

C. D. SCHWARZ
Clerk of the Assembly of Members

REGULATIONS

South Australia

Planning, Development and Infrastructure (General) (Time Periods) Variation Regulations 2021

under the *Planning, Development and Infrastructure Act 2016*

Contents

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- 3 Variation provisions

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- 4 Variation of regulation 3A—Application of Act (section 8)
 - 5 Revocation of regulation 53A
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Time Periods) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 30 August 2021.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017*

4—Variation of regulation 3A—Application of Act (section 8)

Regulation 3A(4), definition of *designated day*, (b)—delete “30 September 2021” and substitute:

31 January 2022

5—Revocation of regulation 53A

Regulation 53A—delete the regulation

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2021

No 123 of 2021

STATE GOVERNMENT INSTRUMENTS

ENVIRONMENT PROTECTION ACT 1993

SECTION 68

Variation of Approvals of Category B Containers

I, Andrea Kaye Woods, Delegate of the Environment Protection Authority ('the Authority') pursuant to section 68(6) of the *Environment Protection Act 1993 (SA)* hereby vary the approvals of the classes of Category B containers sold in South Australia as identified by reference to the following matters, which are described in the first 4 columns of Schedule 1 of this Notice:

- the product which each class of containers contain;
- the size of the containers;
- the type of containers;
- the name of the holders of these approvals.

These approvals are varied as the Authority is satisfied that the containers are no longer manufactured, distributed, or sold by the approval holder in South Australia.

Dated: 26 August 2021

ANDREA KAYE WOODS
Delegate of the Environment Protection Authority

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Amsterdam Mariner Premium Lager	500ml	Can—Aluminium	Dan Murphys	Marine Stores Ltd
Asahi	300ml	Can—Aluminium	Dan Murphys	Marine Stores Ltd
Amsterdam Mariner Premium Lager	500ml	Can—Aluminium	International Liquor Wholesalers	Marine Stores Ltd
Becks Beer	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Bitburger Lemon	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Cerveza Dos Equis Lager Especial	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Chang Beer	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Gaymers Original Cider	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Gaymers Original Cider	568ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Grolsch Premium Lager	250ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Elderflower & Lime Cider 4.0%	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Mixed Fruit Cider 4.0%	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Premium Apple Cider 4.5%	500ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Premium Cider With Elderflower And Lime 4.0%	500ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Premium Cider With Mixed Fruits 4.0%	500ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Kopparberg Premium Cider With Strawberry And Lime 4.0%	500ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Mishka Guava Tropics Vodka	275ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Mishka Hot Pink Vodka	275ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Mishka Lemon Twist Vodka	275ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Mishka Pineapple Crush Vodka	275ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Mishka Raspberry Rush Vodka	275ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Nelson County Bourbon & Cola	375ml	Can—Aluminium	International Liquor Wholesalers	Marine Stores Ltd
Oettinger Beer	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Oranjeboom	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Platinum Blonde Premium Low Carb	375ml	Can—Aluminium	International Liquor Wholesalers	Marine Stores Ltd
Platinum Blonde Premium Low Carb	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sail & Anchor Bolt Premium Low Carb 4.6%	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sail & Anchor Castaway Cider	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sail & Anchor Clipper Light Premium Lager	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sail & Anchor Dry Dock Premium Lager	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
San Pellegrino Sparkling Mineral Water	750ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sapporo Beer	355ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sol Beer	330ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
Sol Cerveza Importada 4.5%	940ml	Glass	International Liquor Wholesalers	Marine Stores Ltd
VnC Cocktails Mango Daiquiri	700ml	PET	International Liquor Wholesalers	Marine Stores Ltd
VnC Cocktails Pacific Mai Tai	700ml	PET	International Liquor Wholesalers	Marine Stores Ltd
VnC Cocktails Passionfruit Caprioska	700ml	PET	International Liquor Wholesalers	Marine Stores Ltd
VnC Cocktails Pomegranate Cosmopolitan	700ml	PET	International Liquor Wholesalers	Marine Stores Ltd
VnC Cocktails Vodka Mojito	700ml	PET	International Liquor Wholesalers	Marine Stores Ltd
Asahi Super Dry	330ml	Glass	Woolworths Limited	Marine Stores Ltd
Ballast Point Brewing Co Fathom IPA	355ml	Aluminium	Woolworths Limited	Marine Stores Ltd
Barossa Cider Co Pear Cider	330ml	Glass	Woolworths Limited	Marine Stores Ltd
Hoegaarden White Beer	330ml	Glass	Woolworths Limited	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Langers Cranberry Fruit Drink Cocktail	1,890ml	PET	Woolworths Limited	Marine Stores Ltd
Langers Cranberry Zero Sugar Added	1,890ml	PET	Woolworths Limited	Marine Stores Ltd
Macro Organic 100% Pure Coconut Water	500ml	LPB—Aseptic	Woolworths Limited	Marine Stores Ltd
Macro Organic 100% Pure Coconut Water	330ml	LPB—Aseptic	Woolworths Limited	Marine Stores Ltd
Stand Together Aussie Spring Water	600ml	PET	Woolworths Limited	Marine Stores Ltd
Stella Artois	330ml	Glass	Woolworths Limited	Marine Stores Ltd
1688 Grand Rose Non Alcoholic Sparkling Grape Juice	750ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Brewing Company Big Eye Indian Pale Ale	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Brewing Company Even Keel Session IPA	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Brewing Company Grapefruit Sculpin Indian Pale Ale	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Brewing Company Grunion Pale Ale	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Brewing Company Sculpin Indian Pale Ale	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Grapefruit Sculpin India Pale Ale	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point High West Barrel Aged Victory at Sea	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Sculpin India Pale Ale	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Sea Rose Tart Cherry Wheat Ale	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Victory at Sea	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Becks	660ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Becks Blue Non Alcoholic Beer	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Cerveza Dos Equis XX Lager Especial	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Crabbies Cloudy Alcoholic Lemon	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Dos Equis XX Ambar	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Dry Dock Premium Lager	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Dry Dock Premium Lager	440ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Duff Beer Premium Lager	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Dutch Windmill	330ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Firestone Walker Double Barrel DPA	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Firestone Walker Union Jack IPA	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing Blackberry Cider With Blackberry Juice	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing Doris Plum Cider With Black Doris Plum Juice	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing IPA Beer	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing Pale Ale	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing Scarlett Peach Cider With Scarlett OHara Peach Juice	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Good George Brewing XPA Beer	946ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Heineken	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Heineken	330ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Heineken	650ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Herrljunga + 46 Apple Cider	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Herrljunga + 46 Pear Cider	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Hoegaarden White Beer	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Infinite Session American Pale Ale Ultra Low Alcohol	330ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Johanssons Pear Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Johanssons Strawberry & Lime Flavoured Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Karl Strauss Brewing Company Pintail Pale Ale	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Karl Strauss Brewing Company Tower 10 IPA	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Lech Premium Beer	500ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Loafer Pale Ale	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Magners Original Irish Apple Cider	568ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Magners Original Irish Pear Cider	568ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Martens Pils	500ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
McAllister & Cola	440ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Citrus Vodka	300ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Lemon Lime & Bitters	250ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Ripe Raspberry	250ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Sugar Free Guava	275ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Tangy Orange	275ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Tropical Pineapple	275ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Tropical Pineapple	250ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Mixed Vodka Zingy Lemon	250ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Mishka Tropical Vodka Sugar Free	300ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oettinger Wheat Beer	500ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oranjeboom Premium Quality Cider	500ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oseberg Crushed Apple Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oseberg Crushed Pear Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oseberg Peach & Vanilla Flavoured Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Oseberg Strawberry & Lime Flavoured Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Peroni Nastro Azzurro	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Peroni Nastro Azzurro	660ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Pistonhead Kustom Lager	330ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sail & Anchor Changing Tides	640ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sail & Anchor IPA	345ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sail & Anchor The Bloke Red Ale	640ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Saranac Shandy	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sidra Del Verano Apple & Pear Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sidra Del Verano Apple Blackcurrant & Cranberry Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sidra Del Verano Apple Mango & Passionfruit Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sidra Del Verano Apple Peach & Apricot Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sidra Del Verano Spanish Apple Cider	500ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Skinny Brands Lager	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Stella Artois	660ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Stella Artois Cidre	568ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Stoke IPA	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Stoke NPA	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Sub Zero Citrus Vodka Mix	275ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Tecate	355ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
The Bronx Pale Ale	473ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Tun Original Bitter	355ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Tyskie	500ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
W Wilderen Goud	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
W Wilderen Kriek	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
W Wilderen Tripel Kanunnik	330ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Winemakers Cider Co Granny Smith	750ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Winemakers Cider Co Pink Lady	750ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Winemakers Cider Co Red Delicious	750ml	Glass	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Zytho Brewing Zesty Pale Ale	375ml	Can—Aluminium	Woolworths Limited T/as Pinnacle Drinks	Marine Stores Ltd
Ballast Point Big Eye India Pale Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Ballast Point Black Marlin Porter	650ml	Glass	Wow Brands	Marine Stores Ltd
Becks	500ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Castaway Dry Cider	640ml	Glass	Wow Brands	Marine Stores Ltd
Castaway Original Cider	640ml	Glass	Wow Brands	Marine Stores Ltd
Castaway Sweet Cider	330ml	Glass	Wow Brands	Marine Stores Ltd
Castaway Sweet Cider	640ml	Glass	Wow Brands	Marine Stores Ltd
Chang Beer	640ml	Glass	Wow Brands	Marine Stores Ltd
Chang Beer	500ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Coronada Orange Avenue Wit	355ml	Glass	Wow Brands	Marine Stores Ltd
Coronita Extra	210ml	Glass	Wow Brands	Marine Stores Ltd
Crabbies Original Alcoholic Ginger Beer	500ml	Glass	Wow Brands	Marine Stores Ltd
Crabbies Original Alcoholic Ginger Beer	330ml	Glass	Wow Brands	Marine Stores Ltd
Crabbies Raspberry Alcoholic Ginger Beer	500ml	Glass	Wow Brands	Marine Stores Ltd
Crabbies Spiced Orange Alcoholic Ginger Beer	500ml	Glass	Wow Brands	Marine Stores Ltd
Crabbies Strawberry & Lime Alcoholic Ginger Beer	500ml	Glass	Wow Brands	Marine Stores Ltd
Dundee India Pale Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Feeneys Irish Cream Liqueur	50ml	PET	Wow Brands	Marine Stores Ltd
Franks Alcoholic Ginger Beer	500ml	Glass	Wow Brands	Marine Stores Ltd
Heineken	500ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Herrljunga + 46 Apple Cider	1,500ml	Glass	Wow Brands	Marine Stores Ltd
Herrljunga + 46 Pear Cider	1,500ml	Glass	Wow Brands	Marine Stores Ltd
Herrljunga Blackcurrant & Lime Flavoured Cider	500ml	Glass	Wow Brands	Marine Stores Ltd
Herrljunga Strawberry & Vanilla Flavoured Cider	500ml	Glass	Wow Brands	Marine Stores Ltd
Hogs 3 Bourbon & Cola Kentucky Straight Bourbon Whiskey	375ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Karl Strauss Pintail Pale Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Karl Strauss Red Trolley Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Karl Strauss Tower 10 IPA	355ml	Glass	Wow Brands	Marine Stores Ltd
Kopparberg Blueberry & Lime	500ml	Glass	Wow Brands	Marine Stores Ltd
Kopparberg Pear Cider	330ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Kopparberg Premium Cider with Raspberry	500ml	Glass	Wow Brands	Marine Stores Ltd
Kopparberg Premium Cider with Winter Fruits	500ml	Glass	Wow Brands	Marine Stores Ltd
Kopparberg Strawberry & Lime Cider	330ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Kostritzer Schwarzbier	330ml	Glass	Wow Brands	Marine Stores Ltd
Loic Raison Brut Dry Cider	750ml	Glass	Wow Brands	Marine Stores Ltd
Loic Raison Doux Sweet Cider	750ml	Glass	Wow Brands	Marine Stores Ltd
Magic Hat	355ml	Glass	Wow Brands	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Maria Ole Sangria Red	1,500ml	PET	Wow Brands	Marine Stores Ltd
Maria Ole Sangria White	1,500ml	PET	Wow Brands	Marine Stores Ltd
Miller Genuine Draft	330ml	Glass	Wow Brands	Marine Stores Ltd
Mionetto il Spriz	200ml	Glass	Wow Brands	Marine Stores Ltd
Mionetto il Spriz	750ml	Glass	Wow Brands	Marine Stores Ltd
Mionetto il UGO	750ml	Glass	Wow Brands	Marine Stores Ltd
Mionetto il UGO	200ml	Glass	Wow Brands	Marine Stores Ltd
Mishka Apple & Lychee Vodka	275ml	Glass	Wow Brands	Marine Stores Ltd
Mishka Freeze Citrus Vodka Daiquiri	220ml	Flexible Pouch— PE/PET	Wow Brands	Marine Stores Ltd
Mishka Freeze Strawberry Daiquiri	220ml	Flexible Pouch— PE/PET	Wow Brands	Marine Stores Ltd
Mishka Vodka Apple & Cranberry Juice	2,000ml	Cask—cardboard box & PE/Metal/ Polyester bag	Wow Brands	Marine Stores Ltd
Mishka Vodka Berry Sensation	250ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Mishka Vodka Ginger & Lime	275ml	Glass	Wow Brands	Marine Stores Ltd
Mishka Vodka Lemon Twist	250ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Mishka Vodka Pear & Honey	2,000ml	Cask—cardboard box & PE/Metal/ Polyester bag	Wow Brands	Marine Stores Ltd
Mishka Vodka Raspberry Splash	250ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Mishka Vodka Tropical Fruit Juices	2,000ml	Cask—cardboard box & PE/Metal/ Polyester bag	Wow Brands	Marine Stores Ltd
Mishka Vodka Tropical Tango	250ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Nastro Azzurro	330ml	Glass	Wow Brands	Marine Stores Ltd
Nelson County Bourbon & Cola	330ml	Glass	Wow Brands	Marine Stores Ltd
Nelson County Bourbon & Cola 6.5%	375ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Old Mout Boysen Cider	750ml	Glass	Wow Brands	Marine Stores Ltd
Old Mout Classic Apple Cider	750ml	Glass	Wow Brands	Marine Stores Ltd
Old Mout Scrumpy Cider	750ml	Glass	Wow Brands	Marine Stores Ltd
Pabst Blue Ribbon Beer	473ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Rekorderlig Apple Blackcurrant	500ml	Glass	Wow Brands	Marine Stores Ltd
Rekorderlig Pear	500ml	Glass	Wow Brands	Marine Stores Ltd
Rekorderlig Strawberry Lime	500ml	Glass	Wow Brands	Marine Stores Ltd
Rekorderlig Wild Berries	500ml	Glass	Wow Brands	Marine Stores Ltd
Rose River Just Joey Sauvignon Blanc Semillon Non Alcoholic	750ml	Glass	Wow Brands	Marine Stores Ltd
Rose River Red Pierre Shiraz Non Alcoholic	750ml	Glass	Wow Brands	Marine Stores Ltd
Rose River Vol De Nuit Sparkling Cuvee Non Alcoholic	750ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Boas Bind Amber Ale	345ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Cats Shank Kolsch	345ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Devil Dodger IPA	640ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Draught Beer	330ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Dry Dock Beer	640ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Jack Tar Imperial Stout	640ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Larks Foot Golden Ale	345ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Monkeys Fist Pale Ale	345ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Ol Bluey Ginger Beer	330ml	Glass	Wow Brands	Marine Stores Ltd
Sail & Anchor Strawberry & Lime Cider	330ml	Glass	Wow Brands	Marine Stores Ltd
Saranac Pumpkin Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Savanna Dry Cider	330ml	Glass	Wow Brands	Marine Stores Ltd
Saxton Apple Cider	330ml	Glass	Wow Brands	Marine Stores Ltd
Saxton Pear Cider	330ml	Glass	Wow Brands	Marine Stores Ltd
Sierro Sparkling Red Grape Drink	750ml	Glass	Wow Brands	Marine Stores Ltd
Sierro Sparkling White Grape Drink	750ml	Glass	Wow Brands	Marine Stores Ltd
Stella Artois	500ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Stella Artois Premium Lager Beer	330ml	Glass	Wow Brands	Marine Stores Ltd
Stoke Amber	330ml	Glass	Wow Brands	Marine Stores Ltd
Stoke Bomber Bohemian Ale	650ml	Glass	Wow Brands	Marine Stores Ltd
Stoke Bomber Kiwi Pale Ale	650ml	Glass	Wow Brands	Marine Stores Ltd
Stoke Dark	330ml	Glass	Wow Brands	Marine Stores Ltd
Stoke Gold	330ml	Glass	Wow Brands	Marine Stores Ltd
Suntory Magnum Dry	500ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Tun Bitter	355ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Tun Light	355ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Tun Mid	355ml	Can—Aluminium	Wow Brands	Marine Stores Ltd
Wing Walker American Belgian Style Wheat Ale	355ml	Glass	Wow Brands	Marine Stores Ltd
Wing Walker American Pale Ale	355ml	Glass	Wow Brands	Marine Stores Ltd

ENVIRONMENT PROTECTION ACT 1993

SECTION 69

Variation to Existing Approval of Collection Depot

I, Andrea Kaye Woods, Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 69 of the *Environment Protection Act 1993* (SA) ('the Act') hereby:

1. *Variation to Existing Approval of Collection Depot:*

Vary the approval of the collection depot listed at Schedule 1 of this notice, that was granted under the Act prior to the date of this Notice and impose the conditions of this approval to be as follows:

1.1 Approval of Collection Depot:

The collection depot identified by reference to the following matters is approved:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (c) the location of the depot described in columns 4-6 of Schedule 1 of this Notice; and

The collection depot listed at Schedule 1 of this Notice is approved in relation to all classes of containers, which were approved under the Act, at or subsequent to the date of this Notice, as Category B Containers.

1.2 *Conditions of approval:*

Impose the following conditions on the approval:

1. If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
2. If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
3. The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing, no less than 14 days from date of closing.
4. The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
5. The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 the Act, for presenting interstate containers for refund.

Dated: 26 August 2021

ANDREA KAYE WOODS
Delegate of the Environment Protection Authority

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title/Volume	Collection Area
Arno Bay Receiving Centre	Eastern Eyre Recycling	Frank Gillings; Gail Gillings	Lot 52 Alexandria Avenue	Arno Bay	52/051145	Regional
Cleve Receiving Centre	Eastern Eyre Recycling	Frank Gillings; Gail Gillings	Lot 431 Depot Street	Cleve	n/a	Regional
Port Neill Receiving Centre	Eastern Eyre Recycling	Frank Gillings; Gail Gillings	19 Wallis Street	Port Neill	5370/927	Regional

ESSENTIAL SERVICES COMMISSION ACT 2002

Subsequent Determination

Notice is hereby given that:

1. Pursuant to section 31(8) and Part 3 of the *Essential Services Commission Act 2002* and as authorised by Part 4 of the *Water Industry Act 2012*, the Essential Services Commission has, by the making of a subsequent determination to take effect on and from 26 August 2021, varied the price determination applying to Robusto Investments Pty Ltd (ACN 117 034 545) made by the Essential Services Commission on 25 May 2021.
2. Copies of that subsequent determination may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and are also available at www.escosa.sa.gov.au.
3. Queries in relation to the subsequent determination may be directed to the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide. Telephone (08) 8463 4444, Freecall 1800 633 592 or email escosa@escosa.sa.gov.au.

The seal of the Essential Services Commission was affixed to the subsequent determination with due authority by a Commissioner of the Essential Services Commission.

Dated: 26 August 2021

DR LYNNE WILLIAMS AM
Acting Chairperson
Essential Services Commission

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

Whereas the Minister for Human Services Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the *Housing Improvement Act 2016*, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
Unit 1, 452 Portrush Road, Linden Park SA 5065	Allotment 358 Filed Plan 18505 Hundred of Adelaide	CT5467/897
Unit 3, 452 Portrush Road, Linden Park SA 5065	Allotment 358 Filed Plan 18505 Hundred of Adelaide	CT5467/897
2143 Main RD45, Waterloo SA 5413	Allotment 50 Deposited Plan 93098 Hundred of Stanley	CT6170/185
20A Radbone Road, Mount George SA 5155	Allotment 6 Filed Plan 11259 Hundred of Onkaparinga	CT5066/937, CT6231/681

Dated: 26 August 2021

CRAIG THOMPSON
Housing Regulator And Registrar
Housing Safety Authority, SAHA
Delegate of Minister for Human Services

JUSTICES OF THE PEACE ACT 2005

SECTION 4

*Notice of Appointment of Justices of the Peace for South Australia
by the Commissioner for Consumer Affairs*

I, Dini Soulio, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below:

For a period of ten years for a term commencing on 22 September 2021 and expiring on 21 September 2031:

Lyndsay Scott YOUNG
Graham Charles THOMAS
Mark Anthony SURMAN
John James SNELLING
William Andrew SINTON
Mario Nunzio RUSSO
Keith Frank PUYENBROEK
Christopher Ray POLE
Domenic Ramo PATRONI
Lisa Gaye LOADER
Garry Ivan LENNARD
Stephen Noel LANGMAN
Annette Kay HURLEY
Trevor Charles HOLST
Katrina HILL
Robyn Kathryn GERAGHTY
Garry Douglas FIELDHOUSE
Iain Frederick EVANS
Arthur Timothy Heathfield DENDY
John Andrew DARLEY
Terri Lynn CHRISTENSEN
Andrew Paul Stanley CHAMBERS
Cosimo Vincenzo CAVALLARO
Deirdre Clarice BLACKWELL
Tracy Ann BERRY
Phillip John BENTLEY
Frances Ellen BEDFORD
Kevin John BAXTER
Michael John ATKINSON
Ronald Geoffrey ATKIN
John Pellegrino AMOROSO

Dated: 20 August 2021

DINI SOULIO
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 100 in Deposited Plan No. 78670 comprised in Certificate of Title Volume 6037 Folio 131, and being the whole of the land identified as Allotment 21 in D127223 lodged in the Lands Titles Office.

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Carlene Russell
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2512

Dated: 23 August 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT 2020/18224/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 4 in Deposited Plan No. 75222 comprised in Certificate of Title Volume 6000 Folio 152, and being the whole of the land identified as Allotment 92 in D127330 lodged in the Lands Titles Office.

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 23 August 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT2020/20052/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Section 543S in Hundred of Cameron comprised in Certificate of Title Volume 5607 Folio 149, and being the whole of the land identified as Allotment 90 in D127329 lodged in the Lands Titles Office.

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 23 August 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)

Department of Planning, Transport and Infrastructure

DIT 2020/20053/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

First: Comprising an unencumbered estate in fee simple in that piece of land being portion of Section 482 in Hundred of Goyder comprised in Certificate of Title Volume 5498 Folio 13, and being the whole of the land identified as Allotment 37 in D127161 lodged in the Lands Titles Office.

Secondly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Section 504 in Hundred of Goyder comprised in Certificate of Title Volume 5526 Folio 361, and being the whole of the land identified as Allotment 35 in D127160 lodged in the Lands Titles Office.

