



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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ADELAIDE, THURSDAY, 30 SEPTEMBER 2010

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**GOVERNMENT GAZETTE NOTICES**

ALL poundkeepers' and private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be *received no later than 4 p.m. on the Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: [governmentgazette@dpc.sa.gov.au](mailto:governmentgazette@dpc.sa.gov.au)*. Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged. The *Government Gazette* is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au)

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Veterinary Surgeons Board of South Australia, pursuant to the provisions of the Veterinary Practice Act 2003:

Member: (from 1 October 2010 until 30 September 2013)  
Hayley Joy McPhee

Deputy Member: (from 1 October 2010 until 30 September 2013)

Karen Anne Hunter (Deputy to McPhee)

By command,

GRACE PORTOLESI, for Premier

MAFF10/23CS

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Legal Practitioners Disciplinary Tribunal, pursuant to the provisions of the Legal Practitioners Act 1981:

Deputy Presiding Member: (from 30 September 2010 until 19 January 2011)

Sashi Jass Maharaj

Member: (from 30 September 2010 until 29 September 2013)

Robert Lindsay Kennett

Mark Christopher Livesey

By command,

GRACE PORTOLESI, for Premier

AGO0067/07CS

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Board of the Environment Protection Authority, pursuant to the provisions of the Environment Protection Act 1993:

Member: (from 11 October 2010 until 10 October 2011)  
Linda Jillian Bowes

By command,

GRACE PORTOLESI, for Premier

MEC10/0034CS

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the State Opera of South Australia Board of Management, pursuant to the provisions of the State Opera of South Australia Act 1976:

Member: (from 1 October 2010 until 30 September 2013)  
Elizabeth Anne Raupach  
Anna Bryant

Chair: (from 1 October 2010 until 30 September 2013)

Elizabeth Anne Raupach

By command,

GRACE PORTOLESI, for Premier

ASACAB016/02

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for Education and Acting Minister for Early Childhood Development for the period from 1 October 2010 to 5 October 2010 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

GRACE PORTOLESI, for Premier

MEDU10/026CS

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations and Minister Assisting the Premier in Public Sector Management to be also Acting Minister for Road Safety and Acting Minister for Veterans' Affairs for the period from 1 October 2010 to 6 October 2010 inclusive, during the absence of the Honourable John James Snelling, MP.

By command,

GRACE PORTOLESI, for Premier

10MET/628

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Tom Koutsantonis, MP, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services and Minister for Gambling to be also Acting Minister for Employment, Training and Further Education and Acting Minister for Science and Information Economy for the period from 1 October 2010 to 6 October 2010 inclusive, during the absence of the Honourable John James Snelling, MP.

By command,

GRACE PORTOLESI, for Premier

10MET/628

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Gail Elizabeth Gago, MLC, Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises and Minister for the City of Adelaide to be also Acting Minister for Aboriginal Affairs and Reconciliation for the period from 1 October 2010 to 6 October 2010 inclusive, during the absence of the Honourable Grace Portolesi, MP.

By command,

GRACE PORTOLESI, for Premier

MAA10/019SC

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Tom Koutsantonis, MP, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services and Minister for Gambling to be also Acting Minister for Multicultural Affairs, Acting Minister for Youth and Acting Minister for Volunteers for the period from 1 October 2010 to 6 October 2010 inclusive, during the absence of the Honourable Grace Portolesi, MP.

By command,

GRACE PORTOLESI, for Premier

MAA10/019SC

Department of the Premier and Cabinet  
Adelaide, 30 September 2010

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint Alan Peter Moss to the office of Judge of the District Court of South Australia on an auxiliary basis from 30 September 2010 to 30 June 2011, it being a condition of appointment that the powers and jurisdictions of office should only be exercised during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment, pursuant to the provisions of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

GRACE PORTOLESI, for Premier

AGO0041/02CS

#### DEVELOPMENT ACT 1993

##### MOUNT BARKER URBAN GROWTH DEVELOPMENT PLAN AMENDMENT

*Prepared by the Minister—Change to Public Meeting*

NOTICE is hereby given that the Minister for Urban Development and Planning has, pursuant to sections 24 and 26 of the Development Act 1993, prepared the Mount Barker Urban Growth Development Plan Amendment (DPA) to amend the Mount Barker (DC) Development Plan.

Public consultation on the draft DPA concluded on 4 August 2010. Four sessions of the Public Meeting for the DPA were held between Tuesday, 31 August and Wednesday, 14 September 2010 as indicated below:

- Tuesday, 31 August 2010—from 7 p.m.
- Wednesday, 1 September 2010—from 7 p.m.
- Wednesday, 8 September 2010—from 7 p.m.
- Wednesday, 14 September 2010—from 7 p.m.

An additional session of the adjourned Public Meeting will now be held at Cinema 1, Wallis Cinemas, 17 Adelaide Road, Mount Barker at the following time:

- Wednesday, 13 October 2010—from 7 p.m.

If you would like more information about the draft DPA, please contact Jason Bailey on telephone number 8303 0741 or via email at [jason.bailey@sa.gov.au](mailto:jason.bailey@sa.gov.au).

Dated 28 September 2010.

S. UNDERWOOD, Secretary, Development  
Policy Advisory Committee

#### EDUCATION ACT 1972

##### *Establishment of a School Council for a Government School*

PURSUANT to section 85 (1) (a) of the Education Act 1972, I, do hereby establish the Blair Athol North School B-7 School Council.

##### *Transitional Provisions (section 85 (2))*

All decisions made as a body prior to this notice by the persons forming the interim school council for the Blair Athol North School B-7 School will be taken to be decisions of the Council established by this notice.

Dated 29 September 2010.

JAN ANDREWS, Deputy Chief Executive,  
Department of Education and Children's  
Services as delegate for Minister for  
Education

#### EDUCATION ACT 1972

##### *Establishment of a School Council for a Government School*

PURSUANT to section 85 (1) (a) of the Education Act 1972, I, do hereby establish the Woodville Gardens School B-7 School Council.

##### *Transitional Provisions (section 85 (2))*

All decisions made as a body prior to this notice by the persons forming the interim school council for the Woodville Gardens School B-7 will be taken to be decisions of the Council established by this notice.

Dated 29 September 2010.

JAN ANDREWS, Deputy Chief Executive,  
Department of Education and Children's  
Services as delegate for Minister for  
Education

#### ESSENTIAL SERVICES COMMISSION ACT 2002

##### *Price Determination*

NOTICE is hereby given that:

1. On 26 October 2007 the Essential Services Commission made a price determination under the Essential Services Commission Act 2002, as authorised by Regulation 3 of the Essential Service Commission Regulations 2004, regulating conditions relating to prices of essential maritime services.

2. The Ports (Variation) Price Determination varies the 2007 Ports Price Determination by extending the length of the regulatory period for the ports price regime from a three-year regulatory period to a five-year regulatory period. Further, the time period for which a regulated service operator is required to submit its Regulatory Accounts to the Commission has also been extended from three months to four months.

3. The Ports (Variation) Price Determination takes effect on and from 30 September 2010 and continues in effect up to and including 30 October 2012.

4. A copy of the Ports (Variation) Price Determination and statement of reasons may be inspected or obtained from the Essential Services Commission, 8th Floor, 50 Pirie Street, Adelaide and is also available at [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).

5. Queries in relation to the Ports (Variation) Price Determination may be directed to the Essential Services Commission, 8th Floor, 50 Pirie Street, Adelaide. Telephone (08) 8463 4444 or Freecall 1800 633 592.

##### *Execution:*

The seal of the Essential Services Commission was affixed with due Authority by the Chairperson of the Essential Services Commission.

Dated 28 September 2010.

P. WALSH, Chairperson, Essential  
Services Commission

## ENVIRONMENT PROTECTION ACT 1993

*Variation to Existing Approval of Collection Depot*

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 69 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

*Variation to Existing Approval of Collection Depot*

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

*Approval of Collection Depot*

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

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (c) the location of the depot described in Columns 4-5 of Schedule 1 of this Notice; and

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

*Conditions of Approval*

Impose the following conditions on the approval:

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

## SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Depot Name	Company/Trading Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title No. Volume/Folio No.
Blackwood Recycling Centre	SA Sustainable Services Pty Ltd	Carol Smith	Opposite Blackwood Railway Station, Main Road	Blackwood, S.A. 5051	Volume 4362, Folio 93
Sheidow Park Recycling Centre	SA Sustainable Services Pty Ltd	Carol Smith	11 Commercial Road	Sheidow Park, S.A. 5158	n/a
Havachat Bottle Can and Scrap depot	P. J. and H. J. Whyatt	Peter Whyatt and H. Whyatt	Lot 31, Addison Street	Kingscote, S.A. 5223	n/a

## FIRE AND EMERGENCY SERVICES ACT 2005

*Constitution of a CFS Brigade*

NOTICE is hereby given pursuant to Division 5, Section 68 (1) (a) of the Fire and Emergency Services Act 2005, that the Chief Officer, Country Fire Service approves the change of name of the Auspine Tree Farms CFS Brigade to constitute the Gunns Forestry CFS Brigade, effective 17 September 2010.

The registered code for the brigade will be GUNF.

Dated 24 September 2010.

A. LAWSON, AFSM, Acting Chief Officer,  
SA Country Fire Service

## FIRE AND EMERGENCY SERVICES ACT 2005

*Constitution of a CFS Group*

NOTICE is hereby given pursuant to Division 5, Section 68 (1) (b) of the Fire and Emergency Services Act 2005, that the Chief Officer, Country Fire Service approves the change of name of the Port MacDonnell and District CFS Group to constitute the Kingsley CFS Group, effective 17 September 2010.

The registered code for the brigade will be KING.

Dated 24 September 2010.

A. LAWSON, AFSM, Acting Chief Officer,  
SA Country Fire Service

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that, pursuant to section 115 of the Fisheries Management Act 2007, Equititrust Ltd, c/o Scott Biggs, 67 Thomas Drive, Chevron Island, Qld 4217, (the 'exemption holder') or a person acting as an agent, is exempt from section 52 of the Fisheries Management Act 2007, but only insofar as they may collect beach cast seagrass (the 'exempted activity') in the areas specified in Schedule 1, subject to the conditions in Schedule 2, from September 2010 until 30 September 2011, unless varied or revoked earlier.

## SCHEDULE 1

<i>Location</i>	<i>Longitude</i>	<i>Latitude</i>
1	S35°30'02.4"	E138°14'41.0"
2	S35°30'01.8"	E138°14'40.6"
3	S35°29'59.6"	E138°14'45.2"

## SCHEDULE 2

1. Before conducting the exempted activity, the exemption holder must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you 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 issues as detailed under Exemption No. 9902378.

2. A one off mechanical removal of beach cast seagrass is permitted between 27 September to 4 October 2010 (one week). Removal of beach cast seagrass must be manual other than during this time.

3. The exemption holder must complete a log sheet on the first day of each month and provide a report to PIRSA Fisheries no later than 15 days after the expiry of this exemption. The log sheets and report must provide detail on the area of beach cleared (square metres), volume of seagrass cleared (cubic metres), any interactions with threatened, endangered and protected species in the area and the method and location of disposed beach cast seagrass.

4. The exemption holder must minimise the disturbance to any birds, and/or animals that are present on the area, adhere to existing tracks, and must not modify any existing tracks on Crown land.

