



THE SOUTH AUSTRALIAN  
**GOVERNMENT GAZETTE**

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PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 11 AUGUST 2016

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### GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to [GovernmentGazetteSA@sa.gov.au](mailto:GovernmentGazetteSA@sa.gov.au). Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045**. The *Government Gazette* is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

Department of the Premier and Cabinet  
Adelaide, 11 August 2016

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 37 of 2016—Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016. An Act to amend the Criminal Assets Confiscation Act 2005.

By command,

JOHN ROBERT RAU, for Premier

DPC06/0875

Department of the Premier and Cabinet  
Adelaide, 11 August 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the History Trust of South Australia, pursuant to the provisions of the History Trust of South Australia Act 1981:

Member: (from 19 September 2016 until 18 September 2019)  
Michael Andrew Lennon

By command,

JOHN ROBERT RAU, for Premier

ASACAB006-02

Department of the Premier and Cabinet  
Adelaide, 11 August 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint Professor Brenda Wilson as Governor's Deputy of South Australia for the periods from 9.30 a.m. on Tuesday, 16 August 2016 until 4 p.m. on Thursday, 18 August 2016 and from 4.30 p.m. on Sunday, 21 August 2016 until 11.30 a.m. on Thursday, 25 August 2016.

By command,

JOHN ROBERT RAU, for Premier

AGO0102/16CS

Department of the Premier and Cabinet  
Adelaide, 11 August 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint Bethany Jordan as Acting Public Advocate for a term commencing on 15 August 2016 and expiring on 26 August 2016 inclusive, pursuant to Section 19 of the Guardianship and Administration Act 1993 and Section 36 of the Acts Interpretation Act 1915.

By command,

JOHN ROBERT RAU, for Premier

AGO0029/16CS

Department of the Premier and Cabinet  
Adelaide, 11 August 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint Bruce Lander as the Judicial Conduct Commissioner for a term commencing on 11 August 2016 and expiring on 1 September 2020 inclusive, pursuant to the provisions of the Judicial Conduct Commissioner Act 2015 and Section 14C of the Acts Interpretation Act 1915.

By command,

JOHN ROBERT RAU, for Premier

AGO0029/16CS

## AQUACULTURE ACT 2001

### *Grant of Aquaculture Lease*

PURSUANT to the provisions of Section 22 of the Aquaculture Act 2001, notice is hereby given of the grant of the following lease for the purposes of aquaculture in the waters of the state:

LA00323

Further details are available for the above lease on the Aquaculture Public Register, which can be found at <http://www.aginsight.sa.gov.au/> or by contacting Aquaculture Leasing and Licensing on 8226 0900.

K. RODDA, PIRSA Fisheries and Aquaculture,  
Aquaculture Environment Program

## BUILDING WORK CONTRACTORS ACT 1995

### *Exemption*

TAKE notice that, pursuant to Section 45 of the Building Work Contractors Act 1995, I, George Kamencak, Acting Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

#### SCHEDULE 1

Gerasimos Karidis (BLD 56).

#### SCHEDULE 2

1. Construction of a Retirement Village located at 189-196 Holbrooks Road Underdale, S.A. 5032 and 27 Norman Street, Underdale, S.A. 5032, described in:

- Certificate of Title Volume 5704, Folio 579, Allotment 10 in Filed Plan 122904.
- Certificate of Title Volume 5819, Folio 446, Allotment 12 in Filed Plan 122906.
- Certificate of Title Volume 5729, Folio 90, Allotment 11 in Filed Plan 122905.

#### SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the proposed construction of a Retirement Village located at 189-196 Holbrooks Road, Underdale, S.A. 5032 and 27 Norman Street, Underdale, S.A. 5032.

2. The licensee only accepts a maximum of a \$1 000 deposit prior to completion of a unit or apartment.

3. This exemption does not apply to any domestic building work the licensee sub-contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

4. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption.
- Providing evidence of an independent expert inspection of the building work the subject of this exemption.
- Making an independent expert report available to prospective purchasers of the property.
- Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 8 August 2016.

G. KAMENCAK, Acting Commissioner  
for Consumer Affairs

Ref: 610/14-00016

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

TAKE notice that, pursuant to Section 45 of the Building Work Contractors Act 1995, I, George Kamencak, Acting Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

## SCHEDULE 1

Mark Anthony Burfitt (BLD 153638)

## SCHEDULE 2

Construction of a single storey three bedroom dwelling on land situated at Allotment 47 in Deposited Plan 10747 in the area named Point Turton, Hundred of Para Wurlie, being a portion of the land described in Certificate of Title Volume 5509, Folio 199.

## SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.

2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption.
- Providing evidence of an independent expert inspection of the building work the subject of this exemption.
- Making an independent expert report available to prospective purchasers of the property.
- Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 8 August 2016.

G. KAMENCAK, Acting Commissioner  
for Consumer Affairs

Ref: 610/14-00116

DEVELOPMENT ACT 1993, SECTION 25 (17): RURAL CITY  
OF MURRAY BRIDGE—MONARTO SOUTH  
DEVELOPMENT PLAN AMENDMENT

*Preamble*

1. The Monarto South Development Plan Amendment (the Amendment) by the Rural City of Murray Bridge has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Planning has decided to approve the Amendment.

## NOTICE

PURSUANT to Section 25 of the Development Act 1993, I—

- (a) approve the Amendment; and
- (b) fix the day on which this notice is published in the *Gazette* as the day on which the Amendment will come into operation.

Dated 2 August 2016.

JOHN RAU, Deputy Premier,  
Minister for Planning

## FISHERIES MANAGEMENT ACT 2007: SECTION 78

*Permit to Have Possession and/or Control of a Noxious Species*

PURSUANT to Subsection 78 (1) (c) of the Fisheries Management Act 2007, this permit is issued to allow the holder of the permit to be in possession and/or control of noxious species specified below, subject to the conditions of this permit:

Permit number: MP0041

Permit holder: Kristian Peters, Scientific officer,  
Adelaide and Mount Lofty Ranges  
Natural Resources Management Board.  
Adelaide Showgrounds,  
205 Greenhill Road,  
Eastwood, S.A. 5063

Specified species: *Ciona intestinalis* and *Sabella spallazani*

## CONDITIONS

1. The permit is valid from 4 August 2016 until 7 August 2016, unless varied or revoked earlier.

2. The permit holder must prior report to PIRSA Fishwatch on 1800 065 522 at least 2 hours before transferring aquatic organisms to and from the site.

3. Live aquatic animals that are held captive are considered livestock and the permit holder must report suspicion or occurrence of notifiable diseases to the Chief Veterinary Officer as per the Livestock Act 1997.

4. While engaging in the permitted activity, the permit holder must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.

5. The permit holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically permitted by this notice.

6. After removal of the settlement plates from their present location, the permit holder must not return the settlement plates back to any waters of the State and must be disinfected, removing all pests or disease and disposed of.

Dated 3 August 2016.

A. FISTR, Acting Director,  
Fisheries and Aquaculture Policy

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE Notice that pursuant to Section 115 of the Fisheries Management Act 2007, all holders of a Blue Crab Fishery licence (the 'exemption holders') or their registered masters, are exempt from Sections 53 (2) and 70 of the Fisheries Management Act 2007, and Regulation 7 and Clause 21 of Schedule 6 of the Fisheries Management (General) Regulations 2007 and Regulation 9 of the Fisheries Management (Blue Crab Fishery) Regulations 2013, but only insofar as the exemption holder, or their registered master, may each take Blue Swimmer Crab (*Portunus armatus*) using two unregistered fish traps described in Schedule 1 for the purpose of trade or business (the 'exempted activity') within the area specified in Schedule 2, subject to the conditions in Schedule 3, from 6 August 2016 until 30 June 2017, unless varied or revoked earlier. Exemption number ME9902874.

## SCHEDULE 1

A modified crab pot of the following dimensions and specifications:

- Has a maximum height of 650 millimetres;
- Has a maximum diameter of 1.4 metres; and
- Has a mesh size of 55 millimetres.

## SCHEDULE 2

All waters of the Gulf St. Vincent and Spencer Gulf Blue Crab fishing zones (subject to licence holder quota holdings) other than aquatic reserves (unless authorised by permit) and sanctuary or restricted access zones of a marine park (unless authorised under the Marine Parks Act 2007).

## SCHEDULE 3

1. The exemption holders may only conduct the exempted activity from a boat registered on their Blue Crab Fishery licences.

2. All undersize Blue Swimmer Crabs and other species taken in the modified crab pots must be returned to the water immediately.

3. The following information must be recorded in relation to each Blue Swimmer Crab retained within a modified pot:

- Length in millimetres;
- Sex (male or female);
- Condition (soft, hard or berried);
- Location of the pot (longitude and latitude); and
- The date of capture.

4. The information recorded in accordance with condition 3 must be provided to SARDI in relation to each calendar month and sent to:

Mr Graham Hooper  
Research Officer,  
South Australian Research Development Institute (SARDI),  
P.O. Box 120,  
Henley Beach, S.A. 5022.

5. While engaged in the exempted activity, the exemption holder or their registered master must have in their possession a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.

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 of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 6 August 2016.

A. FISTR, Acting Director,  
Fisheries and Aquaculture Policy

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the Authority), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 77 in Filed Plan No. 114638 comprised in Certificate of Title Volume 5815 Folio 484, and being the whole of the land numbered Allotment 61 in plan numbered D112911 that has been lodged in the Lands Titles Office.

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

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Philip Cheffirs,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001.  
Telephone: (08) 7424 7015.

Dated 9 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning, Transport  
and Infrastructure

DPTI 2009/03607/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the Authority), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 70 in Filed Plan No. 114631 comprised in Certificate of Title Volume 5817 Folio 980, and being the whole of the land numbered Allotment 59 in plan numbered D112910 that has been lodged in the Lands Titles Office.

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

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Philip Cheffirs,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001.  
Telephone: (08) 7424 7015.

Dated 9 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning, Transport  
and Infrastructure

DPTI 2015/16678/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the Authority), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 26 in Filed Plan No. 114487 comprised in Certificate of Title Volume 5658 Folio 749 and being the whole of the land numbered Allotment 513 in plan D113207 that has been lodged in the Land Titles Office.

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

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Peter Jackel,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001.  
Telephone: (08) 8204 1223.

Dated 9 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning, Transport  
and Infrastructure

DPTI 2015/16470/01

## MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971 that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below:

Applicant: Terramin Australia Limited.

Location: Mannum Area—Approximately 95 km east of Adelaide.

Term: 2 years.

Area in km<sup>2</sup>: 462.

Reference number: 2015/00094.

Plan and co-ordinates can be found on the Department of State Development website: [http://www.minerals.statedevelopment.sa.gov.au/exploration/public\\_notices](http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971 is available from: [http://www.minerals.statedevelopment.sa.gov.au/land\\_access/community\\_information](http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971 that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below:

Applicant: Menninnie Metals Pty Ltd.

Location: Mount Ive Area—Approximately 100 km north-north-east of Kimba.

Pastoral Lease: Mount Ive, Kolendo.

Term: 2 years.

Area in km<sup>2</sup>: 210.

Reference number: 2015/00183.

Plan and co-ordinates can be found on the Department of State Development website: [http://www.minerals.statedevelopment.sa.gov.au/exploration/public\\_notices](http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971 is available from: [http://www.minerals.statedevelopment.sa.gov.au/land\\_access/community\\_information](http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

*Closure of The Dutchman's Stern and Mount Brown Conservation Parks*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Coordination, Partnerships and Stewardship Group, which was formerly entitled Executive Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of the Dutchman's Stern and Mt Brown Conservation Parks from:

6 p.m. on Thursday, 1 September 2016 until 6 a.m. on Friday, 9 September 2016.

The purpose of the closure is to ensure the safety of the public during a pest control program within the reserves during the period indicated.

Dated 4 August 2016.

G. PELTON, Director, Regional Programs, Partnerships and Stewardship Group,  
Department of Environment, Water and Natural Resources

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Application for Grant of Associated Activities Licence—AAL 242*

PURSUANT to Section 65 (6) of the Petroleum and Geothermal Energy Act 2000 and Delegation dated 21 March 2012, notice is hereby given that an application for the grant of an Associated Activities Licence within the area described below has been received from:

Beach Energy Limited

Great Artesian Oil and Gas Pty Ltd

The application will be determined on or after 8 September 2016.

*Description of Application Area*

A map and GIS data for the application area is available from the Department of State Development website at the following location: <https://sarig.pir.sa.gov.au/Map> or by contacting the Department of State Development, Energy Resources Division on telephone (08) 8463 3204.

Dated 9 August 2016.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division,  
Department of State Development,  
Delegate of the Minister for Mineral  
Resources and Energy

## SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION ACT 1992

*Payment of Grants*

I, GEOFFREY GRAEME BROCK, Minister for Local Government, being the Minister responsible for the administration of the South Australian Local Government Grants Commission Act 1992, hereby state pursuant to Section 6 of the Act that:

- (a) the total amount available for payment of grants pursuant to this Act for 2016-2017 is \$151 426 454;
- (b) the amount available for payment of general purpose grants within the total amount for 2016-2017 is \$112 768 578;
- (c) the amount available for payment of identified local road grants within the total amount for 2016-2017 is \$38 657 876; and
- (d) an amount of \$30 705 relating to the underpayment of grants for 2015-2016 will be added to the funds to be paid to councils during 2016-2017, using the grant relativities applied in 2015-2016.

Dated 30 July 2016.

GEOFF BROCK, Minister for Local Government

## DEVELOPMENT ACT 1993

*Section 29 Amendment to The Barossa Council Development Plan**Preamble*

It is necessary to amend The Barossa Council Development Plan (the Plan) dated 12 May 2016.

PURSUANT to Section 29 (2) (a), 29 (2) (b) and 29 (3) (c) of the Development Act 1993, I:

1. Amend the Plan as follows:

- (a) replace the following text within the Primary Production Zone, Non-complying development table—‘Land division’ exception:

‘Except where it achieves the following:

- (a) within **Precinct 5 Concordia**, it would result in the creation of an additional or allotments at least 40 hectares in area
- (b) no additional allotments are created, and the number of resulting allotments of less than 32 hectares is not more than the number that existed prior to rationalisation
- (c) it would create an allotment containing an existing State or local heritage place of no greater than one hectare in area (excluding the area of any appendage for the purpose of giving access to a public road).’

with the following text:

‘Except where it achieves one of the following (a), (b) or (c):

- (a) it is located within **Precinct 5 Concordia** and it would result in the creation of an additional allotment or allotments of 40 hectares or more
- (b) no additional allotments are created, and the number of resulting allotments of less than 32 hectares is not more than the number that existed prior to rationalisation
- (c) it would create an allotment containing an existing State or local heritage place of no greater than one hectare in area (excluding the area of any appendage for the purpose of giving access to a public road).’

