



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 24 AUGUST 2023

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

STATE GOVERNMENT INSTRUMENTS

ADELAIDE PARK LANDS ACT 2005

Notice of Appointment

I, the Hon Nicholas Champion MP, Minister for Planning, pursuant to Division 2 of Part 2 of the *Adelaide Park Lands Act 2005* (the Act) having undertaken the required consultation with the Adelaide City Council, appoint the following person as member of the Board of Management of the Kadaltilla/Adelaide Park Lands Authority:

For the purposes of Sections 6(1)(b) and 10(2) of the Act:

Elinor Walker as Member of the Board and Deputy Presiding Member

Pursuant to Section 7(2) of the Act, I appoint the above person until 31 March 2025.

Dated: 22 August 2023

HON NICK CHAMPION MP
Minister for Planning

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) REGULATIONS 2017

NOTICE BY THE MINISTER

Approval of Classes of Persons to use Certain Agricultural and Veterinary Products

I, Clare Scriven, Minister for Primary Industries and Regional Development, pursuant to Regulation 34(1) of the *Agricultural and Veterinary Products (Control of Use) Regulations 2017*, prohibit the use of certain agricultural and veterinary products except by persons of a class specified in this notice.

RESTRICTED AGRICULTURAL AND VETERINARY PRODUCTS

Agricultural or Veterinary Product	Class of Persons Authorised to Use Product
1. An agricultural chemical product containing alphachloralose.	A person authorised to conduct Domestic and Commercial Pest Control under the <i>Controlled Substances Act 1984</i> . An authorised officer under the <i>Landscape South Australia Act 2019</i> , who has been trained in the use of that product.
2. An agricultural chemical product containing 4-aminopropiophenone (PAPP).	An authorised officer under the <i>Landscape South Australia Act 2019</i> , who has been trained in the use of that product.
3. An agricultural chemical product containing 4-aminopyridine.	A person who is authorised to handle that product pursuant to a licence issued under Section 22 of the <i>Controlled Substances Act 1984</i> , or in accordance with Regulation 25(2) of the <i>Controlled Substances (Poisons) Regulations 2011</i> .
4. An agricultural chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos.	A person authorised to conduct Domestic and Commercial Pest Control under the <i>Controlled Substances Act 1984</i> . An authorised officer under the <i>Landscape South Australia Act 2019</i> , who has been trained in the use of that product.
5. An agricultural chemical product containing copper chrome arsenate (CCA) (i.e. formulations containing as active constituents all three of copper, chromium and arsenic in various chemical forms) used to treat timber.	A person who holds a valid statement of attainment issued by a training organisation registered by the Australian Skills Quality Authority certifying successful completion of the following unit of competence: FWPSAW3242 (Treat Timber).
6. An agricultural chemical product containing fenthion used for bird control.	A person authorised to conduct Domestic and Commercial Pest Control under the <i>Controlled Substances Act 1984</i> .
7. An agricultural chemical product containing pindone if— (a) the product is a concentrate; and (b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait.	An authorised officer under the <i>Landscape South Australia Act 2019</i> , who has been trained in the use of that product.
8. An agricultural chemical product containing sodium monofluoroacetate (1080) if— (a) the product is a concentrate; and (b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait; or (c) the product is a ready to use bait; or (d) the product is a capsule for use with a Canid Pest Ejector; or (e) the product is a cartridge for use with the Felixer.	An authorised officer under the <i>Landscape South Australia Act 2019</i> , who has been trained in the use of that product. A person who is authorised to handle that product pursuant to a licence issued under Section 22 of the <i>Controlled Substances Act 1984</i> , or in accordance with Regulation 25(3) of the <i>Controlled Substances (Poisons) Regulations 2011</i> .
9. An agricultural product or a veterinary product to which Section 15 of the <i>Controlled Substances Act 1984</i> applies.	A person who holds a valid statement of attainment issued by a training organisation registered by the Australian Skills Quality Authority for the units of competence AHCCHM307 (Prepare and Apply Chemicals to Control Pest, Weeds and Diseases) and AHCCHM304 (Transport and Store Chemicals).

Dated: 17 August 2023

CLARE SCRIVEN
Minister for Primary Industries and Regional Development

DANGEROUS SUBSTANCES ACT 1979

Authorised Officers

I, Glenn Stephen Farrell, Executive Director, SafeWork SA, in my capacity as the Competent Authority, hereby appoint the following persons as an Authorised Officer for the purposes of the *Dangerous Substances Act 1979* pursuant to Section 7(1) of the Act:

- Ahad Aslam CHAGANI
- Clare Margaret JANES

Dated: 24 August 2023

GLENN FARRELL
Executive Director
Competent Authority
Safework SA

FISHERIES MANAGEMENT (ROCK LOBSTER FISHERIES) REGULATIONS 2017

REGULATION 12 AND 29

Variation of Restrictions on Fishing Activities during the Closed Season in the Southern Zone

For the purposes of Regulations 12(3) and 12(4) and 29(1) relating to restrictions on fishing activities during the closed season in the Southern Zone, I, Professor Gavin Begg, as delegate of the Minister for Primary Industries and Regional Development, make the following determinations:

- (1) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery may take rock lobster in the waters of the Southern Zone during the period commencing at 0600 hours on 1 September 2023 and ending at 0600 hours on 1 October 2023.
- (2) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery may set a rock lobster pot in waters of the Southern Zone during the period commencing at 0600 hours on 1 September 2023 and ending at 0600 hours on 1 October 2023.
- (3) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery may sell live rock lobster during the period commencing at 0600 hours on 1 September 2023 and ending at 0600 hours on 1 October 2023.

Dated: 17 August 2023

PROFESSOR GAVIN BEGG
Executive Director, Fisheries and Aquaculture
Department of Primary Industries and Regions

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME99003261

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, the holders of Marine Scalefish Fishery licences listed in Schedule 1 (the 'exemption holders'), or their registered masters, are exempt from the provisions of Section 70 of the *Fisheries Management Act 2007*, and Regulation 5(b) and Schedule 7 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder may use a purse seine net for the purposes of taking Western Australian Salmon for trade or business in the waters described in Schedule 2 (the "exempted activity"), subject to the conditions set out in Schedule 3, from 19 August 2023 until 18 August 2024, unless this notice is varied or revoked earlier.

SCHEDULE 1

Licence Holder	Licence Number
Port Lincoln Salmon Pty Ltd	M210

SCHEDULE 2

1. The waters of or near Coffin Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 34°25'44.84" South, 135°12'22.73" East (Point Sir Isaac), then easterly to the location on Mean High Water Springs closest to 34°25'06.25" South, 135°21'31.65" East (Frenchman Bluff), then beginning southerly following the line of Mean High Water Springs to the location on Mean High Water Springs closest to 34°31'19.92" South, 135°22'38.52" East, then westerly to the location on Mean High Water Springs closest to 34°31'19.92" South, 135°21'12.12" East (Point Longnose), then beginning northerly following the line of Mean High Water Springs to the point of commencement (GDA94).

SCHEDULE 3

1. This exemption is valid only in respect of fishing activities undertaken on boats that are registered and endorsed on the exemption holder's Marine Scalefish Fishery licence M210.
2. The exempted activity may only be undertaken using a registered purse seine net that is endorsed on the exemption holder's Marine Scalefish Fishery licence and is being used pursuant to that licence and the conditions of that licence.
3. The exempted activity must not be undertaken in waters less than ten (10) metres in depth.
4. Whilst engaged in the exempted activity the exemption holder or the registered master must not use any other registered device endorsed on their Marine Scalefish Fishery licence.
5. Any aquatic resources other than Western Australian Salmon captured during the exempted activity must be returned to the water immediately.
6. The exemption holder or registered master must notify the Department of Primary Industries and Regions (Fishwatch) on 1800 065 522 prior to conducting the exempted activity and provide the following information:
 - The place and time of departure;
 - The place and time of landing; and
 - Exemption number.
7. While engaged in the exempted activity the exemption holder or the registered master must have in their possession a copy of this notice and produce that notice to a Fisheries Officer upon request.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 18 August 2023

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME99003262

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, the holders of Marine Scalefish Fishery licences listed in Schedule 1 (the 'exemption holders'), or their registered masters, are exempt from the provisions of Section 70 of the *Fisheries Management Act 2007*, and Regulation 5(b) and Schedule 7 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder may use a purse seine net for the purposes of taking Western Australian Salmon for trade or business in the waters described in Schedule 2 (the "exempted activity"), subject to the conditions set out in Schedule 3, from 19 August 2023 until 18 August 2024, unless this notice is varied or revoked earlier.

SCHEDULE 1

Licence Holder	Licence Number
Port Lincoln Salmon Pty Ltd	M210

SCHEDULE 2

1. Waters adjacent to Port Lincoln west of the geodesic from the location on Mean High Water Springs closest to 34°32'30.60" South, 136°05'19.80" East (Point Bolingbroke) to the location on Mean High Water Springs closest to latitude 34°43'43.80" South, longitude 135°59'37.80" East (Cape Donnington), excluding those waters contained within and bounded by a line commencing at Mean High Water Springs at the shore end of the North Shields jetty, then south-easterly to Maria Point on Boston Island, then beginning southerly following the line of Mean High Water Springs to the light at Point Fanny, then west-south-westerly to the most northerly point of Billy Lights Point, then beginning south-westerly following the line of Mean High Water Springs to the point of commencement (GDA94).

SCHEDULE 3

1. This exemption is valid only in respect of fishing activities undertaken on boats that are registered and endorsed on the exemption holder's Marine Scalefish Fishery licence M210.
2. The exempted activity may only be undertaken using a registered purse seine net that is endorsed on the exemption holder's Marine Scalefish Fishery licence and is being used pursuant to that licence and the conditions of that licence.
3. The exempted activity must not be undertaken in waters less than ten (10) metres in depth.
4. Whilst engaged in the exempted activity the exemption holder or the registered master must not use any other registered device endorsed on their Marine Scalefish Fishery licence.
5. Any aquatic resources other than Western Australian Salmon captured during the exempted activity must be returned to the water immediately.
6. The exemption holder or registered master must notify the Department of Primary Industries and Regions (Fishwatch) on 1800 065 522 prior to conducting the exempted activity and provide the following information:
 - The place and time of departure;
 - The place and time of landing; and
 - Exemption number.
7. While engaged in the exempted activity the exemption holder or the registered master must have in their possession a copy of this notice and produce that notice to a Fisheries Officer upon request.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 18 August 2023

PROF GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903263

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Port Lincoln Salmon Pty Ltd of PO Box 1635, Port Lincoln SA 5606, holder of Marine Scalefish Fishery licence number M210, (the 'exemption holder'), or the registered master is exempt from Section 70 of the *Fisheries Management Act 2007* and Regulation 5(b)(i) and Part 1 of Schedule 7 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder may use a purse seine net registered on licence M210 to take Western Australian Salmon for trade or business in the waters described in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 19 August 2023 until 18 August 2024, unless varied or revoked earlier.

SCHEDULE 1

The waters of Spencer Gulf near Wedge Island as described in Schedule 7 of the *Fisheries Management (General) Regulations 2017* bounded as follows:

Commencing at the high water mark at the most northern point of Wedge Island latitude 35°07'.956"S and longitude 136°27'.041"E, then in a north easterly direction to the most western point of North Islet, latitude 35°07'.029"S and longitude 136°27'.814"E, then following the line of the high water mark along the southern coastline to the most eastern point of North Islet, latitude 35°07'.251"S and longitude 136°28'.740"E, then south easterly direction to the high water mark of the most north easterly point of Wedge Island latitude 35°09'.705"S and longitude 136°29'.663"E, then following the line of high water along the northern coastline to the point of commencement (GDA94).

SCHEDULE 2

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. The exemption holder or registered master may only undertake the activity pursuant to this exemption when fishing from a boat that is registered on Marine Scalefish Fishery licence M210.
3. The exemption holder or registered master may fish pursuant to this exemption for a maximum of twenty (20) days during the term of this notice.
4. The exempted activity may only be undertaken using a purse seine net, registered on Marine Scalefish Fishery licence M210 and with dimensions of not more than 900 metre length and 13 metre depth and mesh size not less than 50 millimetres.
5. Any aquatic resources other than Western Australian Salmon captured during the exempted activity must be returned to the water immediately.
6. The exempted activity may not occur during the following times:
 - (a) the period commencing at 0100 hours on the Thursday preceding Easter Sunday in 2022 and ending at midnight on the following Monday;
 - (b) the period commencing at 0100 hours on a Thursday and ending at midnight on the following Sunday if the Friday in that period is a public holiday;
 - (c) the period commencing at 0100 hours on a Friday to midnight on the following Monday if that Monday is a public holiday.
7. The exemption holder or registered master of M210 must notify the Department of Primary Industries and Regions (PIRSA) Fishwatch on 1800 065 522 prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, and the boats involved in undertaking the exempted activity and other related questions.
8. Whilst engaged in the exempted activity the exemption holder or the registered master of M210 must be in possession of a copy of this notice and this notice must be produced to a Fisheries Officer if requested.
9. The exemption holder or registered master must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007* and the *Defence Act 1903* (Cwlth). The exemption holder and his/her agents must comply with any relevant prohibitions, restrictions, regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 18 August 2023

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Exemption Number ME9903274

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Dr Russell Bradford, Senior Experimental Scientist, of CSIRO Oceans and Atmosphere, Castray Esplanade, Hobart Tasmania 7000 (the 'exemption holder') and his nominated agents, are exempt from Section 70 of the *Fisheries Management Act 2007* and Regulation 5(a), Clause 63 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder or his agents may undertake the activity specified in Schedule 1, at the location specified in Schedule 2, subject to the conditions set out in Schedule 3 from 1 January 2024 until 30 May 2024 inclusive, unless varied or revoked earlier.

SCHEDULE 1

Collection of Southern Bluefin Tuna (*Thunnus maccoyii*) as part of the CSIRO research project titled "Gene tagging Southern Bluefin Tuna".

