



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 6 MARCH 2025

CONTENTS

GOVERNOR'S INSTRUMENTS

Appointments, Resignations and General Matters 254
Proclamations—

Criminal Law Consolidation (Section 20A) Amendment
Act (Commencement) Proclamation 2025 256
Youth Court (Designation and Classification
of Magistrate) Proclamation 2025 256

STATE GOVERNMENT INSTRUMENTS

Adelaide Dolphin Sanctuary Act 2005 257
Building Work Contractors Act 1995 257
Explosives Act 1936 257
First Nations Voice Act 2023 257
Fisheries Management (Prawn Fisheries) Regulations 2017 258
Fisheries Management Act 2007 260
Housing Improvement Act 2016 262
Land Acquisition Act 1969 263
Remuneration Tribunal, The 264
Retail and Commercial Leases Act 1995 266
Retirement Villages Act 2016 266
Roads (Opening and Closing) Act 1991 266

LOCAL GOVERNMENT INSTRUMENTS

City of Tea Tree Gully 267
Kangaroo Island Council 267
District Council of Streaky Bay 268

PUBLIC NOTICES

Employment Agents Registration Act 1993 282
National Electricity Law 282

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Infrastructure SA Board, pursuant to the provisions of the Infrastructure SA Act 2018:

Member: from 6 March 2025 until 5 March 2028
Robert Louis Rigby Rust

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

DPC25/007CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint David Cameron Lovell as an Auxiliary Judge of the Supreme Court of South Australia for a term commencing on 6 March 2025 and expiring on 30 June 2025, it being a condition of appointment that the powers and jurisdictions of office should be exercised only during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment - pursuant to section 3(1) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

AGO0034-25CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint David Hamilton Bruce McLeod as an Auxiliary Magistrate of the Magistrates Court of South Australia for a term commencing on 6 March 2025 and expiring on 30 June 2025, it being a condition of appointment that the powers and jurisdictions of office should be exercised only during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment - pursuant to section 3(1) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

AGO0034-25CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint Julie-Anne Penman Burgess as Chief Executive of the South Australian Housing Trust for a term of five years from 28 April 2025 until 27 April 2030 - pursuant to section 68 of the Constitution Act 1934.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

25MHCS05579

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint Vanessa Jane Burrows as the Director of the Office for Public Integrity, for a term of three years commencing on 6 March 2025 and expiring on 5 March 2028 - pursuant to section 18 of the Independent Commission Against Corruption Act 2012.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

AGO0040-25CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has revoked the appointment of Damien Guy Walker and Leigh Dillon Todd as Clerks of Executive Council effective from 6 March 2025 - pursuant to the Letters Patent, section 41 of the Legislation Interpretation Act 2021 and section 68 of the Constitution Act 1934.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

DPC25/005CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has been pleased to appoint Richard John Persse as a Clerk of Executive Council commencing on 6 March 2025 - pursuant to the Letters Patent and section 68 of the Constitution Act 1934.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

DPC25/005CS

Department of the Premier and Cabinet
Adelaide, 6 March 2025

Her Excellency the Governor in Executive Council has amended the terms and conditions of appointment for Penelope Ann Croser, State Courts Administrator, effective from 6 March 2025 until her term expires on 14 June 2029 - pursuant to section 16 of the Courts Administration Act 1993.

By command,

PETER BRYDEN MALINAUSKAS, MP
Premier

AGO0020-25CS

PROCLAMATIONS

South Australia

Criminal Law Consolidation (Section 20A) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Criminal Law Consolidation (Section 20A) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Criminal Law Consolidation (Section 20A) Amendment Act 2024* (No 54 of 2024) comes into operation on 1 May 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 6 March 2025

South Australia

Youth Court (Designation and Classification of Magistrate) Proclamation 2025

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrate) Proclamation 2025*.

2—Commencement

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

3—Designation and classification of magistrate

The auxiliary magistrate named in Schedule 1 is—

- (a) designated as a magistrate of the Youth Court of South Australia; and
- (b) classified as a member of the Court's ancillary judiciary.

Schedule 1—Magistrate of the Court

David Hamilton Bruce McLeod

Made by the Governor

with the advice and consent of the Executive Council
on 6 March 2025

STATE GOVERNMENT INSTRUMENTS

ADELAIDE DOLPHIN SANCTUARY ACT 2005

Adoption of Adelaide Dolphin Sanctuary Management Plan

I, Susan Close, Minister for Climate, Environment and Water, (being the Minister of the Crown to whom the administration of the *Adelaide Dolphin Sanctuary Act 2005* is for the time being committed), pursuant to Section 11(3) of the *Adelaide Dolphin Sanctuary Act 2005*, hereby adopt the Adelaide Dolphin Sanctuary Management Plan.

Dated: 15 January 2025

HON SUSAN CLOSE MP
Deputy Premier
Minister for Climate, Environment and Water

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Emily Sims as a delegate for the Minister for Consumer and Business 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

STEPHEN MARK LUCAS (BLD 54527)

SCHEDULE 2

Construction of a single storey detached dwelling at Allotment 103, Deposited Plan 111252, being a portion of the land described in Certificate of Title Volume 6165, Folio 738, more commonly known as 40 Needlebush Drive, Chiton SA 5211.

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 Consumer and Business Services (CBS). Before giving such authorisation, CBS 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: 1 March 2025

EMILY SIMS
Delegate for the Minister for Consumer and Business Affairs

EXPLOSIVES ACT 1936

Appointment of Inspectors of Explosives

I, Kyam Joseph Maher, Minister for Industrial Relations and Public Sector in and for the State of South Australia, hereby appoint the following person as an Inspector of explosives for the purposes of the *Explosives Act 1936* pursuant to Section 9(1) of that Act:

- Lachlan Barry REEKS

Dated: 3 February 2025

HON KYAM MAHER MLC
Minister for Industrial Relations and Public Sector

FIRST NATIONS VOICE ACT 2023

2025 SA Local First Nations Voice Supplementary Election

Region 1 Kumangka Warrarna Wangkanthi (Central)

This supplementary election is for Aboriginal and Torres Strait Islander people enrolled on the State electoral roll in Region 1—Kumangka Warrarna Wangkanthi (Central).

Polling day is Saturday, 15 March 2025.

Early Voting Centres will be open from Tuesday, 11 March to Friday, 14 March 2025, 9:00am-5:00pm.