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 23 August 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT: 2020/20067/01

LAND ACQUISITION ACT 1969

SECTION 16

Form 5—Notice of Acquisition

1. Notice of acquisition

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an estate in fee simple in that piece of land being portion of Allotment 103 in Deposited Plan No. 12123 comprised in Certificate of Title Volume 6050 Folio 505, and being the whole of the land identified as Allotment 9 in D126871 lodged in the Lands Titles Office hereto subject to the easement(s) over the land marked J, K and L to Distribution Lessor Corporation (Subject to Lease 8890000) (TG 11219680) and Subject to Easement(s) over the land marked B to Transmission Lessor Corporation of 1 undivided 2nd part (subject to Lease 9061500) and Electranet Pty Ltd of 1 undivided 2nd part (TG8084580).

This notice is given under section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 24 August 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT: 2020/20073/01

LANDSCAPE SOUTH AUSTRALIA ACT 2019

List of Declared Animals

Pursuant to section 185(1) of the *Landscape South Australia Act 2019* (the Act), I, David Speirs MP, Minister for Environment and Water, vary the List of Declared Animals by declaring the provisions of the Act apply to specified animals in specified declared areas as follows:

The List of Declared Animals is amended by the removal of CLASS 24 and the replacement of CLASS 23 and CLASS 25 with the following (by amending “Whole of State (excluding any areas specified in other classes)” to “Whole of State” in CLASS 23; and by updating the class number for CLASS 25, Pig (Domestic form)):

Taxonomic Name	Common Name	Provision of Act Which are to Apply	Category	Declared Area
CLASS 23 MAMMALIA ARTIODACTYLA <u>Suidae</u> <i>Sus scrofa</i>	Feral Pig, Wild Pig	186(1)(3), 187(1), 188, 189, 190, 192(1)	3	Whole of State
CLASS 24 MAMMALIA ARTIODACTYLA <u>Suidae</u> <i>Sus scrofa</i>	Pig (Domestic form)	189, 191(1), 192(3)	3	Whole of State

The List of Declared Animals is amended by the replacement of reference to provision 187(1a) with reference to provision 187(2) for CLASSES 6, 7, 8, 9, 11, 12, 20, 21 and 22, and with reference to provision 187(1) for CLASS 17.

Taxonomic Name	Common Name	Provision of Act Which are to Apply	Category	Declared Area
CLASS 6 MAMMALIA CARNIVORA <u>Canidae</u> <i>Vulpes vulpes</i>	Fox, Red Fox, European Fox	186(1)(3), 187(2), 188, 189, 190, 192(1)	1	All offshore islands and any vessel adjacent to any such island

Taxonomic Name	Common Name	Provision of Act Which are to Apply	Category	Declared Area
CLASS 7 MAMMALIA CARNIVORA Canidae <i>Canis familiaris</i>	Dingo	186(1)(2)(3), 187(2), 188, 189, 191(1), 192(1)	2	Inside of the Dog Fence
CLASS 8 MAMMALIA LAGOMORPHA Leporidae <i>Lepus europeus</i> <i>Oryctolagus cuniculus</i>	Hare, European Hare Rabbit, European Rabbit (wild & domestic forms)	186(1)(3), 187(2), 188, 189, 190, 192(1)	1	All offshore islands (including Kangaroo Island but excluding Wardang Island) and any vessel adjacent to any such island
CLASS 9 MAMMALIA LAGOMORPHA Leporidae <i>Oryctolagus cuniculus</i>	Rabbit, European Rabbit (wild forms)	186(1)(3), 187(2), 188, 189, 192(2), 194(1)	3	Whole of the State (excluding any areas specified in other classes)
CLASS 11 MAMMALIA ARTIODACTYLA Bovidae <i>Capra hircus</i>	Goat	187(2), 189, 190, 192(3)	3	Whole of the area comprising the Flinders Ranges Development Plan
CLASS 12 MAMMALIA ARTIODACTYLA Bovidae <i>Capra hircus</i>	Goat	186(1), 187(2), 189, 190, 192(3)	3	All offshore islands (excluding Wardang Island and Kangaroo Island)
CLASS 17 MAMMALIA RODENTIA Muridae <i>Mus musculus</i> <i>Rattus norvegicus</i> <i>Rattus rattus</i>	Mouse, House Mouse (wild form) Brown Rat (wild form) Black Rat (wild form)	187(1), 189	3	Whole of the State
CLASS 20 MAMMALIA CARNIVORA Mustelidae <i>Mustela putorius furo</i>	Ferret, Domestic Ferret	186(1)(3), 187(2), 188, 189, 190, 191(1), 192(1)	3	Kangaroo Island
CLASS 21 MAMMALIA ARTIODACTYLA Cervidae <i>Axis axis</i> <i>Axis porcinus</i> <i>Cervus elaphus</i> <i>Cervus nippon</i> <i>Dama dama</i> <i>Rusa timoriensis</i> <i>Rusa unicolor</i>	Chital Deer, Axis Deer, Spotted Deer Hog Deer Red Deer (incl. elk/wapiti) Sika Deer Fallow Deer (incl. Persian/ Mesopotamian fallow) Rusa Deer, Javan Deer, Timor Deer Sambar, Sambar Deer	186(1)(3), 187(2), 188, 189, 190, 191(1), 192(1)	3	All offshore islands including Kangaroo Island
CLASS 22 MAMMALIA ARTIODACTYLA Bovidae <i>Capra hircus</i>	Goat	186(1)(3), 187(2), 188, 189, 190, 191(1), 192(2)	3	Kangaroo Island

Dated: 27 July 2021

DAVID SPEIRS MP
Minister for Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

SECTION 192(1)

Notice Requiring Action to Destroy Wild Dogs in the Declared Area

For the purposes of section 192(1) of the *Landscape South Australia Act 2019* (the Act) and in accordance with Regulation 24 of the *Landscape South Australia (General) Regulations 2020* (the Regulations), I, John Schutz, Chief Executive of the Department for Environment and Water, hereby notify that, within the declared area of mainland South Australia, an owner of land in a region designated by this notice must take action to destroy wild dogs in the manner set out in this notice.

Designated Regions:

Region 1 comprises the area of South Australia (the State) that is located inside the dog fence but outside council areas under the *Local Government Act 1999*.

Region 2 comprises all properties greater than 300 hectares within the boundaries of the Flinders Ranges Council, District Council of Ororoo Carrieton, District Council of Peterborough, Northern Areas Council, Regional Council of Goyder or District Council of Ceduna.

Region 3 comprises the areas of the Southern Mallee Council, Tatiara Council and Coorong Council incorporating Ngarkat Conservation Park and all properties that have a shared boundary with the Ngarkat Conservation Park.

Region 4 comprises all land mainland South Australia inside the dog fence and not within Regions 1, 2 or 3.

In this notice:

dog fence means the dog-proof fence established and maintained in the northern areas of the State in accordance with subsection 18(2) of the *Dog Fence Act 1946*.

inside the dog fence means land within that portion of the State that is bounded by the dog fence, the eastern border of the State and the coast of the State.

lethal wild dog bait means a wild dog bait containing 0.6mg of Sodium Fluoroacetate (1080) or 1,000mg of Paramino Propriophenome (PAPP).

owner of land means—

- (a) if the land is unalienated from the Crown—the Crown; or
- (b) if the land is alienated from the Crown by grant in fee simple—the owner (at law or in equity) of the estate in fee simple; or
- (c) if the land is held from the Crown by lease or licence—the lessee or licensee, or a person who has entered into an agreement to acquire the interest of the lessee or licensee; or
- (d) if the land is held from the Crown under an agreement to purchase—the person who has the right to purchase; or
- (e) a person who holds native title in the land; or
- (f) a person who has arrogated to themselves (lawfully or unlawfully) the rights of an owner of the land,

and includes an occupier of the land and any other person of a prescribed class included within the ambit of this definition by a regulation made under the Act.

trapping means trapping an animal in a manner that complies with regulation 9(2) of the *Animal Welfare Regulations 2012*.

wild dog means a dingo; and any dog that is any cross of a dingo; and any feral dog.

1. In all Regions, baits must be laid in a manner that complies with the “Bait label for Wild Dog Control” set out at the PIRSA website.
2. In all Regions, an owner of land must not bait or trap wild dogs on land they do not own, unless they have permission to do so.
3. In Region 1:

All owners of land must, once every autumn and once every spring (and irrespective of evidence of wild dog activity) lay at least one lethal wild dog bait at intervals of one kilometre for the entire length of any established vehicle track or road on that land, or if organically certified, the land owner must provide to the local landscape board a plan that outlines an alternative method for laying the equivalent amount of baits, based on at least one lethal wild dog bait per kilometre for the entire length of all established vehicle tracks and roads on that land and, once approved by the local landscape board, immediately enact the approved plan.

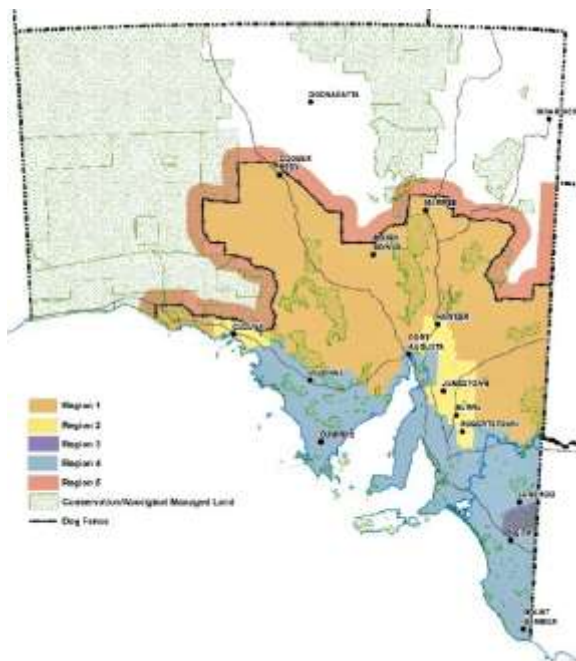
- (a) If an owner of land becomes aware of evidence of wild dog activity on that land, they:
 - (i) must, as soon as practicable, report the evidence to all owners of land adjoining that land and the local landscape board; and
 - (ii) must take the following measures:
 - (1) as soon as practicable, within 10 kilometres of such evidence lay at least one lethal wild dog bait along every 200 metres of any established vehicle track or road; or
 - (2) if the property is organically certified, the land owner must, as soon as practicable, provide to the local landscape board, for approval by that board, a wild dog control plan that outlines an alternative method for laying the equivalent amount of baits, based on baiting within 10 kilometres of such evidence, laying at least one lethal wild dog bait along every 200 metres of any established vehicle track or road and, once approved by the local landscape board, immediately enact the approved plan;
 - (3) Whether the property is organically certified or not, if wild dog activity is still detected after one month of baits being laid, repeat the baiting or undertake trapping or employ the services of a professional trapper to destroy all wild dogs until no further evidence is detected for a period of at least one month and report the continued wild dog activity and control activities to all adjoining owners of the land and the local landscape board contemporaneously with the further control activities.

4. In Region 2:

- (a) If an owner of land becomes aware of evidence of wild dog activity on that land, they:
 - (i) must, as soon as practicable, report the evidence to all owners of land adjoining that land and the local landscape board; and
 - (ii) The owner of the land, and the owners of all land adjoining that land, must take the following measures:
 - (1) as soon as practicable, lay ten lethal wild dog baits per 100 hectares of land, or one bait at minimum intervals of 200 metres along any established vehicle tracks or roads; or

- (2) if the property is organically certified, the land owner must, as soon as practicable, provide to the local landscape board, for approval by that board, a wild dog control plan that outlines an alternative method for laying the equivalent amount of baits, based on baiting within 10 kilometres of such evidence, laying at least one lethal wild dog bait along every 200 metres of any established vehicle track or road and, once approved by the local landscape board, immediately enact the approved plan;
- (3) Whether the property is organically certified or not, if wild dog activity is still detected after one month of baits being laid, repeat the baiting or undertake trapping or employ the services of a professional trapper to destroy all wild dogs until no further evidence is detected for a period of at least one month and report the continued wild dog activity and control activities to all adjoining owners of the land and the local landscape board contemporaneously with the further control activities.
5. In Region 3:
- (a) If an owner of land becomes aware of evidence of wild dog activity on that land, they must, as soon as practicable, report the evidence to all owners of land adjoining that land and the local landscape board.
- (b) Within Ngarkat Conservation Park:
- (i) The owner of the land must provide to the local landscape board, for approval by that board, a plan which provides for baiting within the Ngarkat Conservation Park and, once approved by the local landscape board, immediately enact the approved plan.
- (ii) The plan must include the following requirements:
- (1) That periodic baiting is to address the whole of the Ngarkat Conservation Park;
 - (2) That periodic baiting is to occur four times per year;
 - (3) That the location of periodic baiting must be identified e.g. through identifying tracks to be baited;
 - (4) That lethal baits must be laid at minimum intervals of 500 metres along any track identified and every 250 metres along the vehicle track that borders Victoria.
- (c) Outside Ngarkat Conservation Park:
- (i) If the owner of land becomes aware of wild dog activity on their land, that owner and the owners of all land adjoining that land, must undertake the following measures:
- (1) as soon as practicable, lay baits at minimum intervals of 500 metres along established tracks or roads;
- (d) Within all of Region 3:
- (i) If wild dog activity is still detected after one month of baits being laid, repeat the baiting or undertake trapping or employ the services of a professional trapper to destroy all wild dogs until no further evidence is detected for a period of at least one month and report the continued wild dog activity and control activities to all adjoining owners of the land and the local landscape board contemporaneously with the further control activities.
6. In Region 4:
- (a) If an owner of land becomes aware of evidence of wild dog activity on that land, they must, as soon as practicable, report the evidence to the local landscape board and should report that evidence to all owners of land adjoining that land; and
- (b) must comply with any instructions of the board to destroy wild dogs on that land.

For noting—REGION 5 is addressed under a separate Notice pursuant to section 192(3)(a) of the Act and regulation 25 of the Regulations.



Dated: 11 August 2021

JOHN SCHULTZ
Chief Executive
Department for Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

SECTION 192 (3)(A)

*Notice of Control Measures for Declared Animals in Declared Areas
Pursuant to Section 192(3)(a) of the Landscape South Australia Act 2019
Wild Dogs Outside, but within 35 Kilometres of, the Dog Fence in South Australia*

For the purposes of section 192(3)(a) of the *Landscape South Australia Act 2019* (LSA Act) and in accordance with regulation 25 of the *Landscape South Australia (General) Regulations 2020*, I, John Schutz, Chief Executive of the Department for Environment and Water, hereby notify that, within the declared area of mainland South Australia, an owner of land within the region designated by this notice must take the following measures to control any wild dogs on their land:

Designated Region:

Region 5, the designated region, comprises the 35-kilometre-wide corridor of land running along the entire outside boundary of the dog fence within South Australia (the State).

In this notice:

dog fence means the dog-proof fence established and maintained in the northern areas of the State in accordance with subsection 18(2) of the *Dog Fence Act 1946*.

outside the dog fence means the land within the State that is not within the area bounded by the dog fence, the eastern border of the State and the coast of the State (i.e. inside the dog fence).

lethal wild dog bait means a wild dog bait containing 0.6 mg of Sodium Fluoroacetate (1080) or 1000mg of Paramino Propriophenome (PAPP).

owner of land means—

- (a) if the land is unalienated from the Crown—the Crown; or
 - (b) if the land is alienated from the Crown by grant in fee simple—the owner (at law or in equity) of the estate in fee simple; or
 - (c) if the land is held from the Crown by lease or licence—the lessee or licensee, or a person who has entered into an agreement to acquire the interest of the lessee or licensee; or
 - (d) if the land is held from the Crown under an agreement to purchase—the person who has the right to purchase; or
 - (e) a person who holds native title in the land; or
 - (f) a person who has arrogated to themselves (lawfully or unlawfully) the rights of an owner of the land,
- and includes an occupier of the land and any other person of a prescribed class included within the ambit of this definition by a regulation made under the Act.

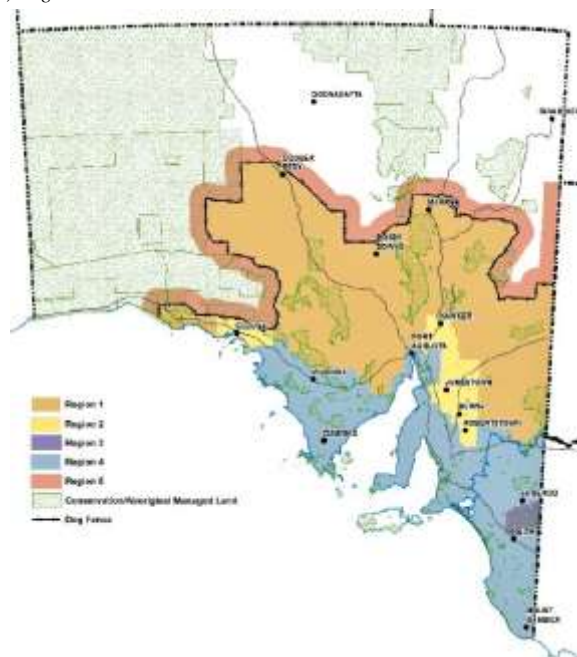
wild dog means a dingo; and any dog that is any cross of a dingo; and any feral dog.

vehicle track means any track or road on a property that is accessed by a vehicle.

Irrespective of evidence of wild dog activity, all owners of land within Region 5 must, once in autumn and once in spring, lay a minimum of ten lethal wild dog baits within a 10km radius of each man-made water point which is being used by livestock, or if the property is organically certified, the land owner must provide to the local landscape board, for approval by that board, a wild dog control plan that outlines an alternative method for laying the equivalent amount of baits, based on a minimum of ten lethal wild dog baits within a 10km radius of each man-made water point which is being used by livestock and, once approved by the local landscape board, immediately enact the approved plan.

Baits must be laid in a manner that complies with the “Bait label for Wild Dog Control” set out at the PIRSA website.

For noting—REGIONS 1, 2, 3 and 4 are addressed in a separate Notice pursuant to section 192(1) of the LSA Act and Regulation 24 of the *Landscape South Australia (General) Regulations 2020*.



Dated: 19 August 2021

JOHN SCHULTZ
Chief Executive
Department for Environment and Water

[REPUBLISHED]

In the *South Australian Government Gazette* No. 97 dated 17 December 2020, on page 5901 being the second notice on that page, the notice submitted under the *Mining Act 1971* was published with numbering errors and should be replaced with the following:

MINING ACT 1971

SECTION 36

Terms of Reference for Extractive Mineral Quarry Lease/Licence Applications

An application for a mining lease (EML) for the recovery of extractive minerals must be accompanied by:

- a proposal that complies with section 36 of the *Mining Act 1971*, regulations 46 and 47 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- information that complies with regulation 30 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- a declaration of accuracy that complies with regulation 84 of the *Mining Regulations 2020*; and
- the relevant application fee.

An application for a miscellaneous purposes licence (MPL) for the recovery of extractive minerals must be accompanied by:

- a proposal that complies with section 49 of the *Mining Act 1971*, regulations 46 and 47 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- information that complies with regulations 37 and 38 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- a declaration of accuracy that complies with regulation 84 of the *Mining Regulations 2020*; and
- the relevant application fee.

In accordance with section 36 of the *Mining Act 1971* this Terms of Reference will have effect from 1 January 2021.

FORM OF APPLICATION

In accordance with section 36(1)(a) of the *Mining Act 1971* an application for a mining lease (EML) for the recovery of extractive minerals must be made in the form and contain such information as set out in this Terms of References, unless otherwise specified by the Director of Mines or an authorised officer.

For the purposes of section 36(1)(a) of the *Mining Act 1971*, it is determined that an application for an EML must contain the information as follows:

- Applicant name(s) (company and/or individual and/or related body corporate) and each applicants percentage share in the application
- Name of project
- Mineral type
- Mineral(s) to be authorised
- Primary mineral(s) sought
- Other mineral(s) sought
- Proposed lease area details including a detailed map/plan (if required)
- Native title land
- Details of relevant land ownership, notices, consents and agreements
- Declaration of accuracy
- Applicant(s) details including:
 - Name of Company and/or Individual
 - ABN (if applicable)
 - ACN (if applicable)
 - Registered address
 - Applicant contact details including:
 - Postal Address
 - Email
 - Website
 - Phone number(s)
 - Contact Person details including:
 - Name
 - Position Title
 - Email
 - Phone number(s)
 - Consent to receive electronic correspondence (or otherwise)

In accordance with section 49(1)(a) of the *Mining Act 1971* an application for a miscellaneous purpose licence (MPL) ancillary to the recovery of extractive minerals must be made in the form and contain such information as set out in this Terms of References, unless otherwise specified by the Director of Mines or an authorised officer.

For the purposes of section 49(1)(a) of the *Mining Act 1971*, it is determined that an application for a MPL must contain the information as follows:

- Applicant name(s) (company and/or individual and/or related body corporate) and each applicants percentage share in the application
- Name of project
- Related applications/mining operations
- Location of proposed licence including a detailed map/plan (if required)
- Purpose of proposed licence
- Pegging details relating to proposed licence area
- Native title land
- Details of relevant land ownership, notices, consents and agreements
- Declaration of accuracy
- Applicant(s) details including:
 - Name of Company and/or Individual
 - ABN (if applicable)
 - ACN (if applicable)
 - Registered address
 - Applicant contact details including:
 - Postal Address
 - Email
 - Website
 - Phone number(s)
 - Contact Person details including:
 - Name
 - Position Title
 - Email
 - Phone number(s)
 - Consent to receive electronic correspondence (or otherwise)

An application for an EML and/or MPL must be in accordance with section 36(1)(a) and 49(1)(a) of the *Mining Act 1971* be in the following form, unless otherwise specified by the Director of Mines or an authorised officer:

- an electronic version of the Proposal must be submitted in accordance with regulation 88 of the *Mining Regulations 2020*; hardcopies must be submitted upon request; the information in all must be identical;
- each page, plan or other separate sheet of the Proposal must include the mineral claim, retention lease or exploration licence number(s), date of the application submission and sequential page numbering; and
- the electronic version of the Proposal must be submitted in one single Acrobat PDF file or if requested by the Director of Mines or an authorised officer, Microsoft WORD compatible files must be submitted.

PROPOSAL

An application for an EML and/or MPL must be accompanied by a proposal that complies with sections 36 and 49 of the *Mining Act 1971* and regulations 46 and 47 of the *Mining Regulations 2020*, and must comply with the following determinations of this Terms of Reference as set out below:

1. DESCRIPTION OF THE EXISTING ENVIRONMENT

In setting out an assessment of the environmental impacts of the proposed authorised operations in accordance with sections 36(1)(c)(ii)(A) and 49(1)(c)(ii)(A) of the *Mining Act 1971* and regulation 46(2) of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must include a description and assessment of the environment as set out in this Terms of Reference. Each of the elements of the existing environment (as defined in section 6(4) of the *Mining Act 1971*) listed in clause 1.1- 1.19 must be described only to the extent that they may need to be considered in assessing the potential impacts of the proposed quarry operations. If the element is not likely to be impacted by the operation, a statement to that effect must be included.

1.1 Topography and landscape

Provide a description and map (as per 5.1.1.1) of the topography and landscape, detailing the:

- application area; and
- general surroundings.

1.2 Climate

Provide a summary from the nearest relevant weather station of:

- annual rainfall and temperature patterns; and
- prevailing wind directions and speed (including maximum wind gusts).

1.3 Topsoil and subsoil

Provide:

- a description of the soil profile (type and depth), and the characteristics and/or productivity of all soils on the application area (show this information on a map as per 5.1.1.2 if there is a variation in soils over the application area); and
- identify any soil characteristics that may be an issue for disturbance or rehabilitation.