- (b) replace the following text within the Rural Living Zone, Non-complying development table—‘Land division’ exception:

‘Except:

- (a) where the resultant allotments are greater in area than any of the following:

- (i) 0.5 hectare in area within:
  - (A) **Precinct 25 Kalbeeba East**
  - (B) **Precinct 26 Kalbeeba West**
  - (C) **Precinct 28 Lyndoch**
  - (D) **Precinct 36 Williamstown West**
- (ii) 1 hectare in area within:
  - (A) **Precinct 16 Altona**
  - (B) **Precinct 17 Angaston East**
  - (C) **Precinct 23 Eden Valley**
  - (D) **Precinct 33 Williamstown East**
  - (E) **Precinct 34 Williamstown North**
  - (F) **Precinct 35 Williamstown South**
- (iii) 1 hectare in area located within the **Precinct 20 Cockatoo Valley**
- (iv) 1.5 to 3 hectares within **Precinct 27 Lorke Road**, other than where reticulated water is not available, in which case no less than 5 hectares in area
- (v) 2 hectares in area in accordance with Concept Plan Map Baro/3—District Town Centre (Angaston) within **Precinct 17 Angaston North**
- (vi) 2 hectares in area located within **Precinct 19 Angaston South** or within **Precinct 30 Needles Road**
- (vii) 4 hectares in area within:
  - (A) **Precinct 20 Angaston West**
  - (B) **Precinct 22 Cockatoo Valley South**
  - (C) **Precinct 29 Mt McKenzie**
  - (D) **Precinct 37 Yettie Road**
- (viii) 6 hectares in area within **Precinct 31 Speck Road**
- (ix) 20 hectares in area located within the **Precinct 24 Goldfields**

- (b) for the purpose of establishing a linear reserve along the North Para River located within the **Precinct 32 Tanunda**

- (c) in the form of a minor readjustment of allotment boundaries in order to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures

- (d) where no additional allotments are created, either partly or wholly, within **Watershed Policy Area 3** and provided a suitable site for a detached dwelling is available which:

- (i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters

- (ii) is to be connected to an approved waste treatment system which may include sewage, septic tank effluent disposal schemes, or on-site wastewater treatment and disposal methods
- (iii) does not have any part of a septic tank effluent drainage field or any other wastewater disposal area (e.g. irrigation area) located within 50 metres of a watercourse
- (iv) does not have wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or depth to bedrock or seasonal or permanent watertable less than 1.2 metres
- (v) does not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood
- (vi) is sited at least 25 metres from any watercourse.’

with the following text:

‘Except where it achieves one of (a), (b) (c) or (d):

- (a) all of the resultant allotments are not less than any of the following:
  - (i) 0.5 hectares where it is located within one of the following:
    - (A) **Precinct 26 Kalbeeba West**
    - (B) **Precinct 28 Lyndoch**
    - (C) **Precinct 36 Williamstown West**
  - (ii) 1 hectare where it is located within one of the following:
    - (A) **Precinct 16 Altona**
    - (B) **Precinct 17 Angaston East**
    - (C) **Precinct 23 Eden Valley**
    - (D) **Precinct 25 Kalbeeba East**
    - (E) **Precinct 33 Williamstown East**
    - (F) **Precinct 34 Williamstown North**
    - (G) **Precinct 35 Williamstown South**
  - (iii) 1 hectare where it is located within **Precinct 21 Cockatoo Valley**
  - (iv) 1.5 hectares and not more than 3 hectares where it is located within **Precinct 27 Lorke Road**, other than where reticulated water is not available, in which case not less than 5 hectares
  - (v) 2 hectares where it is located within **Precinct 18 Angaston North**
  - (vi) 2 hectares where it is located within **Precinct 19 Angaston South** or **Precinct 30 Needles Road**
  - (vii) 4 hectares where it is located within one of the following:
    - (A) **Precinct 20 Angaston West**
    - (B) **Precinct 22 Cockatoo Valley South**
    - (C) **Precinct 29 Mt McKenzie**
    - (D) **Precinct 37 Yettie Road**
    - (E) 6 hectares where it is located within **Precinct 31 Speck Road**
    - (F) 20 hectares where it is located within **Precinct 24 Goldfields**
- (b) it is for the purpose of establishing a linear reserve along the North Para River and it is located within **Precinct 32 Tanunda**
- (c) it is in the form of a minor readjustment of allotment boundaries in order to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures
- (d) no additional allotments are created, either partly or wholly, within **Watershed Policy Area 3** and it provides a suitable site for a detached dwelling which achieves all of the following:
  - (i) it is not located in areas subject to inundation by a 1-in-100 year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters
  - (ii) it is to be connected to an approved waste treatment system which may include sewage, septic tank effluent disposal schemes, or on-site wastewater treatment and disposal methods
  - (iii) it does not have any part of a septic tank effluent drainage field or any other wastewater disposal area (e.g. irrigation area) located within 50 metres of a watercourse
  - (iv) it does not have wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or depth to bedrock or seasonal or permanent water table less than 1.2 metres
  - (v) it does not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood
  - (vi) it is sited at least 25 metres from any watercourse.’
- (c) replace the words ‘Except a detached dwelling where:’ with the words ‘Except a detached dwelling which achieves one of the following:’ within the Settlement Zone, Non-complying development table—‘Dwelling’ exception;
- (d) replace ‘Except where it is:’ with ‘Except where it achieves one of the following:’ within the Township Zone, Non-complying development table—‘Office’ exception;
- (e) delete the following rows from Table Baro/4—Contributory Items:

Newcastle Street ANGASTON	House (part of school)	CT 5946/549	16941
2-16 Newcastle Street ANGASTON	Dwelling	CT 5946/549	16940

(f) delete the following row from Table Baro/5—Local Heritage Places:

Railway Terrace NURIOOTPA	Nuriootpa Railway Station	A90	F217572	CT 5713/402	a c d	17076
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(g) replace Overlay Map Baro/6—Heritage and Character Preservation District with the contents of ‘**ATTACHMENT A**’; and

(h) replace Overlay Map Baro/13—Heritage and Character Preservation District with the contents of ‘**ATTACHMENT B**’.

2. Fix the day on which this notice is published in the *Gazette* as the day on which the Section 29 Amendment will come into operation.

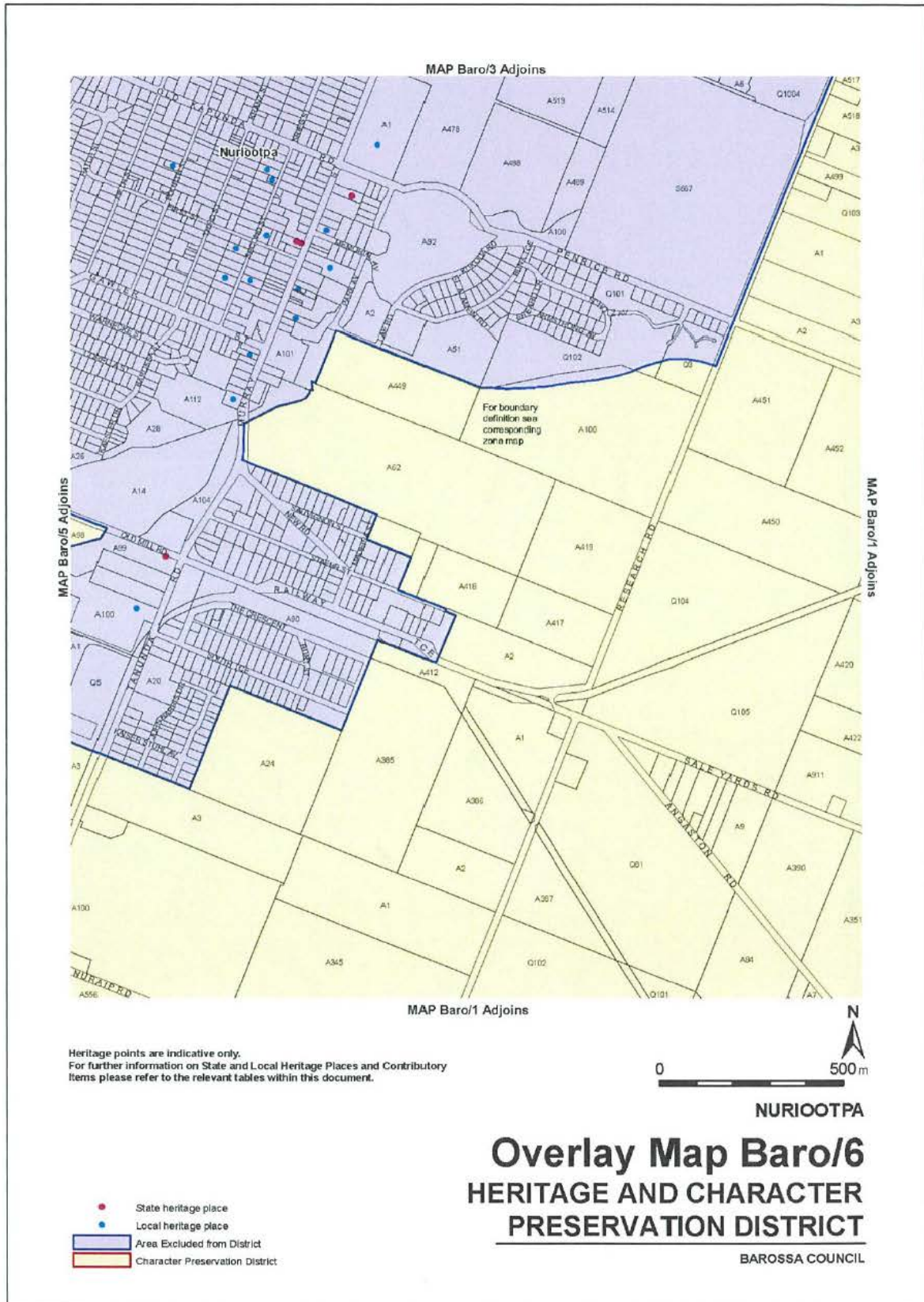
Dated 9 August 2016.

S. SMITH,  
General Manager, Planning and Development Division  
Department of Planning, Transport and Infrastructure  
As Delegate for JOHN RAU, Minister for Planning

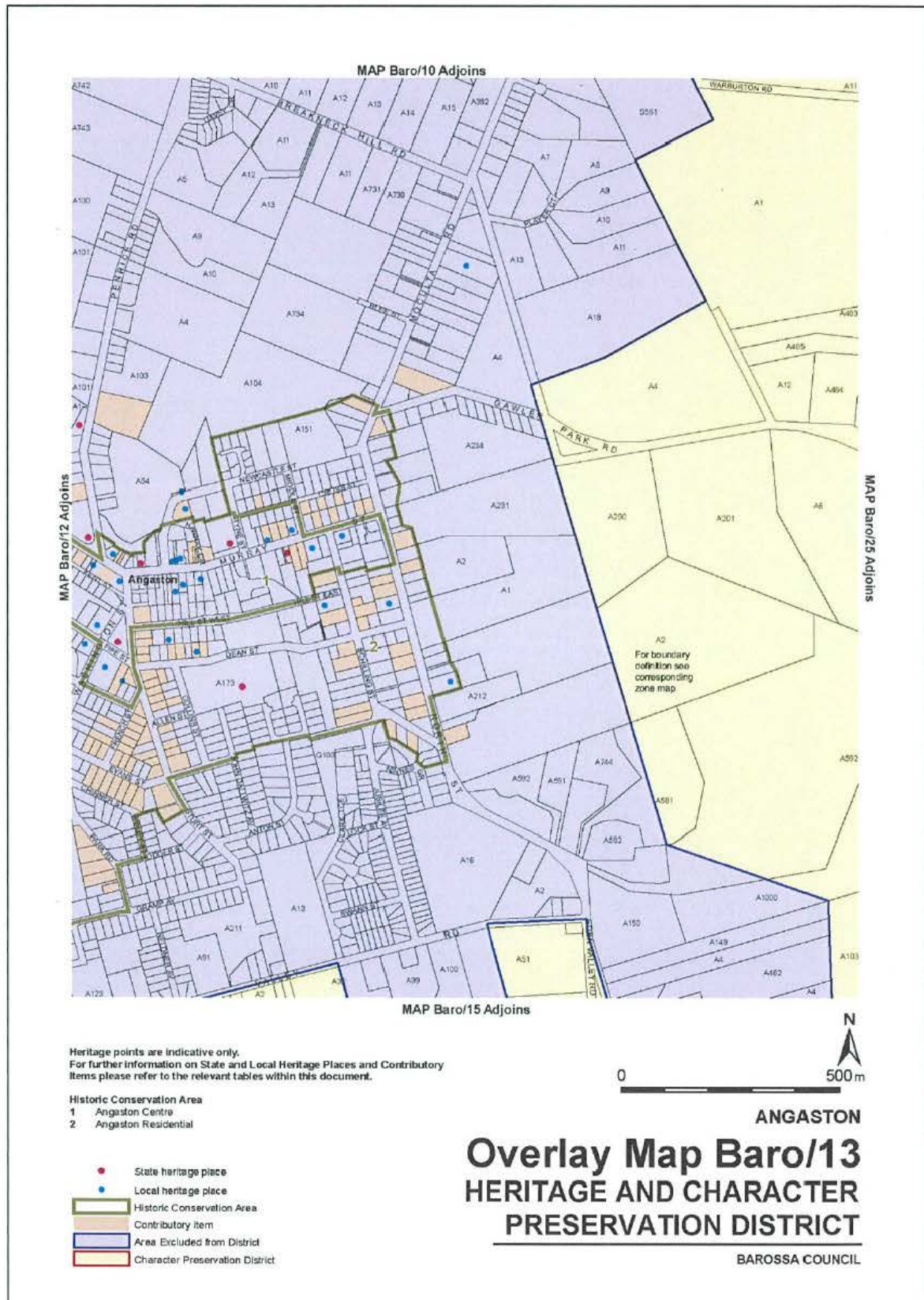
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ATTACHMENT A



ATTACHMENT B



## AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) REGULATIONS 2004

## NOTICE BY THE MINISTER

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

I, LEON BIGNELL, Minister for Agriculture, Food and Fisheries, pursuant to Regulation 34 (1) of the Agricultural and Veterinary Products (Control of Use) Regulations 2004, prohibit the use of certain agricultural and veterinary products except by persons of a class specified in this notice.

## RESTRICTED AGRICULTURAL AND VETERINARY PRODUCTS

<i>Agricultural or Veterinary Product</i>	<i>Class of Persons Authorised to Use Product</i>
1. An agricultural chemical product containing alphachloralose.	A person authorised to conduct Domestic and Commercial Pest Control under the Controlled Substances Act 1984. An authorised officer under the Natural Resources Management Act 2004, who has been trained in the use of that product.
2. An agricultural chemical product containing 4-aminopropiophenone (PAPP).	An authorised officer under the Natural Resources Management Act 2004, 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 Controlled Substances Act 1984, or in accordance with Regulation 25 (2) of the Controlled Substances (Poisons) Regulations 2011.
3. An agricultural chemical product containing 4-aminopyridine.	A person authorised to conduct Domestic and Commercial Pest Control under the Controlled Substances Act 1984. An authorised officer under the Natural Resources Management Act 2004, who has been trained in the use of that product.
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 where timber pests are not excluded under the Controlled Substances Act 1984.
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: FPISAW3201B (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 Controlled Substances Act 1984.
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 Natural Resources Management Act 2004, 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.	An authorised officer under the Natural Resources Management Act 2004, 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 Controlled Substances Act 1984, or in accordance with Regulation 25 (3) of the Controlled Substances (Poisons) Regulations 2011.
9. An agricultural product or a veterinary product to which Section 15 of the Controlled Substances Act 1984 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 AHCCHM303A (Prepare and Apply Chemicals) and AHCCHM304A (Transport, handle and store chemicals).