5. The exemption holder must only collect beach cast seagrass on the beach between the low and high water mark at low water tide, no closer than 5 m from the seaward toe of any dune.

6. The operation must be designed to minimise the removal of sand.

7. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act or any condition of this notice, except where specifically exempted by this notice.

Dated 23 September 2010.

M. SMALLRIDGE, Director of Fisheries

## HEALTH CARE ACT 2008

## NOTICE BY THE MINISTER

*Expiry of Authorisation Under Schedule 4—Part 20, Section 38*

TAKE notice that I, John Hill, Minister for Health, pursuant to Part 20, section 38 (2) and (3) do hereby:

FIX the thirtieth day of September 2010 as the date on which the authorisations under Part 7 section 64 as set out in the Schedule to this notice will expire.

Dated 24 September 2010.

JOHN HILL, Minister for Health

## HEALTH CARE ACT 2008

## NOTICE BY THE MINISTER

*Expiry of Authorisation Under Schedule 4—Part 20, Section 38*

## SCHEDULE

- Adelaide Community Healthcare Alliance Incorporated:  
Medical Emergency Team (MET) Audit Committee (a Sub-Committee of the Clinical Review Committee)
- The Memorial Hospital  
Medical Committee  
Medical Record and Privileges Committee  
Medical Appeals Judiciary  
Nursing Audit Committee  
Therapeutics Committee  
Infection Control Committee  
Operating Suite Committee  
Occupational Health Safety and Welfare Committee  
Quality Improvement Committee  
Ethics Committee  
Medical Staff Association  
Critical Care Committee  
Neurological Rehabilitation Committee  
Anaesthetic Committee  
Clinical Indicators Committee
- Central Northern Adelaide Health Service:  
Royal Adelaide Hospital  
Cancer Registry
- The Queen Elizabeth Hospital and Health Service:  
Cancer Registry
- Medical Defence Association of South Australia Limited:  
Ear Nose and Throat Quality Committee  
Member Risk Management Sub-Committee
- Southern Adelaide Health Service:  
Flinders Medical Centre  
Cancer Registry
- Sportsmed SA:  
Theatre Committee  
Continuous Quality Improvement Committee
- Stirling and Districts Hospital:  
Medical Advisory and Education Committee

## HEALTH CARE ACT 2008

## NOTICE BY THE MINISTER

*Declaration of Authorised Quality Improvement Activity and Authorised Person under Section 64*

TAKE notice that I, John Hill, Minister for Health, pursuant to sections 64 (1) (a) (i) and (b) (i) do hereby:

DECLARE the Activities described in the Schedule to this declaration (the Activities) to be authorised quality improvement activities to which Part 7 of the Act applies, and

DECLARE the Person or group of Persons (including a group formed as a committee) described in the Schedule to this declaration (the Persons) to be an authorised entity for the purposes of carrying out the authorised quality improvement activities to which Part 7 of the Act applies:

being satisfied that:

- (a) the performance of the activities within the ambit of the declaration and the functions or activities of the person or group of persons within the ambit of the declaration, would be facilitated by the making of the declaration; and
- (b) that the making of the declaration is in the public interest.

Dated 24 September 2010.

JOHN HILL, Minister for Health

## SCHEDULE

*Declaration of Authorised Quality Improvement Activity and Authorised Person Under Section 64*

Activity	Person or Group of Persons
Clinical Cancer Registry	Adelaide Health Service The Queen Elizabeth Hospital— Clinical Cancer Registry
Clinical Cancer Registry	Adelaide Health Service Royal Adelaide Hospital— Clinical Cancer Registry
Clinical Cancer Registry	Adelaide Health Service Flinders Medical Centre— Clinical Cancer Registry
Anaesthetic Mortality Quality Improvement	South Australian Anaesthetic Mortality Committee

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

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

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land situated at South Road, Regency Park, being a portion of section 914 in the Hundred of Yatala comprised in certificate of title volume 5537, folio 34, and being the whole of the land numbered 71 on a plan numbered D84431 that has been lodged in the Land Titles Office.

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

*Compensation*

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

*Inquiries*

Inquiries should be directed to:

Peter Lloyd,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Telephone: (08) 8343 2780

Dated 27 September 2010.

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

J. BERRY, Acting Manager, Transport  
Property (Authorised Officer),  
Department for Transport, Energy  
and Infrastructure

DTEI 2009/02864/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

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

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land situated at 575 South Road, Regency Park, being a portion of section 5689 in the Hundred of Yatala, comprised in certificate of title volume 5197, folio 617, and being the whole of the land numbered 86 on a plan numbered D84039, that has been lodged in the Lands Titles Office

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

*Compensation*

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

*Inquiries*

Inquiries should be directed to:

Peter Lloyd,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Telephone: (08) 8343 2780

Dated 27 September 2010.

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

J. BERRY, Acting Manager, Transport  
Property (Authorised Officer),  
Department for Transport, Energy  
and Infrastructure

DTEI 2010/10594/01

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
4 Brooker Court, Woodville Park	Allotment 2 in Filed Plan 123796, Hundred of Yatala	5360	718	29.4.04, page 1133
2 Marden Street, Wallaroo	Allotment 814 in Filed Plan 189756, Hundred of Wallaroo	5548	22	29.7.93, page 716
Lot 2, Quarry Road, Warnertown	Allotment 2 in Filed Plan 161432, Hundred of Napperby	5297	801	2.9.10, page 4676
7 Rollison Road, Elizabeth Vale	Allotment 1171 in Deposited Plan 6818, Hundred of Munno Para	5275	249	15.4.10, page 1257

Dated at Adelaide, 30 September 2010.

R. HULM, Acting Director, Corporate Services, Housing SA

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
77 Robert Street, Moonta	Allotment 414 in Filed Plan 198595, Hundred of Wallaroo	5778	754	25.5.06, page 1384	200.00

Dated at Adelaide, 30 September 2010.

R. HULM, Acting Director, Corporate Services, Housing SA

## HOUSING IMPROVEMENT ACT 1940

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

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
2 Whiteparish Road	Elizabeth North	Allotment 661 in Deposited Plan 6444, Hundred of Munno Para	5262	302

Dated at Adelaide, 30 September 2010.

R. HULM, Acting Director, Corporate Services, Housing SA

LIQUOR LICENSING ACT 1997 AND  
GAMING MACHINES ACT 1992

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that MacLeod Furze Group Pty Ltd as trustee for TL Furze Family Trust and JA MacLeod Family Trust has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 95 Main Street, Lobethal, S.A. 5241 and known as Rising Sun Hotel.

The applications have been set down for hearing on 27 October 2010 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 20 October 2010).

The applicant's address for service is c/o Foreman Legal, 69 Mount Barker Road, Stirling, S.A. 5152 (Attention: Philip Foreman).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 21 September 2010.

Applicant

LIQUOR LICENSING ACT 1997 AND  
GAMING MACHINES ACT 1992

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that R.A.L.L. Group Holdings Pty Ltd as trustee for Little Family Trust has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 1 Government Road, Carpenter Rocks, S.A. 5291 and known as Rocks Tavern.

The applications have been set down for hearing on 28 October 2010 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, before the hearing date (viz: 27 October 2010).

The applicant's address for service is c/o Wallmans Lawyers, G.P.O. Box 1018, Adelaide, S.A. 5001 (Attention: Sam Ngai or Ben Allen).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 27 September 2010.

Applicant

LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Marcus Ernst Hofer has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at 11 Hatherly Avenue, O'Halloran Hill, S.A. 5158 and known as Hofer Family Wines.

The application has been set down for hearing on 3 November 2010 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 27 October 2010).

The applicant's address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 27 September 2010.

Applicant

LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that West Infinity Cafe Pty Ltd has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Shop 70, 155 Brebner Drive, West Lakes, S.A. 5021 and known as Cafe Infinity.

The application has been set down for hearing on 2 November 2010 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 26 October 2010).

The applicant's address for service is c/o John Fitzpatrick, Office 4, 76 Osmond Terrace, Norwood, S.A. 5067.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 24 September 2010.

Applicant

LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that C & C Exporters Pty Ltd has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at Apartment 1214, 25 Colley Terrace, Glenelg, S.A. 5045 and to be known as C & C Exporters.

The application has been set down for hearing on 1 November 2010 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 25 October 2010).

The applicant's address for service is c/o Roy Kelly, P.O. Box 257, Unley, S.A. 5061.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 23 September 2010.

Applicant



## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that BB Myrtle Pty Ltd as trustee for C & Y Loukos Family Trust has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Shop A, 239-241 Main North Road, Sefton Park, S.A. 5083 and known as Barnacle Bill Sefton Park.

The application has been set down for hearing on 28 October 2010 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 21 October 2010).

The applicant's address for service is c/o Con Loucos, Shop A, 239-241 Main North Road, Sefton Park, S.A. 5083.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 21 September 2010.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that SJFH Pty Ltd as trustee for the Wright and Hill Family Trust has applied to the Licensing Authority for a Residential Licence in respect of premises situated at Lot 107, Gilbert Street Tarlee, S.A. 5411 and known as Tarlee Motel.

The application has been set down for hearing on 3 November 2010 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 21 October 2010).

The applicant's address for service is c/o Rudall & Rudall Lawyers, P.O. Box 696, Gawler, S.A. 5118 (Attention: Leon Budden).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 27 September 2010.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Deborah Lee Hoff, Kenneth John Baker and Annette Noleene Love have applied to the Licensing Authority for variation to Conditions to include sampling in respect of premises situated at Lot 295, Plains Road, Sellicks Hill, S.A. 5174 and known as Rocky Ridge Vineyard.

The application has been set down for hearing on 3 November 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 27 October 2010).

The applicants' address for service is c/o Kenneth Baker, 1286 Aldinga Beach, Aldinga S.A. 5173.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 27 September 2010.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Phillip John Bennett and Wendy Blanche Bennett have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Springton Road, Mount Pleasant, S.A. 5235 and to be known as Patalunga Vineyard.

The application has been set down for hearing on 2 November 2010 at 11 a.m.

*Conditions*

The following licence conditions are sought:

- Designated sampling areas are sought for the tasting room, meeting room and outdoor toasting area as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 26 October 2010).

The applicants' address for service is c/o Phillip Bennett, P.O. Box 433, Birdwood, S.A. 5234.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 27 September 2010.

Applicants

## NATIONAL ELECTRICITY LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law of the following matters.

Under section 107, the period of time for the making of the draft Rule determination on the Inter-regional Transmission Charging Rule proposal has been extended to 2 December 2010.

Under section 107, the period of time for the making of the draft Rule determination on the Total Factor Productivity for Distribution Network Regulation Rule proposal has been extended to 1 October 2011.

Further details and all documents on the above matters are available on the AEMC's website [www.aemc.gov.au](http://www.aemc.gov.au). The relevant documents are also available for inspection at the offices of the AEMC.