Locations for early voting include:

- **Adelaide CBD** ECSA, 6/60 Light Square
- **Port Adelaide** Tauondi College, 1 Lipson Street

Five polling booths will be open across Region 1—Kumangka Warrarna Wangkanthi (Central) on Saturday, 15 March 2025, from 8:00am-6:00pm. Locations include:

- **Adelaide CBD** ECSA, 6/60 Light Square

- **Port Adelaide** Tauondi College, 1 Lipson Street
- **Christie Downs** Wardli Youth Centre, 13 McKinna Road
- **Elizabeth** Playford Civic Centre, 10 Playford Boulevard
- **Lightsview** Wiltja Anangu Secondary College, 111-125 Folland Avenue

More information:

Telephone: 1300 655 232

Visit: savoicerelection.sa.gov.au

Dated: 5 March 2025

MICK SHERRY
Returning Officer

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

Variation on Prohibition of Fishing Activities in the Spencer Gulf Prawn Fishery

Take note that pursuant to Regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 19 September 2024 published on page 3811 of the *South Australian Government Gazette* on 26 September 2024 prohibiting fishing activities in the Spencer Gulf Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3

SCHEDULE 1

The waters of the Spencer Gulf Prawn Fishery:

(a) Except the Northern closure area, which is defined as the area north of the following index points:

1. 33°49.00S 137°40.60E East Shore
2. 33°42.50S 137°30.20E
3. 33°46.40S 137°29.30E
4. 33°48.50S 137°33.20E
5. 33°53.60S 137°27.40E
6. 33°50.00S 137°21.00E
7. 33°54.90S 137°08.70E
8. 33°56.50S 137°09.80E
9. 33°55.30S 137°13.00E
10. 33°58.00S 137°14.60E
11. 34°14.20S 136°59.00E
12. 34°14.20S 136°55.00E
13. 34°22.30S 136°51.40E
14. 34°22.30S 136°46.00E
15. 34°31.50S 136°41.90E
16. 34°34.00S 136°39.80E
17. 34°34.00S 136°34.20E
18. 34°06.70S 136°47.00E
19. 34°04.10S 136°43.60E
20. 34°00.80S 136°49.40E
21. 33°57.20S 136°45.50E
22. 33°53.70S 136°51.80E
23. 33°48.70S 136°47.30E West Shore

Points 1-2, 3-4, 5-6, 7-8, 9-10, 11-12, 13-14, 16-17, 18-19, 20-21 & 22-23 are designated east-west lines.

(b) Except the Arno closure area, which is defined as the waters contained within the following index points:

1. 33°59.00S 136°42.24E
2. 33°59.60S 136°42.60E
3. 34°00.70S 136°40.60E
4. 34°00.10S 136°40.10E

(c) Except the Wardang closure area, which is defined as the waters contained within the following index points:

1. 34°10.00S 137°28.00E
2. 34°21.00S 137°12.00E
3. 34°45.00S 137°15.00E
4. 34°48.53S 137°09.45E
5. 34°48.53S 137°06.00E
6. 34°50.75S 137°06.00E
7. 34°54.00S 137°01.00E

(d) Except the Corny closure area, which is defined as the waters contained within following closure index points:

1. 34°27.00S 136°53.00E
2. 34°27.00S 137°02.00E
3. 34°35.00S 136°56.00E
4. 34°48.60S 136°52.00E
5. 34°54.00S 136°52.00E
6. 34°54.00S 136°48.50E
7. 34°49.50S 136°48.50E
8. 34°49.50S 136°40.50E
9. 34°39.50S 136°40.50E

Then back to point 1

(e) Except the Illusions Park closure area, which is defined as the waters contained within the following closure index points:

1. 33°28.80S 137°32.20E
2. 33°28.30S 137°33.20E
3. 33°28.85S 137°33.50E
4. 33°29.40S 137°32.50E

Then back to point 1

(f) Except the Jurassic Park closure area, which is defined as the waters contained within the following closure index points:

1. 33°54.90S 137°17.60E
2. 33°54.40S 137°19.40E
3. 33°54.70S 137°19.60E
4. 33°55.20S 137°17.80E

Then back to point 1

(g) Except the Estelle Star closure area, which is defined as the waters contained within the following closure index points:

1. 33°58.80S 136°49.80E
2. 33°58.20S 136°51.00E
3. 33°59.10S 136°51.70E
4. 33°59.80S 136°50.40E

Then back to point 1

SCHEDULE 2

Commencing at sunset on 01 March 2025 and ending at sunrise on 10 March 2025

SCHEDULE 3

1. The coordinates in Schedule 1 are defined as degrees decimal minutes and are based on the World Geodetic System 1984 (WGS 84).
2. No fishing activity may be undertaken between the prescribed times of sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.
3. Fishing must cease:
 - (a) in the fishing area known as Northern & Inshore Wallaroo (the 'Mid/North Gulf' area, as described on page 40 of the Management Plan for the South Australian Commercial Spencer Gulf Prawn Fishery October 2020) if the average catch per vessel, per night (based on the best information available to the committee at sea) drops below 600kg; and
 - (b) in the fishing area known as Southern Wallaroo & North End (the 'Mid/North Gulf' area as described on page 40 of the Management Plan for the South Australian Commercial Spencer Gulf Prawn Fishery October 2020) if the average catch per vessel, per night (based on the best information available to the committee at sea) drops below 500kg; and
 - (c) in the fishing area known as the 'Southern Gulf' area (as described on page 40 of the Management Plan for the South Australian Commercial Spencer Gulf Prawn Fishery October 2020) if the average catch per vessel over two consecutive nights (based on the best information available to the committee at sea) falls below 350kg.
4. Based on the best information available from the fleet, fishing must cease in an area in the Mid/North Gulf if the average prawn bucket count exceeds 240 prawns per 7kg; or in an area in the Southern Gulf if the average prawn bucket count exceeds 260 prawns per 7kg.
5. No fishing activity may occur without the authorisation of Coordinator at Sea, Ashley Lukin, or other nominated Coordinator at Sea appointed by the Spencer Gulf and West Coast Prawn Association.
6. The authorisation of the Coordinator at Sea must be in writing, signed and record the day, date, and permitted fishing area within the waters of Schedule 1 in the form of a notice sent to the fishing fleet or vary an earlier authorisation issued by the Coordinator at Sea.
7. The Coordinator at Sea must cause a copy of any authorisation for fishing activity or variation of same, made under this notice to be emailed to the Prawn Fisheries Manager immediately after it is made.
8. The Spencer Gulf and West Coast Prawn Association must keep records of all authorisations issued pursuant to this notice.

Dated: 1 March 2025

ASHLEY LUKIN
Coordinator at Sea, Spencer Gulf and West Coast Prawn Association Inc.
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Revocation

Take note that the notice dated 31 May 2024 titled “*Temporary Prohibition on the Taking of Marine Benthic Animals in Specified Waters of SE—Port MacDonnell to Nene Valley*” made under Section 79 of the *Fisheries Management Act 2007*, published in the *South Australian Government Gazette*, dated 31 May 2024, being the third notice on page 1330 is hereby revoked.