1.4 Geological Environment

Provide:

- local geological or site map (as per 5.1.1.2), showing location and dimensions of the deposit and structure (dip and strike where appropriate);
- representative cross sections (as per 5.2.1.1) of the proposed quarry area that identify the extent of the resource and estimate any overlying overburden; and
- a description and results of any geological evaluation work carried out.

1.5 Geohazards

Provide an assessment of the potential for any of the following natural geohazards to be present in the application area:

- structural instability including slips, faults, karst features or geological unit boundaries;
- minerals that may occur in the material to be quarried (including overburden) and are hazardous to human health specifically radioactive minerals, asbestiform minerals or minerals which have the potential to produce respirable silica; and
- minerals that may occur in the material to be quarried (including overburden) that may have the potential to pollute the environment - including but not limited to sulphide minerals that may generate acid.

1.6 Groundwater

Provide:

- a statement describing if the application area is within an area where the water resources are prescribed under the *Landscape South Australia Act 2019*;
- a map (as per 5.1.1.3) showing groundwater wells in the surrounding area, highlighting those used to determine the seasonally high water table elevation;
- a cross section (as per 5.2.1.2) showing the proposed quarrying and seasonally high water table elevation in metres Australian Height Datum (AHD); and
- evidence to validate the estimated seasonally high water table.

If the proposed quarry has the potential to intersect the seasonally high water table, the following must be provided:

- details of local groundwater systems, including information on water quality and static water level (including seasonal fluctuations), recharge and discharge mechanisms, aquifer hydraulic properties, location of any aquifer and static water level of any other known drill holes; and
- an assessment of any current use of this water by the landowner, adjacent landowners and groundwater dependent ecosystems.

1.7 Surface water

Provide a Topographic Map (as per 5.1.1.1) and description of the current drainage patterns for the application area and water catchment including:

- location of watercourses, drains, dams and wetlands;
- surface water catchment boundaries;
- direction of drainage and discharge from the application area;
- a statement describing if the application area is within an area where the water resources are prescribed under the *Landscape South Australia Act 2019*, and provide details on the current availability of water resources within the prescribed area;
- a statement describing if the application area is within a water protection area including areas under the *River Murray Act 2003*; and
- a statement as to whether the application area falls within the Murray Darling Basin.

If there is potential for changing a flow regime (including change in flow volume) or discharge into these watercourses from the proposed quarry operations, an assessment of the use of this water by the landowner, downstream users and water dependent ecosystems must be included.

1.8 Vegetation, weeds and plant pathogens

Provide:

- a description and map (as per 5.1.1.1) of existing flora (native and introduced) in the application area and surroundings;
- the State conservation status and habitat value of native vegetation present in the application area;
- a description of the presence of *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* listed species and ecological communities;
- a description of the extent the application area and adjoining land is affected or potentially affected by pathogens and declared weeds, including but not limited to phytophthora and broomrape; and
- if known, a description of the history of land use to identify if the existing vegetation is the result of deliberate cultivation or natural regrowth arising from previous clearance.

1.9 Fauna

Describe the native and feral fauna that may be present in the application area noting State or Commonwealth conservation status of all species.

1.10 Caves

If the application area is within, or near to, known caves or significant limestone formations a survey for the presence of caves must be performed.

Provide a summary of the results of the survey and describe the presence of any caves in karst (limestone) areas within, or near to, the application area and show on a map (as per 5.1.1.5).

1.11 Land use

Provide a description of:

- land use (historical and current) for the application area and the surrounding areas;
- the zoning as defined by the Planning and Design Code or relevant council development plans;
- policies relevant to the application area, including region or council wide, zone specific and sub areas within a zone;
- known plans for potential future land use changes by other parties;
- other interests or restrictions on the application area, including:
 - public utility easements;
 - if the application is within land used for defence purposes, including the Woomera Prohibited Area or the Cultana Army Training Area; and
 - any overlapping or adjacent tenements under the *Mining Act 1971* or *Petroleum and Geothermal Energy Act 2000*;

1.12 Proximity to infrastructure and housing

Provide information and a map (as per 5.1.1.4):

- identifying residences within and near the application area;
- identifying other human infrastructure including but not limited to schools, hospitals, commercial or industrial sites, roads, sheds, bores, dams, ruins, pumps, cemeteries, scenic lookouts, roads, railway lines, fences, transmission lines, gas and water pipelines, telephone and communication lines (both underground and above ground); and
- identifying public roads to be utilised or affected as part of proposed quarrying operations, including an estimate of the existing traffic movements.

1.13 Exempt Land

Provide a description and map (as per 5.1.1.4) of any applicable exempt land under Section 9 of the *Mining Act 1971*.

1.14 Amenity

Provide a summary description of scenic or aesthetic values for the application area and immediate surrounds.

1.15 Air quality

Provide a description of the existing levels of dust and contributors to air quality (both natural and anthropogenic).

1.16 Noise

Provide a description of existing noise levels and contributors to noise (both natural and anthropogenic).

1.17 Heritage (Aboriginal, European, Geological)

Detail and show on a map (as per 5.1.1.1):

- any registered heritage sites in or adjacent to the application areas that are protected under legislation (in so far as may be permitted under the relevant legislation).
- Include a statement concerning whether or not an Aboriginal cultural heritage survey has been conducted by the proponent and, if so, the results of the survey.

1.18 Proximity to conservation areas

Provide information and a map (as per 5.1.1.1) showing:

- proximity to national parks and reserves, private conservation areas, Commonwealth recognised conservation areas, heritage agreement areas and geological heritage sites.

1.19 Pre-existing site contamination and previous disturbance

Provide information and a map (as per 5.1.1.1) showing:

- any known existing contamination of the site and/or any disturbance by previous mining operations or other activities.

2. DESCRIPTION OF THE PROPOSED OPERATIONS

In specifying the nature and extent of the authorised operations that are proposed in accordance with sections 36(1)(c)(i) and 49(1)(c)(i) of the *Mining Act 1971*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must include a description of the proposed operations as set out in this Terms of Reference. Each of the elements listed in clauses 2.1–2.9 must be described only to the extent that they apply to the proposed quarry operation.

2.1 General description and maps/plans of operations

A summary description of all elements of the proposed operation must be included.

2.2 Resource and Products**2.2.1 Resource**

Provide a statement of the extractive minerals proposed to be extracted, recovered and sold.

Provide a statement of the current estimated resource or reserve (or both), including:

- details of the basis of this estimate; and
- a declaration that the resource or reserve (or both) has been appropriately identified and estimated.

2.2.2 Production Rate and Products

State:

- the potential end use and products for all extractive minerals proposed to be sold. Provide estimates of the:
- annual production rate (product and overburden);
- life of the quarry; and
- material movement over life of quarry (product and overburden).

2.3 Quarrying Activities

2.3.1 Type or types of proposed quarry operation to be carried out

Provide:

- a summary and map (as per 5.1.2.1) of the proposed site layout;
- a description of the proposed quarrying method; and
- conceptual dimensions and depth of proposed pit(s).

2.3.2 Sequence of quarrying and progressive rehabilitation

Describe conceptually and show on a map (as per 5.1.2.2):

- staging and description of each progressive quarrying stage;
- milestones that will instigate progressive rehabilitation; and
- staging and description of each progressive rehabilitation stage including:
 - use of overburden;
 - battering of mining faces and other earthworks;
 - topsoil management; and
 - revegetation.

2.3.3 Stockpiles

2.3.3.1 Topsoil and Subsoil Stockpiles

Describe and show on a map (as per 5.1.2.1):

- conceptual location, size, shape and height of topsoil/subsoil stockpiles.

2.3.3.2 Product Stockpile

Describe and show on a map (as per 5.1.2.1):

- conceptual location and height of product stockpiles.

2.3.4 Use of explosives

If explosives are proposed to be used, describe:

- estimated frequency of blasting; and
- whether explosives will be stored onsite.

2.3.5 Modes and hours of operation

State if the proposed quarry operation will be operated on a continuous (24 hour, 7 days a week), regular periodical or campaign basis.

If the proposed quarry operation is to be operated on a regular periodical basis or campaign basis, specify:

- proposed period(s) (daily, weekly and public holidays) to be worked; and
- proposed start and finish hours the site is to be worked per period.

2.4 Crushing, processing and product transport

2.4.1 Fixed plant

Describe the specifications (to at least a conceptual standard) of fixed plant including but not limited to:

- area, size, and location of fixed plant and associated structures including as applicable concrete batching plant, wheel wash facilities, silos, fuel tanks, water tanks, chemical storage proposed to be used for processing the extractive minerals on site;
- a description of rock or sand processing; in particular crushing, washing, drying, screening and separation; and
- the type(s) of processing/value adding used on the raw material and conducted onsite including but not limited to concrete, bitumen, separation and drying.

2.4.2 Hours of operation

Describe the proposed hours of crushing, processing and product transport activities.

2.4.3 Processing wastes

If processing wastes are to be generated provide a conceptual description of:

- management of any proposed chemical additives contained within waste to prevent environmental harm;
- management and disposal of processing wastes;
- construction and geotechnical details of proposed storage facilities; and
- construction details/design of evaporation ponds and proposed use of waste material.

2.4.4 Industrial and domestic wastes

A description of management of any of the following industrial and domestic wastes must be provided:

- putrescible waste;
- oil;
- other onsite waste disposal or recycling: e.g. workshop waste, tyres, drums, oil filters;
- offsite disposal; and
- a description of the type, area and layout of sewage systems installed at the site.

2.5 Supporting surface infrastructure

2.5.1 Access and Roads

Describe:

- access route to the site and show on a map (as per 5.1.2.3);
- indicate if any new roads are to be constructed, or if existing roads or intersections (public and private) are to be upgraded; and
- transport system(s) used to and from the site and the estimated number of vehicle movements per day.

2.5.2 Accommodation and offices

Describe onsite personnel accommodation and offices, including but not limited to:

- number, area, size, type of construction and location of accommodation, office, meals or laboratory buildings, caravans or camp, and associated structures (e.g. car parks, water tanks, etc.) to be used on site; and
- if temporary or permanent.

2.5.3 Public services and utilities used by the operation

Describe:

- sources of services or utilities that are, or are to be supplied to the proposed site, such as power, water, telecommunications etc.;
- if new connections to services and utilities are required, the proposed routes for connection; and
- the effects to any existing services or utilities that have been or may be affected by the mining operations.

2.5.4 Visual screening

Describe the type of screening, including existing or proposed vegetation (i.e. species and density of plantings) and show on a map (as per 5.1.2.1 or 5.1.2.2).

2.5.5 Fuel and chemical storage

For all fuels and chemicals stored on site show the proposed location of storage on a map (as per 5.1.2.1) and provide detail on:

- types of bulk chemicals and the volumes of each; and
- proposed bunding and containment for all chemical and fuel storage vessels.

2.5.6 Site security

Describe infrastructure and measures that will be adopted to prevent unauthorised access by the public, including, but not limited to:

- fencing; and
- signage.

2.5.7 Erosion, Sediment and Silt Control

Describe and show on a map (as per 5.1.2.1):

- location and design of sediment management structures;
- management and disposal of silt;
- strategies to control runoff on disturbed areas and rehabilitated areas; and
- storage, diversion and release of clean water.

2.6 Vegetation clearance

If clearance of native vegetation is proposed, a description of the vegetation type to be cleared and map (as per 5.1.2.2) showing the proposed clearance area must be provided.

State the estimated quantum of significant environmental benefit (SEB) to be gained in exchange for the proposed clearance and describe how the SEB will be provided.

2.7 Site Water Management

Provide an estimate of the quantity of water to be used and the proposed source of that water. If processing water is to be used, provide a water balance including:

- approximate water volumes required for processing; and
- a summary of all water inputs and outputs.

Provide a description of all process water ponds, including:

- size, capacity, layout and location of ponds;
- design and construction methods; and
- minimum freeboard to be maintained.

2.8 Description of Quarry Site at Completion

Provide a map (as per 5.1.2.4), cross-section (as per 5.2.2.2) and a conceptual description of the quarry site as it will be at completion after all rehabilitation and closure activities have been completed, including:

- potential land use options;
- landforms;
- proposed vegetation covers (including native vegetation that will not be disturbed due to proposed quarrying operations);
- any quarrying infrastructure that may remain on site and become the responsibility of the landowner;
- location, description and management of waste disposal areas;

- location of reshaped and rehabilitated areas, proposed surface contours and revegetation; and
- location of surface water infrastructure including ponds and diversions.

Provide a description of the proposed mechanism for transferring responsibility for any potential residual liability (e.g. ongoing maintenance or monitoring) subsequent to surrender of the tenement.

2.9 Description of workforce and local procurement

Describe:

- number of full-time equivalent employee positions that would be directly created by the proposal (not to include existing positions);
- the proportion of the workforce that would likely reside in the local community and the estimated impact on local employment;
- any programs to target and assist Indigenous or local employment at the quarry;
- training to be provided to employees and potential employees;
- approximate timelines for creation of the positions; and
- potential for local business participation, and procurement of local goods and services.

3. CONSULTATION

In setting out the result of the consultation undertaken in connection with the proposed operations in accordance with sections 36(1)(c)(iv) and 49(1)(c)(iv) of the *Mining Act 1971* and regulation 47 of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must include:

A description of:

- the process undertaken for identifying stakeholders with an interest in, or stakeholders likely to be directly affected by the proposed quarry operation;
- the process undertaken for the delivery of information to, gathering of feedback from, and responding to those identified stakeholders;
- if any individual or group of similar affected persons were not able to be consulted, the steps taken to consult with them; and
- the extent to which the outcomes proposed in clause 4.2.2 have been developed in consultation with the landowner and any other person who may be directly affected by the proposed quarry operations.

The results of the consultation undertaken with those identified stakeholders, including:

- the persons consulted;
- any concerns/issues raised; and
- the response and steps (if any) taken or proposed to address those concerns.

4. MANAGEMENT OF ENVIRONMENTAL IMPACTS

4.1 Assessment of environmental impacts

In setting out an assessment of the environmental impacts of the proposed authorised operations in accordance with sections 36(1)(c)(ii)(A) and 49(1)(c)(ii)(A) of the *Mining Act 1971* and regulation 46(2) of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must include an assessment of the environment as set out in this Terms of Reference.

4.1.1 Elements of the environment

Describe the specific elements of the environment (the environment is defined in Section 6(4) of the *Mining Act 1971*) that may reasonably be expected to be impacted on by the proposed quarry operation during construction, operation, and indefinitely post completion.

For each element of the environment identified:

- provide a summary of any issues or considerations raised by stakeholders, and any relevant legislated or recognised standards in relation to the element of the environment;
- describe all potential environmental receptors; and
- undertake an impact assessment of how the element could be potentially impacted by proposed quarry operations (during construction, operation and post completion) through the provision of the information listed in the following clause 4.1.2.

4.1.2 Potential impact events

Describe potential impact events associated with each phase of the proposed quarry operations (construction, operation and post completion) and relevant to each element of the environment.

For the purpose of the impact assessment, a potential impact event is the combination of a source, a pathway and an environmental receptor.

The source, pathway and environmental receptor of each potential impact event must be described prior to the implementation of engineering or administrative control measures.

For each potential impact event identified in clause 4.1.2, provide:

4.1.2.1 Source

A description of the source of the potential impact event, which alone or in combination has the potential to cause harm to an environmental receptor.

4.1.2.2 Pathway

A description of the potential pathway (with consideration of any natural barriers) by which an identified environmental receptor can be exposed to, or may reasonably be expected to be impacted by an identified source.

4.1.2.3 Environmental receptor

A description of the environmental receptors that may reasonably be expected to be adversely impacted by the source, taking into account the considerations for the element of the environment described under clause 4.1.1

4.1.2.4 Description of uncertainty

Describe any significant degree of uncertainty pertaining to the evaluation of sources, pathways and environmental receptors, including (but not limited to) lack of site specific information, limitations on modelling and quality of data.

Describe any assumptions connected with the identified uncertainty.

So far as is relevant, identify the sensitivity to change of any assumption that has been made, including whether a change in assumption may result in a new environmental impact.

4.1.2.5 Confirmation of potential impact events

For each potential impact event provide:

- an analysis of whether a source, pathway and receptor does exist (and if not, or if it remains uncertain, provide an explanation for the conclusion); and
- a description of the likely impact from the source on the environmental receptor.

4.2 Control measures, uncertainty assessment, statement of environmental outcomes and criteria

For each impact event confirmed in clause 4.1.2.5, the information listed in clauses 4.2.1—4.2.3 must be provided:

4.2.1 Control measures

In setting out an outline of the measures that the applicant intends to take to manage, limit or remedy environmental impacts as confirmed in clause 4.1.2.5 in accordance with sections 36(1)(c)(ii)(B) and 49(1)(c)(ii)(B) of the *Mining Act 1971* and regulation 46(3) of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must:

- Include a description of the measures proposed to manage, limit or remedy each impact event;
- Demonstrate that the measures proposed are commensurate with the potential impacts, achieve compliance with other applicable statutory requirements and promote progressive rehabilitation;
- Include a description of any significant degree of uncertainty pertaining to the likely effectiveness of proposed control measures, including but not limited to lack of site specific information, limitations on modelling and quality of data
- Include a description of any assumptions connected with the identified uncertainty;
- So far as is relevant, identify the sensitivity to change of any assumption that has been made and assess the likelihood of an outcome not being achieved if an assumption is later found to be incorrect.

4.2.2 Statement of proposed environmental outcomes

Statements of the environmental outcomes that are expected to occur are required in accordance with sections 36(1)(c)(ii)(C) and 49(1)(c)(ii)(C) of the *Mining Act 1971* and regulation 46(4) of the *Mining Regulations 2020* and must be made for each impact event confirmed in clause 4.1.2.5. The Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that a proposal must:

- Provide a statement of the proposed environmental outcome(s) (including completion outcomes assessed on a long term basis) for each impact event confirmed in clause 4.1.2.5;
- Ensure that the statement of environmental outcome(s) describe the likely consequence of the expected impact on the environment by the proposed quarry operations subsequent to the implementation of the control measures described in clause 6.2.1; and
- Provide a statement that demonstrates the environmental outcomes would be able to be achieved taking into consideration the effectiveness of the control measures (clause 4.2.1) and description of uncertainty (clause 4.2.1).

4.2.3 Draft measurement criteria

In preparing a draft statement of the criteria to be adopted to measure each of the proposed environmental outcomes in accordance with sections 36(1)(c)(iii) and 49(1)(c)(iii) of the *Mining Act 1971* and regulation 46(5) of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that the draft criteria must:

- As far as practical comply with the five elements set out in regulation 46(5) of the *Mining Regulations 2020*; and
- Include demonstration of the successful implementation of the significant environmental benefit, if native vegetation is proposed to be cleared and an on-ground off-set proposed.

5 MAPS AND CROSS-SECTIONS

In preparing a proposal in accordance with sections 36(1)(c) and 49(1)(c) of the *Mining Act 1971* and regulation 46 of the *Mining Regulations 2020*, the Minister determines in accordance with regulation 46(7)(e) of the *Mining Regulations 2020* that all maps and plans must comply with the following requirements relating to the amount of detail or information to be provided:

- state and show the relevant datum (Australian Height Datum (AHD) is preferred);
- metric units;
- title, north arrow, scale bar, text and legend;
- date prepared and author;
- be of appropriate resolution and scale for represented information; and
- be legible in both the hardcopy and electronic versions of the submission.

All cross-sections must conform to the following standards:

- state and show the relevant datum (Australian Height Datum (AHD) is preferred);
- metric units;
- title, scale bar, text and legend;
- date prepared and author;
- be of appropriate resolution and scale for represented information; and
- be legible in both the hardcopy and electronic versions of the submission.

5.1 List of Maps

5.1.1 Maps required for Description of the Existing Environment (as per clause 2)

5.1.1.1 Topographic Map showing:

- mineral claim boundaries;
- existing surface contours; existing vegetation;
- location of watercourses, including ephemeral and permanent rivers, creeks, swamps, streams, wetlands and any man-made water management structures;
- surface water catchment boundaries;
- direction of drainage and discharge from the application area;
- location and extent of all previously disturbed areas associated with previous mining; and
- location and extent of any adjacent conservation reserves, heritage sites or any other significant areas.

5.1.1.2 Local Geological Map showing:

- mineral claim boundaries;
- location and dimensions of the deposit; and
- topsoil/subsoil variation if there is a variation in soils over the application area.

5.1.1.3 Groundwater Map showing:

- groundwater wells in the surrounding area highlighting those used to determine the groundwater level.

5.1.1.4 Land Access Map showing:

- mineral claim boundaries;
- proposed tenement boundary if an area smaller than the mineral claim is proposed
- any exempt land;
- location of residences within and near the application area; and
- human infrastructure as per clause 1.12.

If relevant:

5.1.1.5 Caves Map showing:

- mineral claim boundaries;
- potential cave hosting geology; and
- location of the cave(s).

5.1.2 Maps required for Description of the Proposed Quarrying Operations (as per clause 3)

5.1.2.1 Proposed Site Layout Map showing all components of the proposed quarry operation including, but not limited to:

- tenement boundaries;
- location of sediment management infrastructure;
- if relevant location of process water dams;
- location of haul roads;
- if relevant location of fixed plant;
- location of mobile plant for stage 1 of quarrying;
- Location of overburden; and
- location and extent of topsoil/subsoil and product stockpiles.

5.1.2.2 Sequence of Quarrying and Progressive Rehabilitation Map showing:

- proposed tenement boundaries;
- conceptual staging of each progressive quarrying stage;
- proposed native vegetation clearance; and
- conceptual staging of each progressive rehabilitation stage.

5.1.2.3 Access Route Map showing:

- proposed access route for heavy vehicles;
- proposed exit route for heavy vehicles; and
- any road upgrades or new roads to be constructed if relevant.

5.1.2.4 *Quarry Completion Map showing:*

- final landforms (including rehabilitated and non-disturbed areas); and
- proposed topographical contours of the entire site (including rehabilitated and non-disturbed areas).

5.2 Summary of Cross-Sections

Following is a summary of all cross-sections required in the proposal:

5.2.1 Cross-Sections required for Description of the Existing Environment (as per clause 2)

5.2.1.1 *Geological Cross-Section(s) showing:*

- a representation of the geological profile within the application area; and
- depth of the resource and any overlying overburden.

5.2.1.2 *Groundwater Cross-Section(s) showing:*

- the proposed depth of mining; and
- the depth to groundwater.

5.2.2 Cross-Sections required for Description of the Proposed Mining Operations (as per clause 3)

5.2.2.1 *Proposed Quarry Operation Cross-Section(s) showing:*

- proposed pit depth; and
- proposed pit dimensions.

5.2.2.2 *Quarry Completion Cross Section(s) showing:*

- pre quarrying natural surface; and
- proposed final rehabilitated surface.