John Pierce  
Chairman  
Australian Energy Market Commission  
Level 5, 201 Elizabeth Street,  
Sydney, N.S.W. 2000  
Telephone: (02) 8296 7800  
Facsimile: (02) 8296 7899

30 September 2010.

## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2010

	\$		\$
Agents, Ceasing to Act as.....	44.25	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	29.50
Incorporation .....	22.40	Discontinuance Place of Business .....	29.50
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Transfer of Properties .....	55.50	Intention to Sell, Notice of.....	55.50
Attorney, Appointment of.....	44.25	Lost Certificate of Title Notices .....	55.50
Bailiff's Sale.....	55.50	Cancellation, Notice of (Strata Plan) .....	55.50
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Companies:		Caveat Lodgement.....	22.40
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Declaration of Dividend.....	32.75	Sublet.....	11.30
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Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	32.75
First Name.....	32.75	Licensing.....	65.50
Each Subsequent Name.....	11.30	Municipal or District Councils:	
Meeting Final.....	37.00	Annual Financial Statement—Forms 1 and 2 .....	618.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	439.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	88.00
First Name.....	44.25	Each Subsequent Name.....	11.30
Each Subsequent Name.....	11.30	Noxious Trade.....	32.75
Notices:		Partnership, Dissolution of .....	32.75
Call.....	55.50	Petitions (small).....	22.40
Change of Name .....	22.40	Registered Building Societies (from Registrar-	
Creditors.....	44.25	General).....	22.40
Creditors Compromise of Arrangement .....	44.25	Register of Unclaimed Moneys—First Name.....	32.75
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name .....	11.30
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	55.50	Rate per page (in 8pt) .....	281.00
Release of Liquidator—Application—Large Ad.....	88.00	Rate per page (in 6pt) .....	371.00
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Receiver and Manager Appointed.....	51.00	Advertisements.....	3.10
Receiver and Manager Ceasing to Act.....	44.25	¼ page advertisement .....	131.00
Restored Name.....	41.25	½ page advertisement .....	262.00
Petition to Supreme Court for Winding Up.....	77.00	Full page advertisement.....	514.00
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ALL private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be *received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@dpc.sa.gov.au.* Send as attachments in Word format. Please include date the notice is to be published and to whom the notice will be charged. **The Government Gazette is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).**

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1-16	2.70	1.25	497-512	37.50	36.50
17-32	3.60	2.25	513-528	38.50	37.25
33-48	4.70	3.35	529-544	39.75	38.50
49-64	5.95	4.55	545-560	40.75	39.75
65-80	6.90	5.75	561-576	41.75	40.75
81-96	8.05	6.65	577-592	43.25	41.25
97-112	9.20	7.85	593-608	44.50	42.75
113-128	10.30	9.05	609-624	45.25	44.25
129-144	11.50	10.20	625-640	46.50	44.75
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161-176	13.70	12.40	657-672	48.25	47.00
177-192	15.00	13.50	673-688	50.25	48.25
193-208	16.10	14.90	689-704	51.25	49.25
209-224	17.00	15.70	705-720	52.00	50.50
225-240	18.20	16.80	721-736	53.50	51.50
241-257	19.50	17.80	737-752	54.00	52.50
258-272	20.60	18.90	753-768	55.50	53.50
273-288	21.70	20.40	769-784	56.50	55.50
289-304	22.60	21.30	785-800	57.50	56.50
305-320	24.00	22.50	801-816	59.00	57.00
321-336	25.00	23.60	817-832	60.00	59.00
337-352	26.20	24.90	833-848	61.00	60.00
353-368	27.00	26.00	849-864	62.00	60.50
369-384	28.50	27.00	865-880	63.50	62.00
385-400	29.75	28.25	881-896	64.00	62.50
401-416	30.75	29.25	897-912	65.50	64.00
417-432	32.00	30.50	913-928	66.00	65.50
433-448	33.00	31.75	929-944	67.00	66.00
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NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001

*Temporary Closure of Simpson Desert Regional Reserve and  
Simpson Desert Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, close to the public the whole of the Simpson Desert Regional Reserve and the whole of Simpson Desert Conservation Park from 6 p.m on 30 November 2010 to 6 p.m. on 15 March 2011.

The temporary closure is made in the interest of public safety as a result of anticipated extreme daytime temperatures likely to be experienced in the reserves during the closure period.

Dated 24 September 2010.

E. G. LEAMAN, Director of National Parks  
and Wildlife

NOTICE TO MARINERS

NO. 40 OF 2010

*South Australia—Edithburgh—Sultana Passage—Navigation  
Beacon Damaged*

THE unlit starboard hand lateral marker in position 35°08.432'S, 137°45.454'E has broken off at the base of the tripod structure and is damaged. A temporary yellow special mark with a St Andrews Cross has been installed to mark the damaged beacon until such time as repairs can be carried out.

Mariners are advised to exercise extreme caution when navigating in the area.

Charts affected: Aus 139 and 780.

Adelaide, 28 September 2010.

PATRICK CONLON, Minister for Transport

DTEI 2010/01461

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Uranium One Australia Pty Ltd (50.1%) and Mitsui & Co. Uranium Australia Pty Ltd (49.9%).

Location: Hesso area—Approximately 70 km north-north-west of Port Augusta.

Pastoral Leases: South Gap, Kootaberra, Hesso and Mount Arden.

Term: 2 years

Area in km<sup>2</sup>: 836

Ref.: 2010/00187

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Uranium One Australia Pty Ltd (50.1%) and Mitsui & Co. Uranium Australia Pty Ltd (49.9%).

Location: Charlinga area—Approximately 80 km north-west of Port Augusta.

Pastoral Leases: South Gap, Kootaberra, Hesso, Oakden Hills and Yudnapinna.

Term: 2 years

Area in km<sup>2</sup>: 926

Ref.: 2010/00188

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Uranium One Australia Pty Ltd (50.1%) and Mitsui & Co. Uranium Australia Pty Ltd (49.9%).

Location: Bowen Hill area—Approximately 110 km north-west of Port Augusta.

Pastoral Leases: Yalymboo and Yudnapinna.

Term: 2 years

Area in km<sup>2</sup>: 533

Ref.: 2010/00189

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Copper Range (SA) Pty Ltd

Location: Eudunda area—Approximately 90 km north-east of Adelaide.

Term: 2 years

Area in km<sup>2</sup>: 142

Ref.: 2010/00264

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: IMX Resources Limited

Location: Kangaroo Dam area—Approximately 40 km south-east of Coober Pedy.

Pastoral Lease: Mount Penrhyn.

Term: 2 years

Area in km<sup>2</sup>: 484

Ref.: 2010/00276

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Havilah Resources NL  
 Location: Mutooroo West area—Approximately 55 km east of Olary.  
 Pastoral Leases: Mutooroo and Tepco.  
 Term: 1 year  
 Area in km<sup>2</sup>: 72  
 Ref.: 2010/00277

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Red Metal Limited  
 Location: Lake Blanche area—Approximately 180 km east of Marree.  
 Pastoral Leases: Murnpeowie and Tinga Tingana.  
 Term: 2 years  
 Area in km<sup>2</sup>: 743  
 Ref.: 2010/00278

Plan and co-ordinates can be found on the PIRSA website: [http://www.pir.sa.gov.au/minerals/public\\_notices](http://www.pir.sa.gov.au/minerals/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Petroleum Exploration Licence—PEL 100*

PURSUANT to section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from and including 17 September 2010 to 16 September 2011, pursuant to delegated powers dated 1 October 2009.

The expiry date of Petroleum Exploration Licence PEL 100 is now determined to be 6 November 2014.

Dated 22 September 2010.

E. ALEXANDER,  
 Acting Director Petroleum and Geothermal Minerals and Energy Resources  
 Primary Industries and Resources SA  
 Delegate of the Minister for Mineral Resources Development

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Licence Condition,  
 Extension of Licence Term  
 Petroleum Exploration Licences—PELs 91 and 92*

*Extension of Licence Term  
 Associated Activities Licence—AAL 154*

PURSUANT to section 76A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that Condition 1 of the abovementioned Petroleum Exploration Licences has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009, for the following periods:

PEL 91 from and including 5 December 2010 to 4 June 2011.

PEL 92 from and including 5 May 2011 to 4 November 2011.

The terms of PELs 91 and 92 have been extended by a period corresponding to the period of suspension, such that the licences will now expire on the following dates:

PEL 91 will now expire on 4 June 2014.

PEL 92 will now expire on 4 November 2012.

As a consequence of the suspension and extension of PEL 92, the term of the adjunct associated activities licence AAL 154 is extended, such that AAL 154 will now expire on 4 November 2012.

Dated 24 September 2010.

E. ALEXANDER,  
 Acting Director Petroleum and Geothermal Minerals and Energy Resources  
 Primary Industries and Resources SA  
 Delegate of the Minister for Mineral Resources Development

## SUPREME COURT OF SOUTH AUSTRALIA

## PORT AUGUSTA CIRCUIT COURT

Sheriff's Office, Adelaide, 6 October 2010

IN pursuance of a precept from the Supreme Court of South Australia to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Port Augusta on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Wednesday, 6 October 2010 at 9.30 a.m. on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to *ex officio* informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentences.

Juries will be summoned for Tuesday, 5 October 2010 at 10 a.m. and persons will be tried on this and subsequent days of the sittings.

*Prisoners in H.M. Gaol and on bail for sentence and for trial at the sittings of the Port Augusta Courthouse, commencing Wednesday, 6 October 2010.*

Buzzacott, Joshua	Murder	In gaol
Bloeman, Paul	Attempted murder; possess	In gaol
Anthony	object intent to cause harm;	
	serious criminal trespass in	
	residence (aggravated);	
	aggravated recklessly causing	
	harm	
Gibson, Harry John	Attempted murder; arson,	In gaol
	aggravated endangering life	
Kelleher, Steven	Murder	In gaol
Aubrey		

Prisoners on bail must surrender at 9.30 a.m. of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant issued forthwith.

By order of the Court,

M. A. STOKES, Sheriff

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure  
Young Street and Beaton Street, Wallaroo*

BY Road Process Order made on 28 July 2010, the District Council of the Copper Coast ordered that:

1. The whole of Young Street situate between Bagot Street and Elizabeth Street and portion of Beaton Street situate between allotment 154, Town of Wallaroo and allotment 861 in Filed Plan 189803, more particularly delineated and lettered 'A', 'B' and 'C' on Preliminary Plan No. 09/0011 be closed.

2. The whole of land subject to closure be transferred to The Catholic Diocese of Port Pirie Inc. in accordance with agreement for transfer dated 1 June 2010 entered into between the District Council of the Copper Coast and The Catholic Diocese of Port Pirie Inc.

On 20 September 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 84981 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 30 September 2010.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure—Light Pass and Penrice*

BY Road Process Order made on 17 August 2010, The Barossa Council ordered that:

1. The whole of the unnamed public road situate south of Kalimna Road and adjoining allotment 2 in Deposited Plan 66829, Allotment 91 in Filed Plan 170490, Allotment 512 in Filed Plan 172773 and Allotment 7 in Filed Plan 108205, more particularly delineated and lettered 'A' on Preliminary Plan No. 08/0108 be closed.

2. Transfer the whole of the land subject to closure to Penrice Soda Products Pty Ltd in accordance with the agreement for transfer dated 2 November 2009 entered into between The Barossa Council and Penrice Soda Products Pty Ltd.

3. The following easement is granted over portions of the land subject to that closure:

Grant to Distribution Lessor Corporation an easement for overhead electricity supply purposes.