SCHEDULE 2

All coastal waters adjacent to South Australia between the lines of longitude 131°47'24"E to 140°01'12"E (GDA2020) excluding sanctuary zones and restricted access zones of marine parks (unless otherwise authorised under the *Marine Parks Act 2007*), the Adelaide Dolphin Sanctuary and aquatic reserves.

SCHEDULE 3

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. No more than a total of 100 Southern Bluefin Tuna specimens may be retained during the term of this notice.
3. All Southern Bluefin Tuna captured and not retained pursuant to condition 2 must be immediately returned to the water upon completion of tagging.

4. The exempted activity may only be undertaken aboard the vessel FV *Yasmin* (Vessel ID 11128). The vessel must be clearly marked with visible signage indicating the vessel is undertaking research activities.
5. For the purposes of this notice, the following persons are the nominated agents of the exemption holder:
 - Jason Hartog, CSIRO GPO Box 1538, Hobart Tas 7001
 - Emma Westlake, CSIRO Environment, IOMRC UWA Campus, 35 Stirling HWY, Crawley WA 6009
 - Naomi Clear, CSIRO GPO Box 1538, Hobart Tas 7001
6. While engaging in the exempted activity, the exemption holder and his nominated agents must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer immediately upon request.
7. The exemption holder must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.
8. The exemption holder must not conduct any other fishing activity including recreational fishing whilst undertaking the exempted activity.
9. The exemption holder must provide a report in writing detailing the outcomes of the tagging and collection of samples of Southern Bluefin Tuna, including the location of tagging and sample collection undertaken, pursuant to this notice to the Department of Primary Industries and Regions (PIRSA) Fisheries and Aquaculture, via email to zaynam.middleton@sa.gov.au within 14 days of expiry of this exemption.
10. Before undertaking the exempted activity, the exemption holder or a nominated agent must contact PIRSA Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder or agent will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of persons undertaking the exempted activity and other related questions.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 15 August 2023

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Department of Primary Industries and Regions
Delegate of the Minister for Primary Industries and Regional Development

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
10 Albion Street, Ridgehaven SA 5097	Allotment 170 Deposited Plan 6091 Hundred of Yatala	CT5574/418
4 Dublin Avenue, Salisbury Downs SA 5108	Allotment 54 Deposited Plan 6136 Hundred of Yatala	CT5655/882
15 Robert Avenue, Broadview SA 5083	Allotment 52 Deposited Plan 3260 Hundred of Yatala	CT5738/546
419 Mersey Road, Taperoo SA 5017	Allotment 18 Deposited Plan 4488 Hundred of Port Adelaide	CT5155/627

Dated: 24 August 2023

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the 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 29 August 2023 and expiring on 28 August 2033:

Joy WOODHOUSE
Vitalia Magdalena VEGA
Santi Ram UPADHAYA DHAKAL
Theresa Mary SWIGGS
Gregory Warren SMITH
Geoffrey Robert ROWETT
Paul Lesley POWELL
Anne Balfour POEL
Keiran Thomas MCPHEE
Julianne MARTINELLA
Gregory Patrick MARSHALL
Martin Bryan Charles KENNISON
Kate Lynne HOOK

Ian Michael Edward HAYLOCK
Sally Ann HARRY
Kerry James HAMMILL
Amy Elizabeth GRANTHAM
Elizabeth Margaret GILES
Joanne EDWARDS
Francesca Jane DUNN
Kim Phuong DINH
Mandy Joy COOTE
Michael David CONNELL
David Stanley CARVER
Denise Caroline BROWN
Heidi BOYD
Kay BEHSMANN
Simon Bruce BARLOW

Dated: 21 August 2023

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 83 Pirie 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 110 in Deposited Plan 47444 comprised in Certificate of Title Volume 6145 Folio 40 and being the whole of the land identified as Allotment 2090 in D132694 lodged in the Lands Titles Office and expressly excluding the easement(s) over the land marked 'B' (RTC 8265617).

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 up to \$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:

Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 22 August 2023

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

2021/12978/01

LAND ACQUISITION ACT 1969

SECTION 16

Form 5—Notice of Acquisition

1. Notice of acquisition

The Commissioner of Highways (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising the entirety of the right, estate or interest of Donna Kenmore, whether as lessee, as sub-lessee or as licensee or otherwise in that piece of land, being the whole of Unit 2 in Strata Plan 14090 comprised in Certificate of Title Volume 5422 Folio 30.

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 up to \$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) 7133 2457

Dated: 22 August 2023

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

2021/14701/01

LAND ACQUISITION ACT 1969

SECTION 16

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

The Commissioner of Highways (the Authority), of 83 Pirie 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 10 in Filed Plan 35195 comprised in Certificate of Title Volume 5245 Folio 341 and being the whole of the land identified as Allotment 301 in D132574 lodged in the Lands Titles Office;

Secondly, comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 10 in Filed Plan 35195 comprised in Certificate of Title Volume 5245 Folio 341, and being the whole of the land identified as Allotment 302 in D132574 lodged in the Lands Titles Office;

Thirdly, comprising an unencumbered estate in fee simple in that piece of land being portion of Section 1011 in Hundred of Gilbert comprised in Certificate of Title Volume 5516 Folio 900, and being the whole of the land identified as Allotment 304 in D132575 lodged in the Lands Titles Office;

Fourthly, comprising an unencumbered estate in fee simple in that piece of land being portion of Section 294 in Hundred of Gilbert comprised in Certificate of Title Volume 5517 Folio 324, and being the whole of the land identified as Allotment 306 in D132576 lodged in the Lands Titles Office;

Fifthly, comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 805 in Filed Plan 176125 comprised in Certificate of Title Volume 5600 Folio 270, and being the whole of the land identified as Allotment 310 in D132578 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 up to \$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:

Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated this 22 August 2023

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

2022/05144/01

LAND ACQUISITION ACT 1969

SECTION 16

Form 5—Notice of Acquisition

1. Notice of acquisition

The Commissioner of Highways (the Authority), of 83 Pirie 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 105 in Deposited Plan No 81806 comprised in Certificate of Title Volume 6053 Folio 585 and being the whole of the land identified as Allotment 308 in D132577 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 up to \$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:

Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (80) 7133 2479

Dated: 22 August 2023

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

2022/05146/01

LAND ACQUISITION ACT 1969

SECTION 16

Form 5—Notice of Acquisition

1. Notice of acquisition

The Commissioner of Highways (the Authority), of 83 Pirie 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 682 in Filed Plan 209058 comprised in Certificate of Title Volume 5810 Folio 208 and being the whole of the land identified as Allotment 385 in D132328 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 up to \$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:

Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 22 August 2023

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

2022/09495/01

LAND ACQUISITION ACT 1969

SECTION 16

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

The Commissioner of Highways (the Authority), of 83 Pirie 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 7 in Deposited Plan 3254 comprised in Certificate of Title Volume 5801 Folio 197 and being the whole of the land identified as Allotment 370 in D132700 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 up to \$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:

Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 22 August 2023

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

2022/09651/01

LOTTERIES ACT 2019

South Australia

Lotteries (Fees) Notice 2023

under the *Lotteries Act 2019*

1—Short title

This notice may be cited as the *Lotteries (Fees) Notice 2023*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019*.

2—Commencement

This notice has effect on the day on which it is made.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Lotteries Act 2019*.

4—Fees

The fees set out in Schedule 1 are prescribed for the purposes of the Act.

Schedule 1—Fees

1	Application for lottery licence	\$10.40
2	Application for trade promotion lottery licence—standard fee calculated on the basis of the total value of all prizes in the lottery as follows:	
	(a) for a total value of not more than \$10 000	\$238.00
	(b) for a total value of more than \$10 000 but not more than \$50 000	\$874.00
	(c) for a total value of more than \$50 000 but not more than \$100 000	\$1 529.00
	(d) for a total value of more than \$100 000 but not more than \$200 000	\$2 622.00
	(e) for a total value of more than \$200 000	\$4 808.00
	However, if the terms of the lottery provide for allocation of prizes among a number of States or Territories of the Commonwealth, the fee is to be calculated on the basis of the total value of only those prizes that are capable of being awarded to winners in this State.	
3	If an application for a trade promotion lottery licence requests that the licence be granted 5 business days or less from the day on which the application is received by the Minister—fee calculated on the basis of the total value of all prizes in the lottery as follows:	
	(a) for a total value of not more than \$10 000	\$477.00
	(b) for a total value of more than \$10 000 but not more than \$50 000	\$1 751.00
	(c) for a total value of more than \$50 000 but not more than \$100 000	\$3 052.00
	(d) for a total value of more than \$100 000 but not more than \$200 000	\$5 242.00
	(e) for a total value of more than \$200 000	\$9 617.00
	However, if the terms of the lottery provide for allocation of prizes among a number of States or Territories of the Commonwealth, the fee is to be calculated on the basis of the total value of only those prizes that are capable of being awarded to winners in this State.	
4	Application by holder of trade promotion lottery licence to the Minister for variation of terms of lottery to which licence applies	\$78.50
5	Application for grant of supplier's licence	\$2 209.00
6	Application for renewal of supplier's licence	\$219.00

Signed by the Minister for Consumer and Business Affairs

On 21 August 2023

MINING ACT 1971

Application for a Retention Lease

Notice is hereby given in accordance with Section 56H of the *Mining Act 1971*, that an application for a Retention Lease over portion of the undermentioned Exploration License has been received:

Applicant: S Uranium Pty Ltd (ACN 116 348 915)
 Exploration License: 5926
 Location: CL 6171/767, Middleback Range area, approximately 25km southwest of Whyalla.
 Area: 237.77 hectares approximately
 Purpose: Energy Mineral (Uranium)
 Reference: M2023/0103

To arrange an inspection of the proposal at the Department for Energy and Mining, please call the Department on (08) 8463 3103.

An electronic copy of the proposal can be found on the Department for Energy and Mining website:

<https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/community-engagement-opportunities>

Written submissions in relation to this application are invited to be received at the Department for Energy and Mining, Mining Regulation, Attn: Business Support Officer, GPO Box 320, Adelaide SA 5001 or dem.miningregrehab@sa.gov.au by no later than **20 September 2023**.

The delegate of the Minister for Energy and Mining is required to have regard to these submissions in determining whether to grant or refuse the application and, if granted, the terms and conditions on which it should be granted.

When you make a written submission, that submission becomes a public record. Your submission will be provided to the applicant and may be made available for public inspection.

Dated: 24 August 2023

C ANDREWS
Acting Mining Registrar
as Delegate for the Minister for Energy and Mining
Department for Energy and Mining

PASTORAL LAND MANAGEMENT AND CONSERVATION ACT 1989

PUBLIC ACCESS ROUTE CANCELLATION OF CLOSURES AUGUST 2023

Intent to Cancel Temporary Closure of Public Access Route Number 13 Halligan Bay

Notice is hereby given of the intent to cancel the temporary closure of the Halligan Bay Public Access Route from William Creek on the Oodnadatta Track to the entrance to Kati Thanda-Lake Eyre, from 16 August 2023, pursuant to Section 45(7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department for Infrastructure and Transport's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices.

Dated 16 August 2023

SARAVAN PEACOCK
Pastoral Board Delegate
A/Manager Pastoral Unit
Department for Environment and Water

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Grant of Gas Storage Exploration Licences— GSELS 719, 720, 721, 722, 723 and 724

Notice is hereby given that the undermentioned Gas Storage Exploration Licences have been granted with effect from 15 August 2023, under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No of Licence	Licensees	Locality	Date of expiry	Reference
GSEL 719	Southern Green Gas Limited	Eromanga Basin	14 August 2028	MER-2021/0577
GSEL 720				MER-2021/0582
GSEL 721				MER-2021/0584
GSEL 722	Corporate Carbon Group Pty Ltd			MER-2021/0585
GSEL 723				MER-2021/0586
GSEL 724				MER-2021/0587

Description of Areas

GSEL 719

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

Commencing at a point being the intersection of latitude 27°32'59"S GDA2020 and longitude 136°45'00"E GDA2020, thence east to the western boundary of Munga-Thirri—Simpson Desert National Park, then beginning southerly along the boundary of the said National Park to longitude 137°20'00"E GDA94, south to the southern boundary of Dieri National Native Title Determination (SCD2012/001—registered 2/05/2012), thence generally south-easterly along the boundary of the said Native Title Determination to longitude 137°20'01"E GDA2020, south to latitude 27°55'00"S GDA2020, west to longitude 137°10'00"E GDA2020, south to latitude 28°00'00"S GDA2020, west to longitude 137°05'00"E GDA2020, south to latitude 28°10'00"S GDA2020, west to longitude 137°00'00"E GDA2020, north to latitude 28°00'00"S GDA2020, west to longitude 136°55'00"E GDA2020, north to latitude 27°50'00"S GDA2020, west to longitude 136°50'00"E GDA2020, north to latitude 27°45'00"S GDA2020, west to longitude 136°45'00"E GDA2020, and north to the point of commencement.

AREA: **2,265** square kilometres approximately.

GSEL 720

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

Commencing at a point being the intersection of latitude 28°00'00"S GDA2020 and longitude 137°05'00"E GDA2020, thence east to longitude 137°10'00"E GDA2020, north to latitude 27°55'00"S GDA2020, east to longitude 137°20'01"E GDA2020, north to the southern boundary of Dieri National Native Title Determination (SCD2012/001—registered 2/05/2012), thence generally south-easterly along the boundary of the said Native Title Determination to latitude 28°00'00"S GDA94, east to longitude 137°35'00"E GDA2020, south to latitude 28°05'00"S GDA2020, east to longitude 137°40'00"E GDA2020, south to latitude 28°35'00"S GDA2020, west to longitude 137°35'00"E GDA2020, north to latitude 28°30'00"S GDA2020, west to longitude 137°30'00"E GDA2020, north to latitude 28°25'00"S GDA2020, west to longitude 137°25'00"E GDA2020, north to latitude 28°20'00"S GDA2020, west to longitude 137°20'00"E GDA2020, north to latitude 28°15'00"S GDA2020, west to longitude 137°10'00"E GDA2020, north to latitude 28°10'00"S GDA2020, west to longitude 137°05'00"E GDA2020, and north to the point of commencement.

