



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 9 AUGUST 2018

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

Department of the Premier and Cabinet
Adelaide, 9 August 2018

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

- No. 9 of 2018—Criminal Procedure (Miscellaneous) Amendment Act 2018
An Act to amend the Criminal Procedure Act 1921
- No. 10 of 2018—Public Finance and Audit (Miscellaneous) Amendment Act 2018
An Act to amend the Public Finance and Audit Act 1987
- No. 11 of 2018—Criminal Assets Confiscation (Miscellaneous) Amendment Act 2018
An Act to amend the Criminal Assets Confiscation Act 2005
- No. 12 of 2018—Statutes Amendment (National Energy Laws) (Rules) Act 2018
An Act to amend the National Electricity (South Australia) Act 1996, the National Energy Retail Law (South Australia) Act 2011 and the National Gas (South Australia) Act 2008
- No. 13 of 2018—Evidence (Journalists) Amendment Act 2018
An Act to amend the Evidence Act 1929

By command,

STEVEN SPENCE MARSHALL
Premier

Department of the Premier and Cabinet
Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Adelaide Festival Centre Trust, pursuant to the provisions of the Adelaide Festival Centre Trust Act 1971:

- Member: from 9 August 2018 until 8 August 2021
Anthony Steven Smith

By command,

STEVEN SPENCE MARSHALL
Premier

DPC18/045CS

Department of the Premier and Cabinet
Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Forestry Corporation Board, pursuant to the provisions of the South Australian Forestry Corporation Act 2000:

- Director: from 9 August 2018 until 1 August 2020
Keith Desmond Lamb

By command,

STEVEN SPENCE MARSHALL
Premier

MPI18/0013 CS

Department of the Premier and Cabinet
Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Board of Green Industries SA, pursuant to the provisions of the Green Industries SA Act 2004:

- Member: from 9 August 2018 until 8 February 2020
Rosemary Anne Sharp
- Member: from 9 August 2018 until 8 August 2021
Leila Isabel Henderson
Tracey Dodd

By command,

STEVEN SPENCE MARSHALL
Premier

18EWGISACS0003

Department of the Premier and Cabinet
Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Construction Industry Training Board, pursuant to the provisions of the Construction Industry Training Fund Act 1993:

- Member: from 14 August 2018 until 13 February 2019
Nicholas Handley
Stephen Knight
Rebecca Louise Pickering
Gary Henderson
Jessica Brooke Rogers

Deputy Member: from 14 August 2018 until 13 February 2019

Laurence John Moore (Deputy to Handley)
 Huan Do (Deputy to Knight)
 Daniel Gannon (Deputy to Pickering)
 Nathan Crack (Deputy to Henderson)
 Paul James Scudds (Deputy to Rogers)

By command,

STEVEN SPENCE MARSHALL
 Premier

18IS/011CS

Department of the Premier and Cabinet
 Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint Professor Brenda Wilson as Governor's Deputy of South Australia for the period from 4:30pm on Sunday, 12 August 2018 until 7:30pm on Wednesday, 15 August 2018.

By command,

STEVEN SPENCE MARSHALL
 Premier

Department of the Premier and Cabinet
 Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Vickie Ann Chapman, MP, Deputy Premier and Attorney-General to be also Acting Premier for the period from 16 August 2018 to 1 September 2018 inclusive, during the absence of the Honourable Steven Spence Marshall, MP.

By command,

STEVEN SPENCE MARSHALL
 Premier

DPC18/046CS

Department of the Premier and Cabinet
 Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint Hugh Douglas Borrowman as Acting Official Secretary to the Governor of South Australia for a term commencing on 1 October 2018 and expiring on 2 April 2019 - pursuant to the provisions of the Constitution Act 1934.

By command,

STEVEN SPENCE MARSHALL
 Premier

DPC18/039CS

Department of the Premier and Cabinet
 Adelaide, 9 August 2018

His Excellency the Governor in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for a period of 1 year commencing on 9 August 2018 and expiring on 8 August 2019 - pursuant to the provisions of the Mental Health Act 2009.