On 30 August 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 84691 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 30 September 2010.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure—Tweeddale Avenue, South Brighton*

BY Road Process Order made on 9 August 2010, the City of Holdfast Bay ordered that:

1. Portion of the public road (Tweeddale Avenue) situate south of Devon Street and adjoining the south-western boundary of allotment 11 in Deposited Plan 3382, more particularly delineated and lettered 'A' on Preliminary Plan No. 10/0017 be closed.

2. The whole of the land subject to closure be transferred to Elizabeth Maria Martin in accordance with agreement for transfer dated 1 June 2010 entered into between the City of Holdfast Bay and E. M. Martin.

On 20 September 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 84945 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 30 September 2010.

P. M. KENTISH, Surveyor-General

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 30 September 2010

**WATER MAINS LAID**

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

**ADELAIDE WATER DISTRICT**

CITY OF MARION  
Calstock Avenue, Edwardstown. p22

DISTRICT COUNCIL OF MOUNT BARKER  
Braun Drive, Hahndorf. p28

**BEE TALOO COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF THE COPPER COAST  
Dangerfield Street, Jerusalem. p3  
Raymond Street, Jerusalem. p3

**COONALPYN DOWNS COUNTRY LANDS WATER DISTRICT**

THE COORONG COUNCIL  
Loveday Bay Road, Narrung. This main is available on application only. p41 and 42  
Narrung Road, Narrung. This main is available on application only. p72 and 73  
Public road west of lot 91 in LTRO FP 207504, Taillem Bend. This main is available on application only. p79  
Government road north of section 665, hundred of Seymour, Taillem Bend. This main is available on application only. p79 and 80  
Easements in section 665, hundred of Seymour, Taillem Bend. This main is available on application only. p80  
In and across Princes Highway, Taillem Bend. This main is available on application only. p80, 81 and 86-91  
Easements in section 551, hundred of Seymour, Taillem Bend. This main is available on application only. p80-82  
Easement in section 552, hundred of Seymour, Taillem Bend. This main is available on application only. p82 and 83  
Across Chapmans Road, Taillem Bend. This main is available on application only. p83  
Easements in section 553, hundred of Seymour, Taillem Bend. This main is available on application only. p84-86  
In and across Princes Highway, Taillem Bend, Wellington East, Pottaloch and Ashville. This main is available on application only. p92-123

Easements in section 508, hundred of Seymour, Princes Highway, Tailm Bend. This main is available on application only. p93 and 94  
Princes Highway, Poltalloch and Ashville. This main is available on application only. p124 and 125

#### **PORT PIRIE WATER DISTRICT**

PORT PIRIE REGIONAL COUNCIL  
Federation Road, Port Pirie West. p21  
Pavlich Street, Port Pirie West. p21  
The Terrace, Port Pirie West. p14

#### **RENMARK WATER DISTRICT**

RENMARK PARINGA COUNCIL  
In and across Ral Ral Avenue, Renmark. p18

#### **TOD RIVER COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF FRANKLIN HARBOUR  
Lincoln Highway, Cowell. p74 and 75

#### **WALLAROO MINES WATER DISTRICT**

DISTRICT COUNCIL OF THE COPPER COAST  
Daly Street, Matta Flat. p5

#### **WAROOKA COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF YORKE PENINSULA  
Point Turton Road, Point Turton and Warooka. p13 and 14  
Little Sheoak Road, Warooka. p14  
White Hut Road, Warooka. p14

#### **OUTSIDE WATER DISTRICTS**

THE COORONG COUNCIL  
Across Loveday Bay Road, Narrung. This main is available on application—not available for constant rateable supply. p24  
Mark Point Road, Narrung. This main is available on application—not available for constant rateable supply. p24-27  
Loveday Bay Road, Narrung. This main is available on application—not available for constant rateable supply. p29-41  
Sanders Road, Narrung. This main is available on application—not available for constant rateable supply. p43  
Narrung Road, Narrung. This main is available on application—not available for constant rateable supply. p48-72  
Easement in allotment piece 10 in LTRO FP 139760, Narrung Road, Narrung. This main is available on application—not available for constant rateable supply. p70  
Easements in lot 5 in LTRO FP 139759, Narrung Road, Narrung. This main is available on application—not available for constant rateable supply. p71

#### **WATER MAINS ABANDONED**

Notice is hereby given that the undermentioned water mains have been abandoned by the South Australian Water Corporation.

#### **PORT PIRIE WATER DISTRICT**

PORT PIRIE REGIONAL COUNCIL  
Federation Road, Port Pirie West. p21  
Pavlich Street, Port Pirie West. p21  
The Terrace, Port Pirie West. p21

#### **RENMARK WATER DISTRICT**

RENMARK PARINGA COUNCIL  
Ral Ral Avenue, Renmark. p18

#### **TOD RIVER COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF FRANKLIN HARBOUR  
Lincoln Highway, Cowell. p74

#### **WAROOKA COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF YORKE PENINSULA  
Across Point Turton Road, Point Turton. p13  
Easements in lot 15 in LTRO DP 69678, Corny Point Road, Point Turton. p13  
Across Corny Point Road, Point Turton and Warooka. p13  
Easements in section 9, hundred of Para Wurlie, and lots 31 and 32 in LTRO DP 83316, Little Sheoak Road, Warooka. p13 and 14  
Across and in Little Sheoak Road, Warooka. p14  
Easements in lots 1 and 2 in LTRO FP 10910 and section 14, hundred of Para Wurlie, Little Sheoak Road, Warooka. p14  
White Hut Road, Warooka. p14

#### **BERRI WATERWORKS**

#### **OUTSIDE BERRI WATER DISTRICT**

THE BERRI BARMERA COUNCIL  
Kunoth Street, Berri. p1

#### **WATER MAINS LAID**

Notice is hereby given that the undermentioned water mains have been laid down by the South Australian Water Corporation and are not available for a constant supply of water to adjacent land.

#### **BERRI WATERWORKS**

#### **OUTSIDE BERRI WATER DISTRICT**

THE BERRI BARMERA COUNCIL  
In and across Kunoth Street, Berri. p1  
Merritt Avenue, Berri. p1

#### **ADDENDA**

Addenda to notices in “*Government Gazette*” of 13 May 2010

#### **“WATER MAINS LAID”**

“Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.”

#### **“LANGHORNE CREEK WATER DISTRICT”**

“ALEXANDRINA COUNCIL”  
“In and across Bridge Road, Langhorne Creek. p4”  
“Wellington Road, Langhorne Creek. p4”  
“Murray Road, Langhorne Creek. p4”  
“Langhorne Street, Langhorne Creek. p4”  
“Victoria Street, Langhorne Creek. p4”  
“In and across Meechi Road, Langhorne Creek. p4”  
“Scott Road, Langhorne Creek. p4”

To each of these notices add “This main is available on application only.” p78

#### **SEWERS LAID**

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

#### **ADELAIDE DRAINAGE AREA**

CITY OF HOLDFAST BAY  
Easements in lot 22 in LTRO DP 2697, David Avenue and lot 200 in LTRO DP 79663, Relm Close, Glenelg North. FB 1198 p49

**CITY OF PORT ADELAIDE ENFIELD**

Easements in lot 1010 in LTRO DP 84104, Redward Avenue and lot 4500 in LTRO DP 82022, East Parkway, Northgate. FB 1199 p1, 2, 8, 9 and 13

Across and in East Parkway, Northgate. FB 1199 p1-3, 5, 8 and 10  
Easement in lot 1002 in LTRO DP 79639, East Parkway, Northgate. FB 1199 p1, 3 and 10

In and across The Strand, Northgate. FB 1199 p1, 3, 8 and 10

In and across City View Boulevard, Northgate. FB 1199 p1, 3, 4, 8 and 9

Neale Lane, Northgate. FB 1199 p1, 3, 4 and 9

Across and in Light Terrace, Northgate. FB 1199 p1, 4, 9 and 10

Easement in reserves (lot 2003 in LTRO DP 78350 and lot 2004 in LTRO DP 81933), City View Boulevard, Northgate. FB 1199 p1, 3, 4 and 10

**CITY OF SALISBURY**

Vincent Road, Paralowie. FB 1198 p48

Kalimna Crescent, Paralowie. FB 1198 p47

Lake Drive, Pooraka. FB 1198 p46

**MURRAY BRIDGE COUNTRY DRAINAGE AREA****THE RURAL CITY OF MURRAY BRIDGE**

Noel Street, Murray Bridge. FB 1198 p50

**VICTOR HARBOR COUNTRY DRAINAGE AREA****CITY OF VICTOR HARBOR**

Boucaut Crescent, Hayborough. FB 1198 p51

Carlyle Street, Victor Harbor. FB 1198 p52

**SEWERS LAID**

Notice is hereby given that the undermentioned sewers have been laid down by the South Australian Water Corporation and are not available for house connections.

**ADELAIDE DRAINAGE AREA****CITY OF PORT ADELAIDE ENFIELD**

Easement in lot 1010 in LTRO DP 84104, Redward Avenue, Northgate. FB 1199 p1, 2, 8 and 13

Easements in lot 1010 in LTRO DP 84104, Redward Avenue and lot 4500 in LTRO DP 82022, East Parkway, Northgate—150 mm and 250 mm PVCU pumping main. FB 1199 p1, 2, 7 and 11-13

Across East Parkway, Northgate—150 mm PVCU pumping main. FB 1199 p1, 2, 5 and 11

Francis Street, Northgate—150 mm PVCU pumping main. FB 1199 p1, 2, 5, 6 and 11

Across and in Rapid Avenue, Northgate—150 mm PVCU pumping main. FB 1199 p1, 6, 7 and 12

Across and in Folland Avenue, Northgate—250 mm PVCU pumping main. FB 1199 p1, 7 and 12

In and across Dumfries Avenue, Northgate—250 mm PVCU pumping main. FB 1199 p1, 7 and 12

A. HOWE, Chief Executive Officer  
South Australian Water Corporation

**WILDERNESS PROTECTION REGULATIONS 2006***Temporary Closure of Cape Torrens Wilderness Protection Area and Western River Wilderness Protection Area*

PURSUANT to Regulations 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife, close to the public the whole of Cape Torrens Wilderness Protection Area and the whole of Western River Wilderness Protection Area from 6 a.m. on Monday, 29 November 2010 until 6 a.m. on Saturday, 11 December 2010.

The purpose of the closure is to ensure the safety of the public during a feral animal control and monitoring program within the reserve during the period indicated.

*Use of Firearms Within the Reserve*

Pursuant to Regulations 6 (4), 16 (1) and 34 of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife, grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in the whole of Cape Torrens Wilderness Protection Area and the whole of Western River Wilderness Protection Area from 6 a.m. on Monday, 29 November 2010 until 6 a.m. on Saturday, 11 December 2010, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 1996, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 24 September 2010.

E. G. LEAMAN, Director of National Parks  
and Wildlife



South Australia

## **Motor Vehicles (Guidelines for Medical Testing) Notice 2010**

under section 80(2) of the *Motor Vehicles Act 1959*

### **1- Short Title**

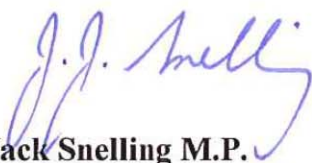
This notice may be cited as the Motor Vehicles (Guidelines for Medical Testing) Notice 2010.

### **2- Commencement**

This notice will come into operation on Thursday, 30 September, 2010.