AREA: **2,465** square kilometres approximately.

GSEL 721

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

Commencing at a point being the intersection of latitude 28°00'00"S GDA94 and longitude 137°35'00"E GDA2020, thence east to longitude 138°00'00"E GDA2020, south to latitude 28°15'00"S GDA2020, east to longitude 138°05'00"E GDA2020, south to latitude 28°35'00"S GDA2020, west to longitude 137°40'00"E GDA2020, north to latitude 28°05'00"S GDA2020, west to longitude 137°35'00"E GDA2020, and north to the point of commencement.

AREA: **2,492** square kilometres approximately.

GSEL 722

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

Commencing at a point being the intersection of latitude 28°00'00"S GDA94 and longitude 138°00'00"E GDA2020, thence east to longitude 138°00'00"E AGD66, north to the northern boundary of Dieri National Native Title Determination (SCD2012/001—registered 2/05/2012), thence beginning south-easterly along the boundary of the said Native Title Determination to longitude 138°20'00"E GDA2020, south to latitude 28°25'00"S GDA2020, east to longitude 138°25'00"E GDA2020, south to latitude 28°35'00"S GDA2020, west to longitude 138°05'00"E GDA2020, north to latitude 28°15'00"S GDA2020, west to longitude 138°00'00"E GDA2020, and north to the point of commencement.

AREA: **2,471** square kilometres approximately.

GSEL 723

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

Commencing at a point being the intersection of latitude 28°25'00"S GDA2020 and longitude 138°25'00"E GDA2020, thence west to longitude 138°20'00"E GDA2020, north to the northern boundary of Dieri National Native Title Determination (SCD2012/001—registered 2/05/2012), thence generally north-easterly along the boundary of the said Native Title Determination to longitude 138°40'00"E GDA2020, south to latitude 28°30'00"S GDA2020, west to longitude 138°30'00"E GDA2020, south to latitude 28°35'00"S GDA2020, west to longitude 138°25'00"E GDA2020, and north to the point of commencement.

AREA: **2,484** square kilometres approximately.

GSEL 724

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

Commencing at a point being the intersection of latitude 28°30'00"S GDA2020 and longitude 138°45'00"E GDA2020, thence west to longitude 138°40'00"E GDA2020, north to the northern boundary of Dieri National Native Title Determination (SCD2012/001—registered 2/05/2012), thence beginning north-easterly along the boundary of the said Native Title Determination to latitude 27°45'00"S AGD66, east to longitude 139°00'00"E GDA2020, south to latitude 28°25'00"S GDA2020, west to longitude 138°45'00"E GDA2020 and south to the point of commencement.

AREA: **2,470** square kilometres approximately.

Dated: 15 August 2023

NICK PANAGOPOULOS
A/Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ROADS (OPENING AND CLOSING) ACT 1991**SECTION 24****NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Bridge Road, Balaklava*

By Road Process Order made on 26 June 2023, the Wakefield Regional Council ordered that:

1. Portion of Bridge Road, Balaklava, situated adjoining Allotment 8 in Deposited Plan 36476, Hundreds of Hall and Dalkey, more particularly delineated and lettered 'A' in Preliminary Plan 23/0003 be closed.
2. Issue a Certificate of Title to the Wakefield Regional Council for the whole of the land subject to closure in accordance with the Application for Document of Title dated 20 June 2023.
3. The following easement is to be granted over the whole of the land subject to closure:

Grant to Distribution Lessor Corporation (subject to Lease 8890000) an easement for the transmission of electricity by overhead cable over the land marked 'A' in Deposited Plan 132388.

On 17 August 2023 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 132388 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: 24 August 2023

B. J. SLAPE
Surveyor-General

2023/01082/01

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Public Road, Alford*

By Road Process Order made on 19 June 2023, the Barunga West Council ordered that:

1. Portions of the Public Roads, Alford, situated adjoining Section 79 and Allotment 2 in Deposited Plan 15778, Hundred of Tickera, more particularly delineated and lettered 'A', 'B' and 'C' in Preliminary Plan 23/0005 be closed.
2. Transfer the whole of the land subject to closure lettered 'A' and 'B' to Bruce John Philbey and Helen Judith Philbey in accordance with the Agreement for Transfer dated 6 April 2023 entered into between the Barunga West Council and Bruce John Philbey and Helen Judith Philbey.
3. Transfer the whole of the land subject to closure lettered 'C' to Alford Downs Pty Ltd (ACN: 008 031 383) in accordance with the Agreement for Transfer dated 6 April 2023 entered into between the Barunga West Council and Alford Downs Pty Ltd (ACN: 008 031 383).

On 17 August 2023 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 132549 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, NOTICE of the Order referred to above and its confirmation is hereby given.

Dated: 24 August 2023

B. J. SLAPE
Surveyor-General

2023/01721/01

SURVEY ACT 1992

Licensed and Registered Surveyors in South Australia at 17 August 2023

It is hereby notified for general information that the names of the undermentioned persons are duly registered or licensed under the above Act.

LIST OF LICENSED SURVEYORS

Licensed Surveyor's Name	Licensed Surveyor's Address	Date of Licence
Afnan, Ruhi	19 Dunn Street, Bridgewater SA 5155	9.4.1992
Allen, Scott Lewis – Non-Practicing	GPO Box 2471, Adelaide SA 5001	8.5.1986
Anderson, Ralph Ian	26 Evans Street, Renmark SA 5341	10.5.1990
Andrew, Robert Lindsay	PO Box 329, Seacliff Park SA 5049	23.10.1974
Arnold, Timothy	PO Box 27, Hove SA 5048	9.12.2010
Aslanidis, Nicholas Peter	Unit 3/2 Lydia Street, Plympton SA 5038	20.9.2012
Bacchus, Scott John	84 Sawpit Gully Road, Dawesley SA 5252	6.8.2003
Baker, Trevor John	PO Box 708, Stirling SA 5152	18.5.2017
Barnes, Lyall Bruce	7 Boronia Court, Paradise SA 5075	14.4.1994
Barwick, Craig	PO Box 1000, Kent Town SA 5071	15.11.2001
Bennett, Mark Nicholas	15 Military Road, Tennyson SA 5022	18.11.2004
Bested, Antony John	362 Magill Road, Kensington Park SA 5068	1.1.1992
Bevan, Matthew John	137 Days Road, Regency Park SA 5010	21.2.2013
Bleeze, Denis Robert	130 Range Road South, Houghton SA 5131	30.8.1981
Blok, Timothy	5 Seventh Avenue, Hove SA 5048	13.9.1990
Blundell, Marc John Pole	PO Box 1354, Adelaide SA 5001	17.7.2003
Brinkley, Peter James	PO Box 1354, Adelaide SA 5001	19.8.2010
Brogden, Damian John	176 Prospect Road, Prospect SA 5082	13.7.1989
Burgess, Gregory Stephen	18A Cameron Road, Mount Barker SA 5251	6.7.1995
Burgess, Kevin Trevor	46 Second Avenue, St Peters SA 5069	8.7.1982
Cameron, Michael Leigh	45 Helen Street, Mount Gambier SA 5290	20.4.2006
Carn, Brenton Allen	16 Chester Street, Henley Beach SA 5022	19.9.1996
Castelanelli, Carmelo	25 Hardys Road, Underdale SA 5032	11.3.1993
Cavallo, Rocco	9 George Street, Hindmarsh SA 5007	19.9.1990
Christie, Brenton Andrew	4 Topaz Court, Hope Valley SA 5090	21.7.2005
Ciccarello, Mark Alexander	2 Joyleen Court, Athelstone SA 5076	16.11.2015
Clarke, Matthew James	69 Heather Road, Heathfield SA 5153	19.11.2009
Cooper, Daniel Charles	226 Leslie Creek Road, Mylor SA 5153	20.6.2013
Crowe, Simon John	PO Box 1354, Adelaide SA 5001	17.3.2012
D'Aloia, Giuseppe	9 Cassia Crescent, Kidman Park SA 5025	20.6.2002
Deane, Harry James	PO Box 1000, Kent Town SA 5071	20.8.2020
Dellatorre, Wade Christopher – Non-Practicing	9 Belmont Crescent, Mount Barker SA 5251	16.5.2002
Eiternick, Paul	5 Gulfview Road, Blackwood SA 5051	17.10.2013
Evans, Jesse Troy	31 Christie Street, Kadina, SA 5554	19.3.2020
Falkenberg, Andrew John	17 Dame Pattie Circuit, West Lakes SA 5021	6.12.1990
Filmer, Scott John	1 Railway Place, Mount Barker SA 5251	16.8.2007
Fudge, Jeffrey Charles	79 Smith Street, Naracoorte SA 5271	11.8.1978
Fritsch, Luke Ian	14 Sandalwood Crescent, Mount Barker SA 5251	1.12.2022
Gathercole, Dylan Luke	255 Pulteney Street, Adelaide SA 5000	16.2.2012
Gehren, Noel Ralfe	51 Marine Parade, Seacliff SA 5049	13.12.2007
Gilbert, Peter Mark	7 Seaview Avenue, Middleton, SA 5213	8.9.1994
Georgiou, Kristan Michael	2 Elm Grove, Lobethal SA 5241	19.6.2016
Gluis, Joel Mark	PO Box 182, Aldinga Beach SA 5173	17.3.2011
Grear, Michael Stuart	24B Willunga Street, Eden Hills SA 5050	1.1.1992
Harmer, Michael William	4 Tay Road, Woodforde SA 5072	18.11.2010
Heinrich, Chad Anthony	17B Whiteleaf Crescent, Glengowrie SA 5044	16.8.2018
Henley, John Edward	PO Box 2099, Magill North SA 5072	12.10.1989

Licensed Surveyor's Name	Licensed Surveyor's Address	Date of Licence
Hillyard, Tyson Peter	PO Box 1000, Kent Town SA 5071	15.11.2012
Holland, Damian John	PO Box 1000, Kent Town SA 5071	1.12.2016
Hopkins, Michael Jessop	3 Glenrowan Avenue, Myrtle Bank SA 5064	17.4.1984
Hordacre, Glenn Ian	PO Box 1000, Kent Town SA 5071	12.11.1992
Hughes, James Edward	23 Sydenham Road, Norwood SA 5067	20.4.2023
Hynes, Matthew David	43 Edward Street, Norwood SA 5067	20.5.2004
Jeanes, Peter Ian	PO Box 387, Daw Park SA 5041	3.2.1982
Jeffrey, Thomas Samuel	6 Todd Street, Port Adelaide SA 5015	18.6.2013
Jericho, David Allan	48 Lawrence Street, Kadina SA 5554	11.3.1993
Kennedy, Ross Alexander	20 Sizer Street, Lower Mitcham SA 5062	14.5.1992
Klau, Timothy David	7 Bunker Court, Port Hughes SA 5558	18.5.2006
Klitscher, Simon Martin	PO Box 226, Brooklyn Park SA 5032	15.6.2000
Lambis, Haralambos Michael	PO Box 358, Prospect SA 5082	21.4.2005
Lane, Gregory Charles	4 Light Road, Coromandel Valley SA 5051	15.6.2006
Langman, James Stephen	11 King William Street, Kent Town, SA 5067	18.3.2010
Leaker, Martin John	24 Richardson Avenue, Glenelg North SA 5045	11.10.1994
Leith, Grantley David	30 College Road, Somerton Park SA 5044	10.5.1990
Liebelt, Michael John	6 Graves Street, Kadina SA 5554	11.6.1992
Light, Brenton Andrew	51 Bettess Road, Ward Hill SA 5522	21.1.2021
Linsell, John Thomas	101 Grenfell Street, Adelaide SA 5000	20.8.2009
Lock, Craig James	5 Sturt Street, Glenelg North SA 5043	8.3.1984
Lock, Michael Grant	87 Springbank Road, Clapham SA 5062	13.2.1986
Mann, Grant Glenn	11 Island View Crescent, Victor Harbor SA 5211	11.3.1993
Mattsson, Jeffrey Ian	10 Braeside Avenue, Seacombe Heights SA 5047	10.11.1985
Millett, Christopher John	Level 1/124 South Terrace, Adelaide SA 5000	1.1.1992
Neale, Graeme Edward	27 Dover Street, Malvern SA 5061	15.5.1980
Nietschke, Michael Dean	13 Michael Street, Lockleys SA 5032	16.10.1997
North, Ashley Linton	178 Main Road, McLaren Vale SA 5171	20.8.2009
Paull, Gregory John	PO Box 1354, Adelaide SA 5001	21.3.2013
Pennino, Damiano	PO Box 917, Salisbury SA 5108	20.6.2013
Petrilli, Kevin John	64 Gladstone Road, North Brighton SA 5048	19.7.1990
Phillips, Perry Mark	2/110 Victoria Street, Victor Harbor SA 5211	13.12.1984
Pittman, Mark Roger	Level 2/124 South Terrace, Adelaide SA 5000	21.8.1997
Pohl, Henry Michael	23 Sydenham Road, Norwood SA 5067	31.3.1983
Pyper, David Edward	78 Goodwood Road, Wayville SA 5034	1.1.1991
Reddy, Max Charles	15 Mingbool Avenue, Pasadena SA 5042	16.6.2022
Rea, Franco	PO Box 1000, Kent Town SA 5071	15.6.2000
Retallack, Richard Alan	25 Narinna Avenue, Cumberland Park SA 5041	9.4.1992
Richardson, Brett John	1 Arrawarra Place, Tanunda SA 5352	17.3.2011
Rigon, Dario	26 Woodcroft Drive, Morphett Vale SA 5162	10.3.1998
Ryan, Kane Benjamin	78 Goodwood Road, Wayville SA 5034	18.3.2010
Sayer, Max Alfred Michael	176 Prospect Road, Prospect SA 5082	12.10.1989
Severns, Neil Robert	26 Premier Circuit, Warana Qld 4575	23.2.2023
Seskis, Samuel Thomas	Level 1/24 South Terrace, Adelaide SA 5000	16.6.2015
Shepherd, Ben	18 Leslie Crescent, Crafers SA 5152	21.4.2016
Slape, Bradley James	GPO Box 1354, Adelaide SA 5001	20.4.2006
Stockley, Nathan James	PO Box 1000, Kent Town SA 5071	17.2.2021
Struthers, David Barrie	PO Box 510, North Adelaide SA 5006	16.4.2015
Summers, Clayton Myles	9 St Georges Street, Willunga SA 5172	12.6.1986
Thorley, Beau	PO Box 1000, Kent Town SA 5071	17.11.2011
Townsend, Steven James	8 Beaver Court, Port Lincoln SA 5606	18.8.2005
Tripodi, Alfredo	10 Paula Street, Athelstone SA 5076	15.3.2007
Turnbull, Shaun William	176 Prospect Road, Prospect SA 5082	15.2.2007
Tucker, Paul	58 Park Terrace, Edithburgh SA 5583	31.5.1973
Turner, George Joseph – Non-Practicing	52 Gorge Road, Bellevue Heights SA 5050	19.5.2011
van Senden, Geoffrey Clifton	11 Chapel Street, Strathalbyn SA 5255	11.10.1990
Waye, Rowan Samuel	33 Maughan Avenue, Redwood Park SA 5097	19.6.2016
Weston, David Arthur Giles	78 Castle Street, Parkside SA 5063	12.3.1992
Whitford, Mark Kenneth	4 Wycliff Street, Fullarton SA 5063	21.11.2013
Wiggins, Adam Michael	2 Cardinal Street, St Clair SA 5011	16.6.2015
Williams, Mark Antony Peter	PO Box 1000, Kent Town SA 5071	17.6.2004
Window, Ashley Greg	9 Dorene Street, St Marys SA 5042	13.3.2008
Wood, Adam Browning	24 Hakea Avenue, Athelstone SA 5076	17.8.2006