ADDITIONAL INFORMATION TO ACCOMPANY APPLICATION

An application for an EML and/or MPL must be accompanied by additional information as set out in regulations 30, 37 and 48 of the *Mining Regulations 2020*, and must comply with the following determinations of this Terms of Reference:

6 Reasonable prospect of access to land

In preparing a statement under regulation 30(1)(e)(i) of the *Mining Regulations 2020* that demonstrates that there is a reasonable prospect that the land in respect of which an EML is sought could be effectively and efficiently mined, the Minister determines in accordance with regulation 30(2) of the *Mining Regulations 2020* that this statement must be supported by the following evidence:

- A description of any waivers of exemption obtained, and/or information on the status of waivers of exemption yet to be negotiated/finalised under Section 9AA of the *Mining Act 1971*; and
- A description of any native title mining agreements obtained under the *Mining Act 1971* or *Indigenous Land Use Agreements (ILUA) under the Native Act 1993 (Cth)*.

7 Description of contributions to the economy

For the purposes of regulation 30(1)(g) of the *Mining Regulations 2020*, the Minister determines that the following information must accompany an application for an EML:

- A description of the economic contributions of the proposed operations, including (but not limited to):
- goods and services used in the local community, state and external to state;
- wages and other employee benefits;
- economic benefits derived from local employment;
- approximate royalty payments and other direct state government taxes; and
- any other potential economic contributions proposed during the development of the quarry, operation of the proposed quarry and post quarry completion.

Dated: 11 December 2020

HON. DANIEL VAN HOLST PELLEKAAN
Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Application for Grant of Associated Activities Licence—AAL 294

Pursuant to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and delegation dated 29 June 2018, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Great Artesian Oil and Gas Pty Ltd

The application will be determined on or after 24 September 2021.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates MGA2020, Zone 54:

336200.0768mE	6925249.9671mN
336805.7158mE	6925250.0094mN
336805.4229mE	6924014.2060mN
337318.3099mE	6924014.1481mN
337326.5876mE	6923398.5538mN
337052.9223mE	6923394.8885mN
337059.1087mE	6922933.2845mN
336922.3097mE	6922931.3857mN
336929.9235mE	6922364.4028mN
336506.5743mE	6922365.4061mN
336502.4734mE	6922616.5848mN
336200.1398mE	6922612.4681mN
336200.0768mE	6925249.9671mN

AREA: **2.18** square kilometres approximately.

Dated: 23 August 2021

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Condition Extension of Licence Term Petroleum Exploration Licence—PEL 512**Extension of Licence Term Associated Activities Licence—AAL 293*

Pursuant to section 76A of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that Condition 1 of petroleum exploration licence 512 has been suspended for the period from 29 October 2021 to 28 April 2022 inclusive, pursuant to delegated powers dated 29 June 2018.

The term of petroleum exploration licence PEL 512 has been extended by a period corresponding to the period of suspension, such that PEL 512 will now expire on 28 April 2024.

The effect of this suspension of licence condition 1 would not have altered the outcome of the original competitive tender process.

As a consequence of the suspension and extension of PEL 512, the term of the adjunct associated activities licence AAL 293 is extended, such that AAL 293 will now expire on 15 June 2022.

Dated: 16 August 2021

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 12 August 2021 (Version 2021.11) in order to make changes of form and correct errors that relate to:

- Misapplication of the Regulated and Significant Tree Overlay within the Adelaide Hills Council and Mount Barker District Council.

Pursuant to section 76 of the *Planning, Development and Infrastructure Act 2016*, I—

1. Amend the Code as follows:

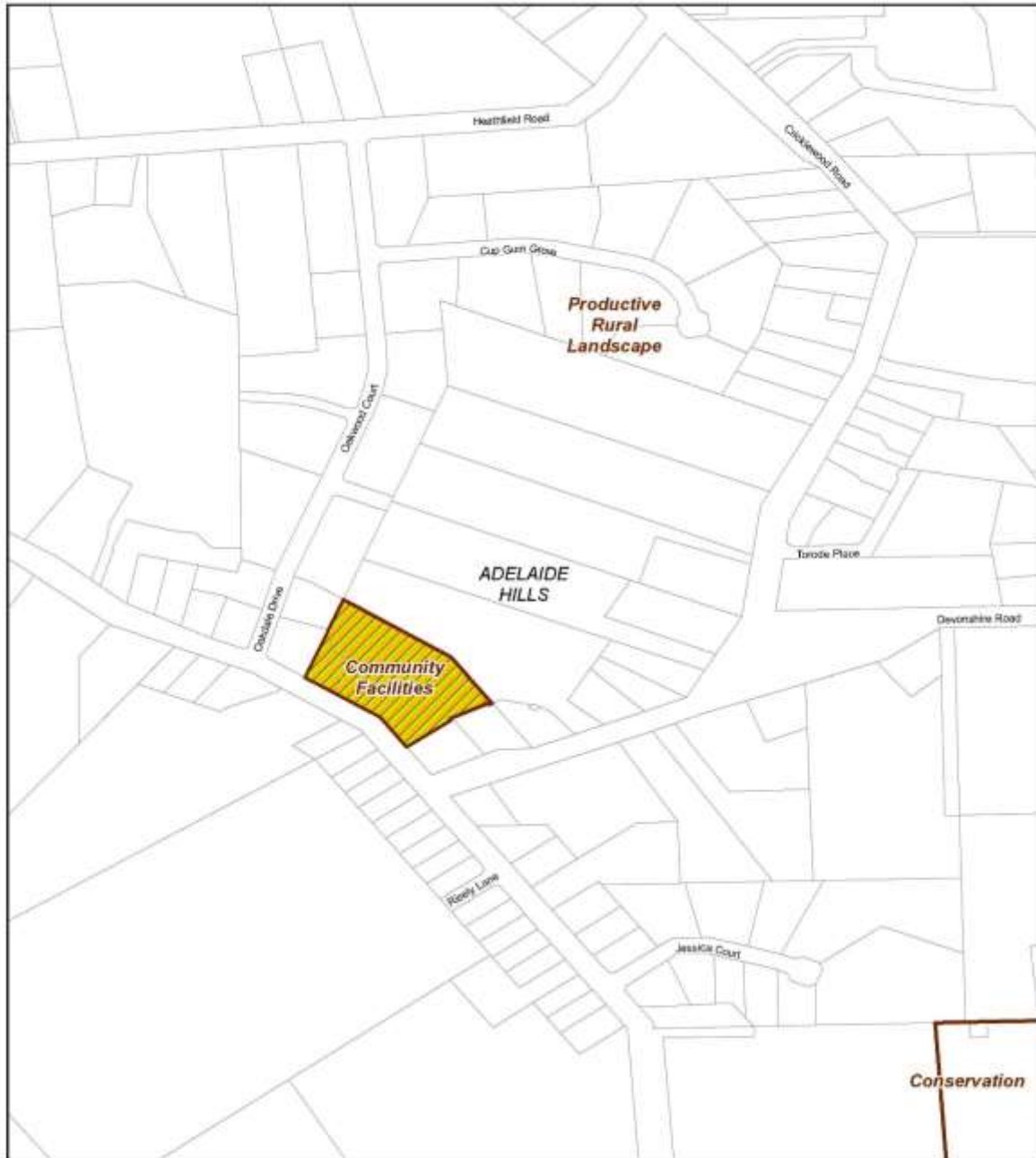
- (a) Amend the spatial application of the Regulated and Significant Tree Overlay in the areas of the Adelaide Hills Council and Mount Barker District Council in accordance with the maps contained in Attachment A;
- (b) Update the Table of Planning and Design Code Amendments (Part 13—Table of Amendments), pursuant to this Section 76 Amendment.

2. Declare that the Section 76 Amendment will take effect upon being published on the SA planning portal.

Dated: 20 August 2021





VICKIE CHAPMAN MP
Deputy Premier
Minister for Planning and Local Government

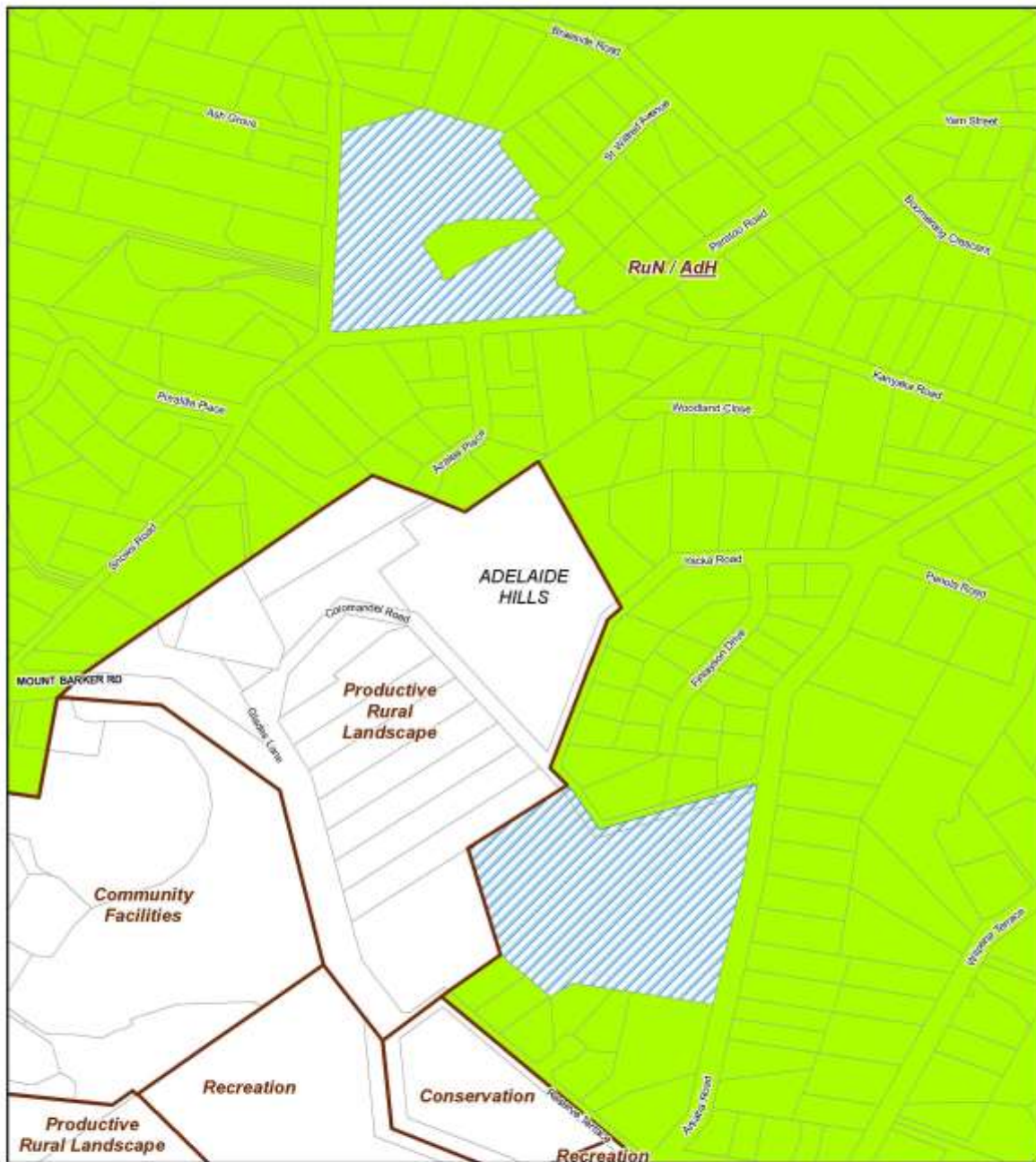
ATTACHMENT A



Adelaide Hills Council
Heathfield







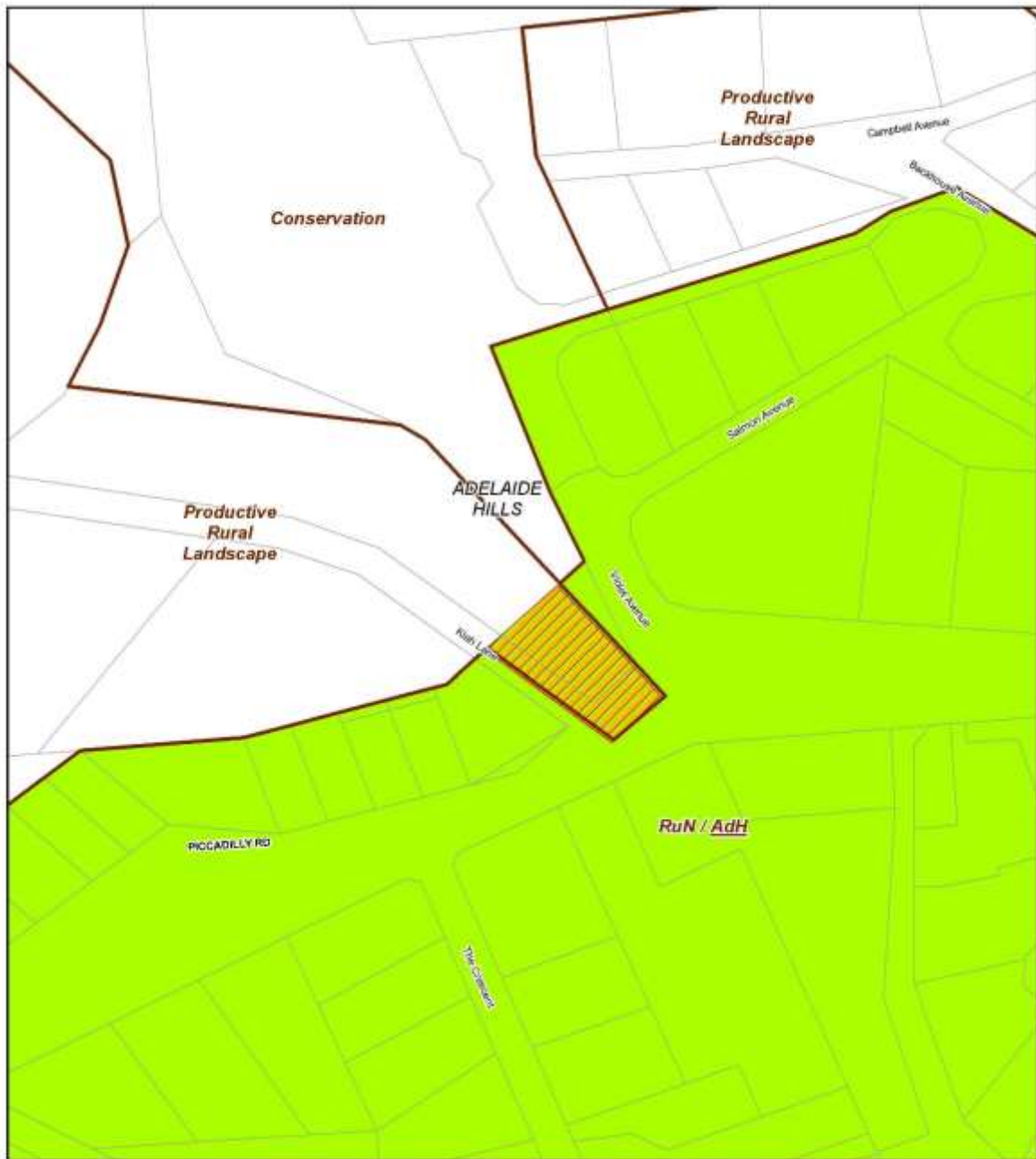
-  Planning and Design Code Zones and Subzones
-  Areas to be removed from the Regulated and Significant Tree Overlay
-  Areas to be included in the Regulated and Significant Tree Overlay
-  Regulated and Significant Tree Overlay (current/operational)



Adelaide Hills Council Stirling - Aldgate







-  Planning and Design Code Zones and Subzones
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-  Regulated and Significant Tree Overlay (current/operational)



Adelaide Hills Council Crafers







-  Planning and Design Code Zones and Subzones
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Adelaide Hills Council Crafers







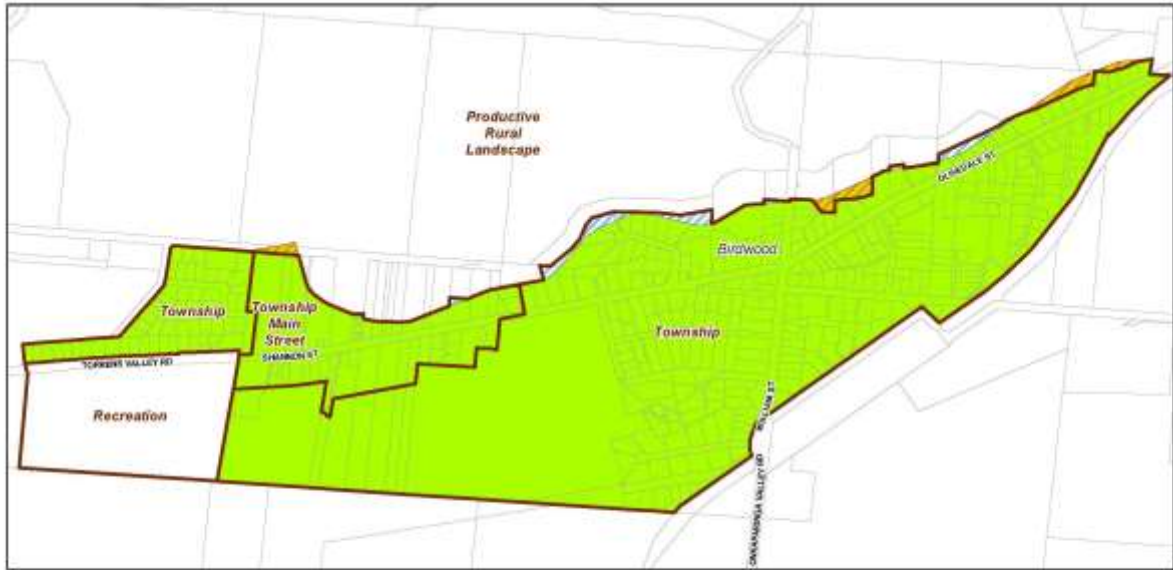
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Adelaide Hills Council Balhannah







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Adelaide Hills Council
Birdwood



0 100 200 300 400 500 m





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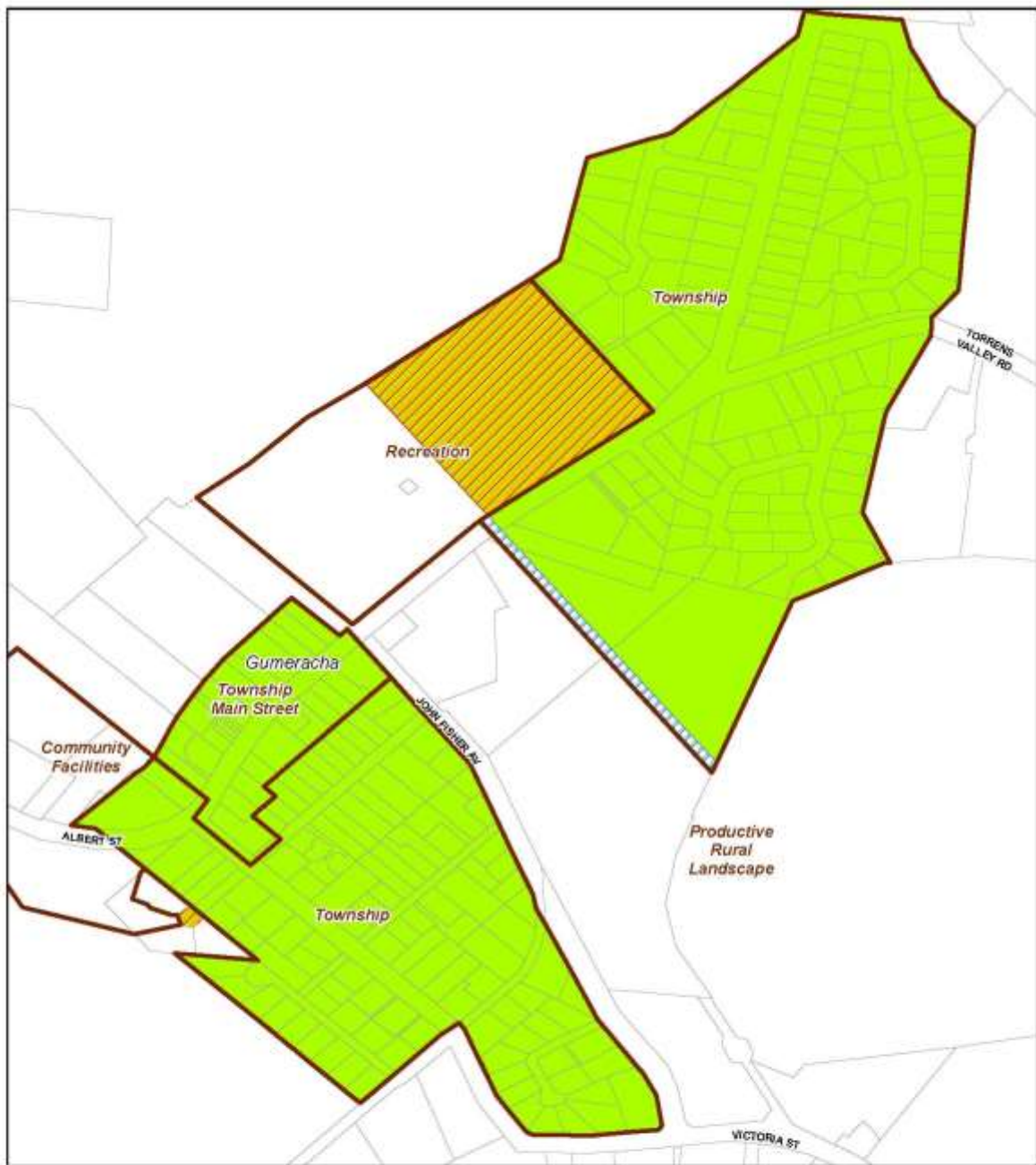


Adelaide Hills Council
Forreston

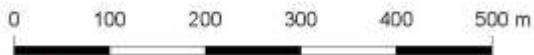






0 50 100 150 200 250 m

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Adelaide Hills Council Gumeracha







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Adelaide Hills Council Kersbrook







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Adelaide Hills Council Mount Torrens

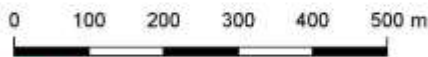






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Mount Barker District Council Callington