### **3- Adoption of guidelines for conduct of medical tests of competence to drive**

For the purposes of section 80(2) of the *Motor Vehicles Act 1959* (“the Act”) the guidelines contained within the publication entitled *Assessing Fitness to Drive* published by Austroads Incorporated in 2003 (ISBN 0 85588 5076), as amended from time to time, are adopted, **except** when the Registrar of Motor Vehicles (“**Registrar**”) is of the opinion that it is appropriate, considering the nature and type of driving tasks performed or to be performed by the holder or applicant of a licence or learner’s permit to require the person to meet the commercial vehicle driver medical standards, contained within this publication (“**commercial vehicle driver medical standards**”). In these circumstances the medical tests required by the Registrar under section 80 of the Act must be conducted in accordance with the commercial medical vehicle standards regardless of the class of licence or learner’s permit held or being applied for.



**Jack Snelling M.P.**

**Minister for Road Safety**

**Delegate of the Minister for Transport**

Section 9 of the *Administrative Arrangements Act 1999*

28

September 2010.

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South Australia

## **Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act (Commencement) Proclamation 2010**

### **1—Short title**

This proclamation may be cited as the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act (Commencement) Proclamation 2010*.

### **2—Commencement of suspended provisions**

The remaining provisions of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009* (No 74 of 2009) will come into operation on 31 October 2010.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 September 2010

AGO0209/09CS

South Australia

## **Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Variation Regulations 2010**

under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Regulations 2007***

- 4 Insertion of regulation 3A
    - 3A Forfeiture offences
  - 5 Variation of regulation 4—Prescribed offences
  - 6 Substitution of regulation 7
    - 7 Prescribed forms
  - 7 Substitution of Schedules 1 and 2
    - Schedule 1—Prescribed fees
    - Schedule 2—Prescribed forms
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Variation Regulations 2010*.

#### **2—Commencement**

These regulations come into operation on the day on which section 11 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009* comes into operation.

#### **3—Variation provisions**

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

## **Part 2—Variation of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Regulations 2007***

### **4—Insertion of regulation 3A**

After regulation 3 insert:

#### **3A—Forfeiture offences**

For the purposes of the definition of *forfeiture offence* in section 3 of the Act, indictable offences against Part 3 Division 6 of the *Criminal Law Consolidation Act 1935* are prescribed.

### **5—Variation of regulation 4—Prescribed offences**

- (1) Regulation 4—delete paragraph (a) and substitute:
  - (a) an aggravated offence against section 45 of the *Road Traffic Act 1961*;
- (2) Regulation 4(c)—after "section" insert:

17AA or
- (3) Regulation 4(f)—delete paragraph (f) and substitute:
  - (f) an offence against section 9 or 102 of the *Motor Vehicles Act 1959* (other than a first offence against either of those sections);
  - (g) an offence against section 74(2), 74(2a) or 91(5) of the *Motor Vehicles Act 1959*.

### **6—Substitution of regulation 7**

Regulation 7—delete the regulation and substitute:

#### **7—Prescribed forms**

- (1) For the purposes of section 14(1) of the Act, the notice set out in form 1 of Schedule 2 is prescribed.
- (2) For the purposes of section 14(2) of the Act, the notice set out in form 1 of Schedule 2 is prescribed.
- (3) For the purposes of section 15(1) of the Act—
  - (a) if the relevant authority giving the notice is a police officer—the notice set out in form 1 of Schedule 2 is prescribed; or
  - (b) if the relevant authority giving the notice is the Sheriff or a person authorised by the Sheriff to exercise the powers of a relevant authority—the notice set out in form 2 of Schedule 2 is prescribed.

**7—Substitution of Schedules 1 and 2**

Schedules 1 and 2—delete the Schedules and substitute:

**Schedule 1—Prescribed fees****Fees payable to Commissioner in relation to impounding of a motor vehicle (section 9 of Act)**

1	Administration fee (to be charged once only in relation to the impounding of a particular motor vehicle in relation to a particular offence)	\$73.00
2	Fee for transportation of vehicle to storage facility	\$232.00
3	Vehicle storage fee	\$19.40 per day (or part thereof) during which the vehicle is impounded or remains uncollected*

**Fees payable to Commissioner in relation to clamping of a motor vehicle (section 9 of Act)**

4	Administration fee (to be charged once only in relation to the clamping of a particular motor vehicle in relation to a particular offence)	\$30.75
5	Fee for attending to attach clamps to motor vehicle	\$73.00 plus a fee of 88 cents per kilometre travelled to and from the location at which the clamps are attached
6	Fee for attending to remove clamps from motor vehicle	\$73.00 plus a fee of 88 cents per kilometre travelled to and from the location at which the clamps are removed

**Fees payable to Sheriff in relation to impounding or forfeiture of motor vehicle (section 12(1)(b) of Act)**

7	Administration fee (to be charged once only in relation to the impounding or forfeiture of a particular motor vehicle in relation to a particular offence)	\$58.00
8	Seizure fee	\$80.50
9	Fee for transportation of vehicle to storage facility	\$232.00
10	Vehicle storage fee (for impounded vehicles only)	\$19.40 per day (or part thereof) during which the vehicle is impounded or remains uncollected*

\* If a person entitled to custody of an impounded motor vehicle has, after the end of the impounding period and during ordinary business hours, applied to the relevant authority for release of the motor vehicle and has attended to collect the vehicle in accordance with any instructions of the relevant authority, no vehicle storage fee is payable in respect of any day occurring after the date of that application.

## Schedule 2—Prescribed forms

### Form 1

To the owner of the following motor vehicle:

Registration No:

Description:

It is alleged that a relevant prescribed offence occurred as follows:

Date:

Time:

Location:

### **Notice under section 14 of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007***

You are prohibited from—

- selling or disposing of the motor vehicle
- intentionally damaging or altering the motor vehicle or causing or permitting another person to damage or alter the motor vehicle

The prohibition continues until—

- the power under Part 2 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* to clamp or impound has been exercised in relation to the relevant prescribed offence
- proceedings relating to the relevant prescribed offence have been finalised

It is an offence to contravene the prohibitions specified in this notice.

### **Notice under section 15 of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007***

You are required to produce the motor vehicle—

Between the hours of:

On:

At:

If you are unable to do so, you must contact SAPOL during business hours before that day on the following number to arrange another time:

The motor vehicle is to be produced for the purpose of a relevant authority exercising a power under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* in relation to the motor vehicle.

It is an offence to refuse or fail to comply with this notice without reasonable excuse.

Issuing police officer's ID number:

## **Form 2**

### **Notice under section 15 of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007***

To the owner of the following motor vehicle:

Registration No:

Description:

An order for impounding or forfeiture of the motor vehicle has been made as follows:

Court:

Name and number of proceedings:

Date:

You are required to produce the motor vehicle—

Between the hours of:

On:

At:

If you are unable to do so, you must contact the Sheriff's office during business hours before that day on the following number to arrange another time:

The motor vehicle is to be produced for the purpose of a relevant authority exercising a power under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* in relation to the motor vehicle.

It is an offence to refuse or fail to comply with this notice without reasonable excuse.

#### **Note—**

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

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 September 2010

No 208 of 2010

AGO0209/09CS

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The address is:

governmentgazette@dpc.sa.gov.au

Documents should be sent as attachments in Word format.

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Fax transmission: (08) 8207 1040  
Enquiries: (08) 8207 1045

**NOTE: Closing time for lodging new copy (fax, hard copy or email) is 4 p.m. on Tuesday preceding the day of publication.**

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## CITY OF VICTOR HARBOR

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

*By-law No. 2—Moveable Signs*

TO protect visual amenity and public safety on roads by setting standards for moveable signs on roads and providing conditions for the design, construction and placement of such signs in a manner which recognises the advertising needs of businesses to maximise economic viability.

1. *Definitions*

In this by-law:

- 1.1 *Authorised Person* has the same meaning as in section 4 (1) of the Local Government Act 1999.
- 1.2 *Banner* means a strip of cloth hung up or carried on a pole, fence or other structure which can be flexible, vertically aligned and free standing.
- 1.3 *Boundary* means that line between private property and the Road or Road Related Area.
- 1.4 *Business premises* means the premises from which a business, trade or calling is conducted.
- 1.5 *Footpath Area* means that part of the Road between the boundary of the Road and the edge of the carriageway of the Road on the same side as that boundary.
- 1.6 *Local Government Land* means land owned by the Council or under the Council's care, control and management.
- 1.7 *Moveable Sign* means a moveable advertisement or sign as defined in section 4 (1) of the Local Government Act 1999.
- 1.8 *Regional Town Centre Zone* means the area defined as such in Council's Development Plan.
- 1.9 *Road* has the same meaning as in the Local Government Act 1999.
- 1.10 *Road Related Area* has the same meaning as in the Road Traffic Act 1961 and the Australian Road Rules 1999.
- 1.11 *Vehicle* has the same meaning as in the Road Traffic Act 1961 and the Australian Road Rules 1999.

2. *Design and Construction*

Subject to paragraph 6 of this by-law, a Moveable Sign displayed on a Road must:

- 2.1 be of a kind known as an 'A' frame or Sandwich Board sign, an inverted 'T' sign or a flat sign, or, with the permission of the Council, a sign of some other kind;
- 2.2 be well designed, constructed and maintained in good quality and condition so as not to present a hazard to any member of the public;
- 2.3 be of strong construction so as to be stable when in position and be able to keep its position in adverse weather conditions;
- 2.4 not contain sharp or jagged edges or corners;
- 2.5 not be unsightly or offensive in appearance or content;
- 2.6 not contain flashing parts or rotate;
- 2.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.8 not have balloons, flags, streamers or other material attached to it;
- 2.9 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- 2.10 not have a display area exceeding one square metre in total or if the sign is two sided, one square metre on each side;
- 2.11 in the case of an 'A' Frame or Sandwich Board sign:
  - 2.11.1 be hinged or joined at the top; and
  - 2.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected;

- 2.12 in the case of an inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.

3. *Appearance*

A Moveable Sign on a Road must, in the opinion of an Authorised Person:

- 3.1 be painted or otherwise detailed in a competent and professional manner;
- 3.2 reflect the corporate brand and/or the nature of the business through the products and/or services it provides to a visual standard that is in keeping with being aesthetically appealing and legible.

4. *Placement*

A Moveable Sign must:

- 4.1 only be positioned on the Footpath Area of a Road;
- 4.2 be adjacent to the Business Premises to which it relates or, with the permission of the Council, at another designated location;
- 4.3 be placed no closer than 400 mm from the edge of the carriageway of a Road;
- 4.4 in the case of a flat sign, must be in line with and against the property boundary of the Road;
- 4.5 not be placed on a Footpath Area less than 1.8 m from any structure, fixed object, tree, bush or plant (including another Moveable Sign);
- 4.6 not be fixed, tied, chained to or leant against any other structure, fixed object, tree, bush or plant (including another Moveable Sign);
- 4.7 not be placed on the sealed part of any Footpath Area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of a width of at least 1.8 m;
- 4.8 not be placed within 1.8 m of the corner of a Road;
- 4.9 not be placed on a landscaped area;
- 4.10 not be placed on a designated parking area or within 1.8 m of an entrance to or exit from premises;
- 4.11 not be placed within 1.8 m of an intersection;
- 4.12 not unreasonably restrict the use of the Footpath Area or endanger the safety of members of the public;
- 4.13 not be placed on a Footpath Area that is less than 1.8 m wide;
- 4.14 not be placed on a Footpath Area with a minimum height clearance, of a structure above it of less than 2 m;
- 4.15 not be placed so as to interfere with the reasonable movement of persons using the Footpath Area in the vicinity of or adjacent to where the moveable sign is positioned;
- 4.16 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, be placed resting against the premises of the business to which the moveable sign relates; and
- 4.17 not be placed so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway.