- Lia Eridani Bibbo
- David Macmillan Meldrum
- Sara Mohamed Abeulsoud Elfalal
- Mary Michele Slatter

By command,

STEVEN SPENCE MARSHALL
 Premier

HEAC-2018-00043

BUILDING WORK CONTRACTORS ACT 1995

Exemption

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

SCHEDULE 1

Thomas O'Neill (BLD 244085)

SCHEDULE 2

Construction in relation to a three room extension to an existing dwelling on land situated at Allotment 23 Filed Plan 149108 in the area named Coromandel Valley, Hundred of Noarlunga, being a portion of the land described in Certificate of Title Volume 5760 Folio 880, more commonly known as 21 McNamara Road, Coromandel Valley SA 5051.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
- Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
 - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
 - Making an independent expert report available to prospective purchasers of the property;
 - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 1 August 2018

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

DOG AND CAT MANAGEMENT ACT 1995
DOG AND CAT MANAGEMENT REGULATIONS 2017

Desexing a Dog or Cat – Mandatory Information

I, Dr Felicity-ann Lewis, Chairperson of the Dog and Cat Management Board (the Board), hereby give notice that the Board has exercised its powers under section 21B(3) of the Dog and Cat Management Act 1995, and Regulations 12 (8) and 12(9) of the Dog and Cat Management Regulations 2017 and has decided that with effect from 15 August 2018 a person who desexes a dog or cat must provide the Board with the following information in the manner and form set out below within five (5) days of carrying out the procedure:

Either:

- (a) If the dog or cat is recorded in the Dogs and Cats Online database, entering and saving the information about the desexing procedure marked as mandatory in the dog's or cat's record on the said database, OR
- (b) sending the following information to the Registrar of Dogs for the council area within which the veterinary practice operates:
 - Whether the desexing procedure relates to a dog or cat, and
 - The name of the dog or cat, date of birth (or estimated date of birth), the primary breed, the primary colour, and the gender of the animal, and
 - The name and address of the owner, and
 - The name, address and contact details of the registered veterinary surgeon and veterinary practice undertaking the desexing procedure; OR
- (c) Provide the information specified in subclause (c), above, to the owner of the dog that is the subject of the desexing procedure.

Dated: 18 July 2018

DR FELICITY-ANN LEWIS
Chairperson of the Dog and Cat Management Board

DOG AND CAT MANAGEMENT ACT 1995
DOG AND CAT MANAGEMENT REGULATIONS 2017

Microchipping a Dog or Cat – Mandatory Information

I, Dr Felicity-ann Lewis, Chairperson of the Dog and Cat Management Board (the Board), hereby give notice that the Board has exercised its powers under section 21B(3) of the Dog and Cat Management Act 1995, and Regulations 10 (4) and 10(5) of the Dog and Cat Management Regulations 2017 and has decided that with effect from 15 August 2018 a person who microchips a dog or cat must provide the Board with the following information in the manner and form set out below within five (5) days of carrying out the procedure:

- (a) if the dog or cat is recorded in the Dogs and Cats Online database entering and saving the information about the microchipping procedure marked as mandatory in the dog's or cat's record on the said database, OR
- (b) If the dog or cat is not recorded in the Dogs and Cats Online database creating a new animal profile in Dogs and Cats Online and then entering and saving the information about the microchipping procedure marked as mandatory in the dog's or cat's record, OR
- (c) provide the following information to the Registrar of Dogs for the council area within which the microchip implanter or veterinary practice operates:
 - Whether the microchipping procedure relates to a dog or cat, and
 - The name of the dog or cat, date of birth (or estimated date of birth), the primary breed, the primary colour, and the gender of the animal, and
 - The microchip number for the microchip inserted into the animal, and
 - The name and address of the owner, and
 - The name, address and contact details of the person or veterinary practice undertaking the microchipping procedure; OR
- (d) Provide the information specified in subclause (c), above, to the owner of the dog that is the subject of the microchipping procedure.