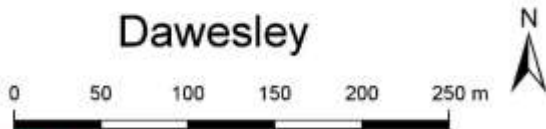






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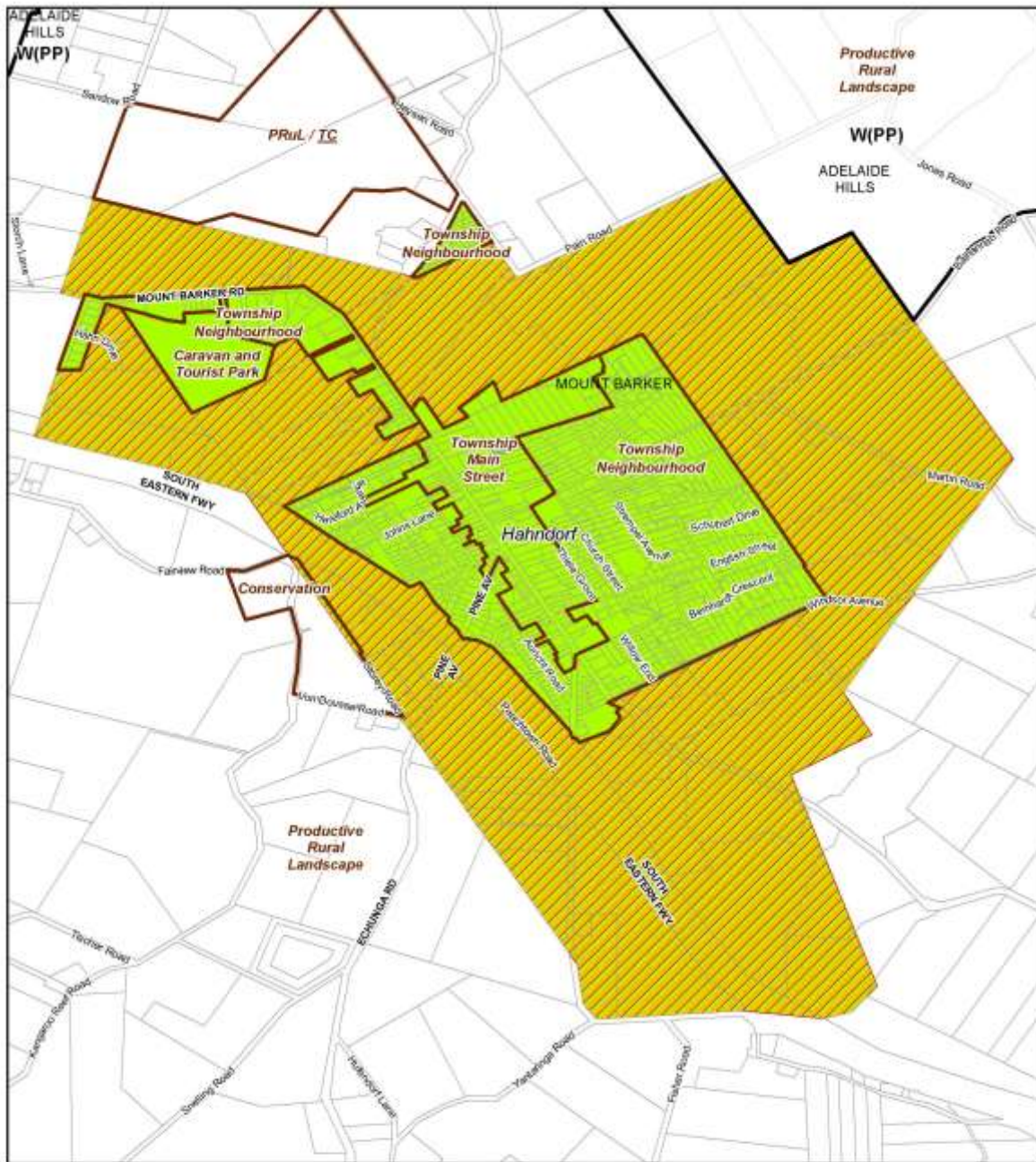


Mount Barker District Council

Dawesley



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


Mount Barker District Council Hahndorf



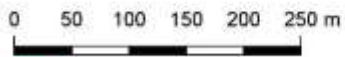
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


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Mount Barker District Council
Harrogate







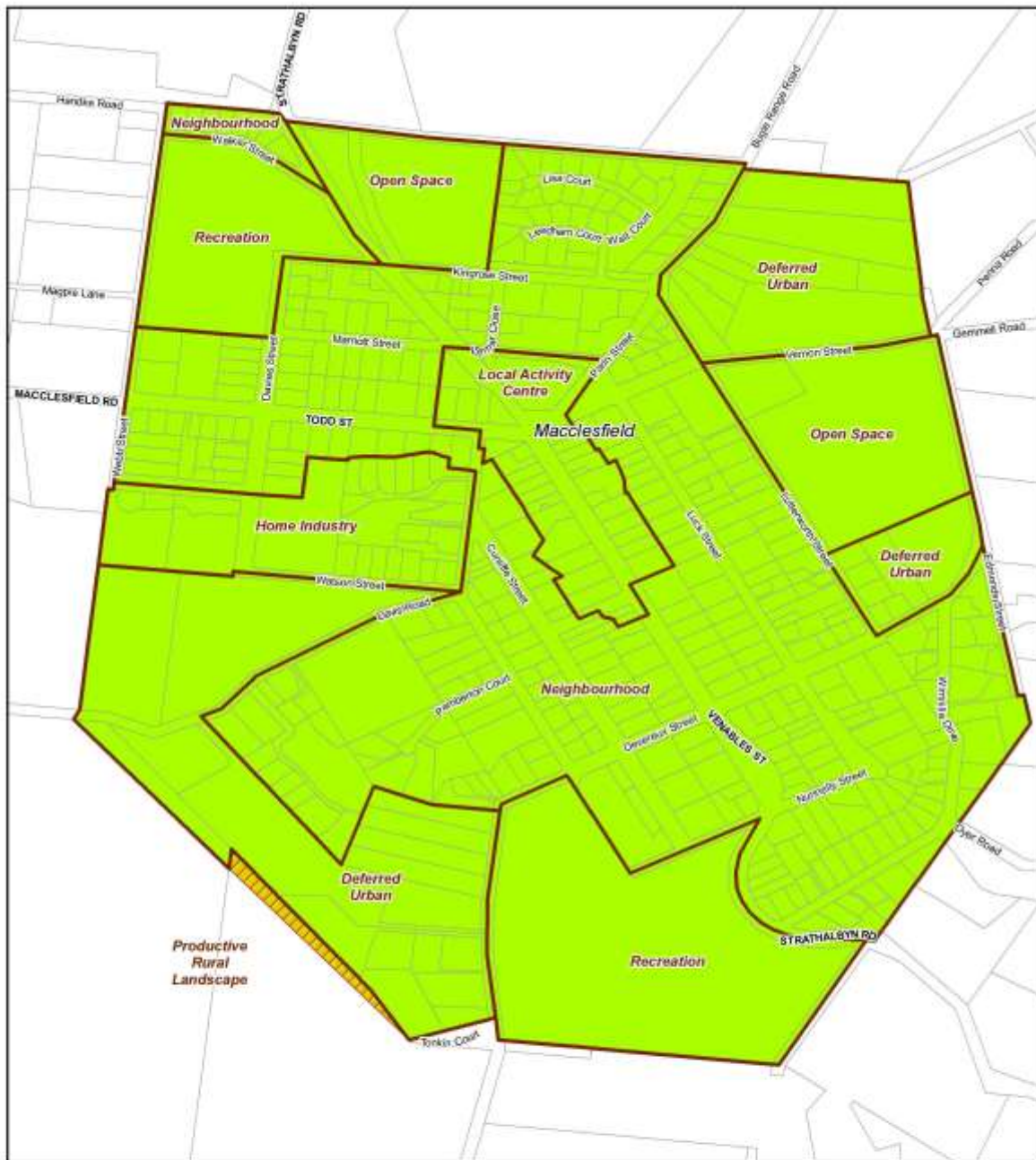
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Mount Barker District Council Kanmantoo







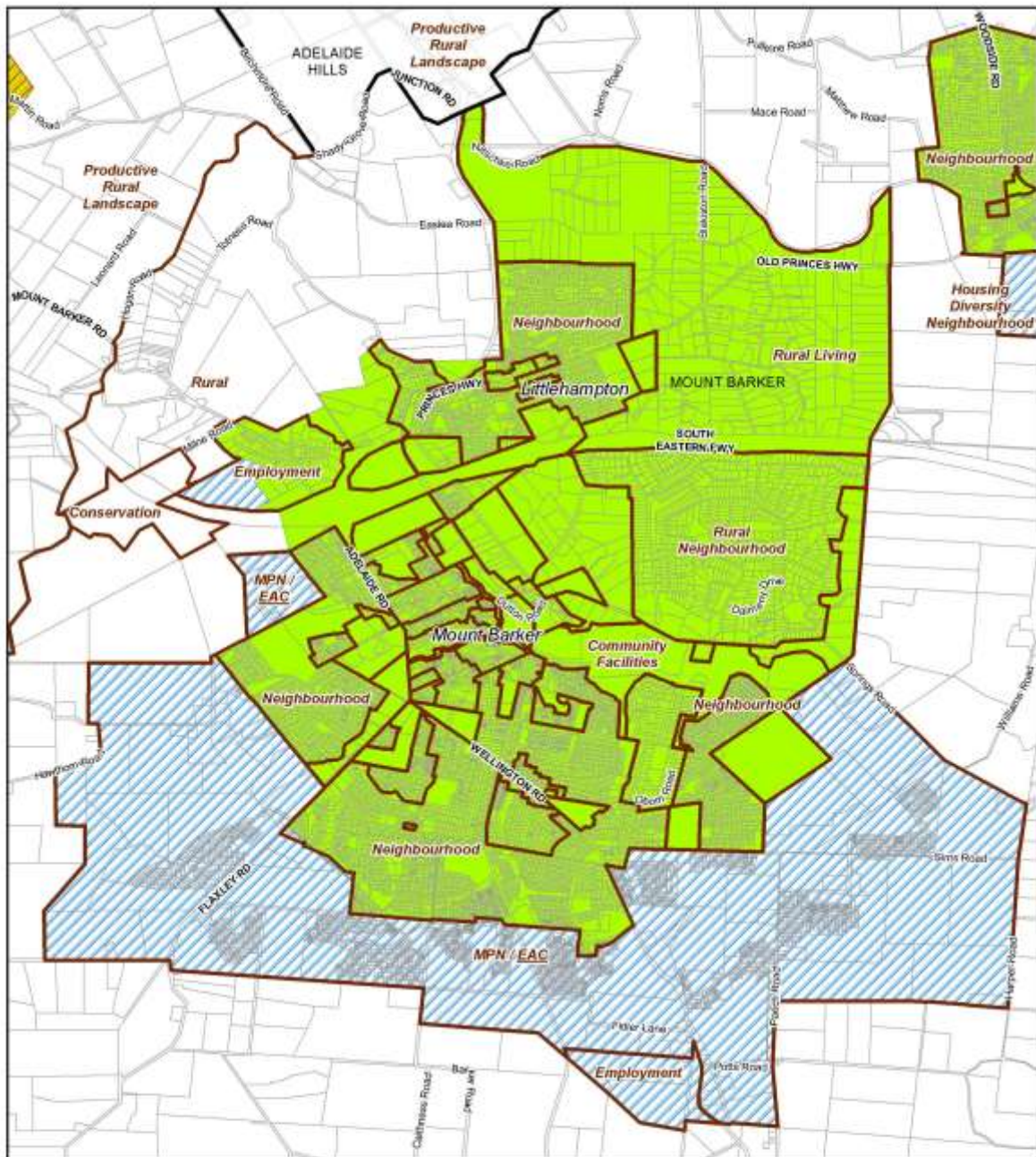
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Mount Barker District Council Macclesfield







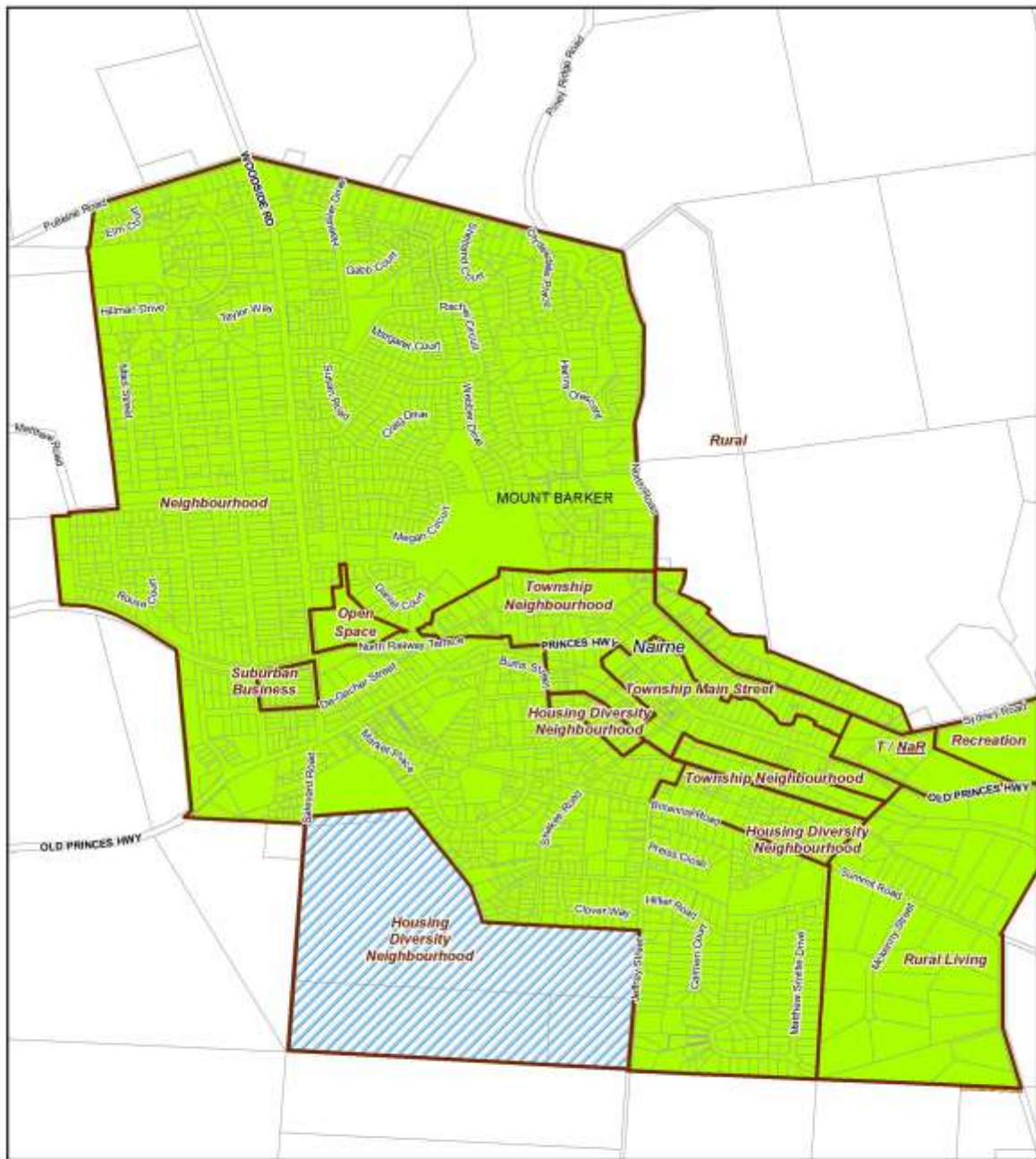
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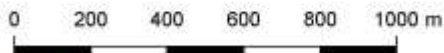
Mount Barker District Council Mount Barker







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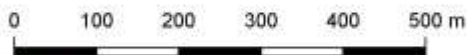
Mount Barker District Council Nairne







-  Planning and Design Code Zones and Subzones
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Mount Barker District Council Totness



-  Planning and Design Code Zones and Subzones
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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 12 August 2021 (Version 2021.11) in order to make changes of form, address inconsistency and correct errors that relate to:

- Misapplication of the Established Neighbourhood Zone to a portion of 1-11 Main North Road, Medindie
- Adjusting the Code's spatial layers to maintain the correct relationship between parcels and Code spatial layers.

Pursuant to section 76 of the *Planning, Development and Infrastructure Act 2016*, I—

1. Amend the Code as follows:

- (a) Amend the geometry of the Established Neighbourhood Zone at Medindie, so that it does not spatially apply to 1-11 Main North Road, Medindie, (and make corresponding spatial adjustments to the Suburban Business Zone so that it is spatially applied to the entirety of this allotment)
- (b) Undertake minor alterations to the geometry of the spatial layers and data in the Planning and Design Code to maintain the current relationship between the parcel boundaries and Planning and Design Code data as a result of the following:
 - New plans of division deposited in the Land Titles Office between 6 August 2021 and 19 August 2021 affecting the following spatial and data layers in the Planning and Design Code:
 - A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Gradient Minimum Site Area
 - Gradient Minimum Frontage
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - C. Overlays
 - Affordable Housing
 - Airport Building Heights (Regulated)
 - Character Preservation Districts
 - Coastal Areas
 - Future Road Widening
 - Future Local Road Widening
 - Hazard (Bushfire—High Risk)
 - Hazard (Bushfire—Medium Risk)
 - Hazard (Bushfire—General Risk)
 - Hazard (Bushfire—Urban Interface)
 - Hazard (Bushfire—Regional)
 - Hazard (Bushfire—Outback)
 - Heritage Adjacency
 - Historic Area
 - Key Outback and Rural Routes
 - Limited Land Division
 - Local Heritage Place
 - Major Urban Transport Routes
 - Noise and Air Emissions
 - Non-stop Corridors
 - Regulated and Significant Tree

- Scenic Quality
 - Significant Landscape Protection
 - State Heritage Place
 - Stormwater Management
 - Urban Transport Routes
 - Urban Tree Canopy
- Improved spatial data for existing land parcels undertaken between 23 July 2021 and 5 August 2021 in the following locations (Column A) that affect data layers in the Planning and Design Code (Column B):

Location (Column A)	Layers (Column B)
Hindmarsh	Zones and Subzones Technical and Numeric Variations <ul style="list-style-type: none"> - Interface Height - Building Heights (Metres) - Building Heights (Levels) Overlays <ul style="list-style-type: none"> - Historic Area - Heritage Adjacency - Local Heritage Place - State Heritage Place
D52958—Carpenter Rocks	Zones and Subzones Technical and Numeric Variations <ul style="list-style-type: none"> - Finished Ground and Floor Levels Overlays <ul style="list-style-type: none"> - Hazards (Acid Sulfate Soils)
D61289—Davoren Park	Zones and Subzones Overlays <ul style="list-style-type: none"> - Affordable Housing - Future Road Widening - Stormwater Management - Urban Tree Canopy
Port Bonython	Zones and Subzones Technical and Numeric Variations <ul style="list-style-type: none"> - Finished Ground and Floor Levels Overlays <ul style="list-style-type: none"> - Coastal Areas - Hazards (Bushfire—Regional) - Heritage Adjacency - Historic Shipwrecks - Significant Interface Management - State Heritage Place
Blewitt Springs	Zones and Subzones Technical and Numeric Variations <ul style="list-style-type: none"> - Minimum Site Area Overlays <ul style="list-style-type: none"> - Heritage Adjacency - Local Heritage Place

- Remedy minor miscellaneous gaps, overlaps and misalignments between parcel boundaries and Planning and Design Code data.
- (c) Update the Table of Planning and Design Code Amendments (Part 13—Table of Amendments), pursuant to this Section 76 Amendment.
2. Declare that the Section 76 Amendment will take effect upon being published on the SA planning portal.

Dated: 24 August 2021

SALLY SMITH
Executive Director
Planning & Land Use Services
Attorney-General's Department
Delegate of Vickie Chapman MP, Minister for Planning and Local Government

REAL PROPERTY ACT 1886

SECTION 17

Caveat to be Lodged

Whereas the Applicant named at the foot hereof has for itself made application to have the land set forth and described before its name at the foot hereof brought under the operation of the *Real Property Act 1886*:

Notice is hereby given that unless caveat be lodged with the Registrar General by some person having estate or interest in the said land on or before the expiration of the period herein below for each case specified, the said land will be brought under the operation of the said Act as by law directed. Diagrams delineating this land may be inspected at the Land Titles Registration Office, Adelaide and in the offices of the several corporations or district councils in which the lands are situated.

THE SCHEDULE

No. of Application	Description of Property	Name	Residence	Date up to and inclusive of which caveat may be lodged
32060	Section 1000, Hundred of Adelaide in the area named Montacute	Joseph Meccariello, Filomena Sanche and Vincenzo Meccariello, as executors of Gino Meccariello	63A Stamdén Street, Murray Bridge 204 Montacute Road, Athelstone 15 Athos Place, Paradise	27 Sept 2021

Dated: 26 August 2021

B. PIKE
Chief Executive Officer, Land Services SA
Acting under Delegation of the Registrar-General

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER*Road Closure—Argent Road, Penfield*

By Road Process Order made on 11 April 2017, the City of Playford ordered that:

1. Portion of Argent Road, Penfield, situated adjoining Allotment 26 in Deposited Plan 17993, Hundred of Munno Para, more particularly delineated and lettered 'A' in Preliminary Plan 16/0034 be closed.
2. Transfer the whole of the land subject to closure to Commonwealth of Australia in accordance with the Agreement for Transfer dated 17 February 2017 entered into between the City of Playford and Commonwealth of Australia.

On 18 August 2021 that order was confirmed by the Attorney-General conditionally upon the deposit by the Registrar-General of Deposited Plan 115741 being the authority for the new boundaries.

Pursuant to section 24 of the *Roads (Opening and Closing) Act 1991*, NOTICE of the Order referred to above and its confirmation is hereby given.

Dated: 26 August 2021

M. P. BURDETT
Surveyor-General

DPTI: 2016/17726/01

LOCAL GOVERNMENT INSTRUMENTS

CITY OF CHARLES STURT

REPRESENTATION REVIEW

Final Recommendation

Notice is hereby given that the City of Charles Sturt in accordance with the requirements of section 12(4) of the *Local Government Act 1999*, has reviewed its composition and elector representation arrangements.

Certification

Pursuant to section 12(13)(a) of the *Local Government Act 1999*, the Electoral Commissioner has certified that the review undertaken by the Council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first periodic election held after the publication of this notice.

The Council proposes to make no change to its representation arrangements, save to alter the boundary between the Semaphore Park and Grange Wards, to increase the number of electors in the Semaphore Park Ward to satisfy the Semaphore Park Ward tolerance quota requirement.

The Council's representation arrangements are proposed and are as follows:

- the Principal Member of the Council continue to be an elected Mayor;
- the Council area continue to be divided into eight (8) wards, with the existing ward names Beverley, Findon, Grange, Henley, Hindmarsh, Semaphore Park, West Woodville, and Woodville being retained, but subject to the boundary alteration to increase the number of electors in the Semaphore Park Ward;
- each ward to be represented by two (2) Ward Councillors;
- the Council continue to comprise the Mayor and 16 Ward Councillors.