5. *Restrictions*

5.1 A Moveable Sign must:

- 5.1.1 only display material which advertises a business being conducted on premises which is immediately adjacent to the Moveable Sign, or the product and/or services available from that business;
- 5.1.2 be limited to one Moveable Sign per business or, with the permission of the Council, another designated number;
- 5.1.3 only be displayed when the business to which the Moveable Sign relates is open;

- 5.1.4 be securely in position such that it cannot be blown over or swept away in adverse weather conditions;
  - 5.1.5 not be in such a position or in such circumstances that the safety of any person or user of the Road is at risk;
  - 5.1.6 not be displayed during the hours of darkness unless it is in a clearly lit area and clearly visible;
  - 5.1.7 not be displayed on a median strip, traffic island or on the carriageway of a Road; and
  - 5.1.8 not be displayed on any footpath within the Regional Town Centre Zone, outside of the approved areas.
- 5.2 If in the opinion of the Council a Footpath Area or other area forming the boundary of any Road is unsafe for any Moveable Sign to be displayed or placed the Council may by resolution prohibit or restrict the display or placement of a Moveable Sign or the times at which a Moveable Sign may be displayed or placed in that area.

#### 6. Banners

A banner must:

- 6.1 only be displayed on a Road, Footpath Area or Road Related Area; and
- 6.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap; and
- 6.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a Road, or other improvement to a Road owned by the Council; and
- 6.4 when advertising an event, not be displayed more than one month before and two days after the event it advertises; and
- 6.5 not exceed 3 m<sup>2</sup> in size.

#### 7. Signs on Local Government Land

A person must not, without the Council's permission, display or cause to be displayed a Moveable Sign on any Local Government Land or resting on or attached to a vehicle on any Local Government Land except a moveable sign:

- 7.1 attached to a licensed taxi;
- 7.2 on or attached to a vehicle belonging to any council and which has been placed on or attached to the vehicle with the consent of the council to which the vehicle belongs;
- 7.3 on or attached to a bus greater than 6 m in length;
- 7.4 on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of which is to identify it as belonging to a business;
- 7.5 comprising a sunscreen on a vehicle, where any message or trade name or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle is parked, or the products available from that business.

#### 8. Exemptions

- 8.1 Subparagraphs 5.1 and 5.2 of this by-law do not apply to a Moveable Sign which is displayed and used:
  - 8.1.1 to advertise a garage sale taking place from residential premises provided that no more than four Moveable Signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises; or
  - 8.1.2 as a directional sign to a short term (less than three days) event run by a community/charitable body or an unincorporated association.
- 8.2 Subparagraphs 5.1.1, 5.1.2 and 5.1.3 of this by-law do not apply to a flat sign the message of which only contains a newspaper or magazine headlines and the name of the newspaper or magazine.
- 8.3 A requirement of this by-law will not apply where the Council has granted permission for the Moveable Sign to be displayed contrary to the requirement.

8.4 This by-law will not apply to a Moveable Sign which is:

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

#### 9. Removal of Non-complying Moveable Signs

9.1 If:

- 9.1.1 the design or construction of a Moveable Sign that has been placed on a Road does not comply with a requirement of this by-law; or
- 9.1.2 the positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- 9.1.3 any other relevant requirement of this by-law is not complied with,

an Authorised Person may, subject to subparagraph 9.6 and paragraph 10 of this by law, order, in writing, that the owner of the sign remove the sign from the Road within no less than 7 days, or make application to Council for permission for the placement of the sign.

- 9.2 A person must comply with an Order of an Authorised Person made pursuant to subparagraph 9.1 or 9.6 of this by-law.
- 9.3 If the Authorised Person cannot find the owner, or the owner fails to comply immediately with the order, the Authorised Person may remove the Moveable Sign.
- 9.4 If a Moveable Sign that is removed pursuant to subparagraph 9.3 or 9.6 of this by-law is not claimed within thirty days of such removal, the Authorised Person may sell, destroy or otherwise dispose of the Moveable Sign as the Authorised Person thinks fit.
- 9.5 The owner or other person entitled to recover a Moveable Sign removed pursuant to subparagraph 9.3 or 9.6 of this by-law must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the Moveable Sign before being entitled to recover the Moveable Sign.
- 9.6 If a Moveable Sign, in the opinion of an Authorised Officer, unreasonably restricts the use of a road or endangers the safety of members of the public, the Authorised Officer may order the owner of the sign to remove the sign from the Road immediately and, if the owner fails to comply, subparagraphs 9.4 and 9.5 will apply.

#### 10. Removal of Complying Moveable Signs

- 10.1 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 if, in the reasonable opinion of that 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.
- 10.2 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 for the purpose of special events, parades, Road works or in any other circumstances which, in the reasonable opinion of the Authorised Person, requires relocation or removal of the Moveable Sign to protect public safety or to protect or enhance the amenity of a particular locality.

The foregoing by-law was duly made and passed at a meeting of the City of Victor Harbor held on 20 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. MAXWELL, Chief Executive Officer

#### CLARE AND GILBERT VALLEYS COUNCIL

##### *Temporary Road Closure*

NOTICE is hereby given that pursuant to section 33 of the Road Traffic Act 1961 and the Instrument of General Approval of the Minister dated 17 June 2006, Council at its meeting held on 15 March 2010 declared that:

Pursuant to section 33 (1) of the Road Traffic Act 1961 the event described below ('The Event') that is to take place on the roads described below ('The Roads') is an event to which section 33 of the Road Traffic Act 1961 applies; and

Pursuant to section 33 (1) (a) of the Road Traffic Act 1961 makes an order directing that the roads on which the event is to be held be closed to traffic for the period commencing from 12 noon to 2 p.m. on Saturday, 2 October 2010.

##### The Roads:

Ness Street, Clare (from Main North Road to Old North Road), Burton Street, Blanche Street, Gillen Street and Gleeson Street, Clare (from Main North Road to the respective carparks).

##### The Event:

Australian Stockmans Hall of Fame Pink Ride.

Pursuant to section 33 (1) (b) of the Road Traffic Act 1961, makes an order directing that persons taking part in the event be exempted, in relation to the roads, from the duty to observe the Australian Road Rules.

R. D. BLIGHT, Chief Executive Officer

#### DISTRICT COUNCIL OF LOXTON WAIKERIE

##### *Appointment of Authorised Officers*

NOTICE is hereby given that, at a meeting of Council held on 17 September 2010, the District Council of Loxton Waikerie revoke all previous appointments and resolved to appoint the following Authorised Officers to the respective acts listed in the Schedule:

##### SCHEDULE

##### *Local Government Act 1999, (Section 260)*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Thomas M. Avery, (Director Infrastructure)  
Stephen P. Bateman, (Manager Development and Community Services)  
Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
Graham S. MacInnes, (Planning Officer)  
Kate O. Nankivell, (Environmental Health Officer)

##### *Development Act 1993, (Section 18)*

Graham S. MacInnes, (Planning Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)

##### *Environment Protection Act 1991, (Section 85 (3))*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Thomas M. Avery, (Director Infrastructure Services)  
Stephen P. Bateman, (Manager Development and Community Services)  
Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)  
Graham S. MacInnes, (Planning Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
Kate O. Nankivell, (Environmental Health Officer)

##### *Environment Protection Act (Burning Policy)*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)

Thomas M. Avery, (Director Infrastructure Services)  
Stephen P. Bateman, (Manager Development and Community Services)  
Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)  
Graham S. MacInnes, (Planning Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
Kate O. Nankivell, (Environmental Health Officer)

##### *Dog and Cat Management Act 1995, (Sections 27 (1) and 68 (1))*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Stephen P. Bateman, (Manager Development and Community Services)

##### *Section 26 (1)*

##### *Registrar:*

Peter J. Sellar, (Director Corporate and Community Services)

##### *Section 27 (1) 68 (1)*

##### *Dog Management Officers:*

Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)  
Richard H. Noble, (Manager, Works—Waikerie)  
James W. Thomas, (Town Maintenance Co-ordinator—Waikerie)  
Steven G. Jones, (Storeman—Loxton)  
Robert John Hyde, (Mechanic—Loxton)  
Garry Crook, (Town Maintenance—Loxton)  
Mark J. McDonald, (Storeman—Waikerie)

##### *Impounding Act 1920, (Section 4(1))*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Stephen P. Bateman, (Manager Development and Community Services)  
Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)  
Richard H. Noble, (Manager, Works—Waikerie)  
Jeffrey T. Murch, (Manager, Works—Loxton)

##### *Road Traffic Act 1961 and Road Traffic (Road Rules Auxiliary and Miscellaneous Provisions) Regulations 1999*

Peter D. Ackland, (Chief Executive Officer)  
Thomas M. Avery, (Director Infrastructure Services)  
Jeffrey T. Murch, (Manager, Works—Loxton)  
Richard H. Noble, (Manager, Works—Waikerie)

##### *Expiation of Offences Act 1996, (Section 6(3) (b) (ii))*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Stephen P. Bateman, (Manager Development and Community Services)  
Thomas M. Avery, (Director Infrastructure Services)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
Brenton L. Schultz, (General Inspector)  
Steven W. Potter, (Mechanic—Waikerie)

##### *Public and Environmental Act 1987, (Section 7(1))*

Stephen P. Bateman, (Manager Development and Community Services)  
Kate O. Nankivell, (Environmental Health Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)

##### *Public and Environmental Health (Waste Control) Regulations*

Peter D. Ackland, (Chief Executive Officer)  
Peter J. Sellar, (Director Corporate and Community Services)  
Kate O. Nankivell, (Environmental Health Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
Jeffrey T. Murch, (Manager, Works—Loxton)  
Richard H. Noble, (Manager, Works—Waikerie)

##### *Public and Environmental Health (Legionella) Regulations 2008*

Stephen P. Bateman, (Manager Development and Community Services)  
Kate O. Nankivell, (Environmental Health Officer)

##### *Food Act 2001, (Section 94 (1))*

Stephen P. Bateman, (Manager Development and Community Services)  
Kate O. Nankivell, (Environmental Health Officer)  
Jeffrey C. Grinnell, (Development Officer—Building Surveyor)

Land and Business (Sale and Conveyancing) Act 1994, (Section 12 (1))

Peter D. Ackland, (Chief Executive Officer)  
 Peter J. Sellar, (Director Corporate and Community Services)  
 Stephen P. Bateman, (Manager Development and Community Services)  
 Jeffrey C. Grinnell, (Development Officer—Building Surveyor)  
 Paul J. Lancaster, (Rate Administrator)

Liquor Licensing Act 1997

Peter D. Ackland, (Chief Executive Officer)  
 Peter J. Sellar, (Director Corporate and Community Services)  
 Stephen P. Bateman, (Manager Development and Community Services)  
 Penelope A. Smith, (Community Development Officer)

Community Title Act 1996

Peter D. Ackland, (Chief Executive Officer)  
 Peter J. Sellar, (Director Corporate and Community Services)  
 Stephen P. Bateman, (Manager Development and Community Services)  
 Graham S. MacInnes, (Planning Officer)  
 Jeffrey C. Grinnell, (Development Officer—Building Surveyor)

Fire and Emergency Services Act, (Part 4A, Section 105A (a) (iv) of the FES Act)

Peter J. Sellar, (Director Corporate and Community Services)  
 Stephen P. Bateman, (Manager Development and Community Services)  
 Brenton L. Schultz, (General Inspector)  
 Steven W. Potter, (Mechanic—Waikerie)  
 Thomas M. Avery, (Director Infrastructure Services)

Supported Residential Facilities Act 1992

Stephen P. Bateman, (Manager Development and Community Services)  
 Kate O. Nankivell, (Environmental Health Officer)

Housing Improvement Act 1940

Stephen P. Bateman, (Manager Development and Community Services)  
 Kate O. Nankivell, (Environmental Health Officer)

P. ACKLAND, Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

NOTICE is hereby given that at its meeting held on 17 September 2010, Council adopted the following by-laws:

By-law No. 1—*Permits and Penalties*—to create a permit system for Council by-laws and to fix penalties for offences under by-laws.