LIST OF REGISTERED SURVEYORS

Registered Surveyor's Name	Registered Surveyor's Address	Date of Registration
Chemny, Luke Vasyi	PO Box 1000, Kent Town SA 5171	19.2.2020
Grose, Michelle Elaine	113 Mead Street, Peterhead SA 5016	19.7.2018
McFarlane, John Alexander	PO Box 1000, Kent Town SA 5171	19.7.2007
Pickett, Richard Bruce	3A Fuller Street, Parkside SA 5063	1.1.2000
Walker, Graham	2/1 North Esplanade, Glenelg SA 5045	5.12.2019

Dated: 20 July 2023

S. MEDLOW SMITH
Registrar

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

ADELAIDE PARK LANDS AUTHORITY

Notice of Appointments

The City of Adelaide, pursuant to Division 2 of Part 2 of the *Adelaide Park Lands Act 2005* (the Act) and Council resolution of 25 July 2023, having undertaken the required consultation with the Minister for Planning, appoints the following people as members of the Board of Management of the Adelaide Park Lands Authority:

For the purposes of Section 6(1)(a)(ii) of the Act:

Tim Agius as Member of the Board

Allan Sumner as Deputy Member of the Board

Pursuant to Section 7(2) of the Act, Council appoints the above persons until 31 December 2025.

Dated: 18 August 2023

CLARE MOCKLER
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

Assignment of Names for New Roads

Notice is hereby given that the City of Port Adelaide Enfield under delegated authority resolved pursuant to Section 219(1) of the *Local Government Act 1999* that new roads located in the suburbs of Angle Park and Taperoo and the naming of a previously un-named laneway in Hillcrest be assigned the street names as detailed below:

- New roads be assigned the names Madli Street, McDowell Street, Tarka Street, Kati Street and the extension of Waters Road, Angle Park
- New roads be assigned the names Fort Largs Boulevard, Graduation Parade, Cadet Lane, John McKinna Circuit, Meldrum Lane, Hastings Court and Oceanview Drive, Taperoo
- A previously un-named laneway be assigned the name Bronte Lane, Hillcrest

Plans that delineate the roads that have been assigned street names are available for inspection on Council's website:

www.cityofpae.sa.gov.au/connect/media-hub/public-notice.

Dated: 21 August 2023

MARK WITHERS
Chief Executive Officer

CITY OF PROSPECT

Adoption of Valuation and Declaration of Rates 2023-2024

Notice is hereby given that City of Prospect, at a meeting of Council held on 10 August 2023 for the year ending 30 June 2024 resolved as follows:

Adoption of Valuations

That the Council of the City of Prospect, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, adopts valuations of capital value made by the Valuer-General in relation to the area of the Council on 1 July 2023 and specifies that the total of the values that are to apply within the area for rating purposes for the year ending 30 June 2024 is \$9,756,170,680.

Declaration of Differential General Rates

That the Council of the City of Prospect, pursuant to Sections 152(1)(a), 153(1)(b) and 156(1)(c) of the *Local Government Act 1999*, hereby declares differential general rates on rateable land within the area, which rates vary by reference to the uses of land designated by Regulation 14 of the *Local Government (General) Regulations 2013*.

- (a) Residential: A rate of 0.227482 cents in the dollar on the capital value of such rateable land.
- (b) Commercial—Shop: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (c) Commercial—Office: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (d) Commercial—Other: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (e) Industry—Light: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (f) Industry—Other: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (g) Primary Production: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.
- (h) Vacant Land (Residential Planning Zone): A rate of 0.375346 cents in the dollar on the capital value of such rateable land.
- (i) Vacant Land (Non-Residential Planning Zone): A rate of 0.938517 cents in the dollar on the capital value of such rateable land.
- (j) Other: A rate of 0.568798 cents in the dollar on the capital value of such rateable land.

Declaration of a Minimum Amount

That the Council of the City of Prospect, pursuant to Section 158(1)(a) of the *Local Government Act 1999*, hereby fixes, in respect of the year ending 30 June 2024, a minimum amount of \$1,438 that shall be payable by way of general rates on rateable land within the Council's area.

Declaration of a Separate Rate (Prospect Village Heart Marketing Fund)

City of Prospect, pursuant to Sections 154(1) and 154(2)(c) of the *Local Government Act 1999*, hereby declares separate rate by fixed charge of \$150.00 on rateable land within Land Uses of 2, 3, 4, 5, 6 and 9 on Prospect Road, Prospect South Australia bordered at the North by Gladstone Road and Alpha Road and the South by Buller Street and Ballville Street.

Declaration of a Separate Rate (Regional Landscape Levy)

That pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, Council declares for the year ending 30 June 2023 a separate rate of 0.007438 cents in the dollar on the capital valuation of all rateable properties within the area of the City of Prospect.

Payment of Rates

Notice is hereby given that pursuant to Section 181 of the *Local Government Act 1999*, the rates shall be payable in four equal or approximately equal instalments due and payable on 30 September 2023, 15 December 2023, 15 March 2024 and 15 June 2024.

Dated: 24 August 2023

C. WHITE
Chief Executive Officer

ALEXANDRINA COUNCIL

PERMITS AND PENALTIES BY-LAW 2023

By-law No. 1 of 2023

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 2023* and is By-law No. 1 of the Alexandrina Council.
 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 2016.*²
 - 4.2 This By-law will expire on 1 January 2031.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 Act;
 - 6.3 **Council** means Alexandrina Council and includes a delegate of the Council; and
 - 6.4 **person** includes a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* 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:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application 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 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 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 acts in contravention of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the 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 Council of the Alexandrina Council held on **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ALEXANDRINA COUNCIL

LOCAL GOVERNMENT LAND BY-LAW 2023

By-law No. 2 of 2023

This By-law is to manage and regulate access to and use of Local Government land and certain public places.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Local Government Land By-law 2023* and is By-law No. 2 of the Alexandrina Council.
2. **Authorising Law**
This By-law is made under sections 238 and 246 of the Act, section 18A of the *Harbors and Navigation Act 1993* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. **Purpose**

The objects of this By-law are to regulate the access to and use of Local Government land 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 area; 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 operation¹:
 - 4.1.1 *By-law No. 2 – Local Government Land 2016*; and
 - 4.1.2 *By-Law No. 6 – Foreshore 2016*.²
- 4.2 This By-law will expire on 1 January 2031.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2023*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
- 5.3 Subclauses 9.3, 9.10.1, 9.11.1, 9.8, 9.26, 9.28.2, 9.37, 10.5.1 and 10.13 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 9.5.1.2, 9.5.2.1, 9.10.3, 9.11.3, 9.15.3 and 9.35.4.1 of 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 unless otherwise stated;
- 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 pursuant to section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat or other vessel from land to waters or coastal waters;
- 6.7 **camp** includes setting up a camp or causing:
 - 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.7.2 a swag or similar bedding; or
 - 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home or other vehicle;
 to remain on Local Government land, the foreshore or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein.

Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

- 6.8 **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
- 6.9 **Council** means Alexandrina Council and includes a delegate of the Council;
- 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 **electoral matter** has the same meaning as in the *Electoral Act 1985*;
- 6.12 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13 **foreshore** means land (which may or may not be Local Government land) extending:
 - 6.13.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary;
 - or
 - 6.13.2 for a distance of 50 metres from the high water mark;
 (whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of Victor Harbor;
- 6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.15 **Harbor of Victor Harbor** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.16 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.17 **Local Government land** means land owned by the Council or under the Council's care, control and management, except a road;
- 6.18 **low water mark** means the lowest astronomical tide;
- 6.19 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.20 **open container** means a container that:
 - 6.20.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.20.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.20.1.2 being a can, it has been opened or punctured;
 - 6.20.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.20.1.4 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
 - 6.20.2 is a flask, glass, mug or other container able to contain liquid;
- 6.21 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that:
 - 6.21.1 is propelled by a motor;
 - 6.21.2 has a fully enclosed hull;
 - 6.21.3 is designed not to retain water if capsized; and
 - 6.21.4 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;

- 6.22 **portable barbeque** is a barbeque or other device used for cooking food that uses solid fuel including (but not limited to) wood, charcoal and heat beads;
- 6.23 **recreation ground** means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and includes any land designated by the Council as a 'recreation ground';
- 6.24 **road** has the same meaning as in the Act;
- 6.25 **Sand Dune or Coastal Slope or Cliff** means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal forms under the care, control and management of the Council;
- 6.26 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.27 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.28 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.29 **waters** include a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include coastal waters; and
- 6.30 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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**

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land or the foreshore 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 Land

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

- 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 or near 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 or on the foreshore and where indicated, on a road.

- 9.1 **Advertising**
Display, paint or erect or cause to be displayed, painted or erected, on the land or on a structure, building or fixture on the land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Aircraft**
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3 **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.4 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound including broadcasting announcements or advertisements.
- 9.5 **Animals**
 - 9.5.1 On Local Government land but not on the foreshore:
 - 9.5.1.1 cause or allow an animal to stray onto, move over, graze or be left unattended;
 - 9.5.1.2 cause or allow an animal to enter, swim, bathe or remain in any waters except any waters to which the Council has resolved this subclause applies; or
 - 9.5.1.3 lead, herd, drive or exercise an 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.
 - 9.5.2 On the foreshore:
 - 9.5.2.1 allow, ride or take any animal onto or allow it to remain thereon, except on any part of the foreshore to which the Council has resolved this subclause applies;
 - 9.5.2.2 subject to this subclause 9.5.2:
 - (a) allow any animal to enter or leave the foreshore other than by access ramps constructed or provided by the Council.
 - (b) drive or exercise any animal in such a manner as to endanger the safety of any person.
- 9.6 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
 - 9.6.1 using that land; or
 - 9.6.2 occupying nearby premises;
 by making a noise or creating a disturbance.
- 9.7 **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.
- 9.8 **Aquatic Life**
Take, interfere with, disturb or introduce any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.9 **Bees**
Erect, place or maintain a hive of bees.
- 9.10 **Boats and Moorings**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
 - 9.10.1 on any Local Government land or road that the Council resolves that this subclause applies, launch or retrieve a boat to or from any waters or coastal waters;

- 9.10.2 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.10.3 moor a boat on any waters or to a pontoon attached to Local Government land, the foreshore or a road except:
- 9.10.3.1 in an area that the Council has set aside for that purpose as indicated by signs on the land; and
- 9.10.3.2 in accordance with any conditions displayed on that sign;
- 9.10.4 obstruct any boat, or any mooring place, or access to any boat or mooring place regardless as to whether that access is by water or by land.
- 9.11 **Boat Ramps**
- 9.11.1 Launch or retrieve a boat from or onto any boat ramp on Local Government land, a road or the foreshore to which the Council has determined this clause applies:
- 9.11.1.1 without having first paid the fee determined by the Council (if any); and
- 9.11.1.2 other than in accordance with any conditions determined by the Council (if any) and displayed on or near the boat ramp.
- 9.11.2 Allow any vehicle or boat to remain stationary on any boat ramp on Local Government land, a road or the foreshore longer than is necessary to launch or retrieve a boat.
- 9.11.3 Except for on any Local Government land, road or foreshore to which the Council has resolved this subclause applies, launch or retrieve a boat from or onto any waters or coastal waters without using a boat ramp constructed or provided by the Council for that purpose.

Note-

By way of example, the Council could include conditions in relation to the use of a boat ramp that restricts the boat ramp to being used for a commercial or other purpose at a specified time.