Dated 7 August 2016.

LEON BIGNELL, Minister For Agriculture, Food and Fisheries

## NATURAL RESOURCES MANAGEMENT ACT 2004

*Notice of Volume of Water Available for Allocation from the River Murray Consumptive Pool*

PURSUANT to Section 146 (4) of the Natural Resources Management Act 2004 ('the Act'), I, Ian Keith Hunter, Minister for Sustainability, Environment and Conservation for the State of South Australia and Minister to whom the Act is committed, hereby determine that the volume of water available from the River Murray Consumptive Pool of the River Murray Watercourse for allocation to water access entitlement holders for the period commencing 1 July 2016 to 30 June 2017, is as set out in Schedule 1 below:

## SCHEDULE 1

Class of Water Access Entitlement	Volume of Water Available for Allocation	Water Allocation Rate	Water Allocation Rate as a % of Nominal Maximum Water Allocation Rate of 1 kL/unit share
	(kL)	(kL/unit share)	(%)
Class 1	8 704 910	1.00	100
Class 2	44 500 000	1.00	89
Class 3a	490 100 307	1.00	89
Class 3b	12 506 324	1.00	89
Class 4	3 936 938	1.00	89
Class 5	5 568 841	1.00	100
Class 6	65 000 000	1.00	50
Class 7	34 146 230	1.00	89
Class 8	19 758 000	1.00	89
Class 9	42 502 135	1.00	100

This Notice will remain in effect until 30 June 2017, unless earlier varied.

Dated 8 August 2009.

IAN HUNTER, Minister for Sustainability, Environment and Conservation

## HOUSING IMPROVEMENT ACT 1940

*Sub-Standard Declaration*

NOTICE is hereby given that the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

Address of House	Allotment, Section, etc.	Certificate of Title	
		Volume	Folio
12 Calendar Place, Woodville West, S.A. 5011	Allotment 282 in Deposited Plan 4593, Hundred of Yatala	5684	556
11 Landrien Court, Golden Grove, S.A. 5125	Allotment 85 in Deposited Plan 24587, Hundred of Yatala	5284	143

Dated at Adelaide, 11 August 2016. P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

## HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
3 Strathbogie Avenue, Findon, S.A. 5023	Allotment 64 in Deposited Plan 6546, Hundred of Yatala	5108	943	16.6.2016, page 2105	355.00
17 Culcross Avenue, Myrtle Bank, S.A. 5064	Allotment 309 in Filed Plan 15854, Hundred of Adelaide	5158	224	19.5.16, page 1470	250.00

Dated at Adelaide, 11 August 2016. P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

## HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, and whereas the South Australian Housing Trust Board Delegate is satisfied that each of the houses described hereunder has ceased to be substandard, notice is hereby given that, in exercise of the powers conferred by the said Part, the South Australian Housing Trust does hereby revoke the said declaration in respect of each house.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
5 Cushen Street, Smithfield Plains, S.A. 5114	Allotment 348 in Deposited Plan 7888, Hundred of Munno Para	5192	46	19.5.16, page 1470
23 Berryman Road, Smithfield Plains, S.A. 5114	Allotment 244 in Deposited Plan 7887, Hundred of Munno Para	5607	860	9.12.10, page 5560
7A West Street, Beverley, S.A. 5009 (also known as 5-7A)	Allotment 34 in Filed Plan 122381, Hundred of Yatala	3780 5872	118 381	3.5.90, page 1226

Dated at Adelaide, 11 August 2016. P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

## SOUTH AUSTRALIA

## AUTHORISED BETTING OPERATIONS ACT 2000

GR Notice No. 6 of 2016  
**Approved Contingencies (Innamincka Picnic  
Races—Galloping) Notice 2016**

*[4 August 2016]*

INDEPENDENT GAMBLING AUTHORITY, by this notice, approves contingencies relating to sporting or other events within Australia:

**1 Citation**

This notice may be cited as the Approved Contingencies (Innamincka Picnic Races—Galloping) Notice 2016.

**2 Approval**

- (1) The contingencies listed in the table are approved in respect of fixed odds betting by licensed bookmakers.
- (2) This approval is subject to the provisions of the *Authorised Betting Operations Act 2000*, the Bookmakers Licensing Rules 2000, any other rules made under Section 62 of the Act, and the conditions to which a licence or permit are subject.
- (3) This approval of contingencies may be amended or revoked by further notice.

**3 Definitions**

In this Notice—

**“Event”**—

- (a) means a race on the flat for horses where each animal is ridden by a person;
- (b) includes, in relation to an event mentioned in paragraph (a) for which there were more accepters than places, a division of that event offering the same prize as the event;

**“place”** means the contingency that a specified Entrant will place either first or second (or, if applicable, third or fourth) in a specified Event (including where different odds are offered by a bookmaker for first place *vis-a-vis* any of second or, if applicable, third or fourth place);

“**race**”, with respect to horses, includes—

- (a) a race conducted by a licensed racing club; and
- (b) a race at a picnic race meeting or a gymkhana;

“**win**” means the contingency that a specified Entrant will place first in, or win, a specified Event.

**TABLE**

*Picnic race meeting conducted by or on behalf of the Innamincka Sporting Club at the Innamincka racecourse on 27 August 2016 and such later date to which the meeting may be adjourned*

<i>No.</i>	<i>Description of Event</i>	<i>Prizes</i>	<i>Approved Contingencies</i>
1.	Open sprint over 800 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
2.	Open sprint over 1000 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
3.	800 metres race for horses which have been registered	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
4.	Open race over 1400 metres for horses	First—\$3000 and cup Second—\$500 Third—\$300	Win, place or derivative
5.	Open race over 1000 metres for horses	First—\$1300 Second—\$300 Third—\$100	Win, place or derivative
6.	Open race over 1200 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative

This notice is published, as required by Section 4(3)(a) of the *Authorised Betting Operations Act 2000*.

Alan Moss  
Presiding Member, Independent Gambling Authority  
11 August 2016

## SOUTH AUSTRALIA

GR Notice No. 7 of 2016  
**Approved Betting Contingencies (Olympic Golf and  
Rugby) Variation Notice 2016**

*[9 August 2016]*

By this notice, the Independent Gambling Authority approves, for all betting operations, contingencies related to sporting or other events within and outside Australia, as follows:

**1 Citation, authorising provisions, revocation, etc**

- (1) This notice may be cited as the Approved Betting Contingencies (Olympic Golf and Rugby) Variation Notice 2016.
- (2) This notice is authorised by Section 4 of the *Authorised Betting Operations Act 2000*.

**2 Purpose and approval of contingencies**

This notice varies the Approved Betting Contingencies Notice 2016 to approve contingencies relating to Golf and Rugby contested at Olympic Games.

**3 Approval of Olympic Golf and Rugby**

In the list of events in Schedule 3 of the Approved Betting Contingencies Notice 2016—

- (a) at the end of the section for Golf, **insert**—  
“Olympic Games”; and
- (b) immediately above the listing of “Commonwealth Games” in the section for Rugby Union, **insert**—  
“Olympic Games”.

This notice is published, as required by Section 4(1) of the *Authorised Betting Operations Act 2000*.

Robert Chappell  
Director, Independent Gambling Authority  
11 August 2016

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South Australia

## **Liquor Licensing (Dry Areas) Notice 2016**

under section 131(1a) of the *Liquor Licensing Act 1997*

### **1—Short title**

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2016*.

### **2—Commencement**

This notice comes into operation on 25 November 2016.

### **3—Interpretation**

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### **4—Consumption etc of liquor prohibited in dry areas**

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

## **Schedule—Middleton Area 1**

### **1—Extent of prohibition**

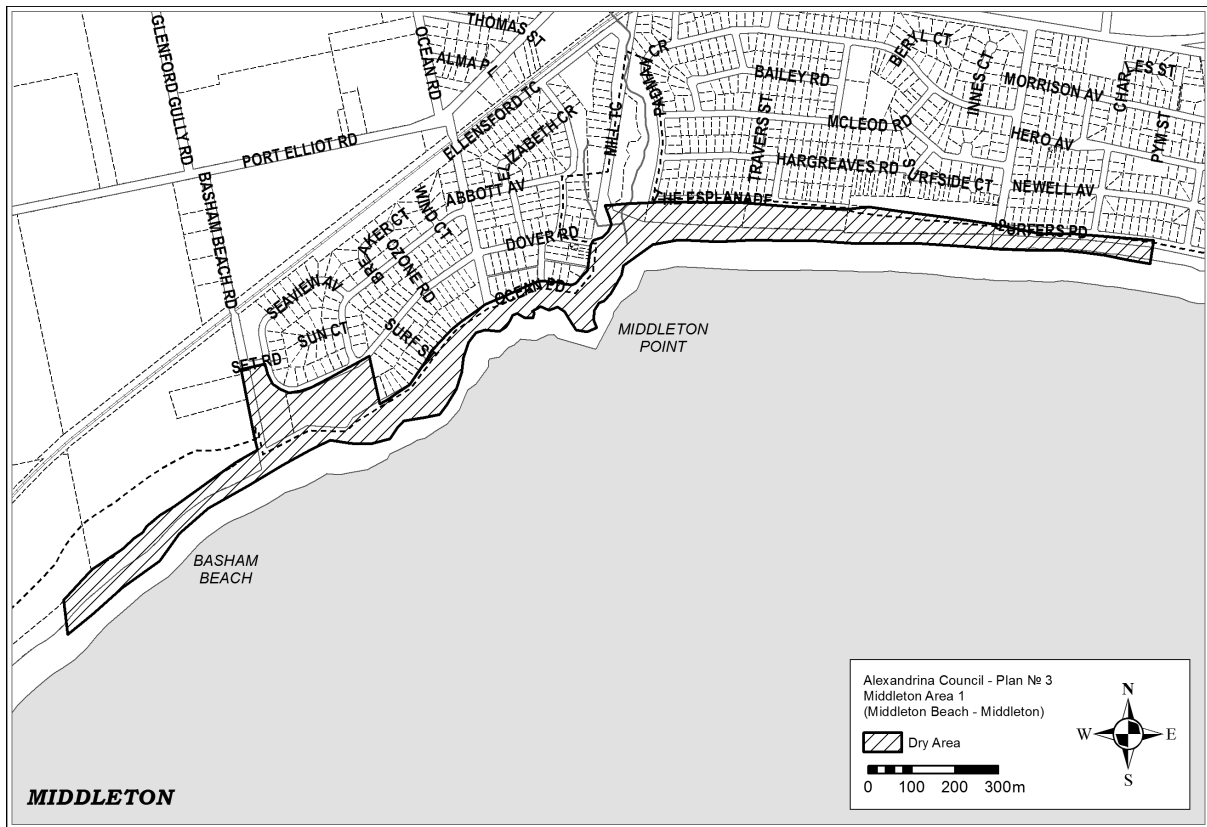
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

From 8.00am on 25 November 2016 to 10.00am on 28 November 2016.

### **3—Description of area**

The area in and adjacent to Middleton bounded as follows: commencing at the point at which the prolongation in a straight line of the western boundary of Basham Beach Road intersects the high water mark of Encounter Bay, then north-westerly along that prolongation and boundary to the point at which it is intersected by the prolongation in a straight line of the southern boundary of Set Road, then north-easterly along that prolongation and boundary of Set Road to the western boundary of Seaview Avenue, then generally south-easterly and north-easterly along that boundary of Seaview Avenue to the point at which it meets the eastern boundary of Lot 101 DP 10654, then south-easterly along that boundary of Lot 101 to the south-western corner of Lot 19 DP 3145, then generally north-easterly along the south-eastern boundary of Lot 19, the south-eastern boundaries of the adjoining Lots and the northern boundary of Ocean Parade to the south-eastern corner of Lot 133 FP 166507, then generally north-easterly and northerly along the easternmost boundaries of Lot 133 and the adjoining Lots (including the eastern boundary of Dover Road) to the north-eastern corner of Lot 39 DP 3262, then in a straight line by the shortest route to the north-western corner of Lot 160 DP 9417, then easterly along the southern boundary of the Esplanade to the western boundary of Lot 3 DP 13398, then northerly, easterly and southerly along the western, northern and eastern boundaries of that Lot to its south-eastern corner, then along the northern boundary of Section 345, Hundred of Goolwa, (the southern boundary of Surfer's Parade) to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Lot 39 DP 6156, then along that prolongation to the point at which it intersects the high water mark of Encounter Bay, then generally westerly and south-westerly along the high water mark to the point of commencement.



**Made by the Acting Liquor and Gambling Commissioner**

on 3 August 2016

South Australia

## Liquor Licensing (Dry Areas) Notice 2016

under section 131(1a) of the *Liquor Licensing Act 1997*

### 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2016*.

### 2—Commencement

This notice comes into operation on 25 November 2016.

### 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### 4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.
- (5) The Schedule is in addition to Schedule—Port Elliot Area 1 in the principal notice.

## **Schedule—Port Elliot Area 3**

### **1—Extent of prohibition**

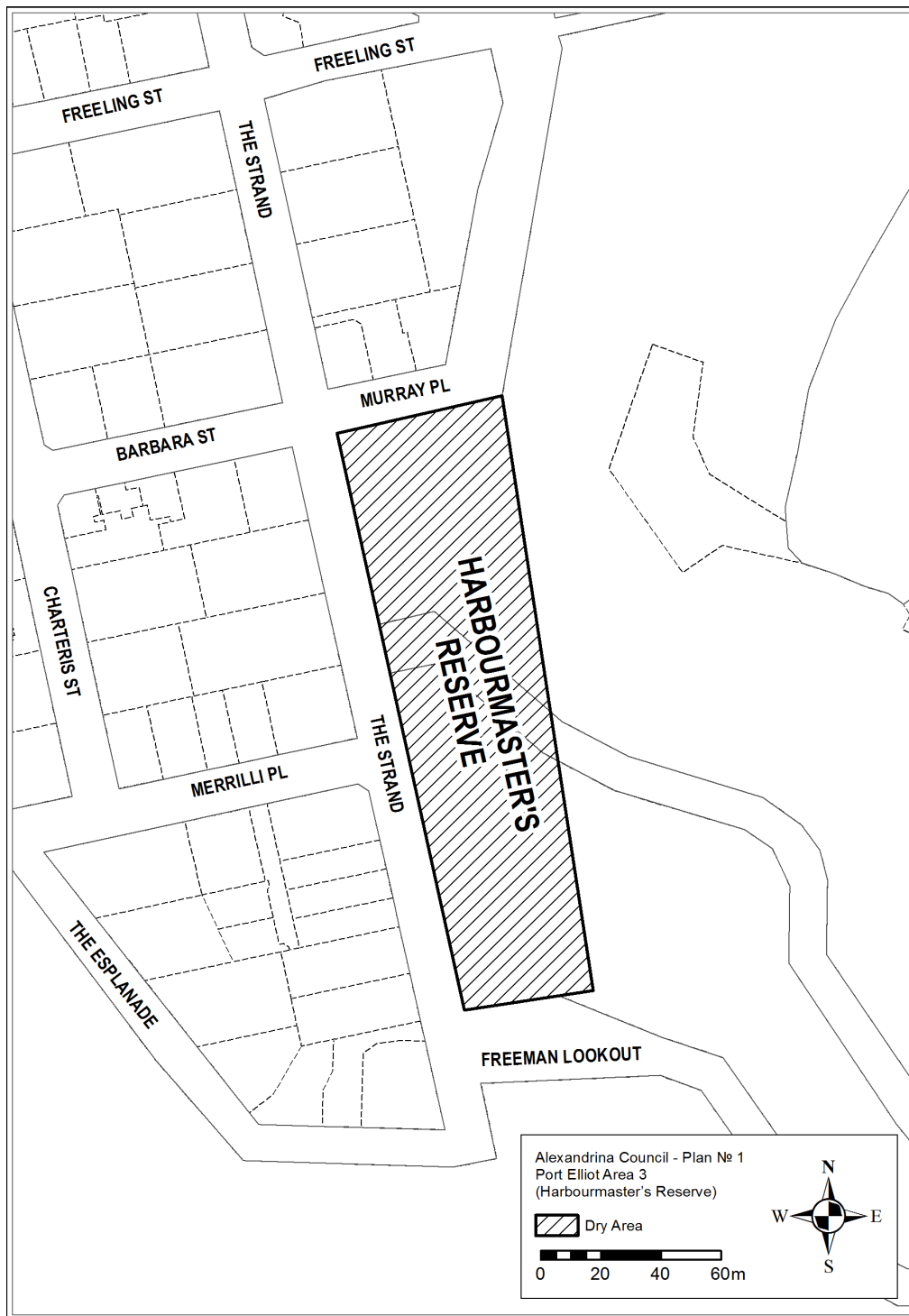
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

From 8.00am on 25 November 2016 to 10.00am on 28 November 2016.