By-law No. 2—*Moveable Signs*—to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

By-law No. 3—*Roads*—to regulate certain activities on roads in Council's area

By-law No. 4—*Local Government Land*—to regulate access to and the use of Local Government Land.

By-law No. 5—*Dogs*—to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

By-law No. 6—*Cats*—to limit the number of cats kept on premises and for the management and control of cats in the Council area.

The by-laws are available for inspection at the Council's Offices, 29 Alfred Terrace, Streaky Bay or during normal business hours and are also available on the Council's website at:

[www.streakybay.sa.gov.au](http://www.streakybay.sa.gov.au).

L. MILLER, Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 1 of 2010—*Permits and Penalties*

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2010 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 and sections 667 (1) 3.LIV and 9.XVI of the Local Government Act 1934, as amended.

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 will expire on 1 January 2018.<sup>1</sup>

Note:

<sup>1</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law applies throughout the Council area.

6. *Interpretation*

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means District Council of Streaky Bay;
- 6.3 *person* includes a body corporate.

Note:

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

7. *Construction of By-laws Generally*

- 7.1 Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any by-law of the Council, unless the contrary intention appears, *permission* means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

PART 2—PERMITS AND PENALTIES

8. *Permits*

- 8.1 Where a by-law requires that permission be obtained any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition.
- 8.4 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. *Offences and Penalties*

- 9.1 A person who commits a breach of any by-law of the Council is guilty of an offence and is liable to a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a by-law for any breach of a by-law.
- 9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

## Note:

The maximum penalty for a breach of a by-law is currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see section 246 (3) (g) of the Act.

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

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

*By-law No. 2 of 2010—Moveable Signs*

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Moveable Signs By-law 2010 and is By-law No. 2 of the District Council of Streaky Bay.

2. *Authorising Law*

This by-law is made under sections 239 and 246 of the Act and sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934, as amended.

3. *Purpose*

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

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-law previously made by the Council is revoked from the day on which this by-law comes into operation<sup>1</sup>:
  - 4.1.1 By-law No. 2—Moveable Signs 2004.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2018.<sup>3</sup>

## Note:

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

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2010.
- 5.2 This by-law applies throughout the Council area.

6. *Interpretation*

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *business premises* means premises from which a business is being conducted;
- 6.3 *Council* means District Council of Streaky Bay;
- 6.4 *footpath area* means:
  - 6.4.1 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

6.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.5 *vehicle* has the same meaning as in the Road Traffic Act 1961.

## Note:

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

## PART 2—MOVEABLE SIGNS

7. *Construction and Design*

A moveable sign placed on a footpath area must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners and be stable when in position;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 900 mm in height, 600 mm in width and 600 mm 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;
  - 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected;
  - 7.8.3 not have a base area in excess of 0.6 m<sup>2</sup>;
- 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 apart from the footpath area;
- 8.2 placed on a footpath that is less than 2.5 m wide;
- 8.3 placed closer than 2 m from another structure, fixed object, tree, bush or plant;
- 8.4 placed within 1 m of an entrance to any business 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 footpath or road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 m 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 m of an intersection of two or more roads;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 m;
- 8.11 placed on a designated parking area or within 1 m of an entrance to premises;
- 8.12 tied, fixed or attached to, or placed closer than 2 m to any other structure, object or thing (including another moveable sign);
- 8.13 displayed during the hours of darkness unless it is clearly lit; or

8.14 placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

#### 9. 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 the footpath area of a road at any time.

10.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government Land (including roads) primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

10.3 A person must not cause or allow a moveable sign to be placed on a footpath area 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.

10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

#### 11. Exemptions

11.1 Subclauses 11.1 and 11.3 of this by-law do not apply to a moveable sign which:

11.1.1 advertises a garage sale taking place from residential premises;

11.1.2 is a directional sign to an event run by a community organisation or charitable body;

11.2 Subclauses 11.1 and 11.3 of this by-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

11.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

Note:

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

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

#### PART 3—ENFORCEMENT

#### 12. Removal of Moveable Signs

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

12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

12.3.1 if, in the opinion of an authorised person, and not withstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

#### DISTRICT COUNCIL OF STREAKY BAY

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

#### *By-law No. 3 of 2010—Roads*

A by-law to regulate certain activities on roads in the Council area.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Roads By-law 2010 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 Act, Regulation 13 (1) (c) of the Local Government (Implementation) Regulations 1999, and sections 667 (1), 4.I, 5.VII, 7.II and 9.XVI of the Local Government Act 1934, as amended.

##### 3. Purpose

The objectives of this by-law are to manage and regulate the prescribed uses of roads in the Council area:

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

##### 4. Expiry

- 4.1 This by-law will expire on 1 January 2018.<sup>1</sup>

Note:

<sup>1</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

##### 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2010.
- 5.2 This by-law applies throughout the Council area.

##### 6. Interpretation

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal* includes birds, insects and poultry but does not include a dog or a cat;
- 6.3 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;

- 6.4 *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 is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.8 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

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

#### PART 2—USE OF ROADS

##### 7. Activities Requiring Permission

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

###### 7.1 Amplification

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

###### 7.2 Animals

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

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

###### 7.3 Camping and Tents

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.3.2 Camp or sleep overnight.

###### 7.4 Donations

Ask for or receive or indicate a desire for a donation of money or any other thing, or otherwise solicit for religious or charitable purposes.

###### 7.5 Obstructions

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

###### 7.6 Posting of Bills

Subject to Clause 11.2, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

###### 7.7 Preaching

Preach, harangue or solicit for religious purposes.

###### 7.8 Public Exhibitions and Displays

7.7.1 Sing, busk, play a recording or use a music instrument or perform similar activities.

7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.7.4 Cause any public exhibitions or displays.

##### 7.9 Vehicles

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

Note:

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

#### PART 3—ENFORCEMENT

##### 8. Directions

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

##### 9. Orders

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

Note:

Section 262 (1) of the Act states:

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

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

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

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

##### 10. Removal of Animals and Objects

An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

#### PART 4—MISCELLANEOUS

##### 11. Exemptions

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

11.2 The restrictions in Clause 7.6 of this by-law do not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

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

*By-law No. 4 of 2010—Local Government Land*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Local Government Land By-law 2010 and is By-law No. 4 of the District Council of Streaky Bay.

2. *Authorising Law*

This by-law is made under sections 238 and 246 of the Act and sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934, as amended.

3. *Purpose*

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

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

4. *Commencement, Revocation and Expiry*

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

4.1.1 By-law No. 4—Local Government Land 2004.<sup>2</sup>

4.2 This by-law will expire on 1 January 2018.<sup>3</sup>

## Note:

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

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2010.

5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.

5.3 Clauses 9.3, 9.9.1, 9.9.5, 9.24.3, 10.4, 10.10.3 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 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.4 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.5 *children's playground* means an enclosed area in which there is equipment or other devices installed for the purpose of children's play (or within 3 m of such devices if there is no enclosed area);
- 6.6 *Council* means District Council of Streaky Bay;

6.7 *electoral matter* has the same meaning as in the Electoral Act 1985, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.8 *effective control* means a person exercising effective control of an animal either:

- 6.8.1 by means of a physical restraint; or
- 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.9 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;

6.10 *foreshore* means land extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 m (whichever is the lesser);

6.11 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;

6.12 *liquor* has the same meaning as in the Liquor Licensing Act 1997;

6.13 *Local Government Land* means all land owned by the Council or under the Council's care, control and management (except roads);

6.14 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.15 *open container* means a container which:

- (a) after the contents of the container have been sealed at the time of manufacture:
  - (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
  - (ii) being a can, it has been opened or punctured;
  - (iii) being a cask, it has had its tap placed in a position to allow it to be used;
  - (iv) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - (v) is a flask, glass, mug or other container able to contain liquid.

6.16 *personal watercraft* means a device that:

- 6.16.1 is propelled by a motor;
- 6.16.2 has a fully enclosed hull;
- 6.16.3 is designed not to retain water if capsized; and
- 6.16.4 is designed to be operated by a person who sits astride, stands, or kneels on the device and includes the device commonly referred to as a jet ski;

6.17 *razorshell* means an elongated marine mollusk of the family *Pinnidae*;

6.18 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;

6.19 *vehicle* has the same meaning as in the Road Traffic Act 1961;

6.20 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

## Note:

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

## PART 2—ACCESS TO LOCAL GOVERNMENT LAND

7. *Access*

## Note:

Pursuant to section 238 (7) 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 must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.



The Council may:

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

#### 8. *Closed Lands*

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

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

#### PART 3—USE OF LOCAL GOVERNMENT LAND

#### 9. *Activities Requiring Permission*

Note:

Pursuant to section 238 (7) 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 must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

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

##### 9.1 *Advertising*

Subject to Clause 14.2, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

##### 9.2 *Aircraft*

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 determined this paragraph applies.

##### 9.4 *Amplification*

Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.

##### 9.5 *Animals*

9.5.1 On Local Government Land:

- (a) cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government Land; or
- (b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government Land; or
- (c) lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

9.5.2 On Local Government Land to which the Council has determined this Clause applies, send, drive, lead, ride or take any horse, cattle, camel or sheep or permit any horse, cattle, camel or sheep to be sent, driven, led, ridden or taken.

##### 9.6 *Annoyance*

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

- (a) using that land; or
- (b) occupying nearby premises,

by making a noise or creating a disturbance.

##### 9.7 *Attachments*

Subject to Clause 14.2, attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government Land.

##### 9.8 *Bees*

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

##### 9.9 *Boats*

Subject to the provisions of the Harbors and Navigation Act 1993:

- 9.9.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;
- 9.9.2 launch or retrieve a boat other than from a boat ramp constructed and set aside by the Council for that purpose;
- 9.9.3 propel, float or otherwise use a boat on or in any waters;
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.5 on Local Government Land to which the Council has determined this subclause applies, moor a boat on any waters or to a pontoon attached to the land.

##### 9.10 *Bridge Jumping*

Jump or dive from a bridge on Local Government Land.