Dated: 5 March 2025

PROFESSOR GAVIN BEGG

Executive Director

Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 79

*Temporary Prohibition on the Take and Possession of Abalone—
Waters of Southern Zone Abalone Fishery*

Pursuant to Section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person to engage in the act of, or an act preparatory to or otherwise involved in, the fishing activities specified in Schedule 1, or to have possession or control of abalone within the area described in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

- The taking of abalone by any means within the waters of the Southern Zone Abalone Fishery as defined in the *Fisheries Management (Abalone Fisheries) Regulations 2017*—being waters adjacent to South Australia east of the meridian of longitude 139° East (GDA 2020); or

SCHEDULE 2

- The possession of abalone within the waters of the Southern Zone Abalone Fishery as defined in the *Fisheries Management (Abalone Fisheries) Regulations 2017*—being waters adjacent to South Australia east of the meridian of longitude 139° East (GDA 2020) including the area landward to the high water mark.

SCHEDULE 3

From 17:00 hours 6 March 2025 to 12:00 hours 5 March 2026 unless varied or revoked earlier.

Dated: 5 March 2025

PROFESSOR GAVIN BEGG

Executive Director

Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Exemption Number ME9903307

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate to the Minister for Primary Industries and Regional Development, hereby exempt Dr Sylvia Zukowski of Aquasave—Nature Glenelg Trust, 16 Anglesea Road, Victor Harbor, South Australia 5211 (the ‘exemption holder’), or a person acting as their agent, from Sections 70 and 71(2) of the *Fisheries Management Act 2007*; and Regulation 5(a) and Clauses 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 57, 63, 74, 75, 82, 90, 93, 94, 95, 96, 99 and 116 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*, but only insofar as the exemption holder may engage in the surveying of aquatic resources from waters specified in Schedule 1, using the gear specified in Schedule 2 (the ‘exempted activity’), subject to the conditions specified in Schedule 3 from 25 October 2024 until 24 October 2025 unless otherwise varied or revoked earlier.

SCHEDULE 1

Inland, estuarine and coastal waters of the State excluding Aquatic Reserves, Marine Park sanctuary zones and restricted access zones (unless authorised under the *Marine Parks Act 2007*).

SCHEDULE 2

- 5 x seine nets (maximum length of 25m, minimum mesh size of 2mm)
- 24 x fyke nets (maximum wing span of 7m, minimum mesh size of 2mm)
- 40 x munyana nets (minimum 10cm entrance, minimum mesh size of 12mm with opening at the top no less than 20cm in diameter)
- 20 x hoop nets (1m diameter, minimum 2mm mesh, maximum 38mm entrance diameter)
- 1 x backpack electrofisher (Smith-Root LR24)
- 1 x boat electrofisher (Smith-Root 5.0kW GPP)
- 5 x cockle rake (800x300mm, minimum mesh size 12mm)
- 20 x bait trap (maximum 400mm x 300mm, minimum 2mm mesh)
- 2 x dip nets (400mm gape, 3mm mesh)
- 20 x pyramid traps.

SCHEDULE 3

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the activities under this notice. Any person conducting activities as an agent under this exemption must be provided with a copy of this notice, which they must sign as an indication that they have read and understand the conditions of the exemption.
2. Fish surveyed pursuant to this notice must be returned to the water as soon as reasonably practicable on completion of scientific evaluation.
3. Excluding protected species, up to ten (10) fish may be retained for the purpose of identification pursuant to this notice.
4. All noxious fish collected during the exempted activity must be destroyed and disposed of appropriately.
5. The specimens collected are for scientific and research purposes only and must not be sold.
6. The following persons are authorised to act as agents under this Ministerial exemption (ME9903307):

• Dr Nick Whiterod	• Peter Unmack	• Bryan Haywood
• Dr Mike Hammer	• Dr Lauren Brown	• Jonathan Tuck
• Emma Vanderzon	• Dr Lachlan Farrington	• Dr Scott Wedderburn
• Dr Paul Drummond	• Scott Huntley	• Dr Maiko Lutz
• Cory Young	• Howard Brandenburg	• Andrew Rethus
• Lauren Creasey		
7. The exemption holder must operate electrofishing devices listed under this exemption in accordance with the *Australian Code of Electrofishing Practice 1997*, to the extent that it relates to the exempted activity.
8. Munyana nets used must have an opening at the top of at least 20cm at the narrowest part and must be removed from the water and inspected at periods not exceeding 2 hours.
9. Before conducting the exempted activity, the exemption holder must contact the Department of Primary Industries and Regions (PIRSA) FISHWATCH on 1800 065 522 and answer a series of questions about the exempted activity and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues.
10. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of organisms pursuant to this notice to the Executive Director PIRSA Fisheries and Aquaculture, (GPO Box 1625, Adelaide SA 5001) within 2 weeks of completion of the last activity to occur under this notice or within 2 weeks of the expiry of this notice, whichever occurs first, giving the following details:
 - the date and location of sampling;
 - the number of and types of nets used;
 - the description of all species collected (fish, invertebrates, turtles) for purposes of identification;
 - the number of each species collected.
11. While engaging in the exempted activity, the exemption holder or a person acting as their agent must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.
12. The exemption holder must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice or any other notice issued under that Act.

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*, *National Parks and Wildlife Act 1972*, and *River Murray Act 2003*. The exemption holder and their agents must comply with any relevant regulations, permits, requirements and directions.

Dated: 2 September 2024

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903365

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Dr Gretchen Grammer of the South Australian Research and Development Institute (SARDI), 2 Hamra Avenue, West Beach SA 5024 (the 'exemption holders'), and her nominated agents, are exempt from Section 71(1)(b) and 71(2) of the *Fisheries Management Act 2007*, within the waters specified in Schedule 1, but only insofar as they may undertake the research activities specified in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 5 March 2025 until 4 March 2026 inclusive, unless varied or revoked earlier.

SCHEDULE 1

Waters of South Australia, excluding the Adelaide Dolphin Sanctuary, Sanctuary and Restricted Access zones of any marine park unless authorised under the *Marine Parks Act 2007* and aquatic reserves unless otherwise authorised under the *Fisheries Management Act 2007*.

SCHEDULE 2

1. Up to two surface or demersal longlines, of no more than 2km and up to 100 individual leaders, containing stainless-steel wire traces with up to 16/0 tuna circle hooks.
2. Up to four drumlines, containing stainless-steel wire traces with up to 20/0 stainless-steel circle hooks.
3. The tagging and/or sampling of free-swimming and/or temporarily restrained White Sharks (*Carcharodon carcharias*) with an accelerometer package and/or acoustic tag and/or satellite tag using a modified spear gun or deployment pole or alternative standard tag attachment methods as described in the *CMAR Code of Practice for Tagging Marine Animals*.
4. The collection of tissue and/or blood samples from free-swimming or temporarily restrained White Sharks using a single rubber speargun with a biopsy probe tip or using a biopsy punch and syringe.