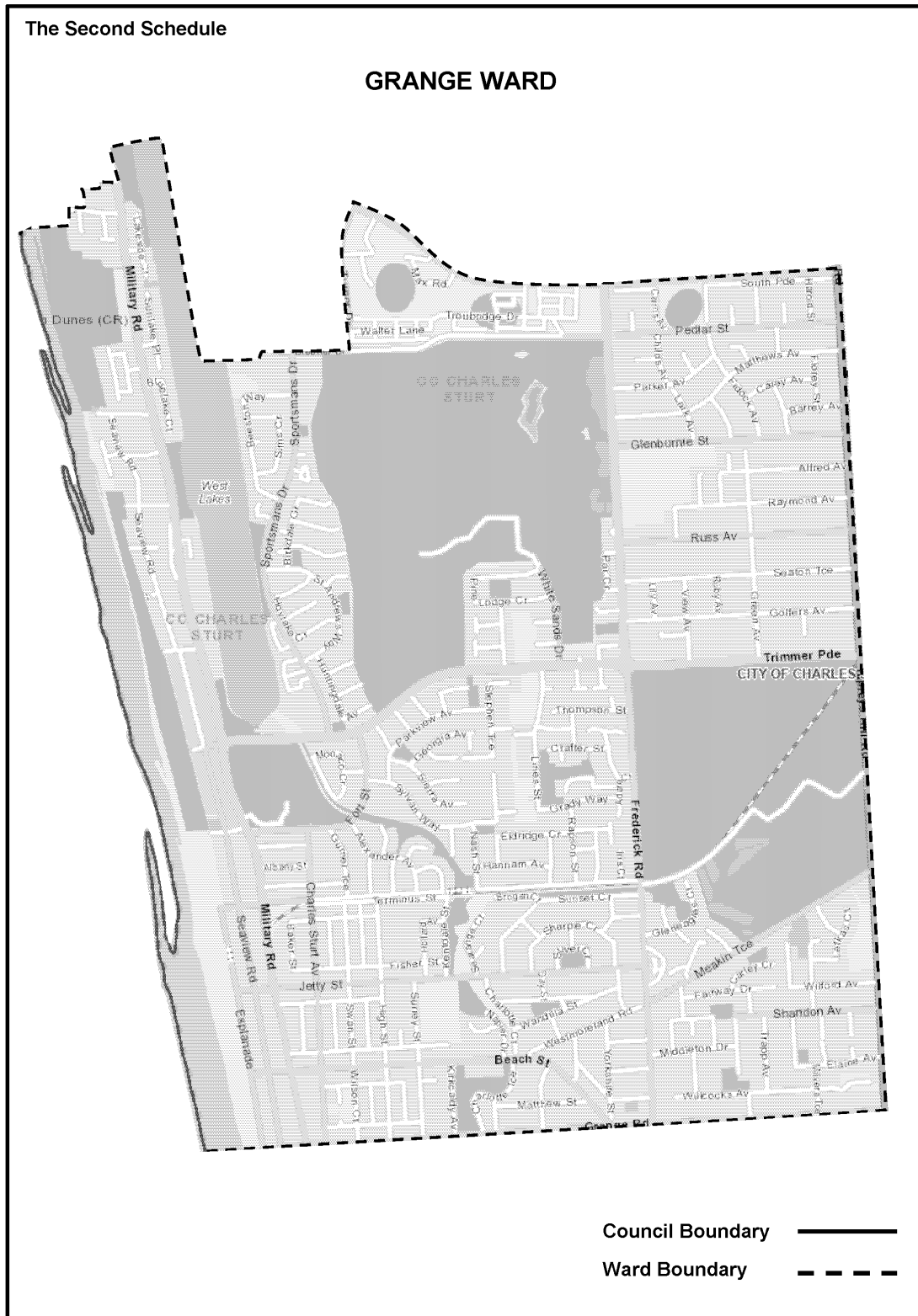
First Schedule

Semaphore Park Ward—the existing Semaphore Park Ward, including that portion of Grange Ward, currently bordered by Turner Driver, Brebner Drive, extending along the southern boundary of allotment 82, to be incorporated into the Semaphore Park Ward, delineated on the plan published herewith.



Second Schedule

Grange Ward—the existing Grange Ward, however that portion of Grange Ward, currently bordered by Turner Drive, Brebner Drive, extending along the southern boundary of allotment 82, is to be incorporated into the Semaphore Park Ward, delineated on the plan published herewith.



Dated: 26 August 2021

PAUL SUTTON
Chief Executive Officer

CITY OF MARION
PERMITS AND PENALTIES BY-LAW
By-law No. 1 of 2021

This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2021* and is By-law No. 1 of the City of Marion.
2. **Authorising law**
This By-law is made under section 246 of the Act.
3. **Objectives**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-Law No.1 – Permits and Penalties 2014.*²
 - 4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.

5. **Application**

This By-law applies throughout the Council's area.

6. **Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 6.3 **Council** means the City of Marion; and
- 6.4 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. **Construction of By-laws generally**

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) and includes permission of general application granted by way of the Council adopting a policy for that purpose, prior to the act, event or activity to which it relates.

PART 2 – PERMITS AND PENALTIES

8. **Permits**

- 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any), and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that the failure gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

9. **Offences and Penalties**

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:

- 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**CITY OF MARION
MOVEABLE SIGNS BY-LAW 2021
BY-LAW NO. 2 OF 2021**

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs including for the purpose of protecting visual amenity and public safety.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Moveable Signs By-law 2021* and is By-law No. 2 of the City of Marion.
- 2. Authorising law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
- 3. Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council's area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council's area.
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-Law No.2 – Moveable Signs 2014.*²
- 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.
- 6. Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;

- 6.5 **Council** means the City of Marion;
- 6.6 **footpath** means:
- 6.6.1 a footway, lane or other place made or constructed for the use of pedestrians; or
- 6.6.2 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS**7. Design and Construction**

A moveable sign displayed on a road must:

- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign, or with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be constructed so as not to present a hazard to any member of the public;
- 7.3 be maintained in good condition (as determine by an authorised person);
- 7.4 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not contain flashing or moving parts;
- 7.7 be not more than one metre high, 70cm in width or 70cm in depth; or
- 7.8 not contain any sharp or jagged edges or corners.

8. Placement

A moveable sign displayed on a road must:

- 8.1 not be placed anywhere except on the footpath;
- 8.2 not be placed on the sealed part of any footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.2 metres wide;
- 8.3 be placed at least 1.5 metres from the kerb (or if there is no kerb, from the edge of the roadway) unless this cannot be done without contravening subclause 8.2;
- 8.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 8.5 not be placed on a designated parking area or within 1.8 metres of an entrance to any premises or corner of a road;
- 8.6 not be fixed, tied or chained to, leaned against or placed closer than 1.2 metres to any other structure, object, tree, bush or plant (including another moveable sign);
- 8.7 not be placed in a position that puts the safety of any person at risk or that unreasonably restricts the use of the footpath;
- 8.8 not be placed on a median strip, traffic island or on a carriageway;
- 8.9 be securely fixed in position such that it cannot be blown over or swept away; or
- 8.10 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible.

9. Banners

A banner must:

- 9.1 only be displayed on a road, footpath area or road related area;
- 9.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 9.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other improvement on a road owned by the Council;
- 9.4 not be displayed more than one month before and two days after the event it advertises;
- 9.5 not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 9.6 not exceed 3m² in size.

10. Restrictions

- 10.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath at any time.
- 10.2 A person must not cause or allow a moveable sign to be placed on a footpath unless:
- 10.2.1 it only contains material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business; and
- 10.2.2 the business to which it relates is open to the public.
- 10.3 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

- 10.4 If in the opinion of the Council a footpath is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 11. Exemptions**
- 11.1 Subclauses 10.1 and 10.2 do not apply to a moveable sign which is used:
- 11.1.1 to advertise a garage sale taking place from residential premises; or
- 11.1.2 as a directional sign to an event run by an incorporated association or a charitable body.
- 11.2 This by-law does not apply to:
- 11.2.1 a flat sign containing only the banner or headlines of a newspaper or magazine; or
- 11.2.2 a moveable sign that is placed on a public road pursuant to an authorisation under the Act or another Act; or
- 11.2.3 is related to a referendum and is displayed during the course of and for the purpose of that referendum.
- 11.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy of general application for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed 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;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) 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
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT**12. Removal of moveable signs**

- 12.1 A person must immediately comply with the order of an authorised person made pursuant to section 227(1) of the Act to remove a moveable sign.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 12.2 If a moveable sign that is removed by an authorised person is not claimed within 30 days of such removal, the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 12.3 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.4 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.4.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.4.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign; or
- 12.4.3 to protect public safety or to protect or enhance the amenity of a particular locality.

13. Liability of vehicle owners

- 13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 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 the City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**CITY OF MARION
LOCAL GOVERNMENT LAND BY-LAW 2021
By-law No. 3 of 2021**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2021* and is By-law No. 3 of the City of Marion.
- 2. Authorising law**
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council's area; and
 - 3.5 for the good rule and government of the Council's area.

- 4. Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-law No.3 – Local Government Land 2014.*²
 - 4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.

- 5. Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.3, 9.19.1, 9.19.2, 9.21.2, 9.30, 10.4.1 and 10.7 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the *Local Government Act 1999*.
 - 5.4 Subclause 9.10.2 of this By-law applies throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 6. Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog;
 - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
 - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.5 **boat** includes a raft, canoe, personal watercraft or other similar device;
 - 6.6 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan, motor home or other camping vehicle, to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
 - 6.7 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
 - 6.8 **Council** means the City of Marion;
 - 6.9 **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;
 - 6.10 **effective control** means a person exercising effective control of an animal either:
 - 6.10.1 by means of a physical restraint; or
 - 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.13 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.14 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.15 **low water mark** means the lowest meteorological tide;
- 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17 **open container** means a container that:
- 6.17.1 after the contents of the container have been sealed at the time of manufacture:
- 6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.17.1.2 being a can, it has been opened or punctured;
- 6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.17.2 is a flask, glass, mug or other container able to contain liquid.
- 6.18 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.18.1 is propelled by a motor; and
- 6.18.2 has a fully enclosed hull; and
- 6.18.3 is designed not to retain water if capsized; and
- 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.19 **tobacco** product has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.20 **road** has the same meaning as in the Act;
- 6.21 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.22 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does include coastal waters; and
- 6.23 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land is enclosed with fences and/or walls and gates, at anytime when the gates have been closed and locked or, where a sign is displayed at the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following activities on Local Government land.

- 9.1 **Access to waters**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*, enter any waters, or swim or use or operate a boat in or on waters except:
- 9.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is permitted; and
- 9.1.2 in accordance with any condition stated in the sign.
- 9.2 **Advertising**
Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.3 **Alcohol**
Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.
- 9.4 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or for broadcasting announcements or advertisements.
- 9.5 **Animals**
- 9.5.1 Ride, lead or drive any horse, cattle or sheep, except on any track that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal and provided that the animal or animals are under effective control.
- 9.5.2 Cause or allow an animal to stray onto, move over, graze or be left unattended.
- 9.6 **Attachments**
Subject to subclause 9.2, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture.
- 9.7 **Bees**
Place, or allow to remain thereon, any bee hive.
- 9.8 **Buildings and Structures**
- 9.8.1 Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.8.2 Erect, place, install or cause to be erected, placed or installed a building or structure or any other items (including pipes, wires, cables, fences, memorials, fixtures, fittings or other objects).
- 9.9 **Burials and Memorials**
- 9.9.1 Scatter ashes on land to which the Council has resolved this subclause applies.
- 9.9.2 Erect any memorial.
- 9.10 **Camping and Tents**
- 9.10.1 Subject to this subclause 9.10, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.10.2 Camp, sleep overnight or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
- 9.10.2.1 in an area which has been designated by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon; or
- 9.10.2.2 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land).
- 9.11 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.12 **Damaging Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.13 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.14 **Donations**
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.15 **Entertainment**
- 9.15.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of entertaining others whether or not receiving money.

- 9.15.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.16 **Equipment**
Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.
- 9.17 **Fires**
Subject to the *Fire and Emergency Services Act 2005*, light a fire except:
9.17.1 in a place provided by the Council for that purpose; or
9.17.2 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 (4) metres.
- 9.18 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
9.18.1 except in a community garden, plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
9.18.2 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
9.18.3 except in a community garden, pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
9.18.4 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
9.18.5 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
9.18.6 collect or take any dead wood or timber or burn any timber or dead wood; – with the exception that subclauses 9.18.2 and 9.18.5 do not apply to what are otherwise lawful fishing activities.
- 9.19 **Games & Sport**
9.19.1 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
9.19.2 Play or practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any).
9.19.3 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.
9.19.4 Play or practice the game of golf.
- 9.20 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
9.20.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
9.20.2 changing or interfering with the construction, arrangement or materials of the land;
9.20.3 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
9.20.4 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.21 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
9.21.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
9.21.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.22 **Playing Area**
Use or occupy a playing area:
9.22.1 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);
9.22.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
9.22.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

- 9.23 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.24 **Removing Materials**
Carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land.
- 9.25 **Rubbish Dumps and Rubbish Bins**
- 9.25.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.25.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.26 **Trading**
- 9.26.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.26.2 Carry on or cause to be carried on any business.
- 9.26.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.27 **Vehicles**
- 9.27.1 Drive or propel a vehicle except on an area or road constructed or set aside by the Council for that purpose by means of signs, devices or fencing.
- 9.27.2 Except on an area properly constructed for the purpose, promote, organise or take part in any race, test or trial of any kind in which vehicles take part.
- 9.27.3 Panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.28 **Weddings, Functions and Special events**
- 9.28.1 Hold, conduct or participate in a marriage ceremony or funeral ceremony or similar special event.
- 9.28.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or similar special event.
- 9.28.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.29 **Wetland**
Subject to the *Landscape South Australia Act 2019*, where that land constitutes a wetland:
- 9.29.1 operate a model boat; or
- 9.29.2 fish, or take any aquatic creature.
- 9.30 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
- 10. Prohibited activities**
A person must not do any of the following on Local Government land.
- 10.1 **Animals**
- 10.1.1 Allow or suffer any animal under the person's control to swim or bathe in or enter any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Allow an animal in that person's control, charge or ownership to damage Council property.
- 10.2 **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.
- 10.3 **Equipment**
- 10.3.1 Use any device, equipment or apparatus installed in a children's playground if that person is of or over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device.
- 10.3.2 Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.4 **Fishing**
- 10.4.1 Fish in any waters to which the Council has determined this subclause applies.
- 10.4.2 Return any noxious species including European carp (*Cyprinus carpio*) or redfin perch (*Perca fluviatilis*) caught by the person to any land or waters.

- 10.5 **Interference with Permitted Use**
 10.5.1 Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.6 **Playing games**
 Play or practice a game:
 10.6.1 which is likely to cause damage to the land or anything in it; or
 10.6.2 which endangers the safety or interferes with the comfort of any person; or
 10.6.3 in any area where a sign indicates that the game is prohibited.
- 10.7 **Smoking**
 Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.
- 10.8 **Missiles**
 Throw, roll or discharge any stone, substance or missile to the danger of any person.
- 10.9 **Obstruction**
 Obstruct:
 10.9.1 any path or track;
 10.9.2 any door, entrance, stairway or aisle in any building; or
 10.9.3 any gate or entrance to or on Local Government land.
- 10.10 **Solicitation**
 Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.11 **Toilets**
 In any public convenience on Local Government land:
 10.11.1 urinate other than in a urinal or pan or defecate other than in a pan for that purpose;
 10.11.2 smoke tobacco or any other substance;
 10.11.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
 10.11.4 use it for a purpose for which it was not designed or constructed;
 10.11.5 enter a toilet that is set aside for use of the opposite gender except:
 10.11.5.1 where a child under the age of ten years is accompanied by a parent or adult guardian of that gender; or
 10.11.5.2 to provide assistance to a person with a disability.
- 10.12 **Waste**
 10.12.1 Deposit or leave thereon anything obnoxious or offensive.
 10.12.2 Deposit in any rubbish bin:
 10.12.2.1 any trash emanated from a domestic, trade or commercial source; or
 10.12.2.2 contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT

11. Directions

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
 11.1.1 that person's use of the land;
 11.1.2 that person's conduct and behaviour on the land;
 11.1.3 that person's safety on the land; or
 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. 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.

Note-

Section 262(1) of the Act states:

- (1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
 (a) *if the conduct is still continuing - to stop the conduct; and*
 (b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised person reasonably believes no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any 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 or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclauses 9.11 and 9.13 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and 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
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and 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
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of vehicle owners

- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 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 the City of Marion held on the **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**CITY OF MARION
DOGS BY-LAW 2021
By-law No. 4 of 2021**

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2021* and is By-law No. 4 of the City of Marion.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council's area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-Law No. 5 – Dogs 2014.*²

4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 5.3 Clauses 9 and 10.1, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution, direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
 6.2 **approved kennel establishment** means a building, structure, premises or area approved by a relevant authority, pursuant to the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
 6.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of any single such device if there is no enclosed area);
 6.4 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
 6.5 **Council** means the City of Marion;
 6.6 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 6.7 **effective control** means a person exercising effective control of a dog either:
 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 6.8 **keep** includes the provision of food or shelter;
 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 6.10 **premises** includes land and part of any premises or land whether used or occupied for domestic or non-domestic purposes;
 6.11 **small property** means a property involving any self-contained dwelling where the property or part thereof (i.e. flat, home unit etc) contains a secured unobstructed yard area of less than 100 square metres;
 6.12 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland; and
 6.13 for the purposes of clause 10 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or
 6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
 7.1.1 more than one dog in a small property; or
 7.1.2 more than two dogs in premises other than a small property where a dog can be effectively contained.
 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
 7.3 Subclause 7.1 does not apply to:
 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
 7.4 The Council may require that 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.
 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

9. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined that this subclause applies.

10. Dog on Leash Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

10.1 on Local Government land or in a public place to which the Council has resolved that this subclause applies;

10.2 on any park during times when organised sport is being played;

10.3 within 5 metres of a children's playground; or

10.4 in any wetland area -

unless the dog is under effective control by means of a leash.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council may grant exemptions**

12.1 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.

12.2 An exemption—

12.2.1 may be granted or refused at the discretion of the Council; and

12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

12.2.3 is subject to any conditions specified in the instrument of exemption.

12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

12.4 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.

PART 5 – ENFORCEMENT**13. Orders**

13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:

13.1.1 if the conduct is still continuing – to stop the conduct; and

13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

13.2 A person must comply with an order under this clause.

13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

13.4 However, an authorised person may not use force against a person under this section.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**THE CITY OF MARION
ROADS BY-LAW 2021
By-law No. 5 of 2021**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Roads By-law 2021* and is By-law No. 5 of the City of Marion.
 2. **Authorising law**
This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.
 3. **Objectives**
The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:
 - 3.1 to protect the convenience, comfort and safety of road users and members of the public;
 - 3.2 to prevent damage to buildings and structures on roads;
 - 3.3 to prevent certain nuisances occurring on roads; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-Law No. 5 – Roads 2014.²
 - 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. 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.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Subclause 7.3 and 7.4.2 of this By-law apply throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds, insects and poultry but does not include a dog;
 - 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.4 **camp** includes setting up a camp or causing:
 - 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
 - 6.4.2 a swag or similar bedding; or
 - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or similar camping vehicle -
to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
 - 6.5 **Council** means the City of Marion;
 - 6.6 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
 - 6.7 **emergency vehicle** has the same meaning as in the *Australian Road Rules and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.9 **moveable sign** has the same meaning as in the Act;
 - 6.10 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.10.1 a bridge, viaduct or subway; or
 - 6.10.2 an alley, laneway or walkway; and
 - 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS**7. Activities Requiring Permission**

A person must not do any of the following activities on a road without the permission of the Council:

- 7.1 Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2021*.
- 7.2 Amplification**
Use an amplifier or other device for the purpose of amplifying sound or magnifying sound including for the broadcasting of any announcements or advertisements.
- 7.3 Animals**
Subject to the *Road Traffic Act 1961*, ride, lead or drive any horse, cattle or sheep, except on any road that the Council has set aside (as indicated by signage on or near the road) for use by that animal.
- 7.4 Camping and Tents**
- 7.4.1** Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
- 7.4.2** Camp or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities, including (but not limited to) washing, cooking, sleeping, except on any road to which the Council has resolved this subclause applies.
- 7.5 Donations and soliciting**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.6 Obstructions**
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, footway, water-channel, or watercourse.
- 7.7 Preaching & Canvassing**
- 7.7.1** Preach, harangue, solicit or canvass for religious or charitable purposes.
- 7.7.2** Subject to subclause 11.2, convey any or other message to any bystander, passerby or other person.
- 7.8 Public Exhibitions and Displays**
- 7.8.1** Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.8.2** Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.8.3** Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.8.4** Cause any public exhibition or displays.
- 7.9 Rubbish Bins**
Deposit in any Council bin on a road any rubbish:
- 7.9.1** emanating from a domestic, commercial or trade source; or
- 7.9.2** that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.
- 7.10 Repairs to Vehicles**
Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

Note-

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By law.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. Orders

If a person does not 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.

Note-

Section 262(1) of the Act states:

- 1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
 - a) *if the conduct is still continuing – to stop the conduct; and*
 - b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- dismantle and remove a tent from a road.

10. Removal of animals and objects

- 10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.
- 10.2 The Council may recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**11. Exemptions**

- 11.1 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 or in accordance with a direction a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 11.2 The restrictions in subclause 7.7.2 of this By-law do not apply to:
 - 11.2.1 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
 - 11.2.2 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
 - 11.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

12. Liability of vehicle owners

- 12.1 For the purposes of this clause 12, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 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 the City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**CITY OF MARION
CATS BY-LAW 2021
By-law No. 6 of 2021**

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Cats By-law 2021* and is By-law No. 6 of the City of Marion.
2. **Authorising law**
This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.
3. **Objectives**
The objectives of this By-law are to control and manage cats in the Council's area:
 - 3.1 to promote responsible cat ownership;

- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-Law No. 6 – Cats 2014.*²
 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clause 10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
- 6. Interpretation**
- In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or the *Planning Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis or, for use in connection with a business involving the keeping of cats, that is operating in accordance with all approvals;
- 6.3 **cat** (except for in clauses 8, 9 and 10) means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4 **Council** means the City of Marion;
- 6.5 **effective control** by means of physical restraint means:
- 6.5.1 a person is exercising effective control of a cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat; or
- 6.5.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure;
- 6.6 **keep** includes the provision of food or shelter;
- 6.7 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.7.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or
- 6.7.2 damages or otherwise has an adverse impact upon native flora or fauna; or
- 6.7.3 acts in a manner that is injurious to a person's real or personal property, or wanders onto land without the consent of the owner or occupier of the land; or
- 6.7.4 defecates or urinates on land without the consent of the owner or occupier of the land;
- 6.8 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.9 **premises** includes any land, (whether used or occupied for domestic or non-domestic purposes), and any part thereof; and
- 6.10 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.
- Note-**
- Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.
- PART 2 – LIMITS ON CAT NUMBERS**
- 7. Limits on cat numbers**
- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to premises comprising an approved cattery.
- 7.3 Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS

8. Cats not to be a nuisance

- 8.1 An occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the **cat** causes a nuisance.
- 8.3 For the purpose of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Effective confinement of cats

- 9.1 As and from 1 January 2023, the owner or person responsible for the control of a cat must ensure that the cat is confined at all times to the premises occupied by that person between the hours of 8pm and 7am daily, unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Cat Free Areas

- 10.1 A person must not on any Local Government land or public place to which the Council has resolved this paragraph applies, allow, cause, suffer or permit a cat owned by the person or in that person's control to be in, or remain in that place.
- 10.2 For the purposes of this subclause 10, **cat** means an animal of the species *felis catus* (of any age).

11. Registration of cats

- 11.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 11.2 An application for registration of a cat must:
- 11.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
 - 11.2.2 be accompanied by the fee (if any) prescribed by the Council; and
 - 11.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 - 11.2.4 identify with reference to an address the premises at which the cat is kept; and
 - 11.2.5 otherwise comply with any other requirements determined by the Council.
- 11.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 11.4 Subclause 11.1 does not apply to premises comprising an approved cattery.
- 11.5 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 11.1 should it see fit to do so.

PART 4 – EXEMPTIONS

12. Council may grant exemptions

- 12.1 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.
- 12.2 An exemption—
- 12.2.1 may be granted or refused at the discretion of the Council; and
 - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 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.