### **3—Description of area**

The area in Port Elliot (generally known as Harbourmaster's Reserve): commencing at the South Eastern corner of the intersection of The Strand and Murray Place and then traversing along the Eastern side of The Strand until the North Eastern side of the intersection of The Strand and Freeman Lookout, then traverse along the Northern side of Freeman Lookout until the Eastern post of the gate into the Obelisk reserve, then head North-North West along the Western edge of the Soldiers' Memorial Gardens until the intersection of the Southern side of Murray Place, then traversing along the Southern side of Murray Place returning to the point of commencement.



**Made by the Acting Liquor and Gambling Commissioner**

on 3 August 2016

South Australia

## Liquor Licensing (Dry Areas) Notice 2016

under section 131(1a) of the *Liquor Licensing Act 1997*

### 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2016*.

### 2—Commencement

This notice comes into operation on 9 December 2016.

### 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### 4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.
- (5) The Schedule is in addition to Schedule—Strathalbyn Area 1 and Strathalbyn Area 2 in the principal notice.

## **Schedule 1—Strathalbyn Area 1**

### **1—Extent of prohibition**

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

From 6.00am to 9.00pm on 9 December 2016.

### **3—Description of area**

The area in Strathalbyn bounded as follows: commencing at the point at which the south-eastern boundary of North Parade meets the north-eastern boundary of West Terrace, then south-easterly along that boundary of West Terrace to the north-western boundary of Adams Street, then north-easterly along that boundary of Adams Street and the prolongation in a straight line of that boundary to the north-eastern boundary of Edinburgh Road, then north-westerly along that boundary of Edinburgh Road to the end of the road, then in a straight line by the shortest route to the point at which the south-eastern boundary of South Terrace meets the south-western boundary of Parker Avenue, then along the continuation of that straight line across South Terrace to the north-western boundary of South Terrace, then north-easterly along the north-western boundary of South Terrace to the south-western boundary of East Terrace, then north-westerly along the south-western boundary of East Terrace to the south-eastern boundary of North Parade, then south-westerly along the south-eastern boundary of North Parade to the point of commencement.



## **Schedule 2—Strathalbyn Area 2**

### **1—Extent of prohibition**

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

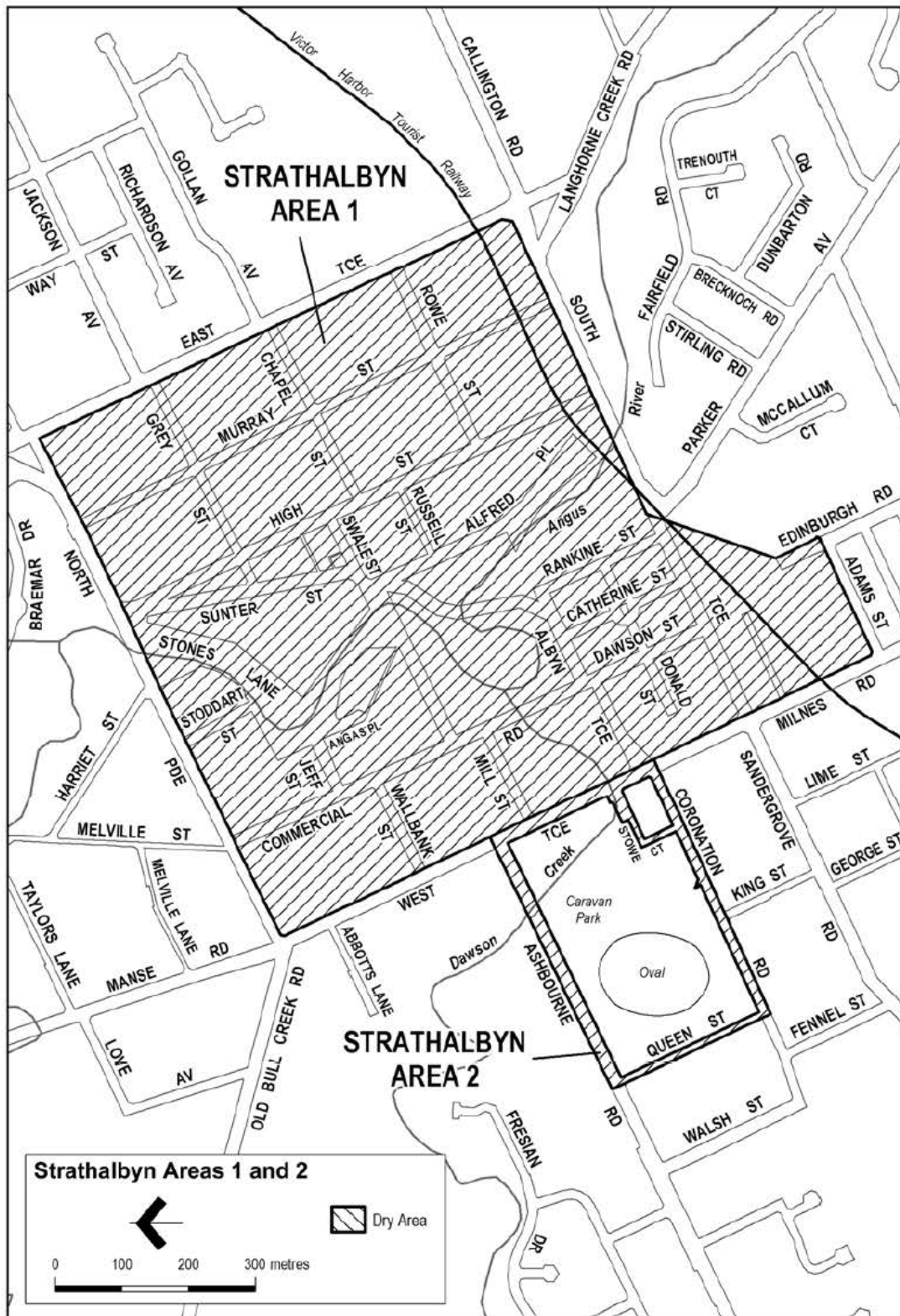
From 6.00am to 9.00pm on 9 December 2016.

### **3—Description of area**

The area in Strathalbyn comprising the following roads:

- (a) Ashbourne Road between the south-western boundary of West Terrace and the prolongation in a straight line of the south-western boundary of Queen Street;
- (b) Queen Street between Ashbourne Road and Coronation Road;
- (c) Coronation Road between the prolongation in a straight line of the south-western boundary of Queen Street and the south-western boundary of West Terrace;
- (d) Stowe Court between Coronation Road and West Terrace;
- (e) West Terrace between the prolongation in a straight line of the south-eastern boundary of Coronation Road and the prolongation in a straight line of the north-western boundary of Ashbourne Road.

See the plan in Schedule 1—Strathalbyn Area 1.



Made by the Acting Liquor and Gambling Commissioner

on 3 August 2016

South Australia

## Liquor Licensing (Dry Areas) Notice 2016

under section 131(1a) of the *Liquor Licensing Act 1997*

### 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2016*.

### 2—Commencement

This notice comes into operation on 31 December 2016.

### 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### 4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

## **Schedule 1—Streaky Bay Area 1**

### **1—Extent of prohibition**

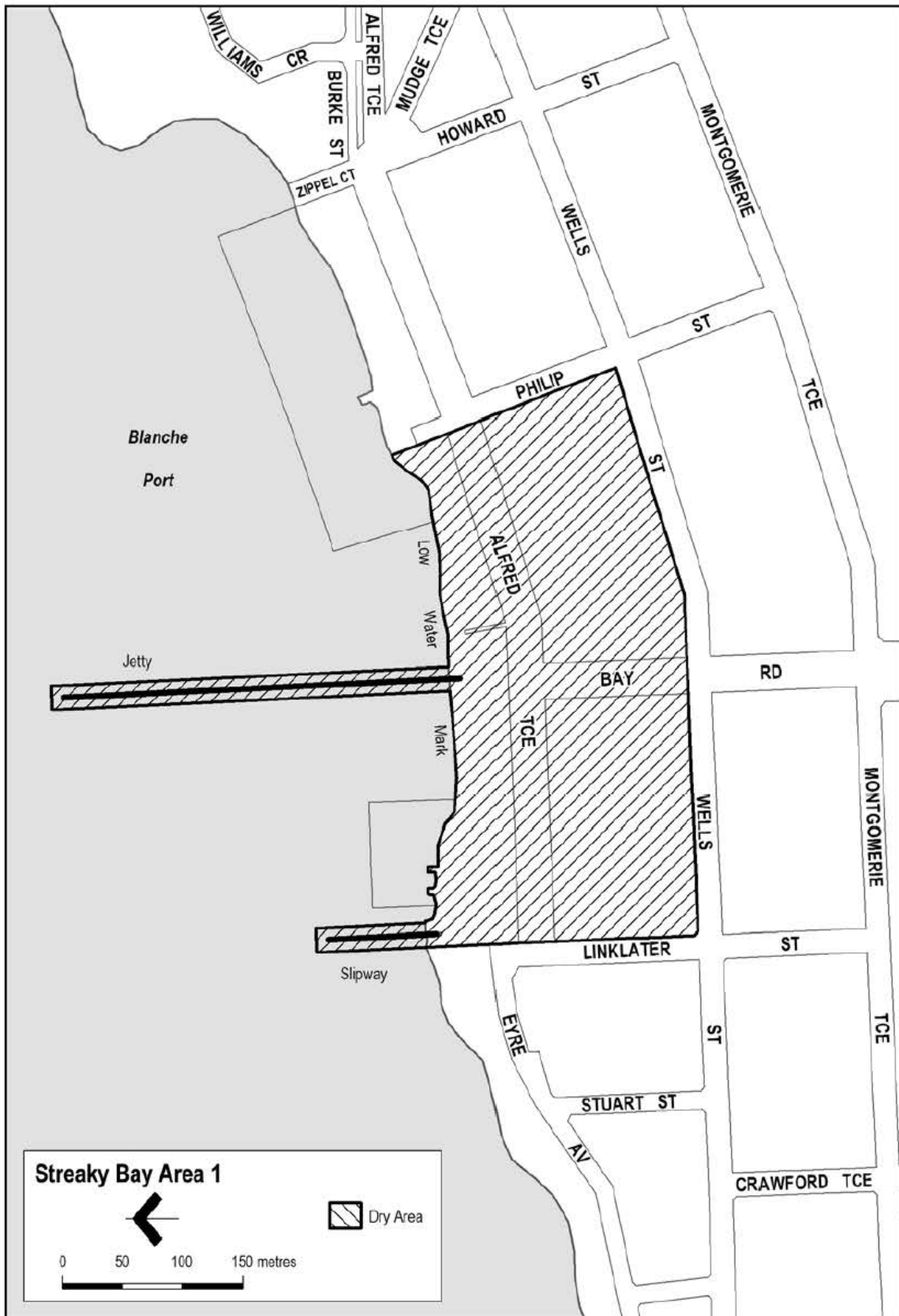
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

From 6.00pm on 31 December 2016 to 8.00am on 1 January 2017.

### **3—Description of area**

The area in and adjacent to the town of Streaky Bay bounded as follows: commencing at the point at which the prolongation in a straight line of the eastern boundary of Linklater Street intersects the low water mark on the southern side of Blanche Port, then generally easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Philip Street, then south-easterly along that prolongation and boundary of Philip Street to the northern boundary of Wells Street, then south-westerly and westerly along that boundary of Wells Street to the eastern boundary of Linklater Street, then northerly along that boundary of Linklater Street and the prolongation in a straight line of that boundary to the point of commencement. The area includes the whole of any jetty, boat ramp or other structure that projects below the low water mark from within the area described above (as well as any area beneath such a structure).



## Schedule 2—Streaky Bay Area 2

### 1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

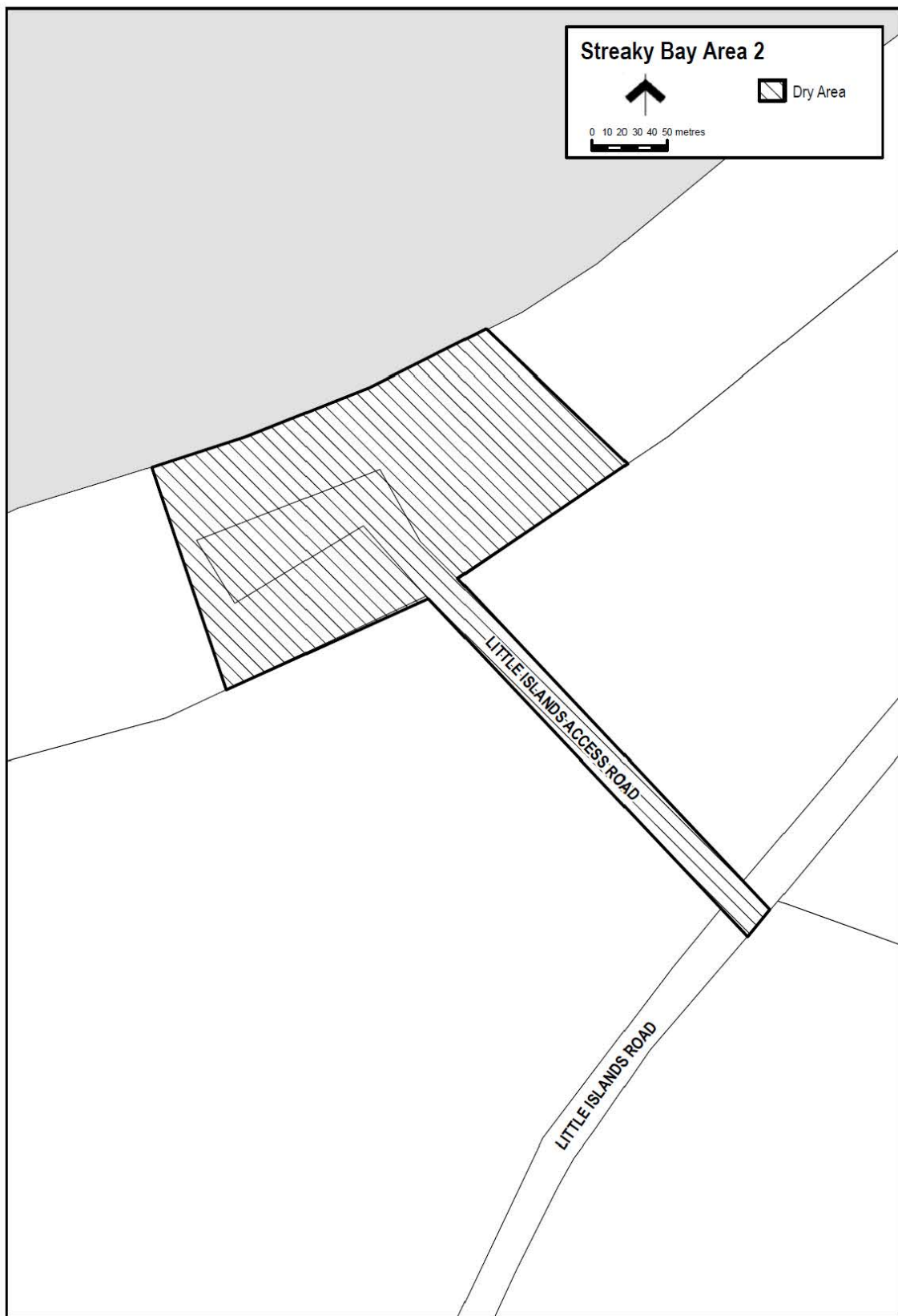
### 2—Period of prohibition

From 6.00pm on 31 December 2016 to 8.00am on 1 January 2017.