SCHEDULE 3

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. The exemption holders or nominated agents may take tissue and blood samples from a maximum of 50 White Sharks during the term of this notice.
3. The exemption holders or nominated agents may tag a maximum of 20 White Sharks during the term of this notice.
4. No shark may be taken from the water under this exemption.
5. Should a shark be restrained, fresh saltwater must be flushed through the gills of the individual and follow current best practice available at the time of sampling and/or tagging.
6. For the purposes of this notice, the following persons are the nominated agents of the exemption holder:
 - Dr Michael Drew, SARDI—Aquatic and Livestock Sciences
 - Dr Jeremy Bussell, SARDI—Aquatic and Livestock Sciences
 - Dr Joshua Dennis, SARDI—Aquatic and Livestock Sciences
7. At least 1 hour before conducting the exempted activity, the exemption holders or nominated agents must contact the Department of Primary Industries and Regions (PIRSA) Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holders are required to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related questions.
8. While engaging in the exempted activity, the exemption holders and nominated agents must be in possession of a signed copy of this notice and carry their identification card issued by SARDI. Such notice and identification must be produced to a PIRSA Fisheries Officer immediately upon request.
9. The exemption holders or agents must not contravene or fail to comply with the *Fisheries Management Act 2007* or any Regulations made under that Act, except where specifically exempted by this notice.

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

Dated: 4 March 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
3 Davies Terrace, Nailsworth SA 5083	Allotments 5 & 12 Deposited Plan 1025 Hundred of Yatala	CT5778/320, CT5849/307	\$275.00
Unit 3/27 Euston Terrace, Croydon SA 5008	Allotment 51 Filed Plan 115863 Hundred of Croydon	CT5752/437	\$0.00

Dated: 6 March 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	Certificate of Title Volume Folio
79 Moldavia Walk, Osborne SA 5017	Allotment 16 Filed Plan 5068 Hundred of Port Adelaide	CT5684/485

Dated: 6 March 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an estate in fee simple in that piece of land being portion of Allotment 71 in Deposited Plan 82876 comprised in Certificate of Title Volume 6114 Folio 298, being the whole of the land identified as Allotment 54 in D136272 lodged in the Lands Titles Office, subject only to the easement(s) over the land marked 'A' on D82876 for sewerage purposes to the South Australian Water Corporation (TG 8886418)

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: 0439 743 183

Dated: 3 March 2025

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

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

File Reference: 2024/06039/01

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 107 Deposited Plan 48219 comprised in Certificate of Title Volume 5533 Folio 573.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 3 March 2025

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

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

File Reference: 2024/06920/01

THE REMUNERATION TRIBUNAL

REPORT NO. 1 OF 2025

2025 Review of Remuneration of the Electoral Districts Boundaries Commission

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has jurisdiction under Section 14 of the *Remuneration Act 1990 (Act)* and Section 78(7) of the *Constitution Act 1934 (Constitution Act)*, to determine the remuneration payable to the members of the Electoral Districts Boundaries Commission (**Commission**), other than the chair.
2. The Constitution Act provides for the establishment of an Electoral Districts Boundaries Commission to review and carry out periodic redistribution of the boundaries of the State's House of Assembly electoral districts. The Commission has perpetual succession and the powers and functions of a Royal Commission.

BACKGROUND

3. The Commission conducts boundary reviews on a four-yearly basis. Hence, Determinations in relation to this matter are made by the Tribunal on a four-yearly basis, following the completion of the Commission's official report. Previously, Determinations have prescribed a one-off payment of remuneration for all purposes in relation to the work performed by the Commission.
4. The previous Determination made by the Tribunal under Section 78(7) of the Constitution Act was in 2021, whereby the Tribunal determined remuneration of \$20,103 each for the Electoral Commissioner and the Surveyor-General. The operative date of that Determination was 11 March 2021.

LEGISLATIVE PROVISIONS

5. Section 78(7) of the Constitution Act, from which the Tribunal sources its jurisdiction in relation to members of the Commission, is set out as follows:

“78—The Commission

- (1) *There shall be a Commission by the name of the Electoral Districts Boundaries Commission constituted of the following members:*
 - (a) *the Chairman of the Commission who shall be a Judge of the Supreme Court appointed by the Chief Justice to be Chairman of the Commission; and*
 - (b) *the Electoral Commissioner or a person appointed pursuant to subsection (3) of this Section; and*
 - (c) *the Surveyor-General or a person appointed pursuant to subsection (4) of this Section.*
 - (2) *The Judge appointed by the Chief Justice under subsection (1) of this Section should be the most senior puisne Judge who is available to undertake the duties of Chairman of the Commission.*
 - (3) *If there is no Electoral Commissioner, or the Electoral Commissioner is for any reason unable to act as a member of the Commission, then, subject to subsection (5) of this Section, the Chief Justice shall appoint as a member of the Commission, for such term as the Chief Justice considers expedient, a person who, in the opinion of the Chief Justice, has wide knowledge of, and experience in, electoral matters.*
 - (4) *If there is no Surveyor-General, or the Surveyor-General is for any reason unable to act as a member of the Commission, then, subject to subsection (5) of this Section, the Chief Justice shall appoint as a member of the Commission, for such term as the Chief Justice considers expedient a person who, in the opinion of the Chief Justice, has wide knowledge of, and experience in, surveying.*
 - (5) *Where the Chairman is for the time being acting in the office of the Chief Justice any appointment to the Commission under subsection (3) or subsection (4) of this Section shall be made by the puisne judge next in order of seniority after the Chairman.*
 - (6) *A member appointed under subsection (3) or subsection (4) of this Section, may by instrument in writing addressed to the Governor resign the member's office.*
 - (7) *The members of the Commission (other than the Chairman) are entitled to remuneration determined by the Remuneration Tribunal.”*
6. As presently constituted, the Commission is comprised of:

Office Held	Office Holder
Chair	The Hon. Justice Anne Bampton (Supreme Court Judge appointed by the Chief Justice)
Member	Mr Michael Sherry (Electoral Commissioner)
Member	Mr Bradley Slape (Surveyor-General)

7. The Tribunal notes that its jurisdiction under Section 78(7) of the Constitution Act is limited and specific. It is not permissible for the Tribunal to make a Determination of remuneration for the Chair of the Commission. The statutory role assigned to the Tribunal is to determine an appropriate amount of remuneration for the two members of the Commission (the Electoral Commissioner and Surveyor-General).