- 9.12 **Bridge Jumping**
Jump or dive from a bridge, jetty or structure on or extending from Local Government land.
- 9.13 **Buildings**
Use a building, or structure on Local Government land for a purpose other than its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.14 **Burials, Memorials and Cemeteries**
- 9.14.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.14.2 Erect any memorial.
- 9.15 **Camping and Tents**
- 9.15.1 Subject to this subclause 9.15, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation on any road, Local Government land or foreshore.
- 9.15.2 For the purposes of subclause 9.15.1, a tent or other structure is taken to have been erected **as a place of habitation** if it has been on the land for 24 consecutive hours or more.
- 9.15.3 Camp or sleep overnight except:
- 9.15.3.1 in a caravan park, the proprietor of which has been given permission to operate the caravan park on that land; or
- 9.15.3.1 on any Local Government land, road or foreshore to which the Council has resolved this subclause applies (and thereby designates as a camping area) and in accordance with any conditions determined by the Council and displayed on any signage on or near that land.
- 9.15.4 Subject to this subclause 9.15, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on any Local Government land, road or foreshore for or in connection with camping activities, including for washing, cooking or sleeping.
- 9.16 **Canvassing**
- 9.16.1 Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.
- 9.16.2 Convey to any bystander or person a message or any material that may jeopardise public order because, in the reasonable opinion of an authorised person, it is offensive, insulting or may otherwise encourage a breach of the peace.
- 9.17 **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.
- 9.18 **Depasturing**
Cause, suffer or allow any horse, cattle, sheep, goat or other animal under a person's control to depasture thereon.
- 9.19 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.20 **Donations**
Ask for or receive or indicate that the person desires a donation of money or any other thing.
- 9.21 **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.
- 9.22 **Entertainment and Busking**
- 9.22.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.22.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.23 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.23.1 in a place provided by the Council for that purpose; or
- 9.23.2 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.
- 9.24 **Fireworks**
Ignite, explode or use any fireworks.
- 9.25 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.25.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.25.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.25.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

- 9.25.4 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;
- 9.25.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.25.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.25.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.25.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.25.4 and 9.25.7 do not apply to lawful fishing activities.
- 9.26 **Games and Sport**
On any Local Government land or foreshore to which the Council has resolved this subclause applies:
- 9.26.1 participate in, promote or organise any organised competition or sport as distinct from organised social play;
- 9.26.2 play or practise any game which involves kicking, hitting or throwing a ball or other object;
- 9.26.3 play or practise the game of golf;
- 9.26.4 engage or participate in or conduct any organised group fitness activity or training.
- 9.27 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2 erecting or installing a structure in, on, across, under or over the land;
- 9.27.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.28 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.28.1 fly or operate a model or drone aircraft, model 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
- 9.28.2 fly or operate a model or drone aircraft, model boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.29 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on the land where it might, in the reasonable opinion of an authorised person:
- 9.29.1 present a nuisance or danger to a person using the land; or
- 9.29.2 cause an unsightly condition.
- 9.30 **Pontoons**
Install or maintain a pontoon or jetty in any waters.
- 9.31 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.32 **Recreation Ground**
Use or occupy a Recreation Ground:
- 9.32.1 in such a manner as to damage or be likely to damage the surface of the Recreation Ground or infrastructure (above and under ground level);
- 9.32.2 in a manner contrary to the purpose for which the Recreation Ground was intended to be used or occupied; or
- 9.32.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the Recreation Ground.
- 9.33 **Skydiving**
Land on any Local Government land or foreshore as a result of a skydive.
- 9.34 **Trading**
- 9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing, including on or in connection with a vehicle parked or standing on Local Government land or on the foreshore.
- 9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.35 **Vehicles**
- 9.35.1 Drive or propel a vehicle except on any area constructed and set aside by the Council for that purpose including as may be indicated by signs in or on the area.
- 9.35.2 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.
- 9.35.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.35.4 On the foreshore:
- 9.35.4.1 drive or propel a vehicle except where the Council has determined this subclause applies;
- 9.35.4.2 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose;
- 9.35.4.3 use any ramp or thoroughfare to which the Council has resolved this clause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by the Council; or
- 9.35.4.4 drive or propel a vehicle over or on any sand dunes.
- 9.36 **Weddings, Functions and Special Events**
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.37 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land or on the foreshore.

- 10.1 **Animals**
 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
 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 **Climbing**
 Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for the purpose.
- 10.4 **Equipment**
 10.4.1 Use any item of equipment, facilities or property belonging to the Council other than:
 10.4.1.1 in the manner and for the purpose for which it was designed, constructed or intended to be use;
 10.4.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
 10.4.1.3 in such a manner as is likely to damage or destroy it.
 10.4.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.5 **Fishing**
 10.5.1 Fish in any waters to which the Council has resolved this subclause applies.
 10.5.2 Cast a fishing line or keep a fishing line in coastal waters adjacent the foreshore while any person is in those waters in the vicinity of the fishing line.
- 10.6 **Glass**
 Wilfully break any glass, china or other brittle material.
- 10.7 **Interference with Permitted Use**
 Interrupt or unreasonably interfere with any other person's use of Local Government land or the foreshore where the person is using that land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.8 **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.
- 10.9 **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 the land.
- 10.10 **Playing Games**
 Play or practise a game or sport:
 10.10.1 which is likely to cause damage to the land or anything on it; or
 10.10.2 in any area where a sign indicates that the game or sport is prohibited.
- 10.11 **Rubbish Dumps and Rubbish Bins**
 10.11.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
 10.11.2 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 otherwise placed on Local Government land for collection by the Council (or its agent).
- 10.12 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
 10.12.1 destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope; or
 10.12.2 carry out an activity that, in the reasonable opinion of an authorised person, may damage or threaten the integrity of a sand dune, coastal slope or cliff.
- 10.13 **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 resolved this subclause applies.
- 10.14 **Solicitation**
 Tout or solicit customers for the parking of vehicles or for any other purpose.
- 10.15 **Throwing Objects**
 Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.16 **Toilets**
 In any public convenience on Local Government land (including showers, toilets and hand washing facilities):
 10.16.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
 10.16.2 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;
 10.16.3 use the facilities for a purpose for which it was not designed or constructed; or
 10.16.4 enter any gender specific public convenience except:
 10.16.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
 10.16.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care;
 10.16.4.3 for the purpose of providing assistance to a person with a disability;
 10.16.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
 10.16.4.5 in the case of a genuine emergency.
- 10.17 **Waste**
 10.17.1 Deposit or leave thereon anything obnoxious or offensive.
 10.17.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
 10.17.3 Deposit in any rubbish bin:
 10.17.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
 10.17.3.2 any rubbish contrary to any information on a sign or signs on the bin or in its vicinity.

10.18 **Wetlands**

Subject to the *Landscape South Australia Act 2019*, in respect of any wetland, take or draw water.

PART 4 – ENFORCEMENT**11. Directions**

- 11.1 A person on Local Government land or 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 reasonable opinion of an authorised person, is likely to commit or has committed a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order to leave the land.

12. Orders

If a person fails to comply with any 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; or
- 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 or the foreshore in breach of a By-law if the authorised officer reasonably 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:
- 14.1.1 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
 - 14.1.2 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 9.16 and 9.19 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;
 - 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.
- 14.3 The Council may otherwise, 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.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
 - 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 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.

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 Council of the Alexandrina Council held on **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**ALEXANDRINA COUNCIL
ROADS BY-LAW 2023
By-law No. 3 of 2023**

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

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2023* and is By-law No. 3 of the Alexandrina Council.

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. Purpose

The objects of this By-law are to manage, control and regulate the use 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 area.

4. Commencement, Revocation and Expiry

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

- By-law No. 3 – Roads 2016.2*
- 4.2 This By-law will expire on 1 January 2031.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2023*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 subclause 7.3.1 of this By-law only applies in such part or parts of the Council area as the Council may by resolution, determine 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 Alexandrina Council, and includes a delegate of the Council;
 - 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 1985*;
 - 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.8 **moveable sign** has the same meaning as in the Act;
 - 6.9 **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:
 - 6.9.1 a bridge, viaduct or subway; or
 - 6.9.2 an alley, laneway or walkway; and
 - 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act 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 for the purpose of advertising goods or services or for any other purpose, any poster, advertising or sign, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2023*.
 - 7.2 **Amplification**
Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting or amplifying sound and including for 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 any road to which the Council has determined this clause applies.
 - 7.3.2 Subject to this subclause 7.3, cause or allow an animal to stray onto, move over or graze on a road except where the animal is under the effective control.
 - 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
 - 7.4 **Donations**
Ask for or receive or do anything to indicate a person's desires for a donation of money or any other thing.
 - 7.5 **Fires**
Subject to the *Fire and Emergency Services Act 2005*, light a fire except:
 - 7.5.1 in a place provided by the Council for that purpose; or
 - 7.5.2 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.
 - 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 or any part of a road or a footway, water-channel, or watercourse.
 - 7.7 **Preaching and Canvassing**
 - 7.7.1 Preach, harangue, solicit or canvass for a religious, charitable or advertising purpose.
 - 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 musical 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:
 - 7.9.1 any rubbish emanating from a domestic, commercial or trade source; or
 - 7.9.2 any rubbish 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 **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-**
- Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2023*.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the reasonable opinion of an authorised person, is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order 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 by an authorised person 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 the action reasonably required to have the order carried out. For example, an authorised person may order a person to:

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

10. Removal of Animals and Objects

10.1 An authorised person may remove an animal or object that is on a road in breach of a By-law if the authorised person 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 animal or object.

PART 4 – MISCELLANEOUS**11. Exemptions**

11.1 The restrictions in this By-law do not apply to:

- 11.1.1 any emergency worker, police officer, Council officer or employee acting in the course and within the scope of that person's normal duties; or
- 11.1.2 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 restrictions in subclauses 7.7.2 of this By-law do not apply to an 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, 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 Council of the Alexandrina Council held on **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**ALEXANDRINA COUNCIL
MOVEABLE SIGNS BY-LAW 2023
By-law No. 4 of 2023**

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 in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Moveable Signs By-law 2023* and is By-law No. 4 of the Alexandrina Council.

2. Authorising Law

This By-law is made under sections 226, 227, 238, 239 and 246 of the Act.

3. Purpose

The objects of this By-law are to set standards for moveable signs on roads and, where indicated, local government land:

- 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 operation¹:

*By-Law No. 4 – Moveable Signs 2016.*²

4.2 This By-law will expire on 1 January 2031.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2023*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 13.

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 strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means Alexandrina Council;
- 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; or
- 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, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.9 **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:
 - 6.9.1 a bridge, viaduct or subway; or
 - 6.9.2 an alley, laneway or walkway; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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 must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 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 (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public or user of a road;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 not have sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 not:
 - 7.6.1 move when in a position or contain an animated display; or
 - 7.6.2 rotate, contain flashing parts or lights, or have balloons, flags, streamers or other things attached to it.
- 7.7 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.8 not exceed 900mm in height, 600mm in width and 600mm 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;

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed on a designated parking area or within one (1) metre of an entrance to any business or other premises;
- 8.4 placed on the sealed part of a footpath area unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.2 metres;
- 8.5 placed less than 1.5 metres from the kerb (or if there is no kerb from the edge of the carriageway);
- 8.6 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.7 placed within 5 metres of an intersection of two or more roads;
- 8.8 placed on the sealed part of a footpath area if there is an unsealed part of the footpath area on which the sign can be placed in accordance with this by-law;
- 8.9 placed on a median strip, traffic island, roundabout or on any other traffic control device;
- 8.10 tied, fixed or attached to, or placed closer than two (2) metres from any other structure, object, tree, plant or thing (including another moveable sign);
- 8.11 displayed during the hours of darkness unless it is in a lit area and clearly visible; or
- 8.12 placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person, the safety of a user of the footpath area or road is at risk.

9. Appearance

A moveable sign on a road must, in the reasonable opinion of an authorised person:

- 9.1 be of such design and contain such colours and lettering styles which are compatible with the architectural design of the premises adjacent to the sign, and overall amenity of the locality in which it is situated; and
- 9.2 contain combinations of colour and typographical styles which lend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

11. Moveable Signs on or Attached to Vehicles

- 11.1 A person must not display a moveable sign on, or attached to, or adjacent to a vehicle that is parked on Local Government Land or on a prescribed road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.2 For the purposes of subclause 11.1, a *prescribed road* is a road to which the Council has resolved that subclause 11.1 applies.

12. Restrictions

- 12.1 The owner or operator of a business must not cause or allow more than one moveable sign per street frontage of that business premises to be displayed on the footpath area at any time.
- 12.2 A person must not cause or allow a moveable sign to be placed on a footpath area unless:

- 12.2.1 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
- 12.2.2 during the ordinary business hours that the business premises to which it relates is open to the public.
- 12.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.
- 13. Exemptions**
- 13.1 Subclauses 12.1 and 12.2 of this By-law do not apply to a moveable sign which:
- 13.1.1 advertises a garage sale taking place from residential premises; or
- 13.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 13.2 Subclauses 12.1 and 12.2 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 13.3 A requirement of this By-law will not apply where the Council has granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- 13.4 An application seeking permission from the Council to display a moveable sign contrary to a requirement of this By-law must be in writing and include:
- 13.4.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
- 13.4.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
- 13.4.3 details of the design and content of the proposed moveable sign and, where relevant the business premises or community event that it relates to; and
- 13.4.4 any other information that may be required by the Council.

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; or
- of a prescribed class.

PART 3 – ENFORCEMENT**14. Removal of Moveable Signs**

- 14.1 A person must immediately comply with the order of an authorised person to remove a moveable sign 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.
- 14.2 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.
- 14.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 14.3.1 if, in the reasonable opinion of the 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
- 14.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable 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.

15. Liability of Vehicle Owners

- 15.1 For the purpose 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 Council of the Alexandrina Council held on **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ALEXANDRINA COUNCIL
DOGS BY-LAW 2023
By-law No. 5 of 2023

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 2023* and is By-law No. 5 of the Alexandrina Council.