### 3—Description of area

The area adjacent to Streaky Bay, generally known as the Little Islands car park and access road (together with adjoining land), comprising—

- (a) the whole of that part of the Government road (the access road between Little Islands Road and the Little Islands car park) that lies between the north-eastern boundary of Lot 101 DP 70670 and the south-western boundary of Lot 102 DP 70670; and
- (b) the area at the north-western end of that part of the Government road (including a car park and other land) bounded on the south-east by the south-eastern boundary of Lot 104 DP 70670 from a point 140 metres south-west of the north-eastern boundary of Lot 101 DP 70670 ("*point A*") to a point 140 metres north-east of the south-western boundary of Lot 102 DP 70670 ("*point B*"), on the north-east by a straight line along the shortest route from point B to the low water mark of Blanche Port, on the north-west by the low water mark of Blanche Port and on the south-west by a straight line along the shortest route from the low water mark of Blanche Port to point A.



**Made by the Acting Liquor and Gambling Commissioner**

on 3 August 2016

South Australia

## **Mining (Revocation of Private Mine) Proclamation 2016**

under section 73N of the *Mining Act 1971*

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### **Preamble**

- 1 By a proclamation made pursuant to the *Mining Act 1971* on 15 March 1973 (*Gazette 15.3.1973 p945*), portions of section 845, hundred of Yatala, being the whole of the land described in certificates of title, Register Book, volume 3117 folio 48, volume 3117 folio 47, volume 2723 folio 17, volume 903 folio 156 and volume 903 folio 157, were declared to be a private mine.
  - 2 The Warden's Court has declared (on 19 April 2016 in Action No 380 of 2016) that proper grounds exist for revoking the declaration referred to in clause 1.
- 

### **1—Short title**

This proclamation may be cited as the *Mining (Revocation of Private Mine) Proclamation 2016*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Revocation of private mine**

The declaration referred to in clause 1 of the preamble is revoked.

### **Made by the Governor**

on the basis of the declaration of the Warden's Court referred to in clause 2 of the preamble and with the advice and consent of the Executive Council  
on 11 August 2016

AGO0099/16CS



South Australia

## **Public Corporations (Australian Children's Performing Arts Company) Regulations 2016**

under the *Public Corporations Act 1993*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation

#### **Part 2—Application of Act to Minister**

- 4 Application of Act to Minister

#### **Part 3—Australian Children's Performing Arts Company**

##### **Division 1—Continuation and constitution of subsidiary**

- 5 Continuation of subsidiary (section 24)
- 6 Establishment of board
- 7 Composition of board
- 8 Conditions of membership
- 9 Vacancies or defects in appointment of directors
- 10 Remuneration
- 11 Proceedings
- 12 Disclosure

##### **Division 2—Functions and performance**

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- 21 Provision of information
- 22 Common seal and execution of documents
- 23 Annual report

##### **Schedule 1—Revocation and transitional provisions**

- 1 Revocation of the *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001*
  - 2 Transitional provision
-

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Australian Children's Performing Arts Company) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*Australian Children's Performing Arts Company* means the subsidiary of the Minister continued under regulation 5(1);

*board* means the board of directors established as the governing body of the subsidiary under Part 3;

*Department for Education and Child Development* means the agency of the Public Sector that assists a Minister in the administration of the *Education and Early Childhood Services (Registration and Standards) Act 2011*;

*director* means a person appointed or holding office as a member of the board under Part 3;

*Minister* means the Minister for the Arts;

*presiding director*—see regulation 7(3)(a);

*repealed regulations* means the *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001* repealed under Schedule 1;

*subsidiary*—see regulation 5(1).

## Part 2—Application of Act to Minister

### 4—Application of Act to Minister

The following provisions of the Act apply to the Minister:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) the Schedule (Provisions applicable to subsidiaries), other than clause 12.

## Part 3—Australian Children's Performing Arts Company

### Division 1—Continuation and constitution of subsidiary

#### 5—Continuation of subsidiary (section 24)

- (1) The Australian Children's Performing Arts Company, established as a subsidiary of the Minister under the repealed regulations, continues as a subsidiary of the Minister.
- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

#### 6—Establishment of board

- (1) A board of directors is established as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

#### 7—Composition of board

- (1) The board will consist of not more than 8 directors appointed by the Minister, of whom—
  - (a) at least 1 must be, or have been, a professional practising performing artist; and
  - (b) 1 must be a person employed by the Department for Education and Child Development nominated by the Minister who, under the *Public Sector Act 2009*, has responsibility for that Department; and
  - (c) the others must together have such commercial, corporate governance, arts, financial or other qualifications or experience as are, in the Minister's opinion, necessary to enable the board to carry out its functions effectively.
- (2) At least 2 directors must be women and at least 2 must be men.
- (3) The Minister must appoint—
  - (a) a director to chair meetings of the board (the *presiding director*); and
  - (b) another director to be the deputy of the presiding director, and the deputy may perform or exercise the functions and powers of the presiding director in the presiding director's absence.
- (4) The Minister may appoint a suitable person to be deputy of a member of the board (other than the member appointed to be the deputy of the presiding member) during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).
- (5) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.

## 8—Conditions of membership

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment (subject to the qualification that a person cannot serve as a director for more than 9 consecutive years)
- (2) The office of a director becomes vacant if—
  - (a) in the case of a person holding office under regulation 7(1)(b)—the person ceases to be an employee of the Department for Education and Child Development; and
  - (b) in any case—the person—
    - (i) dies; or
    - (ii) completes a term of office and is not reappointed; or
    - (iii) resigns by written notice to the Minister; or
    - (iv) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
    - (v) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
    - (vi) is removed from office by the Minister by written notice.
- (3) On the office of a director becoming vacant, a person will be appointed in accordance with regulation 7 to the vacant office (but, where the office of a director becomes vacant before the expiration of a term of appointment, the successor will be appointed only for the balance of the term).

## 9—Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

## 10—Remuneration

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Minister.

## 11—Proceedings

- (1) A quorum of the board (1 of whom must be the presiding director or his or her deputy) consists of one half of the total number of members (ignoring any fraction resulting from the division) plus 1.
- (2) The presiding director will preside at meetings of the board at which he or she is present.
- (3) If the presiding director is absent from a meeting of the board, the director who has been appointed as the presiding director's deputy will preside at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.

- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, telex, fax, email or other written means of communication determined by the board, setting out the terms of the resolution.
- (8) The board must meet at least 6 times in each year.
- (9) The board must cause accurate minutes to be kept of its proceedings.
- (10) A person authorised in writing by the Minister may attend (but not participate in) a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (11) If the board considers that a matter dealt with at a meeting attended by a representative of the Minister should be treated as confidential, the board may advise the Minister of that opinion giving the reason for the opinion and the Minister may, subject to subregulation (12), act on that advice as the Minister thinks fit.
- (12) If the Minister is satisfied on the basis of the board's advice under subregulation (11) that the subsidiary owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty in respect of the matter (but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties).
- (13) Subject to these regulations, the board may determine its own procedures.

## **12—Disclosure**

- (1) If the subsidiary discloses to the Minister under the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.
- (2) A director of the subsidiary does not commit any breach of duty by reporting a matter relating to the affairs of the subsidiary to the Minister.

## **Division 2—Functions and performance**

### **13—Functions of subsidiary**

- (1) The subsidiary is established as a children's performing arts company to produce, present, facilitate, manage and promote high quality performing arts productions and other arts activities for children, young people, families, schools and other groups or bodies, both within the State and nationally and internationally and, in so doing, the subsidiary may—
  - (a) produce, present, manage, promote or conduct performances and entertainment of any kind as may in its opinion tend to promote artistic performance for children and young people, and their families; and

- (b) promote or commission the writing of plays, screenplays or other dramas, the scoring and writing of operas and other musical performances, the scoring, writing and choreography of dance, and other works for performance; and
  - (c) promote the training of all persons concerned in the production, presentation or performance of artistic performances or presentations; and
  - (d) assist financially or otherwise in the production, presentation, management, promotion or conduct of performances for children and young people, and their families; and
  - (e) promote public interest and participation in performance for children and young people, and their families; and
  - (f) establish and maintain a collection of objects of public interest relating to the past and present practice of the performing arts for children and young people and, for that purpose, purchase, hire, accept by way of gift or loan, or otherwise acquire, any such objects; and
  - (g) establish and conduct schools, courses, lectures, seminars and discussions on the art of performance; and
  - (h) undertake or promote research into the art of performance both generally and in the area of performance and theatre practice for children and young people; and
  - (i) enter into contracts (including contracts of employment), or other forms of agreement, connected with the production, management, presentation or promotion of performances, and enter into other forms of contract or agreement; and
  - (j) make charges for admission to any performance, production or presentation; and
  - (k) grant or dispose of rights or arrangements to televise, broadcast or record any performances undertaken under its auspices; and
  - (l) acquire, develop, hold, enhance or dispose of intellectual property; and
  - (m) perform or exercise incidental functions or powers; and
  - (n) undertake other functions or activities approved by the Minister.
- (2) The subsidiary must obtain the approval of the Minister before it makes a material change to a policy direction or budget.
- (3) The subsidiary should only undertake activities outside the State to the extent approved by the Minister or provided for by its charter.

#### **14—Charter**

- (1) The Minister must prepare a charter for the subsidiary.
- (2) The charter must address—
  - (a) the nature and scope of the subsidiary's operations;
  - (b) the subsidiary's obligations to report on its operations;
  - (c) the form and contents of the subsidiary's accounts and financial statements;
  - (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;
  - (e) the acquisition or disposal of capital or assets.

- (3) The charter may—
  - (a) limit the functions or powers of the subsidiary; and
  - (b) deal with any other matter not specifically referred to in subregulation (2).
- (4) The charter must be reviewed by the Minister at the end of each financial year.
- (5) The Minister may amend the charter at any time.
- (6) The charter, or an amendment to the charter, comes into force and is binding on the subsidiary on a day specified in the charter or amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On the charter or an amendment to the charter coming into force, the Minister must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

### **15—Performance statement**

- (1) The Minister must, when preparing the charter for the subsidiary, also prepare, after consultation with the subsidiary, a performance statement setting the various performance targets that the subsidiary is to pursue in the coming financial year or other period specified in the statement and dealing with such other matters as the Minister considers appropriate.
- (2) The Minister must, after consultation with the subsidiary, review the performance statement when reviewing the subsidiary's charter.
- (3) The Minister may, after consultation with the subsidiary, amend the performance statement at any time.

### **16—Subsidiary companies**

- (1) The subsidiary must not, without the approval of the Minister—
  - (a) form a subsidiary corporation; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a corporation such that the corporation becomes a subsidiary of the subsidiary.
- (2) The Minister may, as a condition of approval under this section, or by direction, require the subsidiary to take steps to include in a subsidiary corporation's constitution such provisions as the Minister considers appropriate—
  - (a) imposing limitations on the nature or scope of the corporation's operations; or
  - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

### **17—Indirect or joint operations by subsidiary**

Despite any other regulation, the subsidiary must not, without the approval of the Minister (given either personally with respect to a particular case or class of case, or through the provisions of the subsidiary's charter), establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **Division 3—Financial and related matters**

### **18—Internal audit**

The subsidiary must establish and maintain effective internal auditing of its operations.

### **19—Quarterly reports**

The subsidiary must report to the Minister on the subsidiary's financial position on a quarterly basis.

### **20—Loans etc require approval**

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the prior written approval of the Treasurer.
- (2) The subsidiary must not undertake commercial borrowings without the prior written approval of the Treasurer.

### **21—Provision of information**

- (1) The subsidiary must, at the request in writing of the Minister, provide the Minister with such information or records in the possession or control of the subsidiary as the Minister may require in such manner and form as the Minister may require.
- (2) If a record in the possession or control of the subsidiary is provided to the Minister under this regulation, the Minister may make, retain and deal with copies of the record as the Minister thinks fit.
- (3) If the board considers that information or a record provided under this regulation contains matters that should be treated as confidential, the board may advise the Minister of that opinion giving the reason for the opinion and the Minister may, subject to subregulation (4), act on that advice as the Minister thinks fit.
- (4) If the Minister is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty in respect of the matter (but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties).

### **22—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except pursuant to a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.
- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
  - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.



## **23—Annual report**

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Minister a report on the operations of the subsidiary during that financial year (including the audited statements of account of the subsidiary for that financial year).
- (2) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

## **Schedule 1—Revocation and transitional provisions**

### **1—Revocation of the *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001***

The *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001* are revoked.

### **2—Transitional provision**

A member of the board holding office immediately before the commencement of this clause will, subject to regulation 8(2)(a), continue in office after the commencement of this clause (but only for the balance of the term for which the member was appointed).

#### **Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 11 August 2016

No 189 of 2016

ASACAB007-15

South Australia

# **Victims of Crime (Statutory Compensation) Variation Regulations 2016**

under the *Victims of Crime Act 2001*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Victims of Crime (Statutory Compensation) Regulations 2004***

- 4 Substitution of regulation 5
    - 5 Legal costs—prescribed amounts
  - 5 Substitution of heading to Schedule 2
    - Schedule 2—Legal costs and disbursements
  - 6 Variation of Schedule 2
    - 1 Preliminary
    - 2 Solicitor
    - 3 Counsel
    - 3A Appeal
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Victims of Crime (Statutory Compensation) Variation Regulations 2016*.