##### 9.11 *Buildings*

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

##### 9.12 *Burials and Memorials*

- 9.12.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.12.2 Erect any memorial.

##### 9.13 *Camping and Tents*

- 9.13.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.13.2 Camp or sleep overnight except where a person is in a caravan park on Local Government Land, the proprietor of which has been given permission to operate the caravan park on that land.

##### 9.14 *Canvassing*

Convey any advertising, religious or other message to any bystander, passer-by or other.

##### 9.15 *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

##### 9.16 *Distribution*

Subject to Clause 14.2, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.

##### 9.17 *Donations*

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

##### 9.18 *Entertainment and Busking*

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

9.19 *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.20 *Fires*

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

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

9.21 *Fireworks*

Ignite or discharge any fireworks.

9.22 *Flora and Fauna*

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

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

9.23 *Foreshore*

On Local Government Land comprising the foreshore:

- 9.23.1 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;
- 9.23.2 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;
- 9.23.3 launch or retrieve a boat from the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.23.4 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat; or
- 9.23.5 hire out a boat on or from the foreshore.

9.24 *Games*

- 9.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.
- 9.24.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government Land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.24.3 Play or practise the game of golf on Local Government Land to which the Council has resolved this subclause applies.

9.25 *Litter*

- 9.25.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
- 9.25.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.

9.26 *Marine Life*

Introduce any marine life to any waters located on Local Government Land.

9.27 *Model Aircraft, Boats and Cars*

Fly or operate a model aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.

9.28 *Overhanging Articles or Displaying Personal Items*

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

9.29 *Personal Watercraft*

Use or allow to be used a personal watercraft on any waters.

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 in any waters.

9.32 *Posting of Bills*

Subject to Clause 14.2, post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government Land or in a public place.

9.33 *Preaching*

Preach, harangue or solicit for religious purposes.

9.34 *Ropes*

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

9.35 *Swimming*

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

- 9.35.1 in an area which the Council has determined may be used for such purposes; and
- 9.35.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

9.36 *Trading*

Sell, buy, offer or display anything for sale.

9.37 *Vehicles*

- 9.37.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.37.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

- 9.37.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.38 *Weddings, Functions and Special Events*

- 9.38.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.38.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.38.3 Hold or conduct any filming where the filming is for a commercial purpose.

10. *Prohibited Activities*

A person must not do any of the following on Local Government Land.

10.1 *Animals*

- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

10.2 *Discard*

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

10.3 *Equipment*

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

10.4 *Fishing*

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

10.5 *Glass*

Wilfully break any glass, china or other brittle material.

10.6 *Interference with Land*

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

- 10.6.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.6.2 erecting or installing a structure in, on, across, under or over the land;
- 10.6.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.6.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.6.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

10.7 *Interference with Permitted Use*

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

10.8 *Nuisance*

Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

10.9 *Playing Games*

Play or practise a game:

- 10.9.1 which is likely to cause damage to the land or anything on it;

- 10.9.2 in any area where a sign indicates that the game is prohibited.

10.10 *Smoking*

Smoke, hold or otherwise have control over an ignited tobacco product:

- 10.10.1 in any building;
- 10.10.2 in any children's playground; or
- 10.10.3 on any land to which the Council has determined this subclause applies.

10.11 *Solicitation*

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:

- 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;
- 10.13.3 use it for a purpose for which it was not designed or constructed;
- 10.13.4 enter a toilet that is set aside for use of the opposite sex except:
- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex;
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.

10.14 *Waste*

- 10.14.1 Deposit or leave thereon:
- (a) anything obnoxious or offensive;
- (b) any offal, dead animal, dung or filth; or
- (c) any mineral, mineral waste, industrial waste or bi-products.
- 10.14.2 Foul or pollute any waters situated thereon.
- 10.14.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 4—ENFORCEMENT

11. *Directions*

11.1 A person on Local Government Land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.

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

12. *Orders*

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

## Note:

Section 262 (1) of the Act states:

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

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

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

13. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on Local Government Land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5—MISCELLANEOUS

14. *Exemptions*

- 14.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer.
- 14.2 The restrictions in Clauses 9.1, 9.7, 9.16 and 9.32 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.

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

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

*By-law No. 5 of 2010—Dogs*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Dog By-law 2010 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 sections 667 (1), 9.XVI of the Local Government Act 1934, as amended.

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 area.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-law previously made by the Council is revoked from the day on which this by-law comes into operation<sup>1</sup>:
  - 4.1.1 By-law No. 5—Dogs 2004.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2018.<sup>3</sup>

## Note:

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

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the By-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2010.
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 9.1.1 and 10.1.2 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 or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis;
- 6.3 *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);
- 6.4 *Council* means District Council of Streaky Bay;
- 6.5 *detached dwelling, row dwelling and semi-detached dwelling* have the same meanings as in the Development Act 1993;
- 6.6 *dog* (except for in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;
- 6.7 *effective control* means a person exercising effective control of a dog either:
  - 6.7.1 by means of a physical restraint; or
  - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 *keep* includes the provision of food or shelter;
- 6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;
- 6.10 *small dwelling* means a self-contained residence that is:
  - 6.10.1 a residential flat building;
  - 6.10.2 contained in a separate strata unit;

- 6.10.3 on an allotment less than 400 m<sup>2</sup> in area; or  
 6.10.4 without a secure yard of at least 100 m<sup>2</sup> in area;  
 6.11 *working dog* means a dog used principally for droving or tending livestock.

## Note:

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

## PART 2—LIMITS ON DOG NUMBERS

7. *Limits on Dog Numbers in Private Premises*

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

## PART 3—DOG CONTROLS

8. *Dog Exercise Areas*

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.
- 8.2 A person entering a dog exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.

9. *Dog on Leash Areas*

- 9.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog that is required to remain off-lead in order to fulfil its functions) to be or remain:
- 9.1.1 on Local Government Land or public place to which the Council has resolved that this subclause applies; and
- 9.1.2 on any park or reserve during times when organised sport is being played;
- unless the dog is secured by a strong leash not exceeding 2 m in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

10. *Dog Prohibited Areas*

- 10.1 A person must not allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog) to enter or remain:
- 10.1.1 on any children's playground on Local Government Land;

- 10.1.2 on any other Local Government Land or public place to which the Council has determined that 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—ENFORCEMENT

12. *Orders*

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

## Note:

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

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

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

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

*By-law No. 6 of 2010—Cats*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cats By-law 2010 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, section 246 of the Act and sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934, as amended.

3. *Purpose*

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

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

#### 4. Commencement, Revocation and Expiry

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

4.1.1 By-law No 5—Dogs 2004.<sup>2</sup>

4.2 This by-law will expire on 1 January 2018.<sup>3</sup>

#### Note:

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

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

#### 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2010.

5.2 This by-law applies throughout the Council area.

#### 6. Interpretation

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

6.1 *Act* means the Local Government Act 1999;

6.2 *approved cattery* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993, for the keeping of cats on a temporary or permanent basis;

6.3 *cat* means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;

6.4 *Council* means District Council of Streaky Bay;

6.5 *identified cat* means a cat identified in the manner set out in Regulation 8 of the Dog and Cat Management Regulations 1995.

6.6 *keep* includes the provision of food or shelter;

6.7 *nuisance* means:

6.7.1 unreasonably interfering with the peace, comfort or convenience of a person;

6.7.2 injurious to a person's real or personal property; or

6.7.3 obnoxious, offensive or hazardous to health;

6.8 *premises* includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

#### Note:

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

#### PART 2—LIMITS ON CAT NUMBERS

#### 7. Limits on Cat Numbers

7.1 Subject to Clause 7.2, a person must not, without the Council's permission keep in any premises:

7.1.1 more than two cats; or

7.1.2 a cat of or over the age of three months, or which has lost its juvenile canine teeth, unless the cat is an identified cat.

7.2 Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

7.3 The Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.

#### 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 by reason of:

8.1.1 noise or odour created by the cat or cats; or

8.1.2 wandering from the land; or

8.1.3 the aggressive nature of the cat or cats.

#### PART 3—ENFORCEMENT

#### 9. Orders

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

9.1.1 if the conduct is still continuing—to stop the conduct; and

9.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

9.2 A person must comply with an order under this Clause.

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

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

#### Note:

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

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

This by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 17 September 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

L. MILLER, Chief Executive Officer

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

*Bellett, Valda May*, late of 95-97 Awoonga Road, Hope Valley, of no occupation, who died on 20 April 2010.

*Bennett, Robert James*, late of 13 Roberts Street, Brighton, retired general handyman, who died on 18 July 2010.

*Bridgman, Nora Edna*, late of 7 Salisbury Highway, Salisbury, widow, who died on 17 July 2010.

*Caine, John Patrick*, late of 15 Montrose Street, Ferryden Park, of no occupation, who died on 11 September 2009.

*Cowan, Margaret Frances*, late of 7 Raymond Grove, Glenelg, home duties, who died on 27 May 2010.

*Goldsmith, Leslie Walter*, late of 251 Payneham Road, Joslin, retired boilermaker, who died on 4 June 2010.

*Goldsmith, Rita Mary*, late of 251 Payneham Road, Joslin, of no occupation, who died on 22 May 2010.

*Gosden, Anthony Michael*, late of 29 Austral Terrace, Morphettville, of no occupation, who died on 16 May 2010.

*Hallier, Helen Rosemary*, late of 14 Hampstead Hill Road, Aldgate, of no occupation, who died on 4 August 2010.

*Hargreaves, Roy Patrick*, late of 24 Northbri Avenue, Salisbury East, retired insurance broker, who died on 28 September 2008.

*Harris, Beryl Constance*, late of Grainger Road, Somerton Park, of no occupation, who died on 25 July 2010.

*Harrold, Kevin*, late of Wirreanda Terrace, Hawker, retired handyman, who died on 14 July 2010.

*Host, Peter Murchland*, late of 29 Austral Terrace, Morphettville, retired librarian, who died on 2 August 2010.

*Ingram, James Montague Frank*, late of 550 Portrush Road, Glen Osmond, retired orderly, who died on 29 June 2010.

*Lakin, Phyllis Alice Shirley*, late of 95-97 Awoonga Road, Hope Valley, widow, who died on 30 July 2010.

*McKenna, Edna Bernadette*, late of 342 Marion Road, North Plympton, home duties, who died on 24 April 2010.

*Mole, June Dorothy*, late of 37 Scott Street, Parkside, home duties, who died on 28 July 2010.

*Richter, Donald Lloyd*, late of 19 Albert Street, Hamley Bridge, retired cellar hand, who died on 10 August 2010.

*Secombe, Roma*, late of 7 Railway Terrace, Old Reynella, widow, who died on 19 July 2010.

*Smith, Rita Joy*, late of 81-93 Regency Road, Croydon Park, of no occupation, who died on 23 August 2009.

*Stewart, Joyleen Veronica Kay*, late of 3 Eyre Avenue, Whyalla Norrie, home duties, who died on 29 April 2007.

*Ward, Frederick Derek*, late of 34 Peterswool Road, Elizabeth Park, retired owner/operator, who died on 22 June 2010.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 29 October 2010, otherwise they will be excluded from the distribution of the said estates; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 30 September 2010.

P. J. MARTIN, Acting Public Trustee

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# ATTENTION

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