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 *Harbours 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'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 2016.2

- 4.2 This By-law will expire on 1 January 2031.³

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 2023*.
 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 5.3 Subclauses 9.1 and 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 kennel establishment** means a building, structure, premises or area 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 **authorised person** has the same meaning as in the Act, being a person appointed as an authorised person pursuant to section 260 of the Act;
 6.5 **Council** means the Alexandrina Council;
 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 **foreshore** means land extending:
 6.8.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary;
 or
 6.8.2 for a distance of 50 metres from the high water mark.
 (whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of Victor Harbor.
 6.9 **Harbor of Victor Harbor** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
 6.10 **keep** includes the provision of food or shelter;
 6.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 6.12 **premises** includes land and part of any land whether used or occupied for domestic or non-domestic purposes;
 6.13 **township** as the same meaning as in the Act;
 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.
 6.15 **working livestock dog** means a dog:
 6.15.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 6.15.1.1 a primary producer; or
 6.15.1.2 engaged or employed by a primary producer; and
 6.15.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock;

Note-

Section 12 of the Legislation Interpretation Act 2021 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 7.2 and 7.4 a person must not (either alone or together with another person), without the Council's permission, keep or cause, suffer or permit to be kept:
 7.1.1 more than two (2) dogs on any premises in a township; or
 7.1.2 more than two (2) dogs (other than a working livestock dog) on any premises outside a township.
 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 an authorised person reasonably believes that 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 the person's 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 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, the foreshore or a public place to which the Council has resolved this subclause applies;
 and
 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 allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land, the foreshore or any public place to which the Council has resolved this clause 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 to dispose of dog faeces deposited in a public place 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, pursuant to section 262 of the Act, 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 of an authorised person under section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person, 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.
- 13.4 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 Council of the Alexandrina Council held on **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ALEXANDRINA COUNCIL CATS BY-LAW 2023 By-law No. 6 of 2023

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 2023* and is By-law No. 6 of the Alexandrina Council.

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 Act.

3. Purpose

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'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. 8 – Cats 2022.*²

- 4.2 This By-law will expire on 1 January 2031.³

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 2023*.
- 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 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.3 **Council** means the Alexandrina Council;
- 6.4 **keep** includes the provision of food or shelter;
- 6.5 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.5.1 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;
 - 6.5.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.5.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.5.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.5.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.6 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.7 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*; and
- 6.8 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 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 being caused, 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 subclause 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 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 2024 and subject to subclause 9.3, the owner or person responsible for the control of a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless:
- 9.1.1 the cat is in the presence of and in close proximity to the owner or person responsible for its control; and
- 9.1.2 is under effective supervision or control by that person such that it is not creating a nuisance.

Note-

By way of example, a cat will be under effective supervision or control if, without limitation, it:

- is being transported from premises in a suitable enclosure from which it cannot escape;
- is being held by or in close proximity to the person so it can be picked up; or
- is being exercised on a leash or similar.

9.2 For the purposes of this clause 9, *cat* means an animal of the species *felis catus* (of any age).

9.3 Subclause 9.1 does not apply to any cat that was born before 1 January 2024 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.

Note-

By way of example, for the purpose of subclause 9.3, satisfactory evidence may include veterinary records or microchip details relating to the cat.

10. Registration of Cats

- 10.1 Where the Council resolves to introduce a cat registration scheme for its area, then as and from the date that the resolution is expressed to apply (which date must be at least six (6) months from the date of the Council meeting at which it is made), a person must not keep or cause, suffer or permit to be kept, 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 the person's 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 Subclause 10.1 does not apply to a person operating a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 10.4 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.

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 of an authorised person under section 262 of the Act.
- 12.3 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.
- 12.4 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 cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the Alexandrina Council held on the **21 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

THE BAROSSA COUNCIL
LOCAL GOVERNMENT ACT 1999
DOG AND CAT MANAGEMENT ACT 1995

By-law No. 8 of 2023—Dogs (Miscellaneous) Amendment By-Law 2023

To amend the Council's *Dogs By-law 2021* and for related purposes.

PART 1—PRELIMINARY

1. Short title

This by-law may be cited as the *Dogs (Miscellaneous) Amendment By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Amendment provisions

In this by-law, a provision under a heading referring to the amendment of a specified by-law amends the by-law so specified.

PART 2—AMENDMENT OF *DOGS BY-LAW 2021*

4. Amendment of Paragraph 5

Paragraph 5.4—delete ‘within 5 meters of’ and substitute ‘in’.

5. Amendment of Paragraph 7

5.1 Paragraph 7, wherever occurring—delete ‘his or her’ and substitute ‘their’.

5.2 Paragraph 7.2—delete ‘he or she’ and substitute ‘the person’.

6. Amendment of Paragraph 8

Paragraph 8—delete ‘his or her’ and substitute ‘their’.

The foregoing by-law was duly made and passed at a meeting of The Barossa Council held on the 15th day of August 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

Dated: 24 August 2023

JOANNE MOEN
Acting Chief Executive Officer

COORONG DISTRICT COUNCIL
PERMITS AND PENALTIES BY-LAW 2023
By-law No. 1 of 2023

A By-law to provide for a permit system, to fix maximum penalties in Council by-laws, and to clarify the construction of by-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2023* and is By-law No. 1 of the Coorong District Council.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
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 2016.*²
 - 4.2 This By-law will expire on 1 January 2031.³
- 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 Coorong District Council; and
 - 6.3 **person** includes a natural person or a body corporate.
- Note-
- Section 12 of the *Legislation Interpretation Act 2021* 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.
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 in writing by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application 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 conditions 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 condition attached to the permission. 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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

COORONG DISTRICT COUNCIL
ROADS BY-LAW 2023
By-law No. 2 of 2023

A By-law 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 2023* and is By-law No. 2 of the Coorong District Council.
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. 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 operation¹:

*By-Law No. 2 – Roads 2016.*²

4.2 This By-law will expire on 1 January 2031.³

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 2023*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 7.3 and 7.5.2 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** means all animals including birds and insects, 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;
 - 6.4.2 a swag or similar bedding; or
 - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle; to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance or sleeps thereon;
- 6.5 **Council** means the Coorong District Council;
- 6.6 **effective control** means a person exercising effective control of an animal either:
 - 6.6.1 by means of a physical restraint; or
 - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **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;
- 6.8 **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;
- 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 12 of the *Legislation Interpretation Act 2021* 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, hold 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 2023*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2022*.

7.2 Amplification

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

7.3 Animals

Lead, drive or exercise any animal except on any road to which the Council has resolved this subclause applies and only then, in accordance with any conditions determined by the Council which conditions may relate to an animal of a particular kind.

Note-

This by-law is, and must be read, subject to the *Road Traffic Act 1961*, which regulates the riding of horses on a road. Accordingly, and to avoid doubt, subclause 7.3 does not operate to regulate the exercising of a horse by riding it on a road.

7.4 Attachments

Attach or cause to be attached, hang or fix anything to a Council owned tree, plant, equipment, fence, post, structure or fixture on a road.

7.5 Camping and Tents

7.5.1 Subject to this subclause 7.5, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.5.2 Camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

- 7.5.2.1 on a road to which the Council has resolved this subclause applies (and thereby designates as a camping area); and
- 7.5.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

- 7.6 **Donations**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.7 **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, vegetation, or watercourse in a road or cause a hazard to users of the road.
- 7.8 **Preaching and Canvassing**
7.8.1 Preach, harangue, solicit or canvass for religious or charitable purposes.
7.8.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.
- 7.9 **Public Exhibitions and Displays**
7.9.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
7.9.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
7.9.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
7.9.4 Cause any public exhibition or displays.
- 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 and Rubbish Bins**
7.11.1 Deposit or leave thereon anything obnoxious or offensive.
7.11.2 Deposit in any bin on a road that is provided by the Council for use by the public any rubbish:
7.11.2.1 emanating from a domestic, commercial or trade source; or
7.11.2.2 that is not rubbish of the type permitted to be placed in that bin, as indicated on signs on the bin or in its vicinity.
- 7.12 **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:
7.12.1 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);
7.12.2 in a position that:
7.12.2.1 is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road;
7.12.2.2 as may otherwise be directed by the Council; and
7.12.3 for a period that does not extend beyond 11:59pm on the next day following the day that waste has been collected from the waste container.

Note-

To avoid doubt, subclause 7.12.3 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 day following the date of collection.

PART 3 – ENFORCEMENT

8. **Directions**
A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order that the person 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; 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 7.8.2 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.
- 11.3 The Council may otherwise, 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.
- 11.4 An exemption under subclause 11.3:

- 11.4.1 may be granted or refused at the discretion of the Council;
- 11.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.4.3 is subject to any conditions specified in the instrument of exemption.
- 11.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.6 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.
- 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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**COORONG DISTRICT COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2023
By-law No. 3 of 2023**

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 2023* and is By-law No. 3 of the Coorong District Council.
 2. **Authorising Law**
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbours 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 damage to Local Government land;
 - 3.2 to protect the convenience, comfort and safety of members of the public;
 - 3.3 to enhance the amenity of the Council's area; and
 - 3.4 to prevent and mitigate nuisances;
 - 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 2016.*²
 - 4.2 This By-law will expire on 1 January 2031.³
- 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 2023*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.3, 9.5.2, 9.24.3, 9.24.4, 9.26.2, 9.33, 10.6 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 9.10.1, 9.10.2, 9.14.2 and 9.24.1 of 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** means all animals and includes birds and insects but does not include a dog unless otherwise stated;
 - 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
 - 6.5 **camp** includes setting up a camp or causing:
 - 6.5.1 a tent or other structure of calico, canvas, plastic or similar material; or
 - 6.5.2 a swag and/or similar bedding; or
 - 6.5.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other 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;
 - 6.6 **coastal waters** mean ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
 - 6.7 **Council** means the Coorong District Council;
 - 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 **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 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 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; and
- 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 **road** has the same meaning as in the Act;
- 6.18 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.19 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.20 **waters** mean a body of water under the care, control and management of the Council, including a pond, lake, river, creek or wetlands but excluding coastal waters; and
- 6.21 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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**

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 activities on Local Government land.

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 Aircraft

Subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land.

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 resolved this paragraph applies.

9.4 Amplification

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

9.5 Animals

Subject to this subclause 9.5:

- 9.5.1 cause or allow any animal to stray onto, move over, graze or be left unattended on any local government land;
- 9.5.2 cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this subclause applies; or
- 9.5.3 exercise, lead or drive any animal, except on any track or other area that the Council has set aside (as indicated by signage) for the use by, or in connection with an animal or type of animal.

9.6 Annoyance

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

- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises; by making a noise or creating a disturbance.

9.7 Aquatic life

Introduce any aquatic life to any waters located on local government land.

9.8 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.

9.9 Bees

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

9.10 Boats and Mooring

Subject to the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.10.1 launch or retrieve a boat to or from any waters except in an area to which the Council has resolved this subclause applies and other than in accordance with any conditions that the Council has determined applies to such activity;
- 9.10.2 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
- 9.10.3 moor any boat on or to Local Government land.

9.11 Bridge Jumping

Jump from or dive from a bridge.

- 9.12 **Buildings**
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.13 **Burials and Memorials**
9.13.1 Bury, inter or spread the ashes of any human or animal remains (including the remains of a dog).
9.13.2 Erect any memorial.
- 9.14 **Camping and Tents**
9.14.1 Subject to this subclause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
9.14.2 Camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except in:
9.14.2.1 a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
9.14.2.2 an area to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.15 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.16 **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.
- 9.17 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.18 **Encroachment**
Erect, maintain or place, or cause to be erected, maintained or placed, any fencing, post, vegetation or other structure or item so as to encroach onto the land.
- 9.19 **Entertainment and Busking**
9.19.1 For the purpose of entertaining others and whether or not receiving money, sing, busk or play a recording or use a musical instrument.
9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **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.
- 9.21 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
9.21.1 in a place provided by the Council for that purpose; or
9.21.2 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.
- 9.22 **Fireworks**
Subject to the *Explosives (Fireworks) Regulations 2001*, use, ignite, discharge or explode any fireworks.
- 9.23 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree, fungi or flower thereon;
9.23.2 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
9.23.3 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;
9.23.4 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
9.23.5 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
9.23.6 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
9.23.7 collect, remove or burn any wood fallen from trees;
with the exception that subclauses 9.23.3 and 9.23.6 do not apply to lawful fishing activities.
- 9.24 **Games and Sport**
9.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play except on any Local Government land to which the Council has resolved this subclause applies.
9.24.2 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.
9.24.3 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.
9.24.4 Play or practice the game of golf on local government land to which the Council has resolved this clause shall apply.
- 9.25 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
9.25.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
9.25.2 erecting or installing a structure in, on, across, under or over the land;
9.25.3 changing or interfering with the construction, arrangement or materials of the land;
9.25.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
9.25.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.26 **Model Aircraft, Boats and Cars**
9.26.1 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.
9.26.2 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.

- 9.27 **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, in the reasonable opinion of an authorised person;
9.27.1 present a nuisance or danger to a person using the land; or
9.27.2 be of an unsightly nature.
- 9.28 **Playing Area**
Use or occupy a playing area:
9.28.1 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);
9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed on or in the vicinity of the playing area.
- 9.29 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.30 **Trading**
9.30.1 Sell, buy, offer or display anything for sale, hire or lease any goods, merchandise, commodity, article or thing.
9.30.2 Carry on or cause to be carried on any business.
9.30.3 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.
- 9.31 **Vehicles**
9.31.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose as indicated by signage thereon.
9.31.2 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.
9.31.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.32 **Weddings, Functions and Special Events**
9.32.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
9.32.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
9.32.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.33 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following on Local Government land.
- 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;
- 10.2 **Animals**
10.2.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
10.2.2 Cause or allow any animal to damage any flower bed, garden, pot, tree, lawn or other item located thereon.
10.2.3 Lead, drive or exercise any animal in such manner as to endanger the safety of any other person.
- 10.3 **Annoyances**
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.
- 10.4 **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 **Equipment**
Use any item of equipment, facilities or property belonging to the Council;
10.5.1 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; or
10.5.2 if the person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.6 **Fishing**
10.6.1 Fish in any waters to which the Council has resolved this subclause applies.
10.6.2 Fish from any bridge or other structure on local government land to which the Council has resolved this clause shall apply.
- 10.7 **Glass**
Wilfully break any glass, china or other brittle material.
- 10.8 **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.
- 10.9 **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.
- 10.10 **Obstruction**
Obstruct or cause to be obstructed:
10.10.1 any path or track;
10.10.2 any door, entrance, stairway or aisle in any building; or

- 10.10.3 any gate or entrance thereon.
- 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 resolved this subclause applies.
- 10.13 **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.14 **Waste and Rubbish**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin on Local Government land that is provided by the Council for use by the public:
- 10.14.3.1 any rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 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 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 reasonable opinion of an authorised person, is likely to commit or has committed a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 246 of the Act, which may include an order 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; or
- 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 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 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.
- 14.2 The restrictions in subclause 9.15 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;
- 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.
- 14.3 The Council may otherwise, 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.
- 14.4 An exemption under subclause 14.3:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 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.