### **2—Commencement**

These regulations will be taken to have come into operation on 1 July 2015 immediately after section 8 of the *Victims of Crime (Compensation) Amendment Act 2016* came into operation.

### **3—Variation provisions**

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

## **Part 2—Variation of *Victims of Crime (Statutory Compensation) Regulations 2004***

### **4—Substitution of regulation 5**

Regulation 5—delete the regulation and substitute:

#### **5—Legal costs—prescribed amounts**

For the purposes of section 25(1) of the Act, the prescribed amounts are as set out in Schedule 2.

### **5—Substitution of heading to Schedule 2**

Heading to Schedule 2—delete the heading and substitute:

#### **Schedule 2—Legal costs and disbursements**

### **6—Variation of Schedule 2**

Schedule 2, clauses 1 to 3 (inclusive)—delete the clauses and substitute:

#### **1—Preliminary**

In this Schedule—

*disability* has the same meaning as in the *District Court Civil Rules 2006* as in force at the commencement of this clause.

#### **2—Solicitor**

- (1) The prescribed amounts in relation to costs of a solicitor for a claim for compensation are as follows:
  - (a) for all work involved in a limited claim where the identity of the offender is known and compensation is agreed—\$700 (indexed);
  - (b) for all work involved in a claim that is not a limited claim or a related claim—\$1 400 (indexed);
  - (c) for all work involved in a claim that is a related claim—
    - (i) for the first claim—\$1 400 (indexed); and
    - (ii) for each of the other related claims—\$1 100 (indexed).
- (2) The prescribed amount in relation to costs of a solicitor for all work involved in an application to the court for approval of settlement of a claim made by a person under a disability is \$350 (indexed).

### **3—Counsel**

The prescribed amounts in relation to costs of counsel for a claim for compensation are as follows:

- (a) for all work preparatory to an application to the court for compensation (including advice on evidence and any other legal advice on the application, conferences and proofing witnesses) and for the first 5 hours of the hearing of the application—\$1 000 (indexed);
- (b) for each hour or part of an hour after the first 5 hours of the hearing of the application—\$200 (indexed);
- (c) for an opinion as to the settlement of a claim for compensation made by a person under a disability—\$700 (indexed);
- (d) for an opinion as to the settlement of a related claim for compensation made by a person under a disability—\$500 (indexed).

### **3A—Appeal**

The prescribed amount in relation to costs for an appeal is \$700 (indexed).

**Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 11 August 2016

No 190 of 2016

AGO0089/14CS

South Australia

# **Criminal Injuries Compensation Variation Regulations 2016**

under the *Criminal Injuries Compensation Act 1978*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Criminal Injuries Compensation Regulations 2002***

- 4 Variation of Schedule—Prescribed Scale of Costs

### **Schedule 1—Transitional provision**

- 1 Transitional provision
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Criminal Injuries Compensation Variation Regulations 2016*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **3—Variation provisions**

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

## **Part 2—Variation of *Criminal Injuries Compensation Regulations 2002***

### **4—Variation of Schedule—Prescribed Scale of Costs**

- (1) Schedule, clause 1—before paragraph (a) insert:

- (aaa) *CPI* means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics; and

- (aab) *disability* has the same meaning as in the *District Court Civil Rules 2006* as in force at the commencement of the *Criminal Injuries Compensation Variation Regulations 2016*; and

- (aa) if a monetary amount is followed by the word *(indexed)*, the amount is to be adjusted on 1 January of each year by multiplying the stated amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2014, on the basis that the quotient used for the purposes of the adjustment will be calculated to 2 decimal places and that the amount obtained from the adjustment will be rounded to the nearest dollar; and
- (2) Schedule, clause 2(1)—delete "\$500" and substitute:  
\$700 (indexed)
- (3) Schedule, clause 2(2)(a)—delete "\$1 000" and substitute:  
\$1 400 (indexed)
- (4) Schedule, clause 2(2)(b)(i)—delete "\$1 000" and substitute:  
\$1 400 (indexed)
- (5) Schedule, clause 2(2)(b)(ii)—delete "\$800" and substitute:  
\$1 100 (indexed)
- (6) Schedule, clause 3(1)—delete "Not more than \$750" and substitute:  
\$1 000 (indexed)
- (7) Schedule, clause 3(2)—delete "1/5 of the preliminary fee actually charged" and substitute:  
\$200 (indexed)
- (8) Schedule, clause 3(3) and (4)—delete subclauses (3) and (4) and substitute:
- |  |                    |
|--|--------------------|
| (3) Subject to subclause (4), for an opinion as to the settlement of a claim<br>for compensation made by a person under a disability | \$700<br>(indexed) |
| (4) For an opinion as to the settlement of a related claim for compensation<br>made by a person under a disability                   | \$500<br>(indexed) |
- (9) Schedule, clause 4—delete "\$500" and substitute:  
\$700

## Schedule 1—Transitional provision

### 1—Transitional provision

The *Criminal Injuries Compensation Regulations 2002*, as amended by these regulations, apply in relation to legal costs under section 10 of the *Criminal Injuries Compensation Act 1978* relating to matters finalised after the commencement of these regulations.

**Note—**

The *Criminal Injuries Compensation Act 1978* applies in respect of an injury arising from an offence committed before the commencement of the *Victims of Crime Act 2001* (see Schedule 1, clause 2 of the *Victims of Crime Act 2001*).

**Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 11 August 2016

No 191 of 2016

AGO0089/14CS

South Australia

# **Primary Industry Funding Schemes (Cattle Industry Fund) Variation Regulations 2016**

under the *Primary Industry Funding Schemes Act 1998*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Primary Industry Funding Schemes (Cattle Industry Fund) Regulations 2015***

- 4 Variation of regulation 7—Contributions to Fund
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Cattle Industry Fund) Variation Regulations 2016*.

### **2—Commencement**

These regulations will come into operation 30 days after the day on which they are made.

### **3—Variation provisions**

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

## **Part 2—Variation of *Primary Industry Funding Schemes (Cattle Industry Fund) Regulations 2015***

### **4—Variation of regulation 7—Contributions to Fund**

Regulation 7(1)(a)—delete "\$1.10" and substitute:

\$1.50



**Note—**

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

**Made by the Governor**

following compliance by the Minister with section 11(4) of the Act and with the advice and consent of the Executive Council  
on 11 August 2016

No 192 of 2016

16MAFF0055

South Australia

## **Primary Industry Funding Schemes (Sheep Industry Fund) Variation Regulations 2016**

under the *Primary Industry Funding Schemes Act 1998*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Sheep Industry Fund) Variation Regulations 2016*.

#### **2—Commencement**

These regulations will come into operation 30 days after the day on which they are made.

#### **3—Variation provisions**

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

### **Part 2—Variation of *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014***

#### **4—Variation of regulation 6—Contributions**

Regulation 6(1)—delete "35" and substitute:

**Note—**

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

**Made by the Governor**

following compliance by the Minister with section 11(4) of the Act and with the advice and consent of the Executive Council  
on 11 August 2016

No 193 of 2016

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CITY OF CHARLES STURT  
LOCAL GOVERNMENT ACT 1999

*Management Plans for Community Land*

NOTICE is hereby given that the Council of the City of Charles Sturt, at its meeting held on 25 July 2016, resolved that, pursuant to Sections 196 and 198 of the Local Government Act 1999, to adopt various Management Plans for Community Land that is owned by Council.

The parcels of land affected by the Management Plans are described in Certificates of Title: Volume 6157, Folio 819, Lots 7001, 7002; Volume 6143, Folio 798; Volume 6078, Folio 781; Volume 6092, Folio 737; Volume 6073, Folio 810; Volume 6016, Folio 596; Volume 6073, Folio 811; Volume 6016, Folio 595; Volume 6113, Folio 407; Lot 301, DP 82283; Volume 6157, Folio 784; Volume 6157, Folio 819; Volume 6062, Folio 263; Volume 6063, 7579 (Part), Lot 2, DP 84492; Volume 6073, Folio 812, Lot 305, DP 86011; Volume 6080, Folio 518; Volume 5596, Folio 992; Volume 6155, Folio 278; Volume 6137, Folio 284; Volume 5900, Folio 459; Volume 6171, Folio 854; Volume 6171, Folio 855; Volume 6171, Folio 856; Volume 6110, Folio 472.

Council also resolved to amend an existing Management Plan, being St Clair Recreation Reserve described in Certificates of Title Volume 6063, Folio 757: Volume 5690, Folio 657.

The Management Plans, together with a copy of the Council resolution are available for inspection at the Council Civic Centre, 72 Woodville Road, Woodville, S.A. 5001, during the hours of 9 a.m. to 5 p.m. on weekdays.

P. SUTTON, Chief Executive Officer

TOWN OF GAWLER  
DEVELOPMENT ACT 1993

*Evanston Gardens Development Plan Amendment—  
Public Consultation*

NOTICE is hereby given that the Town of Gawler, pursuant to Sections 24 and 25 of the Development Act 1993, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The amendment proposes zone and policy changes to the Gawler (CT) Development Plan involving the rezoning of approximately 14 hectares of land located at Evanston Gardens from the Deferred Urban and Rural Zones to the Residential and Residential Park Zones. The southernmost parcel being rezoned to the Residential Zone will have the policies from Residential Policy Area 4 apply over it. The northernmost parcel being rezoned to Residential Park will have policies from the current Residential Park Zone apply over it.

The DPA report will be on public consultation from Wednesday, 10 August 2016, until Friday, 14 October 2016. Copies of the DPA report are available to view or purchase during normal office hours at the Town of Gawler Council offices, 89-91 Murray Street, Gawler. Alternatively the DPA report can be viewed on the internet at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au).

Written submissions regarding the DPA should be submitted no later than 5 p.m. on Friday, 14 October 2016. All submissions should be addressed to the Chief Executive Officer, Town of Gawler, P.O. Box 130, Gawler, S.A. 5118 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you wish to lodge your submission electronically, please email it to [planningadmin@gawler.sa.gov.au](mailto:planningadmin@gawler.sa.gov.au).

A public hearing will be held on Thursday, 27 October 2016 at 7 p.m. in the Gawler Sports and Community Centre, Nixon Terrace, Gawler, at which time interested persons may be heard in relation to the DPA and their submissions. The public hearing may not be held if no submissions are received or if no submission makes a request to be heard.

Copies of all submissions will be available for inspection at the Town of Gawler Council offices, 89-91 Murray Street, Gawler, from Monday, 17 October 2016 until the conclusion of the public hearing.

If you would like further information about the DPA, contact Land Use Policy Officer, David Petruzzella on 8522 9296.

H. INAT, Chief Executive Officer

CLARE & GILBERT VALLEYS COUNCIL

*Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that the Clare & Gilbert Valleys Council at a Special Council Meeting held on 1 August 2016, resolved as follows for the year ending 30 June 2017:

1. Adopted for rating purposes the capital valuations made by the Valuer-General within Council's area totalling \$2 400 449 290.

2. Declared differential general rates based upon the use of the land as follows:

- 2.1. Residential, Vacant Land and Other—0.4697 cents in the dollar;
- 2.2. Commercial (Shop), Commercial (Office) and Commercial (Other)—0.6341 cents in the dollar;
- 2.3. Industrial (Light) and Industrial (Other)—0.6341 cents in the dollar;
- 2.4. Primary Production: 0.3523 cents in the dollar.

3. Fix a minimum amount of \$650 payable by way of general rates.

4. Imposed annual service charges based on the level of usage of the service in respect of land to which it provides or makes available Community Wastewater Management System services at \$380 per unit in respect of all land serviced by either the Clare Scheme, Riverton Scheme or Saddleworth Scheme.

5. Imposed an annual service charge of \$190 based on the nature of the service in respect of all land to which it provides or makes available the waste collection service within the towns of Clare, Riverton, Saddleworth, Mintaro, Sevenhill, Auburn, Watervale, Manooora, Rhynie, Marrabel, Stockport, Tarlee, Waterloo, Armagh and Golfview Heights.

6. Declared a separate rate of 0.0176 cents in the dollar in order to reimburse the Council the amount contributed to the Northern and Yorke Natural Resources Management Board being \$420 470.

R. BLIGHT, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

*Exclusion from Community Land Classification*

NOTICE is hereby given pursuant to Section 193 (6) of the Local Government Act 1999, that the District Council of the Copper Coast at its meeting held on 2 December 2015, resolved pursuant to Section 193 (4) (a) of the Local Government Act 1999, that the following parcel of land be excluded from the Classification as Community Land:

- Allotment 1001, Heritage Drive, Wallaroo, Certificate of Title Volume 5858, Folio 367.

P. HARDER, Chief Executive Officer

KINGSTON DISTRICT COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1 of 2016—Permits and Penalties*

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 2016 and is By-law No. 1 of the Kingston District 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 operation<sup>1</sup>:

4.1.1 By-law No. 1—Permits and Penalties 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 applies throughout the Council 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 Kingston District Council; and

6.3 *person* includes a body corporate.

Note:

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

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

7.1 Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any by-law of the Council, unless the contrary intention appears, permission means permission of the Council, (or such other person as the Council may authorise), granted in writing prior to the act, event or activity to which it relates.

#### PART 2—PERMITS AND PENALTIES

#### 8. *Permits*

8.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council (or such other person 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 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 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 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 currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see 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 Kingston District Council held on 22 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. MACDONALD, Chief Executive Officer

#### KINGSTON DISTRICT COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 2 of 2016—Moveable Signs*

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 2016 and is By-law No. 2 of the Kingston District Council.

#### 2. *Authorising Law*

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

#### 3. *Purpose*

The object of this by-law is to set standards for moveable signs on roads:

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

3.2 to enhance the amenity of roads and surrounding parts of the Council area;

3.3 to prevent nuisances occurring on roads;

3.4 to prevent unreasonable interference with the use of a road; and

3.5 for the good rule and government of the Council area.

#### 4. *Commencement, Revocation and Expiry*

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

• By-law No.2—Moveable Signs 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.
- 5.2 This by-law applies throughout the Council 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 *business premises* means premises from which a business is being conducted;
- 6.4 *Council* means the Kingston District Council;
- 6.5 *footpath area* means:
  - 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;
  - a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.6 *moveable sign* has the same meaning as in the Act;
- 6.7 *road* has the same meaning as in the Act;
- 6.8 *road related area* has the same meaning as in the Road Traffic Act 1961;
- 6.9 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

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

#### PART 2—MOVEABLE SIGNS

### 7. Construction and Design

A moveable sign must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition 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 in position 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 flashing parts or lights or be illuminated internally;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 not exceed 900 mm in perpendicular height;
- 7.10 not have a display area exceeding 0.7 square metres in total, or, if the sign is two-sided, 0.7 square metres on each side;
- 7.11 in the case of an 'A' frame or sandwich board sign:
  - be hinged or joined at the top;
  - be of such construction that its sides are securely fixed or locked in position when erected; and
  - not have a base area in excess of 0.6 square metres; or
- 7.12 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 1 metre of an entrance to any business or other premises;
- 8.4 placed on the sealed part of a footpath:
  - 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this by-law; or
  - 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.8 metres;
- 8.5 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.6 placed closer than 0.4 metres to 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);
- 8.7 in the case of a flat sign, be in line with and against the property boundary of the Road;
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 6 metres of an intersection;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11 placed on a designated parking area;
- 8.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.13 placed other than adjacent to the business premises to which it relates;
- 8.14 tied, fixed or attached to, or placed closer than 2 metres from any other structure, object, tree, plant or thing (including another moveable sign);
- 8.15 displayed during the hours of darkness; or
- 8.16 placed in such a position or in such circumstances that 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 opinion of an authorised person:

- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign, and which related well to the town landscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals; and
- 9.4 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.