THE REVIEW PROCESS

8. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
9. Section 10(4) provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
10. On 30 January 2025, in accordance with Section 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 13 February 2025 in respect of this review from:
 - (a) Members of the Electoral Districts Boundaries Commission
 - (b) The Honourable Premier of South Australia—as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest
11. The Tribunal also placed a notice on its website from 30 January 2025 inviting submissions from affected persons by 13 February 2025.

SUBMISSIONS

12. On 29 January 2025, the Honourable Justice Bampton wrote to the Tribunal advising the following:
 - Having regard to the statutory provisions, requested the Tribunal determine the remuneration for the Electoral Commissioner and the Surveyor-General being the other members of the Commission.
 - The Electoral Commissioner and Surveyor-General discharged their statutory duties under the Constitution Act in addition to both their substantive statutory roles.
 - The Commission held public hearings on 6 February 2024 and 12 June 2024 and spent a duration of approximately 15.25 hours at 12 meetings between the period 8 November 2023 and 31 October 2024.
 - Significant time was spent reading transcripts of the hearings, which included 14 representations, and 21 submissions received by the Commission. The Commission also obtained and had considerable regard to a report from a historian regarding Edward Charles Frome's (Surveyor-General of South Australia 1839-1849) involvement in the O'Halloran expedition and the retributive actions taken against Aboriginal people following the Maria Massacre in 1840.
 - In determining a monetary amount of remuneration, requested that the Tribunal take into consideration the significant contributions of the Electoral Commissioner and the Surveyor-General having regard to the nature of the Commission's work in developing the electoral geography as the foundation of South Australia's representative democracy.
13. On 13 February 2025, the Electoral Commissioner and Surveyor-General provided a joint submission, which can be summarised as follows:
 - In undertaking an electoral distribution, the Commission must ensure that the number of electors comprised in each electoral district must not (as at the relevant date) vary from the electoral quota by more than + or – 10%. The electoral quota is the nearest integral number of obtained by dividing the total number of electors for the House of Assembly (as at the relevant date) by the number of electoral districts into which the State is divided as at the first polling day for which the order it to be effective.
 - The work of the current Commission commenced in October 2023 and substantively concluded on 12 December 2024 when the final order was published.
 - Two public hearings were held, 21 written submissions received and oral submissions were made by eight parties. The Commission met on 12 occasions.
 - Of note, the Commissioner received a submission to change the name of the District of Frome (names after Edward Charles Frome, the South Australian Surveyor-General from 1839-1949) due to historical accounts of the Surveyor-General's involvement in retributive actions taken against Aboriginal peoples. The Commission spent considerable effort on this sensitive matter, including accessing and reviewing historical South Australian Government Gazettes, requesting and considering reports from a historian and a Professor of Law at the University of South Australia.
 - The Commission renamed one electoral district and made boundary changes to 16 electoral districts which will affect approximately 38,894 South Australian electors.
 - The statutory obligation placed upon each member requires them to operate at a very senior level and possibly significantly higher than their substantive level.
 - The public position under which the Commission is viewed, scrutinized and judged needs to be given full consideration.
 - The three-member Commission is headed by the Chair, with the other two Commissioners carrying an equal responsibility and workload whilst bringing their own expertise to the Commission's work.
 - That any assessment acknowledges that each member was required to maintain their base workload in addition to their obligations as members of the Commission.
 - That each member expended many hours outside of normal working hours.
 - That the length of service with respect to the work of the Commission will endure for a period of at least 12 months.
 - The Constitution Act clearly establishes that the members of the Commission (other than the Chair) are entitled to remuneration regardless of the fact that they are already in receipt of salaries as part of their substantive roles.

CONSIDERATIONS

14. The Tribunal continues to accept that the statutory powers and responsibilities exercised by the Commission members are foundational to the State's democracy.
15. The Tribunal notes the submission of the Chair of the Commission as well as the joint submission of the Electoral Commissioner and Surveyor-General. The Tribunal has considered the final report of the Commission issued on 12 December 2024, which outlines the proceedings for the purpose of electoral redistribution. The final report also outlines the material and consideration of the Commission in relation to the request to rename the electoral district of Frome.

CONCLUSION

16. In determining an appropriate amount of remuneration for the 2024 Commission, the Tribunal has decided to apply an increase to the amount of remuneration previously payable to the 2020 Commission, having regard to increases provided to the Statutory Office Holders within its jurisdiction, as well as the proceedings of the electoral redistribution.
17. Accordingly, the Tribunal will issue a Determination which provides for a one-off lump sum payment of \$24,156, for the work performed by the 2024 Commission, noting the payment is payable to each member of the Commission, other than the Chair.

OPERATIVE DATE

18. The operative date of the accompanying Determination shall be 28 February 2025.

Dated: 27 February 2025

MATTHEW O'CALLAGHAN
President
DONNY WALFORD
Member
MARK YOUNG
Member

THE REMUNERATION TRIBUNAL
DETERMINATION NO. 1 OF 2025
Electoral Districts Boundaries Commission

SCOPE

1. This Determination applies to the Members of the Electoral Districts Boundaries Commission, other than the Chair.

DETERMINATION

2. Having regard to the work performed by the members of the 2024 Electoral Districts Boundaries Commission, the Electoral Commissioner (Mr Michael Sherry) and the Surveyor-General (Mr Bradley Slape) shall each be entitled to be paid remuneration at the rate of \$24,156.
3. The above remuneration shall be paid as a lump sum one-off payment for all purposes.

OPERATIVE DATE

4. This Determination shall operate on and from 28 February 2025.

Dated: 27 February 2025

MATTHEW O'CALLAGHAN
President
DONNY WALFORD
Member
MARK YOUNG
Member

RETAIL AND COMMERCIAL LEASES ACT 1995

Exemption

Pursuant to Section 77(2) of the *Retail and Commercial Leases Act 1995* (SA) I, Nerissa Kilvert, Small Business Commissioner for the State of South Australia, exempt the lease agreement between West Beach Trust and DG SA Driving Range Pty Ltd (ACN 140 428 495), in relation to portion of the land in Certificate of Title Volume 6244 Folio 784.

Dated: 13 February 2025

NERISSA KILVERT
Small Business Commissioner

RETIREMENT VILLAGES ACT 2016

SECTION 59(1)

Voluntary Termination of Retirement Village Scheme

Take notice that I, Nat Cook, Minister for Seniors and Ageing Well, pursuant to Section 59(1) of the *Retirement Villages Act 2016*, hereby terminate the Austin Court retirement village scheme situated at 26 Hill Street, Victor Harbor, SA 5211 and comprising all of the land and improvements in Certificate of Title Register Book Volume 5535 Folio 393. I do so being satisfied for the purposes of Section 59(2) of the Act that there are no retirement village residents in occupation. The termination will take effect on the day upon which the retirement village endorsement is cancelled.