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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

COORONG DISTRICT COUNCIL
DOGS BY-LAW 2023
By-law No. 4 of 2023

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 2023* and is By-law No. 4 of the Coorong District Council.
 2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and sections 238 and 246 of the Act.
 3. **Purpose**
The objects of this By-law are to:
 - 3.1 promote responsible dog ownership;
 - 3.2 protect the convenience, comfort and safety of members of the public;
 - 3.3 control and manage dogs in the Council area;
 - 3.4 reduce the incidence of environmental nuisance caused by dogs; and
 - 3.5 for the good rule and government of the Council area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-law previously made by the Council is revoked from the day on which this By-law comes into operation¹:
*By-Law No. 4 – Dogs 2016.*²
 - 4.2 This By-law will expire on 1 January 2031.³
- Note-**
4. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
 5. 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.
 6. 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 operates subject to the Council's *Permits and Penalties By-law 2023*.
 - 5.1 Subject to subclause 5.2, this By-law applies throughout the Council's area.
 - 5.2 Clauses 9 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 Coorong District Council;
 - 6.5 **dog** (except as indicated in clause 7) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.6 **effective control** means a person exercising effective control of a dog either:
 - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.7 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 the leash, chain or cord is either:
 - 6.7.1 secured to a fixed object; or
 - 6.7.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;
 - 6.8 **keep** includes the provision of food or shelter;
 - 6.9 **Local Government land** means land that is owned by or under the Council's care, control or management;
 - 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.11 **premises** includes land and part thereof whether used or occupied for domestic or non-domestic purposes;
 - 6.12 **small dwelling** means a flat, a serviced flat, home unit, strata unit, community lot or a suite of rooms which is wholly occupied, or designed or intended to be occupied, as a separate dwelling;
 - 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.

Note- Section 12 of the *Legislation Interpretation Act 2021* 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 – 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 on any premises that is a small dwelling; and
 - 7.1.2 more than three (3) dogs on any premises other than a small dwelling within any township; and
 - 7.1.3 more than four (4) dogs on any premises outside any township but excluding a working livestock dog.
 - 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 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 on any Local Government land or public place to which the Council has resolved this subclause applies 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 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 the 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 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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**COORONG DISTRICT COUNCIL
MOVEABLE SIGNS BY-LAW 2023
By-law No. 5 of 2023**

A By-law 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 2023* and is By-law No. 5 of the Coorong District Council.

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 operation¹:

*By-law No. 5 – Moveable Signs 2016.*²

4.2 This By-law will expire on 1 January 2031.³

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 2023*.
- 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 mounted to a building or other structure by its ends or corners or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted and to which a moveable sign relates;
- 6.5 **Council** means the Coorong District Council;
- 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; 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:
- 6.9.1 a bridge, viaduct or subway; or
- 6.9.2 an alley, laneway or walkway;
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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, a tear drop 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, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain moving parts or have balloons, flags, streamers or other things attached to it;
- 7.8 other than a tear drop sign, not be tied, fixed or attached to anything;
- 7.9 not contain flashing lights or be illuminated internally;
- 7.10 other than a tear drop sign, not be more than 0.9 metres high and 0.6 metres in width;
- 7.11 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 7.12 in the case of an 'A' frame or sandwich board sign:
- 7.12.1 be hinged or joined at the top;
- 7.12.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.13 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.

8. Appearance

A moveable sign displayed on a road must, in the reasonable opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours:
- 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
- 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
- 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 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.

9. Placement

Subject to this clause 9, a moveable sign may be placed:

- 9.1 on a footpath area which is at least 2.3 metres wide;
- 9.1.2 at least 0.6 metres from:
- 9.1.2.1 where the road has a kerb, the kerb;
- 9.1.2.2 where the road has no kerb but has a shoulder, the shoulder; or
- 9.1.2.3 where the road has neither a kerb nor a shoulder, the edge of the carriageway;
- 9.2 A moveable sign must be placed:
- 9.2.1 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, resting against the premises of the business to which the moveable sign relates;
- 9.2.2 directly in front of the business premises to which it relates; and
- 9.2.3 within the projections of the side boundaries of the business premises to which it relates.
- 9.3 A moveable sign must not be placed:
- 9.3.1 on a landscaped area, other than on landscaping that comprises only lawn;
- 9.3.2 on a designated parking area or within 1 metre of an entrance to premises;
- 9.3.3 so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;

- 9.3.4 so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway;
- 9.3.5 within 6 metres of an intersection;
- 9.3.6 within 2 metres of any other structure, object or plant (including another moveable sign); and
- 9.3.7 so that it prevents a clear passage for pedestrians of at least 2 metres in width.
- 10. Banners**
A person must not erect or display a banner on a building or on a structure on a road without the Council's permission.
- 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 Act.
- 11. Restrictions**
- 11.1 A person (including, but not limited to, the owner or operator of a business) must not cause or allow more than two moveable signs for a business premises to be displayed on a road at any time.
- 11.2 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.
- 11.3 A person must not cause or allow a moveable sign to be placed on a road unless:
- 11.3.1 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
- 11.3.2 the business premises to which it relates is open to the public.
- 11.4 A person must comply with the following requirements in respect of the placement or display of a moveable sign on a road:
- 11.4.1 if during the hours of darkness, the sign must be in a lit area and be clearly visible; and
- 11.4.2 the sign must not be displayed on a traffic island or on the carriageway of a road.
- 11.5 Notwithstanding compliance with provisions of this By-law and if, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council considers appropriate.
- 12. Exemptions**
- 12.1 Subclauses 11.1 and 11.3 do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 12.2 Subclauses 11.1 and 11.3 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; or
 - the sign is of a prescribed class.
- PART 3 – ENFORCEMENT**
- 13. Removal of Moveable Signs**
- 13.1 A person must immediately comply with an 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;
 - 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 reasonable 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 reasonable 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 Coorong District Council held on **15 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

BRIDGET MATHER
Chief Executive Officer

LOWER EYRE COUNCIL

By-law No. 6 of 2019—Foreshores

Notice is hereby given that pursuant to Council By-law Number: 6—Foreshores (2019), Clause 7.6.1 hereby applies to the Coffin Bay Boat Ramp (Section 672 in HP 510500, Hundred of Lake Wangary CR6116/786) as identified in the drawing below, effective as and from 4 September 2023:



Dated: 18 August 2023

DELFINA LANZILLI
Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closings—Public Roads, Nelshaby/Telowie/Napperby

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991* that the Port Pirie Regional Council proposes to make a Road Process Order to close and vest in the Crown the un-made Public Road adjoining Sections 3,322-329, 347, 392 in the Hundred of Napperby, Section 515 in the Hundred of Telowie, allotment 4 in D30142, more particularly delineated and lettered 'A' and 'B' on Preliminary Plan 23/0020.

The Preliminary Plan and statement of persons affected is available for public inspection at the offices of the Port Pirie Regional Council, 115 Ellen Street, Port Pirie, and the Adelaide Office of the Surveyor-General located at Level 10, 83 Pirie Street Adelaide, during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Council, PO Box 45, Port Pirie SA 5540, or council@pirie.sa.gov.au WITHIN 28 DAYS OF THIS NOTICE, and a copy must be forwarded to the Surveyor-General at GPO Box 1815, Adelaide SA 5001. Where a submission is made, the applicant must be prepared to support their submission in person upon council giving notification of a meeting at which the matter will be considered.

Dated: 24 August 2023

PETER ACKLAND
Chief Executive Officer

RENMARK PARINGA COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Government Road, Renmark West

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991*, that the Renmark Paringa Council proposes to make a Road Process Order to close and sell to the adjoining landowner the whole of the public road adjoining Allotment 426 in F177632 and Allotment 425 in F177631 more particularly delineated and lettered 'A' and 'B' respectively in Preliminary Plan 23/0016.

The Preliminary Plan and Statement of Persons Affected is available for public inspection at the office of the Renmark Paringa Council, 61 Eighteenth Street, Renmark, and the Adelaide Office of the Surveyor General, during normal office hours. The Preliminary Plan can also be viewed at <http://www.sa.gov.au/roadsactproposals>.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Renmark Paringa Council, PO Box 730, Renmark SA 5341, WITHIN 28 DAYS OF THIS NOTICE, and a copy must be forwarded to the Surveyor General at GPO Box 1354, Adelaide SA 5001.

Where an objection is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 24 August 2023

TONY SIVIOUR
Chief Executive Officer

MUNICIPAL COUNCIL OF ROXBY DOWNS

Adoption of Valuations and Declaration of Rates 2023-2024

Notice is hereby given that the Municipal Council of Roxby Downs at its meetings held on 9 August 2023 and 15 August 2023, resolved:

Adoption of Valuations

That pursuant to Section 12(6)(b) of the *Roxby Downs (Indenture Ratification) Act 1982* and Section 167(2)(a) of the *Local Government Act 1999* the Council adopted for rating purposes the most recent capital valuations available to the Council made by the Valuer-General within Council's area totalling \$561,486,400.00 of which \$498,480,158.00 represents rateable land.

Declaration of Differential General Rates

That pursuant to Sections 152(1)(c) and 153(1)(b) of the *Local Government Act 1999* a general rate is declared for the year ending 30 June 2024 which consists of two components, one being a fixed charge and the other being a differential rate based on the value of the land the subject to the rate, as more particularly described below:

First Component—Fixed Charge

The Council imposed a fixed charge of \$765.00 in respect of each separate piece of rateable land in the Council area for the year ending 30 June 2024.

Second Component—Differential rate based on the value of the land

The Council imposed a differential rate based on the value of the land, varying according to the use of land as follows:

- i. Residential—a differential rate of 0.60365 cents in the dollar of the capital value of the land
- ii. Commercial Shops—a differential rate of 1.80492 cents in the dollar of the capital value of the land
- iii. Commercial Office—a differential rate of 2.26973 cents in the dollar of the capital value of the land
- iv. Commercial Other—a differential rate of 2.06449 cents in the dollar of the capital value of the land
- v. Industrial Light—a differential rate of 1.41858 cents in the dollar of the capital value of the land
- vi. Industrial Other—a differential rate of 0.99602 cents in the dollar of the capital value of the land
- vii. Vacant Land—a differential rate of 1.84717 cents in the dollar of the capital value of the land
- viii. Other—a differential rate of 1.00810 cents in the dollar of the capital value of the land

Declaration of Service Charge

That pursuant to Section 155 of the *Local Government Act 1999* a service charge of \$567.50 is imposed upon each separate piece of rateable land to which the Council provides or makes available a service for the collection, treatment, recycling, and disposal of domestic waste (excluding organics), on the basis that the sliding scale provided for in Regulation 13 of the *Local Government (General) Regulations 2013* will be applied to reduce the service charge payable, as prescribed.

In accordance with Section 155(3)(b) of the *Local Government Act 1999* and Regulation 12(4)(a) of the *Local Government (General) Regulations 2013*, this service charge will only apply to land of the Residential category.

Declaration of Separate Rates—Regional Landscape Levy

That pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, a separate rate based on a fixed charge of \$45.35 for Residential/Vacant/Other land use types and \$90.69 for Commercial/Industrial land use types is declared on all rateable land in the Council area to raise the amount of \$89,928 on behalf of the SA Arid Lands Landscape Board.

Declaration of a Maximum Increase

That Council, pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, has determined to fix a maximum increase in general rates, for the year ending 30 June 2024 to be charged upon any rateable land which constitutes the principal place of residence of a principal ratepayer at 12% over and above the general rates levied for the 2022/2023 financial year with respect to that land provided that each of the following conditions are met:

- i. the property has been the principal place of residence of the principal ratepayer since at least 1 July 2022;
- ii. the property has not been subject to a change in land use since 1 July 2022;
- iii. the property has not been subject to improvements with a value of more than \$20,000 since 1 July 2022; and
- iv. an owner of the property makes an application in writing addressed to Municipal Council of Roxby Downs on or before 15 September 2023 claiming the benefit of the maximum increase.

Due Dates for Payment of Rates

In accordance with Section 181 of the *Local Government Act 1999*, rates declared in respect of the year ending 30 June 2024 shall be due in four (4) equal or approximately equal instalments payable on 15 September 2023, 15 December 2023, 15 March 2024 and 17 June 2024.

Approval under Roxby Downs (Indenture Ratification) Act 1982

The rates resolved herein are operative with the agreement of the Joint Venturers under Clause 29(3)(a) of the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982*.

Dated: 15 August 2023

R.D. BLIGHT
Chief Executive

**WUDINNA DISTRICT COUNCIL
PERMITS AND PENALTIES BY-LAW 2023
By-law No. 1 of 2023**

A By-law 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 2023* and is By-law No. 1 of the Wudinna District Council.
 - 2. Authorising Law**
This By-law is made under section 246 of the Act.
 - 3. Purpose**
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 and Expiry**
This By-law will commence operation in accordance with section 249(5) of the Act¹ and will expire on 1 January 2031.²
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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**
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 Wudinna District Council; and
 - 6.3 **person** includes a natural person or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* 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) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application 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 may be authorised by the Council) 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 it 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 the 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
MOVEABLE SIGNS BY-LAW 2023
By-law No. 2 of 2023**

A By-law 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 in the Council's area.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Moveable Signs By-law 2023* and is By-law No. 2 of the Wudinna District Council.
- 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 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 operation¹:
- By-Law No. 2 – Moveable Signs 2016.²
- 4.2 This By-law will expire on 1 January 2031.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2023*.
- 5.2 This By-law applies throughout the Council's 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 strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means Wudinna District Council;
- 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; or
- 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, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.9 **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:
- 6.9.1 a bridge, viaduct or subway;
- 6.9.2 an alley, laneway or walkway; and
- 6.9.3 the footpath area.
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.10.1 a motor vehicle trailer and a tram;
- 6.10.2 a bicycle;
- 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.10.4 a combination; and
- 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note- Section 12 of the *Legislation Interpretation Act 2021* 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 must:

- 7.1 be of a kind known as:
- 7.1.1 an 'A' frame or sandwich board sign;
- 7.1.2 an 'inverted 'T' sign;
- 7.1.3 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), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 not exceed 1 metre in height, 60cm in width or 60cm in depth;
- 7.7 in the case of an 'A' frame or sandwich board sign:
- 7.7.1 be hinged or joined at the top; or
- 7.7.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.8 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.