Note:

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under Section 222 of the Local Government Act 1999.

### 11. Restrictions

- 11.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 11.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land (including roads) 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 footpath area 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 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.
12. *Exemptions*
- 12.1 Subclauses 8.10, 8.13, 8.14, 11.1 and 11.3 of this by-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that:
- (a) 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 premises;
- (b) the moveable sign displays the address of the vendor; and
- (c) the moveable sign is displayed on the day the garage sale is taking place; 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 a newspaper headline 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 the moveable sign to be displayed contrary to that requirement.

Note:

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

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3—ENFORCEMENT

13. *Removal of Moveable Signs*

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign 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 opinion of an authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

14. *Liability of Vehicle Owners*

- 14.1 For the purposes of this Clause 14, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act;
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the Kingston District Council held on 22 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. MACDONALD, Chief Executive Officer

KINGSTON DISTRICT COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-Law No. 3 of 2016—Local Government Land*

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 2016 and is By-law No. 3 of the Kingston District Council.

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Act and Section 18A of the Harbors and Navigation Act 1993.

3. *Purpose*

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads) and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. *Commencement, Revocation and Expiry*

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

4.1.1 By-law No. 3—Local Government Land.<sup>2</sup>

- 4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.
- 5.2 Subject to Clauses 5.3 and 5.4 this by-law applies throughout the Council area.
- 5.3 Clauses 9.2, 9.4.1 (b), 9.9.1, 9.9.2, 9.10.1, 9.10.3, 9.23.1-9.23.3, 9.23.5, 9.24.2, 9.35.4, 9.37, 10.5 and 10.11.2 of this by-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Act.
- 5.4 Clauses 9.4.1 (c), 9.9.3, 9.9.5, 9.14.2, 9.31.3 and 9.33 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 or animals* includes birds and insects but does not include a dog;
- 6.3 *aquatic life* means any animal or plant living or growing in water including but not limited to yabbies, fish, insects, insect pupa or larvae and water plants;
- 6.4 *authorised person* has the same meaning as in the Act;
- 6.5 *boat* includes a raft, pontoon or 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;
- 6.7 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land, whether or not any person is in attendance or sleeps on the land;
- 6.8 *Council* means the Kingston District Council;
- 6.9 *effective control* means a person exercising effective control of an animal either:
- 6.9.1 by means of a physical restraint; or
- 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.10 *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;
- 6.11 *emergency vehicle* has the same meaning as in the Australian Road Rules and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.12 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.13 *foreshore* means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);
- 6.14 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.15 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.16 *Livestock* has the same meaning as in the Livestock Act 1997;
- 6.17 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.18 *low water mark* means the lowest meteorological tide;
- 6.19 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.20 *open container* means a container which:
- (a) after the contents of the container have been sealed at the time of manufacture:
- (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- (ii) being a can, it has been opened or punctured;
- (iii) being a cask, it has had its tap placed in a position to allow it to be used;
- (iv) 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
- (v) is a flask, glass, mug or other container able to contain liquid.
- 6.21 *personal watercraft* means a device that:
- 6.21.1 is propelled by a motor; and
- 6.21.2 has a fully enclosed hull; and
- 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 *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;
- 6.24 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.25 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.26 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and
- 6.27 *wheeled Recreational Device* has the same meaning as in the Road Traffic Act 1961.

#### Note:

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

### PART 2—ACCESS TO LOCAL GOVERNMENT LAND

#### 7. Access

##### Note:

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

The Council may:

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

#### 8. Closed Lands

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

- 8.1 which has been closed or in respect of which access by the public is regulated or restricted in accordance with clause 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.

## PART 3—USE OF LOCAL GOVERNMENT LAND

9. *Activities Requiring Permission*

## Note:

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

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

9.1 *Advertising*

Subject to clause 14.2, display, paint or erect any sign 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 determined this paragraph applies.

9.3 *Amplification*

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

9.4 *Animals*

9.4.1 On Local Government land other than the foreshore:

- (a) cause or allow an animal to stray onto, move over, graze or be left unattended; or
- (b) cause or allow an animal to enter, swim, bathe or remain in any waters to which the Council has resolved this subparagraph shall apply; or
- (c) 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.

9.4.2 On Local Government land comprising the foreshore cause or allow a sheep, cow, goat or horse to enter, swim, bathe or remain in the sea.

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*

Take, interfere with, disturb or introduce any aquatic life in any waters located on Local Government Land.

9.7 *Attachments*

Attach or cause to be attached anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.8 *Bees*

Place a hive of bees on such land, or allow it to remain thereon.

9.9 *Boats*

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

9.9.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;

9.9.2 on Local Government land to which the Council has determined this subclause applies, launch or retrieve a boat other than from a boat ramp constructed for that purpose on;

9.9.3 propel, float or otherwise use a boat on or in any waters except:

- (a) in an area to which the Council has resolved this Clause applies; and
- (b) in accordance with any conditions that the Council may have determined by resolution apply to that use.

9.9.4 hire out a boat or otherwise use a boat for commercial purposes; or

9.9.5 moor a boat on any waters or to a pontoon attached to Local Government land, except in an area that the Council has set aside for that purpose;

9.9.6 obstruct any boat, or any mooring place, or access to any boat or other object (either floating or sunk) regardless as to whether that access is by water or by land.

9.10 *Boat Ramps*

9.10.1 Launch or retrieve a boat from or onto any boat ramp on Local Government land to which the Council has determined this clause applies without:

- (a) having purchased a daily ticket; or
- (b) obtaining a launch permit.

9.10.2 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

9.10.3 Launch or retrieve a boat from or onto any boat ramp on Local Government land to which the Council has determined this clause applies other than in accordance with the conditions specified on any sign displayed on or in the vicinity of the boat ramp;

9.10.4 For the purposes of this clause 9.10 the following definitions apply:

- (a) daily ticket means a ticket purchased from a vending machine located at or in the vicinity of a boat ramp that authorises a single launch and retrieval of a boat from the boat ramp in accordance with the conditions determined by the Council and displayed at the site of the vending machine and, which is valid for the day of purchase;
- (b) launch permit means a permit issued by the Council and/or its agent upon application and which authorises the launch or retrieval of a nominated boat from or onto a boat ramp in accordance with the permit conditions determined by the Council; and
- (c) nominated boat means the boat specified in an application for an annual launch permit, in respect of which a launch permit is granted.

9.11 *Bridge and Jetty Jumping*

Jump or dive from a bridge or jetty on Local Government land, including the foreshore.

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 and Cemeteries*

9.13.1 Bury, inter or spread the ashes of any human or animal remains;

9.13.2 Erect any memorial;

9.13.3 In an area comprising a cemetery, drive or propel any vehicle except on paths or roads constructed and set aside for that purpose and in compliance with any signs that have been erected.

9.14 *Camping and Tents*

- 9.14.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 9.14.2 Camp or remain overnight other than in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).

9.15 *Canvassing*

Subject to Clause 14.2, convey any advertising, religious or other message to any by-stander, passer-by or other.

9.16 *Distribution*

Subject to Clause 14.2 and the Local Nuisance and Litter Control Act 2016, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, notice or other printed matter to any by-stander, passer-by or other person.

9.17 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.18 *Entertainment and Busking*

- 9.18.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.18.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.19 *Equipment*

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.

9.20 *Fires*

Subject to the Fire and Emergency Services Act 2005, light any fire except:

- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.21 *Fireworks and Firearms*

Shoot or discharge any firearm or ignite any fireworks.

9.22 *Flora and Fauna*

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

- 9.22.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.22.8 burn any timber or dead wood.

9.23 *Games and Sport*

- 9.23.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 Play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government land to which the Council has resolved this subclause applies, 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.
- 9.23.3 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.
- 9.23.4 Play or practice the game of golf on Local Government Land to other than on a properly constructed golf course or practice fairway.
- 9.23.5 Play or practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.

9.24 *Model Aircraft, Boats and Cars*

- 9.24.1 Fly or operate a model or drone aircraft, boat or model or remote control car 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.
- 9.24.2 Fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government Land to which the Council has resolved this subclause applies.

9.25 *Objects on Local Government Land*

Erect, place, use or allow to remain on any Local Government Land any object including, but not limited to, a planter box, table, chairs, display stand, hoarding, crane, cherry-picker, elevated platform vehicle, scaffolding, stage, ladder, trestle, appliance or other equipment.

9.26 *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

9.27 *Playing Area*

Use or occupy a playing area:

- 9.27.1 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);
- 9.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.28 *Pontoons*

Install or maintain a pontoon or jetty in any waters.

9.29 *Preaching*

Preach, harangue or solicit for religious purposes.

9.30 *Rubbish and Rubbish Dumps*

9.30.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land.

9.30.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government Land, or placed on Local Government Land for collection by the Council (or its agent).

9.31 *Sand Dunes*

9.31.1 Use a sand board or other item to slide down a sand dune, coastal slope or cliff.

9.31.2 Destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope.

9.31.3 Ride a horse on a sand dune or coastal slope except in an area designated by the Council by resolution.

9.31.4 Carry out any other activity that may threaten the integrity of a sand dune, coastal slope or cliff.

9.32 *Soil*

Deposit, dig, carry away or remove any soil, clay, gravel, sand, timber, stones, pebbles or any other matter.

9.33 *Swimming*

Subject to the provisions of the Harbors and Navigation Act 1993, enter, swim in, bathe or engage in any aquatic activity in any waters except:

9.33.1 in an area which the Council has determined may be used for such purpose; and

9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

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.

9.34.2 Set up a van or other vehicle standing on Local Government Land, 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.

9.35 *Vehicles*

9.35.1 Drive or propel a vehicle except on any Local Government Land constructed and set aside by the Council for that purpose.

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 other work to a vehicle, except for running repairs in the case of a breakdown.

9.35.4 Drive or propel a vehicle on any foreshore area to which the Council has determined this subclause applies.

9.36 *Weddings, Functions and Special Events*

9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event;

9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral 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 determined this Clause applies.

10. *Prohibited Activities*

A person must not do any of the following 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 *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.

10.3 *Defacing Property*

Deface, paint, write, cut names, letters or make marks on or affix bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council.

10.4 *Equipment*

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

10.5 *Fishing*

Fish in any waters to which the Council has determined this subclause applies.

10.6 *Glass*

Willfully break any glass, china or other brittle material.

10.7 *Interference with Land*

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

10.7.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

10.7.2 erecting or installing a structure in, on, across, under or over the land;

10.7.3 changing or interfering with the construction, arrangement or materials of the land;

10.7.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or

10.7.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

10.8 *Interference with Permitted Use*

Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission 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.

10.10 *Playing Games*

Play or practice a game:

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 is prohibited.

10.11 *Smoking*

Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product:

- 10.11.1 in any building; or
- 10.11.2 on any land to which the Council has determined this subclause applies.

10.12 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.13 *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.

10.14 *Toilets*

In any public convenience on Local Government land:

- 10.14.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.14.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.14.3 use it for a purpose for which it was not designed or constructed;
- 10.14.4 enter a toilet that is set aside for use of the opposite sex except:
  - (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
  - (b) to provide assistance to a disabled person; or
  - (c) in the case of a genuine emergency.

10.15 *Waste*

- 10.15.1 Deposit or leave thereon:
  - (a) anything obnoxious or offensive; or
  - (b) any mineral, mineral waste, industrial waste or bi-products.
- 10.15.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

## PART 4—ENFORCEMENT

11. *Directions*

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

12. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

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

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

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

13. *Removal of Animals and Objects*

- 13.1 An authorised person may remove an animal or object that is on Local Government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.
- 13.2 The Council may recover the cost of removing an animal or object from the person in charge or apparently in charge of the animal or object.

## PART 5—MISCELLANEOUS

14. *Exemptions*

- 14.1 The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.
- 14.2 The restrictions in Clauses 9.1, 9.15 and 9.16 of this by-law do not apply to electoral matter authorised by a candidate and which is:
  - 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. *Liability of Vehicle Owners*

- 15.1 For the purposes of this Clause 15, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the Kingston District Council held on 22 July 2106, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. MACDONALD, Chief Executive Officer

## KINGSTON DISTRICT COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 4 of 2016—Roads*

A by-law to manage, control and regulate 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 2015 and is By-law No. 4 of the Kingston 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 the prescribed uses of roads in the Council's area:

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

### 4. Commencement, Revocation and Expiry

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

- 4.1.1 By-law No. 4—Roads 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.
- 5.2 Subject to Clauses 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 7.3.1 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, insects and poultry but does not include a dog;
- 6.3 *authorised person* has the same meaning as in the Act;
- 6.4 *camp* includes:
  - 6.4.1 setting up a camp, tent or other structure of calico, canvas, plastic or other similar material on a road; or
  - 6.4.2 subject to the Road Traffic Act 1961, causing a caravan or motor home to remain on a road overnight, whether or not any person is in attendance or sleeps on the road or intends to stay overnight.
- 6.5 *Council* means the Kingston 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 *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;
- 6.10 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

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

## PART 2—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 a structure or object on a road, any sign for the purpose of advertising goods or services, other than a moveable sign which is displayed in accordance with the Council's Moveable Signs By-law.

#### 7.2 Amplification

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

#### 7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control;

7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

#### 7.4 Camping and Tents

7.4.1 Erect a tent or other structure of calico, canvas, plastic or other similar material;

7.4.2 Camp or remain overnight except on a road designated by the Council by resolution for this purpose and in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

#### 7.5 Donations

Ask for or receive or do anything to indicate that the person desires a donation of money.

#### 7.6 Obstructions

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

#### 7.7 Preaching

Preach, harangue, solicit or canvass for religious or charitable purposes.

#### 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 or hold a concert, festival, show, 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 exhibitions or displays.

#### 7.9 Soliciting

Ask for or receive or indicate a desire for a donation of money or any other thing.

#### 7.10 Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a 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.

## PART 3—ENFORCEMENT

### 8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must

immediately comply with a direction of an authorised person to leave that part of the road.

#### 9. Orders

If a person does not comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

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

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

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

#### 10. Removal of Animals and Objects

- 10.1 An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.
- 10.2 The Council may recover from the owner or apparent owner of the animal or object, the costs it incurs in removing an animal or object in accordance with paragraph 10.1.