Dated: 23 February 2025

NAT COOK
Minister for Seniors and Ageing Well

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER**

Road Closure—Portion of Pedare Park Road, Woodside

By Road Process Order made on 2 September 2024, the Adelaide Hills Council ordered that:

1. Portion of the Allotment 5 in Filed Plan 156740, Woodside, Hundred of Onkaparinga, more particularly delineated and numbered '1' in Preliminary Plan 22/0043 be opened as road.
2. Portion of Pedare Park Road, Woodside, situated adjoining Allotment 10 in Filed Plan 156745, Hundred of Onkaparinga, more particularly delineated and lettered 'A' in Preliminary Plan 22/0043 be closed.
3. Transfer the whole of the land subject to closure to Katherine Emma Pettigrew in accordance with the Agreement for Transfer dated 28 March 2024 entered into between the Adelaide Hills Council and Katherine Emma Pettigrew.

On 18 February 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 135615 being the authority for the new boundaries.

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

Dated: 6 March 2025

B. J. SLAPE
Surveyor-General

2022/16745/01

LOCAL GOVERNMENT INSTRUMENTS

CITY OF TEA TREE GULLY

LOCAL GOVERNMENT ACT 1999

Adoption of Community Land Management Plans—Various Locations

Notice is hereby provided pursuant to Section 197(3) of the *Local Government Act 1999*, that at its ordinary meeting held on 11 February 2025, Council resolved to adopt community land management plans for the following sites within the City of Tea Tree Gully, revoking previous community land management plans:

- Balmoral Reserve, Dernancourt
- Bentley Reserve, Holden Hill
- Civic Park, Modbury
- Deakin Reserve, Hope Valley
- Golden Grove Hockey Field, Golden Grove
- Jubilee Reserve, Wynn Vale
- Minor Parks, City-wide
- Natural Areas, City-wide
- O-Bahn Linear Park, Dernancourt, Holden Hill, Hope Valley, Modbury
- River Torrens Linear Park, Dernancourt—Highbury
- Robertson Reserve, Redwood Park
- Tolley Reserve, Hope Valley
- Tree Screens, City-wide
- Whinnen Reserve, St Agnes

The community land management plans may be viewed at the Council's website <https://www.teatreegully.sa.gov.au/council/council-documents>.

Dated: 6 March 2025

RYAN MCMAHON
Chief Executive Officer

KANGAROO ISLAND COUNCIL

Review of Representation

Notice is hereby given that the Kangaroo Island Council has reviewed its composition and elector representation arrangements in accordance with the requirements of Section 12 of the *Local Government Act 1999* (the Act).

Pursuant to Section 12(13)(a) of the Act, the Electoral Commissioner has issued a certificate that the review undertaken by Council satisfies the requirements of Section 12 of the Act.

The following arrangements will therefore take effect from polling day of the next periodic Local Government election:

- The principal member of the Council shall be a Mayor elected by the electors for the area.
- The Council area will not be divided into wards.
- The future elected body of Council will comprise the Mayor and nine (9) area councillors, all of whom will represent the whole of the Council area and shall be elected by the community at a council-wide election.

Dated: 6 March 2025

DARYL BUCKINGHAM
Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

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 2025* and is By-law No. 1 of the District Council of Streaky Bay.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Expiry**
 - 4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means District Council of Streaky Bay; and
 - 6.3 **person** includes a natural person or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
 - 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
 - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

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

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF STREAKY BAY

MOVEABLE SIGNS BY-LAW 2025

By-law No. 2 of 2025

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the District Council of Streaky Bay.
2. **Authorising Law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
3. **Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
 - 3.1 to protect the comfort and safety of road users and members of the public;
 - 3.2 to enhance the amenity of roads and surrounding parts of the Council's area;
 - 3.3 to prevent nuisances occurring on roads;
 - 3.4 to prevent unreasonable interference with the use of a road; and
 - 3.5 for the good rule and government of the Council's area.

4. Expiry

4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means District Council of Streaky Bay;
- 6.6 **footpath area** means:
 - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but does not include a banner;
- 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.9.1 a bridge, viaduct or subway;
 - 6.9.2 an alley, laneway or walkway; and
 - 6.9.3 the footpath area.
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

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

A moveable sign must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the reasonable opinion of an authorised person, 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 exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.8 in the case of an 'A' frame or sandwich board sign:
 - 7.8.1 be hinged or joined at the top; or
 - 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.8.3 not have a base area in excess of 0.6 square metres;
- 7.9 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.10 not rotate or contain flashing parts.

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 tied, fixed or attached to, or placed closer than 2 metres from, another structure, object (including another moveable sign), tree, bush or plant;

Note-

The above provision requires the sign to be placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres.

- 8.4 placed on a designated parking area or within 1 metre of an entrance to or exit from any business or other premises;
- 8.5 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6 placed so as to interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 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);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a median strip, traffic island, roundabout or on any other traffic control device on a road;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised person:
 - 8.12.1 the safety of a user of the road is at risk; or

- 8.12.2 the sign unreasonably obstructs or restricts the use of the road.
- 9. 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*.
- 10. Restrictions**
- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 10.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 A person must not cause or allow a moveable sign to be placed on a road unless:
- 10.3.1 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
- 10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 10.4 If, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed, the Council may, by resolution, prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 11. Exemptions**
- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign that:
- 11.1.1 advertises a garage sale taking place from residential premises; or
- 11.1.2 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.
- 11.2 Subclauses 10.1 and 10.3.1 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.
- 11.3 A requirement of this By-law will not apply where the Council has granted permission (including by way of adopting a policy for this purpose or upon application) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- Note-**
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
 - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - of a prescribed class.
- PART 3 – ENFORCEMENT**
- 12. Removal of Moveable Signs**
- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.
- Note-**
Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 12.2 The owner or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.3 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:
- 12.3.1 if, in the reasonable opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 13. Liability of Vehicle Owners**
- 13.1 For the purpose of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the District Council held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF STREAKY BAY
ROADS BY-LAW 2025
By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the District Council of Streaky Bay.
- 2. Authorising Law**
This By-law is made under sections 239 and 246 of the *Local Government Act 1999*, and regulation 28 of the *Local Government (General) Regulations 2013*.
- 3. Purpose**
The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council's area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.
- 4. Expiry**
- 4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 5.2 This By-law applies throughout the Council's area.

6. Interpretation

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

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

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

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

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

7.2 Amplification

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

7.3 Animals

- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on or in the vicinity of that land), and provided the animal or animals are under effective control.
 7.3.2 Lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.
 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 Obstructions

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

7.5 Preaching and Canvassing

- 7.5.1 Preach, harangue, or canvass for religious or charitable purposes.
 7.5.2 Convey any religious or other message to any bystander, passerby or other person.

7.6 Public Exhibitions and Displays

- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
 7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.
 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
 7.6.4 Cause any public exhibition or displays.