8. Appearance

A moveable sign displayed on a road must, in the reasonable opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be attractive, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 8.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated; and
- 8.5 not have any balloons, flags, streamers or other things attached to it.

9. Placement

A moveable sign must:

- 9.1 not be placed on any part of a road except, subject to this clause 9, on the footpath area;

- 9.2 not be placed on a sealed 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;
- 9.3 be placed at least 40cm from the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 9.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 9.5 not be placed on a designated parking area or within 1 metre of an entrance to or exit from any premises;
- 9.6 not be fixed, tied or chained to, leaned against or placed closer than 1.9 metres to any other structure, object or plant (including another moveable sign);
- 9.7 not be placed in a position that puts the safety of any person at risk or unreasonably restricts the use of the footpath area;
- 9.8 not be placed on a median strip, traffic island or on any other traffic control device;
- 9.9 not be placed within 6 metres of an intersection of a road;
- 9.10 not be placed on any part of the road known as the Eyre Highway; and
- 9.11 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible.
- 10. Banners**
A banner must:
- 10.1 only be displayed on a road, footpath area or road related area;
- 10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 10.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 10.4 not be displayed more than one month before and two days after the event that it advertises;
- 10.5 not be displayed for a continuous period of more than five (5) weeks in any twelve month period; and
- 10.6 not exceed 3m² in size.
- 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 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 on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3 A person must not cause or allow a moveable sign to be placed on a road unless:
- 11.3.1 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
- 11.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 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 11.1 and 11.3 of this By-law do not apply to a moveable sign which advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that residential premises.
- 12.2 Clause 8 and subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which is a directional sign to an event run by a community organisation or charitable body.
- 12.3 Subclauses 11.1 and 11.3.2 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.4 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the 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; or
- 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 of, 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 reasonable opinion of an authorised person, and not withstanding 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 community events, special events, parades, roadworks or in any other circumstances which, in the reasonable 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 purpose 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
CARAVANS AND CAMPING BY-LAW 2023
By-law No. 3 of 2023**

A By-law 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 and Camping By-law 2023* and is By-law No. 3 of the Wudinna District Council.
 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 and roads:
 - 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 and Expiry**
This By-law will commence in accordance with the Act¹ and will expire on 1 January 2031².
- 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 2023*.
 - 5.2 Subclause 7.1.2 of this By-law applies throughout the Council area except in such parts of the Council area as the Council may by resolution determine 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 **camp** includes setting up a camp, or causing:
 - 6.2.1 a tent 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, tent trailer, motor home, or other vehicle;
 to remain on land overnight, whether or not any person is in attendance or sleeps overnight on the land;
- Note-**
- To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
- 6.3 **Council** means the Wudinna District Council;
 - 6.4 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.5 **land** means any Local Government land or road or part thereof;
 - 6.6 **Local Government land** means all land owned by the Council or under the Council's care, control and management;
 - 6.7 **road** has the same meaning as in the *Local Government Act 1999*; and
 - 6.8 **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:
 - 7.1 **Camping**
Camp or sleep overnight except:
 - 7.1.1 in a caravan park which the proprietor has permission to operate; or
 - 7.1.2 on any land which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by resolution of the Council and contained on signage erected on the land or in its vicinity;
 - 7.2 **Camping vehicle**
Subject to subclause 7.1, use or occupy, or cause suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on land for or in connection with undertaking camping activities, including (but not limited to) washing, cooking or sleeping.

PART 3 – ENFORCEMENT

8. **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.
9. **Exemptions**
 - 9.1 The restrictions in this By-law do not apply to a 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 of a Council officer or in accordance with a direction of a Council officer.
 - 9.2 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.
 - 9.3 An exemption:
 - 9.3.1 may be granted or refused at the discretion of the Council;
 - 9.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 9.3.3 is subject to any conditions specified in the instrument of exemption.
 - 9.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
 - 9.5 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.
10. **Liability of Vehicle Owners**
 - 10.1 For the purposes of this clause 10, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

- 10.2 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
ROADS BY-LAW 2023
By-law No. 4 of 2023**

A By-law 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 2023* and is By-law No. 4 of the Wudinna District Council.
 - 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 and Expiry**
This By-law will commence in accordance with the Act¹ and will expire on 1 January 2031².
- 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 2023*.
 - 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 Wudinna District Council;
 - 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 **moveable sign** has the same meaning as in the Act;
 - 6.9 **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:
 - 6.9.1 a bridge, viaduct or subway; or
 - 6.9.2 an alley, laneway or walkway;
 - 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
 - 6.11 **waste container** 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 12 of the *Legislation Interpretation Act 2021* 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 2023*.
- Note-** Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2023*.
- 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 Subject to this subclause 7.3, 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, as indicated by signs, 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 Lead, drive or allow any animal (or animal of a particular type) 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 and 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 **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.
- 7.10 **Rubbish Bins**
Deposit in any Council bin on a road any rubbish:
7.10.1 emanating from a domestic, commercial or trade source; or
7.10.2 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.
- 7.11 **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 day after the date 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 day following the date of collection.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
DOGS BY-LAW 2023
By-law No. 5 of 2023**

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 2023* and is By-law No. 5 of the Wudinna District Council.
 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 *Harbours and Navigation Act 1993*.
 3. **Purpose**
The objectives 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's area.
 4. **Commencement and Expiry**
This By-law will commence in accordance with the Act¹ and will expire on 1 January 2031²
- 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 2023*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Clauses 9 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, premises or area approved in accordance with 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 Wudinna District Council;
 - 6.5 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.6 **effective control** means a person exercising effective control of a dog either:
 - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.7 For the purposes of clause 8 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:
 - 6.7.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.7.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
 - 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 **township** has the same meaning as in the Act;
 - 6.12 **working livestock dog** means a dog:
 - 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 6.12.1.1 a primary producer; or
 - 6.12.1.2 engaged or employed by a primary producer; and
 - 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note- Section 12 of the *Legislation Interpretation Act 2021* 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 in a township, more than two dogs on any premises; or
 - 7.1.2 outside of a township, more than three dogs on any premises (excluding a working livestock dog).
- 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 are 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 reasonable 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 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 on any Local Government land or public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.
- 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 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

- 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 in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, 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 made by an authorised person pursuant to section 262 of the Act.
- 12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, 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.
- 12.4 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
CATS BY-LAW 2023
By-law No. 6 of 2023**

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 2023* and is By-law No. 6 of the Wudinna District Council.
- 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 Act.
- 3. Purpose**
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's area.
- 4. Commencement and Expiry**
This By-law will commence in accordance with the Act¹ and will expire on 1 January 2031².

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 2023*.
- 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 except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the Wudinna District Council;
- 6.4 **keep** includes the provision of food or shelter;
- 6.5 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.5.1 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;
- 6.5.2 damages or otherwise has an adverse impact upon native flora or fauna;
- 6.5.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
- 6.5.4 wanders onto premises without the consent of the owner or occupier of the premises; or
- 6.5.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;

- 6.6 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.7 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*; and
- 6.8 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are 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 subclause 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 clause 8, **cat** means an animal of the species *felis catus* (of any age).

PART 4 – EXEMPTIONS**9. Council May Grant Exemptions**

- 9.1 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.
- 9.2 An exemption:
- 9.2.1 may be granted or refused at the discretion of the Council;
- 9.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 9.2.3 is subject to any conditions specified in the instrument of exemption.
- 9.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 9.4 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**10. Orders**

- 10.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 10.1.1 if the conduct is still continuing – to stop the conduct; and
- 10.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 10.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 10.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, 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.
- 10.4 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 or wandering cats.

This By-law was duly made and passed at a meeting of Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**WUDINNA DISTRICT COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2023
By-law No. 7 of 2023**

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 2023* and is By-law No. 7 of the Wudinna District Council.

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, and Expiry

- 4.1 This By-law will commence operation in accordance with section 249(5) of the Act¹ and will expire on 1 January 2031.²

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2023*.
 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 5.3 Subclauses 9.2, 9.4.1, 9.6.2, 9.20.1, 9.20.3, 9.20.4, 9.23.2, 9.31, 10.4 and 10.9 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 Subclause 9.1 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 unless otherwise stated;
 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 **Council** means the Wudinna District Council;
 6.6 **effective control** means a person exercising effective control of an animal either:
 6.6.1 by means of a physical restraint; or
 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 6.7 **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 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 6.9 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 6.10 **horse** includes pony, mule and donkey;
 6.11 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 6.12 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
 6.13 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 6.14 **open container** means a container that:
 6.14.1 after the contents of the container have been sealed at the time of manufacture:
 6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 6.14.1.2 being a can, it has been opened or punctured;
 6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 6.14.1.4 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
 6.14.2 is a flask, glass, mug or other container able to contain liquid;
 6.15 **road** has the same meaning as in the Act;
 6.16 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
 6.17 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
 6.18 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
 6.19 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
 6.20 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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**

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 or near 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 Advertising

Except on any Local Government land determined by resolution of the Council, display, paint or erect or cause to be displayed, painted or erected, on Local Government land (including on a structure, building or fixture on that 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 on Local Government land comprising parks or reserves to which the Council has resolved this subclause 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 Send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any Local Government land to which the Council has resolved this subclause applies.
 9.4.2 Allow any animal to be left unattended.
- 9.5 **Annoyance**
 Do anything likely to offend or unreasonably interfere with any other person:
 9.5.1 using that land; or
 9.5.2 occupying nearby premises;
 by making a noise or creating a disturbance.
- 9.6 **Aquatic Life**
 9.6.1 Introduce any aquatic life to any waters.
 9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.7 **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.
- 9.8 **Buildings**
 Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.9 **Burials and Memorials**
 9.9.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
 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 person.
- 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 **Distribution**
 Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, 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 a desire for a donation of money or any other thing.
- 9.15 **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.
- 9.16 **Entertainment and Busking**
 9.16.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
 9.16.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 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, clear or remove any soil, sand 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 native 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.
- 9.20 **Games and Sport**
 9.20.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
 9.20.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a 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 (if any) and indicated on a sign on or in the vicinity of the land.
- 9.21 **Golf**
 Play or practise the game of golf on Local Government land other than on a properly constructed golf course or practice fairway.
- 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**
Subject to the Civil Aviation Safety Regulations 1998:
 - 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; or
 - 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 where it might present a nuisance or danger to a person using the land or cause an unsightly condition 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 adjacent to the playing area.
- 9.26 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.27 **Rubbish Dumps and Rubbish Bins**
 - 9.27.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
 - 9.27.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).
- 9.28 **Trading**
 - 9.28.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
 - 9.28.2 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.
- 9.29 **Vehicles**
 - 9.29.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
 - 9.29.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
 - 9.29.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.30 **Weddings, Functions and Special Events**
 - 9.30.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
 - 9.30.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
 - 9.30.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.31 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
- 10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land.
 - 10.1 **Animals**
 - 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
 - 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
 - 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
 - 10.2 **Annoyances**
 - 10.2.1 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.
 - 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
 - 10.3 **Equipment**
 - 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
 - 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be use;
 - 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
 - 10.3.1.3 in such a manner as is likely to damage or destroy it.
 - 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
 - 10.3.3 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 (if any).
 - 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.

- 10.5 **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.
- 10.6 **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.
- 10.7 **Obstruction**
Obstruct:
10.7.1 any path or track;
10.7.2 any door, entrance, stairway or aisle in any building; or
10.7.3 any gate or entrance to or on Local Government land.
- 10.8 **Playing Games**
Play or practise a game:
10.8.1 which is likely to cause damage to the land or anything on it; or
10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9 **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 resolved this subclause applies.
- 10.10 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.11 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
10.11.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.11.2 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;
10.11.3 use the facilities for a purpose for which it was not designed or constructed; or
10.11.4 enter any gender specific public convenience except:
10.11.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
10.11.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care;
10.11.4.3 for the purpose of providing assistance to a person with a disability;
10.11.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
10.11.4.5 in the case of a genuine emergency.
- 10.12 **Waste**
10.12.1 Deposit or leave thereon anything obnoxious or offensive.
10.12.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
10.12.3 Deposit in any rubbish bin:
10.12.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
10.12.3.2 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 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 reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order 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 officer reasonably 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 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;
 - 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.
- 14.3 The Council may otherwise, 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.
- 14.4 An exemption:
 - 14.4.1 may be granted or refused at the discretion of the Council;
 - 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 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.
- 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 Wudinna District Council held on **16 August 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PUBLIC NOTICES

SALE OF PROPERTY

Warrant of Sale

Auction Date: Thursday, 7 September 2023 at 1:00pm

Location: 2 Mathews Circuit, Woodlane SA 5254

Notice is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the District Court of South Australia, Action No: CIV 4432 of 2001 directed to the Sheriff of South Australia in an action wherein Safewealth Pty Ltd & Others are the Judgment Creditors and Horacio Bradley Branch is the Judgment Debtor, I, Angela Gransden, Sheriff of the State of South Australia, will by my auctioneers, Ray White Mt Barker, make sale of the estate, right, title or interest whatsoever it may be of the Judgment Debtor, Horacio Bradley Branch the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Woodlane, being 2 Mathews Circuit, Woodlane, Hundred of Mobilong, being the property comprised in Certificate of Title Register Book Volume 5849, Folio 100.

Further particulars from the auctioneers:

Jacob Branch
Ray White Mt Barker
6 Dutton Road
Mt Barker SA 5251
Telephone: (08) 8391 6866

Dated: 24 August 2023

ANGELA GRANSDEN
Sheriff of the State of South Australia

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

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