PART 5 – ENFORCEMENT

13. Orders

- 13.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
 - 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person under this section.

Note-

- For example, an authorised person may order a person to:
- cease keeping more than the permitted number of cats on that person's premises; or
 - take the necessary steps to mitigate a nuisance caused by cats.

This By-law was duly made and passed at a meeting of the City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

**CITY OF MARION
ANIMAL MANAGEMENT BY-LAW 2021
By-law No. 7 of 2021**

*A By-law to manage and regulate the keeping of certain animals on residential premises,
including for the prevention of nuisances.*

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Animal Management By-law 2021* and is By-law No. 7 of the City of Marion.
 - 2. Authorising law**
This By-law is made under section 246 of the Act.
 - 3. Objectives**
The objectives of this By-law are to manage the keeping of certain animals in the Council area:
 - 3.1 to promote responsible animal management;
 - 3.2 to reduce the incidence of public and environmental nuisance caused by the keeping of those animals;
 - 3.3 to protect the comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council 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 Act¹.
 - 4.2 This By-law will expire on 1 January 2029.²
- 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.
- 5. Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
 - 5.2 This By-law applies throughout the Council's area.
 - 6. Definitions**
In this By-law:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the City of Marion;
 - 6.3 **keep** in relation to a prescribed animal includes to care, feed, provide shelter for, control or possess that animal, whether on a temporary or permanent basis;
 - 6.4 **prescribed animal** means either a rooster or peacock that is 2 months or older;
 - 6.5 **premises** includes any land, (whether used or occupied for domestic or non-domestic purposes); and
 - 6.6 **residential premises** means premises with a residential land use category within the meaning of the *Local Government (General) Regulations 2013*.

PART 2 – DOMESTIC ANIMAL MANAGEMENT

- 7. Permission required to keep prescribed animal**
 - 7.1 As and from 1 January 2023, a person must not, without the permission of the Council, keep or cause suffer or permit to be kept, a prescribed animal on any premises that abuts, on any boundary, residential premises.
 - 7.2 The Council (or its delegate) may require that the premises, which are the subject of an application for permission to keep a prescribed animal, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for keeping a prescribed animal.

- 7.3 The Council must consider the following matters in determining whether or not to grant permission under subclause 7.1:
- 7.3.1 whether an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
 - 7.3.2 whether a nuisance is caused or has been caused to any neighbour as a result of the keeping of the animal on the premises or is likely to be caused;
 - 7.3.3 the nature and size of the premises and whether the animal can be adequately contained thereon;
 - 7.3.4 any other matters the Council (or its delegate) considers should be taken into account.

PART 3 – EXEMPTIONS

8. Council may grant exemptions

- 8.1 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.
- 8.2 An exemption—
- 8.2.1 may be granted or refused at the discretion of the Council; and
 - 8.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 8.2.3 is subject to any conditions specified in the instrument of exemption.
- 8.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 8.4 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.

PART 4 – ENFORCEMENT

9. Orders

- 9.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 9.1.1 if the conduct is still continuing – to stop the conduct; and
 - 9.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 9.2 A person must comply with an order under this clause.
- 9.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

Note-

For example, an authorised person may order a person to cease keeping a prescribed animal on that person's premises.

This By-law was duly made and passed at a meeting of the City of Marion held on **10 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

TONY HARRISON
Chief Executive Officer

CITY OF WHYALLA
PERMITS AND PENALTIES BY-LAW 2021
By-law No. 1 of 2021

This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2021* and is By-law No. 1 of the City of Whyalla.
2. **Authorising law**
This By-law is made under section 246 of the Act.
3. **Purpose**
The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-law No.1 – Permits and Penalties 2014.*²
 - 4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.

5. **Application**
This By-law applies throughout the Council's area.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the City of Whyalla; and
 - 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. **Construction of By-laws generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) in writing prior to the act, event or Activity to which it relates and includes permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that the failure gives rise to a contravention of a By-law).
 - 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and penalties**
 - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:

- 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
LOCAL GOVERNMENT LAND BY-LAW 2021
By-law No. 2 of 2021**

This By-law is to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2021* and is By-law No. 2 of the City of Whyalla.
- 2. Authorising Law**
This By-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
*By-law No. 2 – Local Government Land 2014.*²
- 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.2, 9.4.4, 9.20.1, 9.20.3, 9.20.4, 9.23.2, 9.36, 10.7.1 and 10.12 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4 Subclauses 9.7.1, 9.7.2, 9.7.4, 9.7.5 and 9.32.1 this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **Council** means the City of Whyalla;
- 6.7 **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;
- 6.8 **effective control** means a person exercising effective control of an animal either:
- 6.8.1 by means of a physical restraint; or
- 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.10 **foreshore** means land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from the high water mark (whichever is the lesser distance);
- 6.11 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.12 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.13 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.14 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.15 **open container** means a container that:
- 6.15.1 after the contents of the container have been sealed at the time of manufacture:
- 6.15.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.15.1.2 being a can, it has been opened or punctured;
- 6.15.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.15.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.15.2 is a flask, glass, mug or other container able to contain liquid.
- 6.16 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.16.1 is propelled by a motor;
- 6.16.2 has a fully enclosed hull;
- 6.16.3 is designed not to retain water if capsized;
- 6.16.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 6.17 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.18 **road** has the same meaning as in the Act;
- 6.19 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.20 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.21 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land or on the foreshore.

9.1 Advertising

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Alcohol

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

9.3 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.

9.4 Animals

9.4.1 Cause or allow an animal to stray onto, move over, graze or be left unattended.

9.4.2 Subject to sub-clause 9.4.4, cause or allow an animal to enter, swim, bathe or remain in any waters located thereupon.

9.4.3 Lead, herd or exercise any horse, cattle, sheep or other like animal, 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 that the animal or animals are under effective control.

9.4.4 Take any horse or camel onto or allow it to remain on the foreshore or in any waters except between the hours of 12am and 9am daily and then, only on such parts of the foreshore as the Council may by resolution determine this sub-clause applies.

9.5 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.6 Bees

Place a hive of bees thereupon, or allow it to remain thereon.

9.7 Boats & Mooring

Subject to the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* and the Council's *Boat Harbors and Facilities By-law 2021*:

9.7.1 launch or retrieve a boat to or from any waters except:

9.7.1.1 in an area to which the Council has resolved this subclause applies; or

9.7.1.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;

9.7.2 use, propel, float or operate, or cause to be used, propelled, floated or operated, a boat in any waters except:

- 9.7.2.1 in an area to which the Council has resolved this subclause applies and in accordance with any conditions that the Council may have determined by resolution apply to that use; or
- 9.7.2.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;
- 9.7.3 launch or retrieve a boat from or to any Local Government land without using a boat ramp constructed and set aside by the Council for that purpose other than and in accordance with the *Boat Harbors and Facilities By-law 2021*;
- 9.7.4 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies; or
- 9.7.5 Moor any boat on or to Local Government land except:
 - 9.7.5.1 on or to any Local Government land to which the Council has determined this subclause applies; or
 - 9.7.5.2 on or to any Local Government land the Council has designated for mooring as indicated by signs on or in the vicinity and in accordance with any conditions that may be contained on the sign;
- 9.7.6 obstruct any boat or mooring place or access to any mooring place.
- 9.8 **Buildings**
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.9 **Burials and Memorials**
 - 9.9.1 Bury, inter or spread the ashes of any human or animal remains.
 - 9.9.2 Erect any memorial.
- 9.10 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.11 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.12 **Depositing Soil**
Deposit any soil, clay, gravel, sand, timber, stones, pebbles or other matter on the land.
- 9.13 **Donations**
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.14 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.15 **Entertainment and Busking**
 - 9.15.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of entertaining others whether or not receiving money.
 - 9.15.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.16 **Equipment**
Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.
- 9.17 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
 - 9.17.1 in a place provided by the Council for that purpose; or
 - 9.17.2 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 (4) metres.
- 9.18 **Fireworks**
Ignite, explode or use any fireworks.
- 9.19 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
 - 9.19.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
 - 9.19.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
 - 9.19.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
 - 9.19.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
 - 9.19.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
 - 9.19.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
 - 9.19.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or

- 9.19.8 collect or take any dead wood or timber or burn any timber or dead wood; – with the exception that subclauses 9.19.4 and 9.19.7 do not apply to lawful fishing activities or to catching yabbies.
- 9.20 **Games & Sport**
- 9.20.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on any Local Government land to which the Council has determined this subclause applies.
- 9.20.2 Play, practise or participate in any game 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 land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.20.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.20.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any).
- 9.20.5 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.
- 9.21 **Golf**
Except on a properly constructed golf course or practice fairway, play or practice golf.
- 9.22 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.22.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.22.2 erecting or installing a structure in, on, across, under or over the land;
- 9.22.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.22.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.22.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.23 **Model Aircraft, Boats and Cars**
- 9.23.1 Fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.23.2 Fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.24 **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 opinion of an authorised person.
- 9.25 **Playing Area**
Use or occupy a playing area:
- 9.25.1 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);
- 9.25.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.25.3 contrary to directions of the Council made by resolution and indicated on a sign displayed on or in the vicinity of the playing area.
- 9.26 **Pontoons**
Install or maintain a pontoon in any waters thereon (excluding coastal waters).
- 9.27 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.28 **Removal of Sand**
Remove, clear or destroy any sand, seaweed, soil, rocks, minerals, vegetation or shells.
- 9.29 **Ropes**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*, place a buoy, cable, chain, hawser, rope or net in or across any waters (excluding coastal waters).

- 9.30 **Rubbish Bins**
Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.31 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
- 9.31.1 Carry out any activity that may damage or threaten the integrity of dunes, pebble dunes, coastal slopes or cliffs.
- 9.31.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune.
- 9.31.3 Destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff.
- 9.32 **Swimming**
- 9.32.1 Subject to the *Harbors and Navigation Act 1993* and sub-clause 9.32.2, swim in, bathe or enter any waters except:
- 9.32.1.1 in an area which the Council has determined may be used for such purposes; and
- 9.32.1.2 in accordance with any conditions that the Council has determined by resolution apply to such use (if any) and which are specified on signage on or in the vicinity of the area.
- 9.32.2 Swim or bathe at a time when swimming or bathing in that place has been prohibited by the Council (for the reasons of public safety) as indicated by a sign or signs displayed on the land.
- 9.33 **Trading**
- 9.33.1 Sell, buy, offer or display anything for sale, hire or lease any goods, merchandise, commodity, article or thing.
- 9.33.2 Carry on or cause to be carried on any business.
- 9.33.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose (as determined by an authorised officer acting reasonably) of buying, selling, offering, displaying for sale or the hiring or leasing of any goods merchandise, commodity, article or thing.
- 9.34 **Vehicles**
- 9.34.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.34.2 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.
- 9.34.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.35 **Weddings, Functions and Special events**
- 9.35.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.35.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.35.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.36 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
- 10. Prohibited Activities**
A person must not do any of the following on Local Government land or on the foreshore.
- 10.1 **Ablutionary Facilities**
In any ablutionary facility (being showers, washing and toilet facilities) on Local Government land:
- 10.1.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.1.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;
- 10.1.3 use the facility for a purpose for which it was not designed or constructed;
- 10.1.4 deface, or make use of a facility other than for its proper purpose or cause any unsanitary or unclean condition in any ablutionary facility;
- 10.1.5 enter any ablutionary facility that is set aside for use of the opposite sex except:
- 10.1.5.1 where a child under the age of ten (10) years is accompanied by an adult parent or guardian of that gender;
- 10.1.5.2 to provide assistance to a person with a disability; or
- 10.1.5.3 in the case of a genuine emergency.
- 10.2 **Animals**
- 10.2.1 Cause or allow an animal to:

- 10.2.1.1 damage a flowerbed, garden plot, tree, lawn or like thing or place; or
- 10.2.1.2 swim or bathe in any waters to the inconvenience, annoyance or danger of any other person in the vicinity.
- 10.2.2 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.
- 10.3 **Annoyances**
 - 10.3.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
 - 10.3.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.4 **Climbing**
Climb on or over any fixture, fitting, plant, object or building thereon other than in a playground or similar area that the Council has set aside for that purpose.
- 10.5 **Dressing Sheds**
Use any dressing shed or similar facility thereon other than for the purpose of changing into or from bathing garments, or remain there for longer than is necessary for that purpose.
- 10.6 **Equipment**
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.7 **Fishing**
 - 10.7.1 Fish in any waters to which the Council has determined this subclause applies.
 - 10.7.2 Cast a fishing line or keep a fishing line in the water from any foreshore while there are other persons in the waters in the vicinity of the fishing line.
- 10.8 **Glass**
Willfully break any glass, china or other brittle material.
- 10.9 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.10 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.11 **Playing games**
Play or practise a game:
 - 10.11.1 which is likely to cause damage to the land or anything on it; or
 - 10.11.2 in any area where a sign indicates that the game is prohibited.
- 10.12 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.
- 10.13 **Obstruction**
Obstruct or cause to be obstructed:
 - 10.13.1 any path or track;
 - 10.13.2 any door, entrance, stairway or aisle in any building; or
 - 10.13.3 any gate or entrance thereon.
- 10.14 **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.15 **Waste & Rubbish**
 - 10.15.1 Deposit or leave thereon anything obnoxious or offensive.
 - 10.15.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
 - 10.15.3 Deposit in any rubbish bin:
 - 10.15.3.1 any trash emanated from a domestic, trade or commercial source; or
 - 10.15.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

- 11.1 A person on Local Government land of the foreshore must comply with a reasonable direction from an authorised person relating to:
 - 11.1.1 that person's use of that land;
 - 11.1.2 that person's conduct and behaviour on that land;
 - 11.1.3 that person's safety on that land; or
 - 11.1.4 the safety and enjoyment of other persons on that land.

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

12. 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.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) *If the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing - to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised person reasonable believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

- 14.1 The restrictions in this By-law do not apply to any 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 or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclauses 9.10 of this By-law do not apply to electoral matter authorised by a candidate and which is:
 - 14.2.1 related to a Commonwealth or State election and 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
 - 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and 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
 - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of vehicle owners

- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 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 the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
ROADS BY-LAW 2021
By-law No. 3 of 2021**

This By-Law is for the management, control and regulation of activities on roads in the Council's area.

PART 1– PRELIMINARY

1. **Title**
This By-law may be cited as the *Roads By-law 2021* and is By-law No. 3 of the City of Whyalla.
2. **Authorising law**
This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-Law No. 3 – Roads 2014.*²

4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. 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.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2014*.

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Subclause 7.3.3 of this By-law applies to that part or parts of the Council's area as the Council may determine by resolution in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means the City of Whyalla;
- 6.5 **effective control** means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **livestock** has the same meaning as in the *Livestock Act 1997*;
- 6.9 **moveable sign** has the same meaning as in the Act;
- 6.10 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
 - 6.10.1 a bridge, viaduct or subway; or
 - 6.10.2 an alley, laneway or walkway;
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.12 **waste containers** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS**7. Activities requiring permission**

A person must not engage in or undertake any of the following activities on a road without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.

Note -

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

- 7.2 **Amplification**
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 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.
- 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.3.3 Ride, lead, drive or allow any livestock on any road to which the Council has resolved this paragraph applies.
- 7.4 **Defacing Property**
Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.
- 7.5 **Donations**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.6 **Obstructions**
Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
- 7.7 **Preaching & Canvassing**
- 7.7.1 Preach, harangue, solicit or canvass for religious or charitable purposes.
- 7.7.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.
- 7.8 **Public Exhibitions and Displays**
- 7.8.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.8.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.8.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.8.4 Cause any public exhibition or displays.
- 7.9 **Rubbish Bins**
Deposit in any Council bin on a road any rubbish:
- 7.9.1 emanating from a domestic, commercial or trade source; or
- 7.9.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.
- 7.10 **Repairs to Vehicles**
Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.
- 7.11 **Waste Containers**
Place, cause or allow to be placed, waste containers on a road to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:
- 7.11.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.11.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and
- 7.11.3 for a period that does not extend beyond 11:59pm on the same day that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.11.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the date of collection.

PART 3 - ENFORCEMENT**8. Directions**

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. Orders

If a person does not 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.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) if the conduct is still continuing – to stop the conduct; and*
- b) whether or not the conduct is still continuing – to take specified action to remedy the contravention*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of animals and objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**11. Exemptions**

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or 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 or in accordance with a direction of a Council Officer.

11.2 The restriction in subclause 7.7.2 of this By-law does not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and 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;
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and 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
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. Liability of vehicle owners

12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2 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 the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
MOVEABLE SIGNS BY-LAW 2021
By-law No. 4 of 2021**

This By-law is to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Moveable Signs By-law 2021* and is By-law No. 4 of the City of Whyalla.

2. Authorising law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objects of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;

- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
*By-law No. 4 – Moveable Signs 2014.*²
- 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 This By-law applies throughout the Council area and is subject to the exemptions set out in clause 12.
- 6. Interpretation**
- In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the City of Whyalla;
- 6.6 **footpath** area means:
- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; and
- 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.
- Note-**
- Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.
- PART 2 – MOVEABLE SIGNS**
- 7. Construction and design**
- A moveable sign placed on a road must:
- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition, including so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain flashing parts;
- 7.8 not exceed 1.2 metres in height, 800mm in width and 800mm in depth;
- 7.9 in the case of an 'A' frame or sandwich board sign:
- 7.9.1 be hinged or joined at the top; and
- 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected;
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.11 not have a display area exceeding one square metre in total or, if the sign is two-sided, one square metre on each side.
- 8. Placement**
- A moveable sign must not be placed:

- 8.1 on any part of a road other than the footpath area;
- 8.2 so that it is less than 400mm from the edge of the carriageway;
- 8.3 on a footpath that is less than 2.5 metres wide;
- 8.4 on the sealed or paved part of a footpath area unless the sealed or paved part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of at least 1.2 metres width;
- 8.5 so as to unreasonably interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.6 within 10 metres of an intersection;
- 8.7 on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.8 on a designated parking area or within 1 metre of an entrance or exit to premises;
- 8.9 so that it is tied, fixed or attached to, or placed closer than 1.2 metres to any other structure, object or thing (including another moveable sign);
- 8.10 so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the road;
- 8.11 on a road during the hours of darkness unless it is in a clearly lit area and clearly visible; or
- 8.12 in such a position or in such circumstances that, in the opinion of an authorised person, it would or would be likely to endanger the safety of any person.
- 9. Appearance**
- A moveable sign displayed on a road must, in the opinion of an authorised person:
- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours:
- 9.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
- 9.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
- 9.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 9.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.
- 10. Banners**
- A banner must not be displayed on a road unless it:
- 10.1 is securely fixed to a fence or structure so that it does not hang loose or flap and provided that prior permission is obtained in the case of attachment to any Council property;
- 10.2 only advertises an event to which the public are invited; and
- 10.3 is displayed not more than one month before the event it advertises, not more than one week after the event, and provided it is not displayed for a continuous period of more than one month in any twelve month period.
- Note-**
- A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.
- 11. Restrictions**
- 11.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 11.2 A person must not cause or allow a moveable sign to be placed on a road unless:
- 11.2.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.2.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 11.3 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 12. Exemptions**
- 12.1 Subclauses 9.3, 9.4, 11.1 and 11.2 do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.

- 12.2 Subparagraphs 9.3, 9.4, 11.1 and 11.2 of this By-law do not apply to a flat sign which only contains newspaper headlines and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement (which permission may be granted by way of the Council adopting a policy of general application for this purpose).

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed 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;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) 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
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT**13. Removal of moveable signs**

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

14. Liability of vehicle owners

- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 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 the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
DOGS BY-LAW 2021
By-law No. 5 of 2021**

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2021* and is By-law No. 5 of the City of Whyalla.
2. **Authorising law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the *Local Government Act 1999*, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objects of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-Law No. 5 – Dogs 2014.*²

4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. 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.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 9.1 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure or premises approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **Council** means the City of Whyalla;
- 6.5 **detached dwelling, row dwelling and semi-detached dwelling** have the same meanings as under the *Planning, Development and Infrastructure Act 2016*;
- 6.6 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land and part thereof whether used or occupied for domestic or non-domestic purposes;
- 6.11 **small dwelling** means a self-contained residence that is:
 - 6.11.1 a residential flat building;
 - 6.11.2 contained in a separate strata unit;
 - 6.11.3 on an allotment less than 400 square metres in area; or
 - 6.11.4 without a secure yard of at least 100 square metres in area;
- 6.12 **township** has the same meaning as in the Act;
- 6.13 **working livestock dog** means a dog—
 - 6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is -
 - 6.13.1.1 a primary producer; or
 - 6.13.1.2 engaged or employed by a primary producer; and
 - 6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
- 6.14 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 - 6.14.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.14.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
- 7.1.1 more than one (1) dog in a small dwelling;
 - 7.1.2 in a township, more than two (2) dogs in any premises other than a small dwelling; or
 - 7.1.3 outside of a township, more than three (3) dogs (other than working livestock dogs).
- 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that 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.
- 7.5 An application for permission to keep an additional dog must be in the form determined by the Council and be accompanied by information regarding:
- 7.5.1 the type and size of the property on which it is proposed to keep the dogs;
 - 7.5.2 the manner in which it is proposed that the dogs will be contained; and
 - 7.5.3 any other information that the Council requires to ensure proper consideration of the application.
- 7.6 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on Local Government land or in public place to which the Council has resolved that this subclause applies; or
- 9.2 on any park or reserve during times when organised sport is being played; unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not cause or allow a dog under that person's control, charge or authority (except an assistance dog) to be or remain on any Local Government land or in a public place to which the Council has resolved this subclause applies.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council may grant exemptions**

- 12.1 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.
- 12.2 An exemption—
- 12.2.1 may be granted or refused at the discretion of the Council;
 - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

- 12.4 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.

PART 5 – ENFORCEMENT

13. Orders

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
CATS BY-LAW 2021
By-law No. 6 of 2021**

This By-law is to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2021* and is By-law No. 6 of the City of Whyalla.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the *Local Government Act 1999*.

3. Purpose

The objects of this By-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

*By-law No 6 – Cats 2014.*²

4.2 This By-law will expire on 1 January 2029.³

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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. 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.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.

5.2 This By-law applies throughout the Council's area.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis or, for use in connection with a

- business involving the keeping of cats, that is operating in the accordance with all approvals;
- 6.3 except for in clauses 8 and 9, **cat** means an animal of the species *felis catus*, which is three months of age or that has lost its juvenile canine teeth;
- 6.4 **Council** means the City of Whyalla;
- 6.5 **effective control** by means of physical restraint means:
- 6.5.1 a person is exercising effective control of a cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat; or
- 6.5.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure;
- 6.6 **keep** includes the provision of food or shelter;
- 6.7 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.7.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
- 6.7.2 damages or otherwise has an adverse impact upon native flora or fauna; or
- 6.7.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
- 6.7.4 wanders onto premises without the consent of the owner or occupier of the premises; or
- 6.7.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.8 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and
- 6.10 **the person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on cat numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to premises comprising an approved cattery.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Effective confinement of cats

- 9.1 The owner or person responsible for the control of a cat must ensure that the cat is effectively confined to the premises occupied by that person between the hours of 10:00pm and 6:00am each day unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Registration of cats

- 10.1 A person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.2 An application for registration of a cat must:
- 10.2.1 be made to the Council in the manner and form prescribed by Council (if any);
- 10.2.2 be accompanied by the fee (if any) prescribed by the Council;

- 10.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name;
- 10.2.4 identify with reference to an address the premises at which the cat is kept; and
- 10.2.5 otherwise comply with any other requirements determined by the Council.
- 10.3 Registration under this By-law remains in force until the next 30 June following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

PART 4 – EXEMPTIONS

11. Council may grant exemptions

- 11.1 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.
- 11.2 An exemption—
- 11.2.1 may be granted or refused at the discretion of the Council;
- 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 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.