7.7 Soliciting

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

7.8 Use of a Water Source

- 7.8.1 Use a water source contrary to its intended purpose or contrary to information included on signage on or in the vicinity of the water source.
 7.8.2 Connect a hose to a water source on a road
 7.8.3 Take water obtained from a water source on a road.

7.9 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.10 Rubbish Bins

Deposit in any Council bin on a road any rubbish:

- 7.10.1 emanating from a domestic, commercial or trade source; or
 7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.11 Waste Containers

Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (or its agents or contractors) unless the waste containers are placed on the road:

- 7.11.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.11.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and
- 7.11.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container.

Note-

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

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

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

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

10. Removal of Animals and Objects

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

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

PART 4 – MISCELLANEOUS**11. Exemptions**

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.3 An exemption:

- 11.3.1 may be granted or refused at the discretion of the Council;
- 11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.3.3 is subject to any conditions specified in the instrument of exemption.

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

11.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

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 District Council of Streaky Bay held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF STREAKY BAY
LOCAL GOVERNMENT LAND BY-LAW 2025
By-law No. 4 of 2025**

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

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Local Government Land By-law 2025* and is By-law No. 4 of the District Council of Streaky Bay.

2. Authorising Law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:

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

4. Expiry

4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
- 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.

- 5.3 Subclauses 9.3, 9.7.2, 9.10.1, 9.10.4, 9.11.2, 9.26.1, 9.26.3, 9.26.5, 9.28.2, 9.38, 10.4 and 10.10 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.
- 5.4 Subclauses 9.1 and 9.15.2 and 9.36.1 of this By-law apply throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **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:
- 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
- 6.7.2 a swag or similar bedding; or
- 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—
to remain on Local Government land the foreshore, or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

Note-

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

- 6.8 **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
- 6.9 **Council** means the District Council of Streaky Bay;
- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.12 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13 **foreshore** means land (which may or may not be Local Government land) extending:
- 6.13.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary;
or
- 6.13.2 for a distance of 50 metres from the high water mark.
(whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of Streaky Bay;
- 6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.15 **Harbor of Streaky Bay** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.16 **high water mark** means the point on land that is the highest astronomical tide;
- 6.17 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.18 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
- 6.19 **low water mark** means the lowest astronomical tide;
- 6.20 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.21 **open container** means a container that:
- 6.21.1 after the contents of the container have been sealed at the time of manufacture:
- 6.21.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.21.1.2 being a can, it has been opened or punctured;
- 6.21.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.21.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.21.2 is a flask, glass, mug or other container able to contain liquid;
- 6.22 **personal watercraft** means a device that:
- 6.22.1 is propelled by a motor; and
- 6.22.2 has a fully enclosed hull; and
- 6.22.3 is designed not to retain water if capsized; and
- 6.22.4 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;
- 6.23 **razorshell** means an elongated marine mollusk of the family *Pinnidae*;
- 6.24 **road** has the same meaning as in the Act;
- 6.25 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.26 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.27 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.28 **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 coastal waters (unless stated otherwise); and
- 6.29 **water source** means a source of water owned by the Council that is not naturally occurring and includes, but is not limited to, taps from which reticulated water is sourced and water tanks;
- 6.30 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

7. Access

The Council may:

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

8. Closed Lands

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

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

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities Requiring Permission****Note–**

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

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

9.1 Advertising

Except on any Local Government land determined by resolution of the Council, display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on that Local Government land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Aircraft

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

9.3 Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

9.4 Amplification

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

9.5 Animals

9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on any Local Government land.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

9.5.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.

9.6 Annoyance

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

9.6.1 using that land; or

9.6.2 occupying nearby premises, by making a noise or creating a disturbance.

9.7 Aquatic Life

9.7.1 Introduce any aquatic life to any waters.

9.7.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.

9.7.3 Discard into any waters, the shell of a razorshell, any fish carcass or bait.

9.8 Attachments

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

9.9 Bees

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

9.10 Boats & Mooring

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

9.10.1 launch or retrieve a boat to or from any waters (including to or from coastal waters) adjacent to or on any Local Government land or foreshore to which the Council has resolved that this subclause applies;

9.10.2 launch or retrieve a boat to or from the foreshore or any waters other than from a boat ramp constructed for that purpose;

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

9.10.4 subject to clause 9.10.5, moor a boat:

9.10.4.1 on any waters; or

9.10.4.2 to any Local Government land or to any foreshore

to which the Council has determined this subclause applies; or

9.10.5 moor any boat on or to Local Government land or the foreshore other than in accordance with such time limits and any other conditions determined by the Council and contained in any signage erected on or in the vicinity of the land.

9.11 Boat Ramps

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

9.11.2 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land to which the Council has determined this subclause applies, other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp

9.12 Bridge Jumping

Jump or dive from a bridge on Local Government land.

9.13 Buildings

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

9.14 Burials and Memorials

9.14.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.

9.14.2 Erect any memorial.

9.15 Camping and Tents

On any Local Government land, foreshore or on a road:

9.15.1 subject to this subclause 9.15, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

- 9.15.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
- 9.15.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
- 9.15.2.2 on any Local Government land, foreshore or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the land.
- 9.16 **Canvassing**
Subject to subclause 14.2, convey verbally to a person, any advertising, religious or other message to any bystander, passer-by or other person.
- 9.17 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.18 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.19 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.20 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.21 **Entertainment and Busking**
- 9.21.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.21.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.22 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.22.1 in a place provided by the Council for that purpose; or
- 9.22.2 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.
- 9.23 **Fireworks**
Ignite, explode or use any fireworks.
- 9.24 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.24.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.24.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.24.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.24.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.24.4 and 9.24.7 do not apply to lawful fishing activities.
- 9.25 **Foreshore**
- 9.25.1 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.25.2 Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose as indicated by signage on or near that land.
- 9.25.3 Hire out a boat on or from the foreshore.
- 9.26 **Games and Sport**
- 9.26.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.26.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object, that may, as determined by an authorised person acting reasonably, 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.
- 9.26.3 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.
- 9.26.4 Play or practise the game of golf other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its agent) that apply to such play or practice.
- 9.26.5 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) as indicated on a sign on or in the vicinity of the land.
- 9.27 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2 erecting or installing a structure in, on, across, under or over the land;
- 9.27.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.28 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or

- discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.28.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.29 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
- 9.29.1 present a nuisance or danger to a person using the land; or
- 9.29.2 cause an unsightly condition.
- 9.30 **Playing Area**
Use or occupy a playing area:
- 9.30.1 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);
- 9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.31 **Pontoons**
Install or maintain a pontoon or jetty or similar structure in any waters.
- 9.32 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.33 **Rubbish Dumps and Rubbish Bins**
- 9.33.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump operated by the Council or a Council contractor.
- 9.33.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin that:
- 9.33.2.1 the Council has made available on any Local Government Land or road; or
- 9.33.2.2 has been placed on Local Government land or on a road for collection by the Council (or its agent).
- 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; or
- 9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.35 **Use of a Water Source**
- 9.35.1 Use a water source on Local Government land contrary to its intended purpose or contrary to information included on signage on or in the vicinity of the water source.
- 9.35.2 Connect a hose to a water source on Local Government land.
- 9.35.3 Take water obtained from a water source on Local Government land.
- 9.36 **Vehicles**
- 9.36.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
- 9.36.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage thereon or in its vicinity.
- 9.36.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.37 **Weddings, Functions and Special Events**
- 9.37.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.37.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.37.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.38 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land or on the foreshore:
- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
- 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
- 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct:
10.8.1 any path or track;
10.8.2 any door, entrance, stairway or aisle in any building; or
10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game:
10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or
10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Solicitation**
Subject to subclause 9.32, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **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.
- 10.13 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and any hand washing facilities):
10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
10.13.4 enter any gender specific public convenience except:
10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
10.13.4.2 where the person is:
(a) a vulnerable person; or
(b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
10.13.4.3 for the purpose of providing assistance to a person with a disability; or
10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
10.14.1 Deposit or leave thereon anything obnoxious or offensive.
10.14.2 Deposit in any rubbish bin:
10.14.2.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
10.14.2.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
11.1.1 that person's use of the land;
11.1.2 that person's conduct and behaviour on the land;
11.1.3 that person's safety on the land; or
11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act which may include an order to leave that part of Local Government land.

12. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

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

13. Removal of Animals and Objects

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

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.16 and 9.18 of this By-law do not apply to electoral matter authorised by a candidate and which is:
14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.
15. **Liability of Vehicle Owners**
- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF STREAKY BAY
DOGS BY-LAW 2025
By-law No. 5 of 2025

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the District Council of Streaky Bay.
2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.
3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council area:
- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.
4. **Expiry**
4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².
- Note-
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.1 and 10.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means District Council of Streaky Bay;
- 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.8.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.8.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;
- 6.9 **foreshore** means land extending:
- 6.9.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary;
- or
- 6.9.2 for a distance of 50 metres from the high water mark, (whichever is the lesser) and to avoid doubt, includes the foreshore with the Harbor of Streaky Bay;
- 6.10 **Harbor of Streaky Bay** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.11 **keep** includes the provision of food or shelter;
- 6.12 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.13 **premises** includes land and part of land whether used or occupied for domestic or non-domestic purposes;
- 6.14 **township** has the same meaning as in the Act;
- 6.15 **working livestock dog** means a dog:
- 6.15.1 usually kept, proposed to be kept or worked on rural land by a person who is:
- 6.15.1.1 a primary producer; or
- 6.15.1.2 engaged or employed by a primary producer; and
- 6.15.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on Dog Numbers in Private Premises**

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

PART 3 – DOG CONTROLS**8. Dog Exercise Areas**

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, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

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

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land; or
- 10.2 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

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

PART 4 – EXEMPTIONS**12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
 - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
 - 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

- For example, an authorised person may order a person to:
- cease keeping more than the permitted number of dogs on that person's premises; or
 - remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF STREAKY BAY
CATS BY-LAW 2025
By-law No. 6 of 2025**

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

PART 1 - PRELIMINARY**1. Title**

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the District Council of Streaky Bay.

2. Authorising Law

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

3. Purpose

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

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;

- 3.3 to protect the comfort and safety of members of the public; and
 3.4 for the good rule and government of the Council's area.
- 4. Expiry**
 4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².
- Note-**
 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*
 5.2 This By-law applies throughout the Council's area.
- 6. Interpretation**
 In this By-law, unless the contrary intention appears:
 6.1 **Act** means the *Local Government Act 1999*;
 6.2 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
 6.3 **Council** means the District Council of Streaky Bay;
 6.4 **effective control by means of physical restraint** means:
 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and that does not exceed 2 metres in length; or
 6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure.
 6.5 **keep** includes the provision of food or shelter;
 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;
 6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-
 Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS

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

PART 3 – CAT CONTROLS

- 8. Cats not to be a Nuisance**
 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
 8.2 Without limiting liability under subclause 8.1, the owner of, or person responsible for the control of, a cat is guilty of an offence under this By-law if the cat causes a nuisance.
 8.3 For the purposes of this clause 8, **cat** means an animal of the species *felis catus* (of any age).
- 9. Registration of Cats**
 9.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
 9.2 An application for registration of a cat must:
 9.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
 9.2.2 be accompanied by the fee (if any) prescribed by the Council; and
 9.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 9.2.4 identify with reference to an address the premises at which the cat is kept; and
 9.2.5 otherwise comply with any other requirements determined by the Council.
 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
 9.4 Subclause 9.1 does not apply to premises comprising an approved cattery.
 9.5 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 9.1 should it see fit to do so.
 9.6 For the purposes of this clause 9, cat means an animal of the species *felis catus*.

PART 4 – EXEMPTIONS

- 10. Council May Grant Exemptions**
 10.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
 10.2 An exemption:
 10.2.1 may be granted or refused at the discretion of the Council;
 10.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 10.2.3 is subject to any conditions specified in the instrument of exemption.
 10.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
 10.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 - ENFORCEMENT**11. Orders**

- 11.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 11.1.1 if the conduct is still continuing – to stop the conduct; and
- 11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 11.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 11.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 11.4 An authorised person may not use force against a person.

Note–

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

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 February 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 6 March 2025

PENNY WILLIAMS
General Manager, Prosperity

PUBLIC NOTICES

EMPLOYMENT AGENTS REGISTRATION ACT 1993

Notice of Application

SKILLSTREAM AUSTRALIA PTY LTD, hereby gives notice of its intention to apply for a license under the *Employment Agents Registration Act 1993*.

Any person may object to the application by lodging a notice of objection in writing within 10 days of the date of publication of this notice to the:

Director, SafeWork SA
GPO Box 465
Adelaide SA 5001

Dated: 6 March 2025

HERBERT L. LEGASPI
for and on behalf of the Applicant

NATIONAL ELECTRICITY LAW

Notice of Extension for Making Final Determination

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

Under s 107, the time for the making of the final determination on the *Improving the NEM access standards - Package 1* (Ref. ERC0393) proposal has been extended to **22 May 2025**.

Documents referred to above are available on the [AEMC's website](https://www.aemc.gov.au) and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 6 March 2025

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
- Purchase order, if required—Local Council and Public notices only

EMAIL: governmentgazettesa@sa.gov.au

PHONE: (08) 7133 3552

WEBSITE: www.governmentgazette.sa.gov.au

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