#### PART 4—MISCELLANEOUS

#### 11. Exemptions

The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

#### 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 Kingston District Council held on 22 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. MACDONALD, Chief Executive Officer

#### KINGSTON DISTRICT COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 5 of 2016—Dogs*

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

#### PART 1—PRELIMINARY

#### 1. Title

This by-law may be cited as the Dogs By-law 2016 and is By-law No. 5 of the Kingston 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 control and manage dogs in the Council area:

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

#### 4. Commencement, Revocation and Expiry

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation:<sup>1</sup>
  - 4.1.1 By-law No. 5—Dogs 2009.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

- <sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.
- <sup>2</sup> 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.
- <sup>3</sup> 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 2016;
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council area; and
- 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 or area approved by a relevant authority, pursuant to the Development Act 1993 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 Kingston District Council;
- 6.5 *dog* (except for in Clause 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; 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 *keep* includes the provision of food or shelter;
- 6.8 *park* has the same meaning as in the Dog and Cat Management Act 1995;
- 6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.10 *township* has the same meaning as in the Act;
- 6.11 *Working Dog* means a dog primarily used for the purposes of herding stock; and
- 6.12 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 that does not exceed 2 metres in length and:

- 6.12.1 the leash is either tethered securely to a fixed object; or
- 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

## Note:

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

## PART 2—LIMITS ON DOG NUMBERS

7. *Limits on Dog Numbers in Private Premises*

- 7.1 Subject to Clauses 7.2 and 7.4 a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
- 7.1.1 more than two dogs on any premises in a township; or
- 7.1.2 more than three dogs (other than Working Dogs) on any premises outside a township.
- 7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three (3) months of age or older, or a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995 and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

## PART 3—DOG CONTROLS

8. *Dog Exercise Areas*

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council 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, 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 on Local Government land or in a public place to which the Council has determined this Clause applies 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 or a public place to which the Council has determined 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 under Section 45A (6) of the Dog and Cat Management Act 1995).

## PART 4—ENFORCEMENT

12. *Orders*

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

## Note:

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

- cease keeping more than the permitted number of 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 Kingston District Council held on 22 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. MACDONALD, Chief Executive Officer

## KINGSTON DISTRICT COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 6 of 2016—Cape Jaffa Anchorage (Waterways)*

A by-law to manage, control and regulate activities in waterways at Cape Jaffa.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cape Jaffa Anchorage (Waterways) By-law 2016 and is By-law No. 6 of the Kingston District Council.

2. *Authorising Law*

This by-law is made under Section 246 of the Act and Section 18A of the Harbors and Navigation Act 1993.

3. *Purpose*

The objects of this by-law are to regulate activities in waterways at Cape Jaffa:

- 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 within the Cape Jaffa Anchorage;
- 3.4 to enhance the amenity of the Cape Jaffa Anchorage; and
- 3.5 for the good rule and government of the area.

4. *Expiry*

- 4.1 This by-law will expire on 1 January 2024.<sup>1</sup>

## Note:

<sup>1</sup> 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 2016.
- 5.2 This by-law applies to the Waterways within the Cape Jaffa Anchorage Waterways as may be determined by the Council from time to time.



## 6. Interpretation

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *authorised person* has the same meaning as in the Act;
- 6.3 *Cape Jaffa Anchorage Waterways* means the body of water delineated as such in the plan marked Annexure A that is attached to this by-law;
- 6.4 *Council* means the Kingston District Council;
- 6.5 *person* includes a body corporate;
- 6.6 *Vessel* means a dingy, jet-ski, boat, yacht, ship or other motorised vessel;
- 6.7 *Waterway* means those parts of the Cape Jaffa Anchorage Waterways area as the Council may by resolution determine from time to time in accordance with Section 246 (3) (e) of the Act;
- 6.8 In this by-law, a reference to an:
  - 6.8.1 approved launching ramp, slipway, or boat lift;
  - 6.8.2 approved fishing area;
  - 6.8.3 approved vessel refuelling facility;
  - 6.8.4 approved swimming area;
  - 6.8.5 approved marina berth, wharf, pontoon, jetty or boat launching facility;
 means an area approved and signposted by Council for the approved purpose.

Note:

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

### PART 2—USE OF WATERWAYS

## 7. Activities Requiring Permission

No person shall, without permission of the Council, on or about any Waterway:

- 7.1 lay an anchor or moor a Vessel by anchor;
- 7.2 secure a Vessel to land, except within private property or to an approved marina berth, wharf, pontoon, jetty or boat launching facility;
- 7.3 launch a Vessel into or retrieve a Vessel from a Waterway, except at an approved launching ramp, slipway or boat lift;
- 7.4 bring into a Waterway a Vessel which in the opinion of an authorised person is of an excessive size (having regard to the Vessel's length, beam, draft and manoeuvrability);
- 7.5 discharge waste (including any part of a dead animal, dead fish or other dead marine organism) into the Waterway;
- 7.6 catch fish or other marine organism, except within private property or from an approved fishing area;
- 7.7 swim, snorkel or dive, except within private property or within an approved swimming area;
- 7.8 water ski;
- 7.9 refuel a Vessel (other than from an approved Vessel refuelling facility);
- 7.10 allow, cause or permit a Vessel to be left unattended, unless it is securely moored to an approved marina berth, wharf, pontoon, jetty or boat launching facility; or
- 7.11 behave in a manner, or cause or permit a circumstance to arise, that in the opinion of an authorised person is likely to cause offence or annoyance to other persons using or in the vicinity of the Waterway.

### PART 3—ENFORCEMENT

## 8. Directions

- 8.1 A person on or in the Waterway (whether on a Vessel or otherwise) must comply with a reasonable direction from an authorised person relating to:
  - 8.1.1 that person's use of the Waterway;

- 8.1.2 that person's use of a Vessel within the Waterway;
  - 8.1.3 that person's conduct and behaviour within the Waterway;
  - 8.1.4 that person's safety within the Waterway; or
  - 8.1.5 the safety and enjoyment of other persons within the Waterway.
- 8.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of the Waterway.

## 9. Orders

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

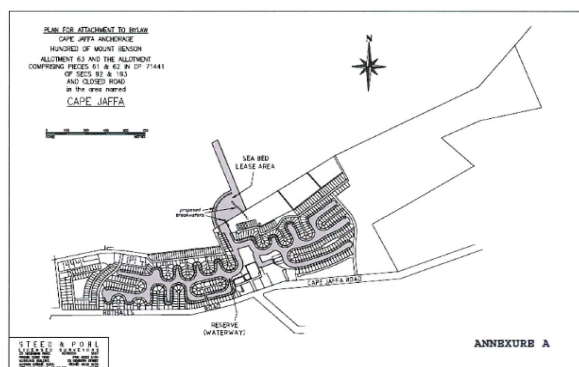
## 10. Exemptions

The restrictions in this by-law do not apply to:

- 10.1 Any emergency services personnel to the extent that he or she is acting in the course of his or her emergency response duties;
- 10.2 any Council officers or employees (including authorised persons) who are acting in the course of their normal duties; or
- 10.3 any of the Council's contractors while performing work for the Council or while acting under the direction and supervision of a Council officer.

This by-law was duly made and passed at a meeting of the Kingston District Council held on the 22 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

ANNEXURE A



A. MACDONALD, Chief Executive Officer

### DISTRICT COUNCIL OF STREAKY BAY

*Adoption of the Annual Business Plan and Budget, Adoption of Valuations and Declaration of Rates 2016-2017*

NOTICE is hereby given that at its meeting held on 21 July 2016, the District Council of Streaky Bay resolved the following:

#### *Adoption of the Annual Business Plan 2016-2017*

That Council, pursuant to the provisions of Section 123 (6) of the Local Government Act 1999 and Regulation 5A of the Local Government (Financial Management) Regulations 2011, adopt the Annual Business Plan 2016-2017, for the financial year ending 30 June 2017.

#### *Adoption of the Annual Budget 2016-2017*

That Council, pursuant to Section 123 (7) of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011, adopt the Annual Budget for the financial year ending 30 June 2017, as presented in the Annual Business Plan 2016-2017 which includes:

- (a) a budgeted income statement, balance sheet and statement of cash flows, presented in a manner consistent with the Model Financial Statements;
- (b) a statement whether projected operating income is sufficient to meet projected operating expenses for the relevant financial year;
- (c) a summary of operating and capital investment activities presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances; and
- (d) estimates with respect to the Council's operating surplus ratio, asset sustainability ratio and net financial liabilities ratio presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.

#### *Adoption of Valuations*

That Council, pursuant to Section 167 (2) (a) of the Local Government Act 1999, for the financial year ending 30 June 2017, adopt for rating purposes the most recent valuations of the Valuer-General available to the Council of the Site Value of land within the Council's area, totalling \$297 361 420 for rateable land, and hereby specifies 6 July 2016, as the day from which such valuations shall become and be the valuations of Council, subject to such alterations as may appear necessary.

#### *Attribution of Land Uses*

- (a) the numbers indicated against the various categories of land use prescribed by the Local Government (General) Regulations 2013 Reg. 14 (1), be used to designate land uses in the Assessment Book;
- (b) the use indicated by those numbers in respect of each separate assessment of land described in the Assessment Book on this date be attributed to each such assessment respectively; and
- (c) reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations.

#### *Residential Rate Cap*

That Council, pursuant to Section 153 (3) of the Local Government Act 1999, for the financial year ending 30 June 2017, has determined not to fix a maximum increase in the general rate charged on rateable land that constitutes the principal place of residence of a principal ratepayer.

#### *Declaration of Rates*

That Council, having taken into consideration the general principles of rating contained in Section 150 of the Local Government Act 1999 and having observed the requirements of Section 153 of the Local Government Act 1999, pursuant to Sections 151 (1) (c), 152 (1) (c), 153 (1) (b) and 156 (1) (c) of the Local Government Act 1999, the Council, for the financial year ending 30 June 2017:

Declares differential rates on the basis of locality and land use as follows:

- (a) In the Residential zone (1):
  - (0.7001) cents in the dollar of the Site Value of rateable land of categories 1, 8 and 9 use;
  - (1.5800) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5 and 6 use; and
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.
- (b) In the Town Centre zone (2)
  - (0.7001) cents in the dollar of the Site Value of rateable land of category 1 use;
  - (1.5800) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5, 6, 8 and 9 use; and
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.

- (c) In the Industry zones (3)
  - (0.7001) cents in the dollar of the Site Value of rateable land of category 1 use;
  - (1.3350) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5, 6, 8 and 9 use; and
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.
- (d) In the Light Industry (Aquaculture) zone (4)
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.
- (e) In the Primary Production zone (18)
  - (0.6138) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 6 and 9 use;
  - (28.4500) cents in the dollar of the Site Value of rateable land of category 4 use; and
  - (0.6721) cents in the dollar of the Site Value of rateable land of categories 5, 7 and 8 use.
- (f) In the Commercial (Bulk Handling) zone (13)
  - (28.4500) cents in the dollar of the Site Value of rateable land of all category uses.
- (g) In the Rural Deferred Urban zone (8)
  - (0.6721) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 4, 5, 6, and 7 use; and
  - (0.6138) cents in the dollar of the Site Value of rateable land of categories 8 and 9 use.
- (h) In the Robinson Groundwater Basin Protection zone (14)
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.
- (i) In the Country Township and Settlement zones (10 and 11)
  - (0.6138) cents in the dollar of the Site Value of rateable land of all categories.
- (j) In the Rural Living, Rural Landscape Protection, Coastal, and Recreation zones (6, 7, 9, 12 and 15)
  - (0.6138) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 4, 5, 6, 8 and 9 use; and
  - (0.6721) cents in the dollar of the Site Value of rateable land of category 7 use.

Where each of the above zones is a defined zone within the Development Plan under the Development Act 1993

#### *Fixed Charge*

That the Council, having considered Report No 11.42, Annual Business Plan and Budget 2016-2017, dated 21 July 2016, pursuant to Section 161 (1) (ii) of the Local Government Act 1999, for the financial year ending 30 June 2017, declares a fixed Charge of \$490 in respect of all rateable land in the Council area.

#### *Service Charges*

That the Council, having considered Report No 11.42, Annual Business Plan and Budget 2016-2017, dated 21 July 2016, pursuant to Section 155 of the Local Government Act 1999 and in accordance with Regulation 12 (4) (b) of the Local Government (General) Regulations 2013, imposes an annual service charge based on a level of usage of the service for the 2016-2017 financial year of \$396 per property to which it provides or makes available the Community Waste Water Management Systems, being services for the collection and disposal of waste.

A Levy of \$180 on all applicable land within the Waste Management Collection service area that have an occupiable dwelling, outbuilding or other class of structure and those en-route that are outside of collection areas that receive a Waste Management Collection service.

*Payment of Rates*

That pursuant to Section 181 of the Local Government Act 1999, rates will be payable in four equal or approximately equal instalments and that the due date for those instalments will be 22 September 2016, 6 December 2016, 7 March 2017, 6 June 2017.

*Eyre Peninsula Natural Resource Management Levy (NRM Levy)*

That Council, having considered Report No 11.42, Annual Business Plan and Budget—2016-2017, dated 21 July 2016, pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, Council declares a separate rate of \$79.95 in respect of all rateable land in the area of the Eyre Peninsula Natural Resource Management Board and within the area of the Council in order to recoup the amount of \$141 662 being Council's contribution to the Board for the period ending 30 June 2017.

*Schedule of Fees and Charges*

That Council, pursuant to Section 188 of the Local Government Act 1999, adopt the fees and charges for the financial year ending 30 June 2017.

*Rating Policy*

That Council adopt DCSB-FM-07.01 Rating Policy.

J. HENTSCHKE, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

*Appointment of Public Officer under the Development Act 1993*

NOTICE is hereby given that the Corporate Services Manager, Mr Kristen Clark, has been appointed Public Officer in accordance with Section 56A (22) of the Development Act 1993. A complaint about the conduct of a member of the Council's Development Assessment Panel must be in writing and addressed to:

- Kristen Clark, Development Assessment Panel Public Officer, P.O. Box 179, Streaky Bay, S.A. 5680; or
- email: [dcstreaky@streakybay.sa.gov.au](mailto:dcstreaky@streakybay.sa.gov.au)

J. HENTSCHKE, Chief Executive Officer

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

*Anag, Paul*, late of 160 OG Road, Felixstow, retired trustee officer, who died on 30 April 2016.

*Hall, Valerie Fay*, late of 333 Marion Road, North Plympton, of no occupation, who died on 16 May 2016.

*Hart, Monica Josephine*, late of 17 Manor Crescent, Mount Barker, retired teacher, who died on 23 September 2015.

*Haustorfer, Valentine Mackenzie*, late of 56 Monmouth Road, Westbourne Park, retired business owner, who died on 3 June 2016.

*Nelson, Mary Adrienne*, late of 3 Cabarita Avenue, Campbelltown, home duties, who died on 30 April 2016.

*Westrych, John*, late of 523 Mount Barker Road, Bridgewater, storeman, who died on 3 March 2016.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 2 September 2016, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 11 August 2016.

D. A. CONTALA, Public Trustee

## SALE OF PROPERTY

Auction Date: Friday, 2 September 2016 at 11.30 a.m.

Location: 6 Glandore Avenue, Clovelly Park

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 Magistrates Court of South Australia, Action No. AMCCI 1742 of 2015 directed to the Sheriff of South Australia in an action wherein Allity Pty Ltd is the Plaintiff and Trevor Sampson is the Defendant, I, Stephen Ferguson, Acting Sheriff of the State of South Australia, will by my auctioneers, Mark Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Respondent, Trevor Sampson the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Clovelly Park, being 6 Glandore Avenue, Clovelly Park, Hundred of Adelaide, being the property comprised in Certificate of Title Register Book Volume 5689, Folio 682.

Further particulars from the auctioneers:

Griffin Real Estate,  
22 Greenhill Road,  
Wayville, S.A. 5034.  
Telephone 0413 214 858.

# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections.

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