PART 5 – ENFORCEMENT

12. Orders

- 12.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 12.1.1 if the conduct is still continuing – to stop the conduct; and
- 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2 A person must comply with an order under this clause.
- 12.3 If a person does not comply with an order, the authorised person may take the action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an authorised person may not use force against a person under this section.

Note-

- For example, an authorised person may order a person to:
- cease keeping more than the permitted number of cats on that person's premises; or
 - take the necessary steps to mitigate a nuisance caused by howling cats.

This By-law was duly made and passed at a meeting of the City of Whyalla held on **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

**CITY OF WHYALLA
CARAVANS & CAMPING BY-LAW 2021
By-law No. 7 of 2021**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Caravans & Camping By-law 2021* and is By-law No. 7 of the City of Whyalla.
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, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
*By-law No. 7 – Caravans and Camping 2014.*²
- 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. 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.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2 This By-law applies throughout the Council area unless stated otherwise.
- 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 (including a tent trailer) 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 or motor home; to remain on land overnight, whether or not any person is in attendance or sleeps on the land;
- 6.3 **camping reserve** means an area on land that the Council has set aside as a camping reserve and which is identified as such by one or more signs installed on the land or in its vicinity that includes the words 'camping reserve' (with or without other words);
- 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 from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from the high water mark (whichever is the lesser distance);
- 6.6 **land** means any Local Government land, road or foreshore or part thereof;
- 6.7 **Local Government land** means all land owned by the Council or under the Council's care, control and management;
- 6.8 **road** has the same meaning as in the *Local Government Act 1999*; and
- 6.9 **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 except on a camping reserve:
- 7.1 **Camping**
- 7.1.1 Camp or sleep overnight other than:
 - 7.1.1.1 in a caravan park which the proprietor has permission to operate;
 - 7.1.1.2 on any land that has been designated and set aside by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained in the signage erected on the land or in its vicinity.
 - 7.1.2 Subject to this clause 7, pitch, erect or construct any tent or other structure of calico, canvas, plastic or any similar material, or tie any rope, rug or article to any tree, stake, plant or other objects.
- 7.2 **Caravans**
- Subject to clause 7.1, use, occupy, cause, suffer or permit any other person to use or occupy any caravan or other vehicle on land for or in connection with camping activities, including (but not limited to) washing, cooking, sleeping.
- 8. Camping reserves**
- A person must not engage in or undertake the following on a camping reserve:
- 8.1 **Limit on camping time**
- Camp for a period in excess of two consecutive weeks.
- 8.2 **Break in camping time**
- Having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of four consecutive weeks has expired.

- 8.3 **Fail to allow inspection**
Fail to permit any Council officer or authorised person to enter onto and inspect his or her campsite or any tent, caravan or vehicle thereon or thereby.
- 8.4 **Fail to keep site clean**
Fail to keep the area on which he or she is camped and the surrounds in a clean, tidy and sanitary condition.
- 8.5 **Improper use of ablutionary facilities (showers, washing and toilet facilities)**
In any ablutionary facilities:
- 8.5.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for the purpose;
 - 8.5.2 smoke tobacco or any other substance;
 - 8.5.3 deposit anything in a pan, urinal or drain that is likely to cause a blockage or damage;
 - 8.5.4 use the ablutionary facilities for a purpose for which it was not designed or constructed;
 - 8.5.5 enter any ablutionary facilities that are set aside for the use of the opposite gender except for:
 - 8.5.5.1 a child under the age of ten (10) years accompanied by an adult person; and/or
 - 8.5.5.2 providing assistance to a person with a disability;
 - 8.5.6 deface, foul or use other than for its proper purpose or cause any unsanitary or unclean condition in any ablutionary facility or any apparatus, fixtures or fittings therein.
- 8.6 **Litter and Waste**
- 8.6.1 Deposit or leave thereon anything obnoxious or offensive.
 - 8.6.2 Deposit any rubbish thereon other than in receptacles provided by the Council for that purpose.
 - 8.6.3 Deposit in any rubbish bin thereon any waste or rubbish contrary to any information on signs on the bin or in its vicinity.
- 8.7 **Camping Fees**
Fail to pay any applicable camping fees for the camping reserve that may be set by the Council from time to time by resolution, and which fees are set out on a sign erected on or in the vicinity of a camping reserve.

PART 3 – ENFORCEMENT

9. 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.

10. Exemptions

- 10.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or 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.
- 10.2 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.
- 10.3 An exemption—
 - 10.3.1 may be granted or refused at the discretion of the Council;
 - 10.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 10.3.3 is subject to any conditions specified in the instrument of exemption.
- 10.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 10.5 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.

This By-law was duly made and passed at a meeting of City of Whyalla held on the **16 August 2021** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

CITY OF WHYALLA
BOAT HARBORS AND FACILITIES BY-LAW 2021
By-law No. 8 of 2021

This By-law is to regulate certain activities in parts of the Harbor of Whyalla and the use of, boat ramps on land adjacent thereto which is under the care, control and management of the Council.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Boat Harbors and Facilities By-law 2021* and is By-law No. 8 of City of Whyalla.
 2. **Authorising law**
This By-law is made under sections 238 and 246 of the *Local Government Act 1999*, and section 18A of the *Harbors and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to regulate the access to and certain activities in the Harbor and related boat facilities:
 - 3.1 to prevent and mitigate nuisances in and around the harbors;
 - 3.2 to prevent damage to land and property;
 - 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. **Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
*By-law No. 9 – Boat Harbors and Facilities 2014.*²
 - 4.2 This By-law will expire on 1 January 2029.³
- 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. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. 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.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
 - 5.2 This By-law applies to the Harbor and to boat ramps in the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the Act;
 - 6.3 **boat ramp** means a facility constructed on Local Government land or in the Harbor that is designed or used for the launching or retrieval of a vessel to or from adjacent waters;
 - 6.4 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.5 **Harbor** means:
 - 6.5.1 those parts of the Harbor of Whyalla (as that harbor is defined in Schedule 3 to the *Harbors and Navigation Regulations 2009*) comprising marina facilities and within 5 metres of those facilities, being the area delineated in red in the plan with the heading 'Foreshore Marina' contained in the Council report of 28 June 2021 for agenda item 13.2.4;
 - 6.5.2 the area known as the Point Lowly Marina, being the area delineated in red in the plan with the heading 'Point Lowly Marina' contained in the Council report of 28 June 2021 for agenda item 13.2.4; and
 - 6.5.3 Local Government land (contained in the whole of an allotment) that is adjacent to the land described in subclauses 6.5.1 and 6.5.2 (whether or not covered by water) that has been developed for or is used for the launching or mooring of a vessel;
 - 6.6 **launch permit** means a permit issued by the Council authorising a specified vessel (as identified in the permit) to be launched at a boat ramp (subject to any conditions the Council sees fit to impose) for so long as the launch permit is in operation;
 - 6.7 **launch ticket** means a single-use ticket purchased from the Council (which may include from a vending machine located at a boat ramp) that authorises the launch of any one vessel at the boat ramp within 24 hours from the time of purchase;

- 6.8 **Local Government land** means land that is owned by or that is under the care, control and management of the Council;
- 6.9 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.9.1 is propelled by a motor;
 - 6.9.2 has a fully enclosed hull;
 - 6.9.3 is designed not to retain water if capsized; and
 - 6.9.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.10 **ticket** means either a launch permit or a launch ticket; and
- 6.11 **vessel** includes a raft, boat, personal watercraft or other similar device.
- 7. Boat Ramps**
- 7.1 A person must not use a boat ramp to launch or retrieve a vessel without permission of the Council except:
- 7.1.1 if the person has a valid ticket authorising the launch of the vessel and the ticket is clearly displayed on the dash of the vehicle used to launch or retrieve the vessel (or to tow the vessel) from the time that the vessel is launched until the vessel is retrieved; and
 - 7.1.2 in accordance with the conditions specified on a sign erected on or in the vicinity of the boat ramp and the conditions that may attach to a ticket obtained by the person to use the boat ramp.
- 7.2 Upon request of an authorised person, any person about to use, using or having used a boat ramp, must produce the ticket purchased in respect of such use in compliance with this By-law.
- 7.3 A person must not allow any vehicle or vessel to remain stationary on any boat ramp longer than is necessary to launch or retrieve a vessel.
- 7.4 The Council may grant an exemption to any person from the requirement to comply with this clause 7, which exemption may be subject to any conditions the Council sees fit to impose.
- 8. Harbors**
- Subject to the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*, a person must not, without permission of the Council, undertake or engage in the following activities in a Harbor:
- 8.1 anchor or moor a vessel;
 - 8.2 interfere with any of the moorings therein;
 - 8.3 move or remove any rock from a breakwater, or throw or place any rock, stone or other object into the waters;
 - 8.4 do anything to obstruct the entrance to the Harbor;
 - 8.5 remain or sleep overnight on any vessel for more than three consecutive nights;
 - 8.6 fish, swim, dive, scuba dive or snorkel or conduct or participate in any water sports;
 - 8.7 swim or bathe within five (5) metres of any jetty;
 - 8.8 handle any fuel or dangerous or flammable substance in such a manner that may expose a person or property to danger;
 - 8.9 conduct himself or herself in a manner that is contrary to the conditions of entry or use that apply to the Boat Harbor, that are displayed on a sign or signs located therein, or that are otherwise notified to the person in writing by the Council; and
 - 8.10 jump or dive from a jetty into water or onto a beach or tie or affix any vessel to a jetty.
- 9. 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.
- 10. Exemptions**
- The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or 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 or in accordance with a direction of a Council officer.

This foregoing by-law was duly made and passed at a meeting of the City of Whyalla held on **16 August 2021**, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

JUSTIN COMMONS
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Naming of Public Road

Notice is hereby given that, at its meeting held on 17 August 2021 the District Council of Elliston resolved to name a public road at Elliston as Alto Drive, pursuant to Section 219(1) of the *Local Government Act 1999*.

Dated: 19 August 2021

GEOFF SHERIDAN
Chief Executive Officer

THE FLINDERS RANGES COUNCIL

Adoption of Valuations and Declaration of Rates

Notice is given that at the Council meeting on 29 July 2021, the Council resolved for the year ending 30 June 2022:

1. To adopt, for rating purposes, the most recent valuations made by the Valuer-General in relation to all land in the area of the Council with total valuations being \$280,399,280 comprising \$271,261,480 of rateable land and \$9,137,800 of non-rateable land.
2. Declares differential general rates based on the assessed capital values of all rateable land within the Council area by reference to land use and locality of the land as follows:

The Quorn Township, Quorn Rural Area, Hawker Township, Hawker Rural Area a differential general rate of:

- (1) 0.7160 cents in the dollar for residential land use;
 - (2) 0.7950 cents in the dollar for commercial—shop land use;
 - (3) 0.9170 cents in the dollar for commercial—office land use;
 - (4) 0.9170 cents in the dollar for commercial—other land use;
 - (5) 0.8970 cents in the dollar for industry—light land use;
 - (6) 1.0000 cents in the dollar for industry—other land use;
 - (7) 0.6070 cents in the dollar for primary production land use;
 - (8) 0.7160 cents in the dollar for vacant land use;
 - (9) 1.0150 cents in the dollar for other land use.
3. Fixed a minimum amount of \$812.00 payable by way of general rates.
 4. Imposed Annual Service Charges based on the level of usage of the service upon the land to which it provides the prescribed service of the collection and disposal of “wet” and “recyclable” waste as follows:
 - (1) \$190.00 for occupied properties in Quorn, Hawker and Cradock for “wet” waste; and
 - (2) \$130.00 for occupied properties in Quorn, Hawker and Cradock for “recyclable” waste.
 5. Imposed Annual Service Charges based on the nature of the service and varying according to whether the land is vacant or occupied upon the land to which it provides or makes available the prescribed service of a Community Wastewater Management System, of:
 - (a) \$415.00 per unit in respect of each piece of occupied land serviced by the Quorn Community Wastewater Management Systems;
 - (b) \$405.00 per unit in respect of each piece of vacant land serviced by the Quorn Community Wastewater Management Systems;
 - (c) \$415.00 per unit in respect of each piece of occupied land serviced by the Hawker Community Wastewater Management Systems; and
 - (d) \$405.00 per unit in respect of each piece of vacant land serviced by the Hawker Community Wastewater Management Systems.
 6. In order to reimburse the Council for amounts contributed to the South Australian Arid Lands Landscape Board, being \$46,943 declared a Regional Landscape Levy of 0.01760 cents in the dollar, based on the capital value of all rateable properties in the area of the Council.

Dated: 30 July 2021

E. BROWN
Chief Executive Officer

THE DISTRICT COUNCIL OF PETERBOROUGH

Adoption of Valuation and Declaration of Rates

Notice is given that the District Council of Peterborough, at the Special Council Meeting held on 23 August 2021, for the financial year ending 30 June 2022 resolved:

Adoption of Capital Valuations

To adopt the most recent capital valuations of the Valuer-General available for rating purposes for its area with total valuations being \$213,495,880 comprising \$206,013,027 in respect of rateable land and \$7,482,853 in respect of non-rateable land.

Fixed Charge/Differential General Rates

To impose a fixed charge of \$380.00 on each piece of separate rateable land and to declare the following differential general rates on all rateable land, by reference to the locality of the land:

Peterborough township	0.6700 cents in the dollar
Oodla Wirra township.....	0.5070 cents in the dollar
Yongala township	0.5019 cents in the dollar
Rural property	0.2835 cents in the dollar

Annual Service Charge (Garbage)

To impose an Annual Service Charge of \$102.50 per Mobile Garbage Bin (Wheelie Bin) in respect of all land (rateable and non-rateable) to which it provides or makes available the service of the collection and disposal of domestic and commercial waste.

Separate Rates (State Government Landscape SA Levy)

To declare a separate rate of 0.01655 cents in the dollar to reimburse the Council for the amount of \$34,078 contributed to the Northern and Yorke Landscape Region Board.

Annual Service Charge (Community Wastewater Management System)

To impose an Annual Service Charge of \$540.00 per Property Unit upon all land (rateable and non-rateable) to which it provides or makes available the service of the Community Wastewater Management System in the Peterborough township, with a declared discretionary rebate of \$108.00 to apply.

Dated: 26 August 2021

STEPHEN RUFUS
Chief Executive Officer

PUBLIC NOTICES

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

In the matter of the estates of the undermentioned deceased persons:

ARCHER Thomas late of 3 Grant Avenue Gilles Plains Retired Tram Driver who died 24 April 2021
 BALLINGER Ronald Ralph late of 19 Cornhill Road Victor Harbor of no occupation who died 26 March 2021
 CULLEN Paul Francis late of 20 Cross Street Enfield of no occupation who died 14 March 2021
 FILMER Lindsay John late of 22 Harden Street Waikerie of no occupation who died 21 December 2020
 GIBSON Bruce late of 21 Sturt Street Mansfield Park of no occupation who died 28 December 2019
 KOHLHAGEN Kym late of 154 Playford Avenue Whyalla of no occupation who died 15 February 2021
 LAMBE Janise Elene late of 108 Russell Street Rosewater Retired Secretary who died 20 December 2020
 MART Brenton Leigh late of 16 Glyndale Grove Huntfield Heights Retired Police Officer who died 27 March 2021
 STRAZDINS Annette Joy late of 494 Fullarton Road Myrtle Bank of no occupation who died 5 November 2020
 SUDAR Momcilo late of 3 Watson Street Beverley of no occupation who died on or about 15 January 2020
 TKACZUK Lesa late of 2 Duncan Street Findon of no occupation who died 10 January 2021
 WHITE Annie Leslie late of 31 Arthur Street Booleroo Centre of no occupation who died 11 March 2021

Notice is hereby given pursuant to the *Trustee Act 1936*, the *Inheritance (Family Provision) Act 1972* and the *Family Relationships Act 1975* that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 24 September 2021 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 26 August 2021

N. S. RANTANEN
Public Trustee

ADELAIDE AIRPORT LTD (“AAL”)

Schedule of Aeronautical Charges

The prices shown in this schedule are inclusive of GST. Effective 1 October 2021.

SERVICE	CHARGE BASE (see note i)		
	Charge per Passenger	Passenger Charge Applies to (see Charge Rules)	Charge per 1,000kg MTOW (pro-rata)
INTERNATIONAL RPT SERVICES			
Landing Charge	\$15.49	(1)	
Passenger Facility Charge (“PFC”)—see note iv	\$9.54	(1)	
Government Mandated Charge	\$31.98	(3)	
Government Mandated Charge for international transit passengers	\$8.42	(5)	
DOMESTIC RPT SERVICES (Aircraft weighing more than 20,000 kg MTOW)			
Landing Charge	\$5.59	(2)	\$20.63
Passenger Facility Charge (“PFC”)—see note iv	\$6.87	(2)	
Government Mandated Charge	\$8.26	(4)	
REGIONAL RPT SERVICES (Aircraft weighing less than 20,000 kg MTOW)			
Landing Charge	\$3.28	(2)	\$9.84
Passenger Facility Charge (“PFC”)—see note iv	\$1.65	(2)	
Government Mandated Charge	\$8.26	(4)	
LANDING CHARGES FOR DIVERSIONS			
International RPT services			\$12.63
Domestic RPT services			\$9.37
GENERAL AVIATION (minimum charges apply, see note ii)			
Freight aircraft			\$8.56
Fixed wing aircraft not operating RPT services			\$8.56
Rotary wing aircraft and unpowered aircraft			\$4.29

AIRCRAFT PARKING CHARGES:

General aviation aircraft parked longer than two hours in designated general aviation parking areas will incur a charge of **\$18.67** per day or any part of a day.

Code “B” or greater—the charges for parking of Aircraft in the category of Code “B” or greater is by arrangement with AAL from time to time.

Definitions

- (A) **Government Mandated Services** means those services which AAL provides to RPT Operators and other users of the Airport which are mandated by the Commonwealth Government (in applicable legislation and ministerial or Commonwealth Department directions) or other lawful authority and includes (but are not limited to) the following services:
- (i) Terminal passenger checked bag screening; and
 - (ii) Terminal passenger screening; and
 - (iii) airside inspections; and
 - (iv) other services required by the Commonwealth Government or other lawful authority.
- (B) **Infant** means children less than 2 years old, not occupying a seat.
- (C) **Landing Charge** means the amount from time to time charged by AAL to an aircraft operator in respect of the use by an aircraft of AAL's runways, taxiways and aprons. The Landing Charge is a single charge made on each arrival (landing) of an aircraft.
- (D) **MTOW** means maximum take-off weight as specified by the manufacturer
- (E) **Passenger Facility Charge ("PFC")** means the amount from time to time charged by AAL to an RPT Operator in respect of its Passengers using a Terminal for the purpose of recovering costs relating to the Terminals.
- (F) **RPT (Regular Public Transport) Operation** means an operation of an Aircraft for the purposes of the carriage of people, or both people and goods, of an air service that:
- (i) is provided for a fee payable by persons using the service; and
 - (ii) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; and
 - (iii) is available to the general public on a regular basis.

Any terms not defined in this schedule of charges have the same definition as the terms defined in Adelaide Airport Terms of Use available on the Adelaide Airport website.

Per Passenger Charge Rules

- (1) Applies to all arriving and departing passengers and excludes transit passengers, infants and positioning crew.
- (2) Applies to all arriving, departing and transit passengers and excludes infants and positioning crew.
- (3) Applies to departing passengers only and excludes infants and positioning crew.
- (4) Applies to departing passengers and departing transit passengers and excludes infants and positioning crew.
- (5) Applies to all transit passengers excluding infants arriving from a port outside Australia.

Notes

- i. **Charge Base:** An Aircraft Operator may elect, by agreement with AAL, and entirely at AAL's discretion, to incur Aeronautical Charges on a MTOW or Passenger basis, which basis is then fixed for the ensuing twelve (12) month period.
- ii. **Minimum charge:** a minimum charge applies to all General Aviation customers as follows:
 - (a) Fixed Wing Aircraft **\$50.06** per landing
 - (b) Rotary Wing Aircraft **\$25.00** per landing
- iii. AAL has a growth incentive scheme which provides discount on the landing charges indicated above for airlines which exceed a target growth rate for the year. Details of this scheme are available to airlines on request.
- iv. Calculations of GST exclusive amounts should be made to four decimal places.

Dated: 9 August 2021

ADELAIDE AIRPORT LIMITED
ABN 78 075 176 653
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ASSOCIATIONS INCORPORATIONS ACT 1985

REGULATION 9

CORPORATIONS ACT 2001

SUBREGULATION 5.6.65(1)(B)

Form 548—Notice to Creditor or Person Claiming to be a Creditor of Intention to Declare a First and Final Dividend

Association Details

Association: Recreation South Australia Incorporated
ABN: 23 156 877 936
Status: In Liquidation

A first and final dividend is to be declared on 30 September 2021 for the association.

You are required formally to prove your debt or claim on or before 15 September 2021.

If you do not, I will exclude your claim from participation and I will proceed to make a final dividend without having regard to it.

Dated: 23 August 2021

MARIS ANDRIS RUDAKS
Liquidator, BRI Ferrier
Level 8, 50 Pirie Street
Adelaide SA 5000
Ph: (08) 8233 9900
Email: info@brifsa.com.au

NATIONAL ELECTRICITY LAW

*Initiation of Rule Change Request
Review of Compensation Guidelines Notice*

The Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under s 95, the Australian Energy Market Operator has requested the *Updating Short Term PASA* (Ref. ERC0332) proposal. The proposal seeks to introduce a principles-based approach to clause 3.7.3 of the NER. Submissions must be received by **23 September 2021**.

Under rule 6A.20 of the National Electricity Rules, the AEMC invites written submissions on the draft amended Compensation Guidelines developed in accordance with clause 3.14.6 of the National Electricity Rules (*Review of compensation guidelines to include wholesale demand response*, Ref. EPR0088). Submissions are due by **8 October 2021**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. The AEMC publishes all submissions on its website, subject to confidentiality.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission

Level 15, 60 Castlereagh St
Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

Dated: 26 August 2021

NOTICE SUBMISSION

The South Australian Government Gazette is compiled and published each Thursday.

Notices must be submitted before 4 p.m. Tuesday, the week of intended publication.

All submissions are formatted per the gazette style and proofs are supplied as soon as possible. Alterations must be returned before 4 p.m. Wednesday.

Requests to withdraw submitted notices must be received before 10 a.m. on the day of publication.

Gazette notices should be emailed as Word files in the following format:

- Title—name of the governing Act/Regulation
- Subtitle—brief description of the notice
- A structured body of text
- Date of authorisation
- Name, position, and government department/organisation of the person authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of at least two people responsible for the notice content
- Name of the person and organisation to be charged for the publication (Local Council and Public notices)
- Request for a quote, if required
- Purchase order, if required

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All instruments appearing in this gazette are to be considered official, and obeyed as such