Dated: 18 July 2018

DR FELICITY-ANN LEWIS
Chairperson of the Dog and Cat Management Board

EXPLOSIVES ACT 1936

Appointment

I, Robert Ivan Lucas, Treasurer in and for the State of South Australia, hereby appoint the following person as an inspector of explosives for the purposes of the *Explosives Act 1936* pursuant to section 9(1) of that Act:

- Timothy James RASCH

Dated: 1 August 2018

HON ROB LUCAS MLC
Treasurer

EXPLOSIVES ACT 1936

Revocation

I, Robert Ivan Lucas, Treasurer in and for the State of South Australia, hereby revoke the following persons as inspectors of explosives for the purposes of the *Explosives Act 1936* pursuant to section 9(1) of that Act:

- Brian ADAMS
- John Christopher MCKIE
- Jason MAVRIKIS

Dated: 1 August 2018

HON ROB LUCAS MLC
Treasurer

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

Fishing Run for the West Coast Prawn Fishery

TAKE notice that pursuant to regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 27 February 2018 on page 1092 of the South Australian Government Gazette of 6 March 2018 prohibiting fishing activities in the West Coast Prawn Fishery is HEREBY varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery.

SCHEDULE 2

Commencing at sunset on 5 August 2018 and ending at sunrise on 18 August 2018.

SCHEDULE 3

1. Each licence holder must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
2. Each 'bucket count' sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
3. Fishing must cease if one of the following limits is reached:
 - a. A total of 14 nights of fishing are completed
 - b. The average catch per vessel, per night (for all 3 vessels) drops below 300 kg for two consecutive nights
 - c. The average 'bucket count' for all vessels exceeds 270 prawns per bucket on any single fishing night in the Ceduna area
 - d. The average 'bucket count' for all vessels exceeds 240 prawns per bucket on any single fishing night in the Coffin Bay area
 - e. The average 'bucket count' for all vessels exceeds 240 prawns per bucket on any single fishing night in the Venus Bay area.
4. The fleet must nominate a licence holder to provide a daily update by telephone or SMS message to the Prawn Fishery Manager on 0477 396 367, to report the average prawn catch and the average prawn 'bucket count' for all vessels operating in the fishery.
5. No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the South Australian Government Gazette pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

Dated: 3 August 2018

STEVE SHANKS
Prawn Fisheries Manager
Delegate of the Minister for Primary Industries and Regional Development

GEOGRAPHICAL NAMES ACT 1991

Notice to Alter the Boundaries of Places

NOTICE is hereby given pursuant to Section 118(1)(b) of the Geographical Names Act 1991, that I, MICHAEL BURDETT, Surveyor-General and Delegate appointed by Stephan Knoll, Minister for Transport, Infrastructure and Local Government, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY:

Exclude from the bounded locality of **THE GAP** that area marked **(A)** shown highlighted in green on the plan and include in the locality of **KEPPOCH** marked **(B)**.

Copies of the plan showing the extent of the subject area can be viewed at:

- the office of the Surveyor-General, 101 Grenfell Street, Adelaide
- the office of the Naracoorte Lucindale Council
- the Land Services web-site at: www.sa.gov.au/placenameproposals

Dated: 6 August 2018

M. BURDETT
Surveyor-General
Department of Planning, Transport and Infrastructure

DPTI: 2018/12517/01

JUSTICES OF THE PEACE ACT 2005

SECTION 4

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

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

For a period of ten years for a term commencing on 21 August 2018 and expiring on 20 August 2028:

Rebecca Marie Baker
Peter John Barber
Milena Louise Bishop
Darrien Sean Bromley
Darryl James Carter
Rudiger Deco
Joanne Louise Dillon
Arthur Andrew Hansberry
Patricia Jean Holtham
Brian Alan Mathews
Michael Shane Perry
Carol Ann Putland
Roslyn Joy Ricci

For a period of ten years for a term commencing on 28 August 2018 and expiring on 27 August 2028:

Dianne Kay Harris
Katherine Anne Keough
Wendy Lynette McDonald
Mary Nguyen
Peter John Redman
Cheryl Marie Reeve
Susan Jean Rumbelow
Belinda Lee Wood

Dated: 6 August 2018

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

MENTAL HEALTH ACT 2009

Authorised Officers

NOTICE is hereby given in accordance with Section 3(1) of the Mental Health Act 2009, that the Chief Psychiatrist has determined the following classes of persons as Authorised Officers commencing from 9 August 2018:

Boomeroo Centre District Hospital and Health Services:

- Registered Nurses (levels 1, 2 and 3) working within emergency departments and acute wards
- The position of After Hours Coordinator

Laura and District Hospital:

- Registered Nurses (levels 1, 2 and 3) working within emergency departments and acute wards
- The position of After Hours Coordinator

DR J. BRAYLEY
Chief Psychiatrist

MENTAL HEALTH ACT 2009

Authorised Officers

NOTICE is hereby given in accordance with Section 3(1) of the Mental Health Act 2009, that the Chief Psychiatrist has determined the following classes of persons as Authorised Officers commencing from 9 August 2018:

Orroroo District Hospital

- Registered Nurses (levels 1, 2 and 3) working within emergency departments and acute wards
- The position of After Hours Coordinator

DR J. BRAYLEY
Chief Psychiatrist

MINING ACT 1971

Notice pursuant to Section 29 (1a) and 29 (5) (b) (ii) of the Mining Act 1971

NOTICE is hereby given that the notice under the *Mining Act 1971* (the Act) published on 10th November 2016 in the South Australian Government Gazette at page 4365, is varied in respect of land referred to in the Schedule.

Notice is further hereby given that:

- (1) Pursuant to subsection 29 (1a) of the Act no applications may be made for corresponding licences over land identified in Columns 1, 2, 3 and 6 of the Schedule during the succeeding period listed in Column 4 of the Schedule.
- (2) Applications for corresponding licences may be made during the period listed in Column 5 of the Schedule and during that period, pursuant to subsection 29 (5) (b) (ii) of the Act, subsection 29 (4) of the Act will not apply in relation to any such applications. (See Note 1).

- (3) Plans and coordinates for the land identified in Columns 1, 2, 3 and 6 of the Schedule can be obtained at the Department for Energy and Mining (DEM) Minerals website http://www.energymining.sa.gov.au/exploration/public_notices or by phoning Mineral Tenements on (08) 8463 3103.
- (4) This Notice becomes effective on 09 August 2018.

THE SCHEDULE

Column 1 ERA No	Column 2 Locality	Column 3 Area (km ²)	Column 4 Moratorium Period	Column 5 Application Open Dates	Column 6 Specific criteria
1000	Ediacara area - approx 40km SW of Leigh Creek	646	10/05/2017 to 30/09/2018	01/10/2018 to 05/10/2018	-

Dated: 9 August 2018

J MARTIN
General Manager Mineral Tenements
Mining Registrar
Delegate of the Minister for Energy and Mining

NOTE 1: The effect of this notice is that:

- No applications for a corresponding licence may be made during the succeeding period.
- The succeeding period will always expire on a Sunday. From the immediately following Monday to the immediately following Friday, applications for a corresponding licence may be made (the application week).
- Applications made in the application week will not be dealt with under subsection 29(4) i.e., on a first come first served basis, but under subsection 29(6) i.e., on a merits basis.
- If no applications are made in the application week, the land in question will cease to be subject to the notice and any applications for an exploration licence made after that time will be dealt with under subsection 29(4).

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

Partial Closure of Flinders Chase National Park

PURSUANT to Regulations 7(3)(a) and 7(3)(d) of the *National Parks and Wildlife (National Parks) Regulations 2016*, I, Grant Anthony Pelton, A/Group Executive Director, Parks and Regions, authorised delegate of the Director of National Parks and Wildlife, close to all vehicles, part of Flinders Chase National Park, from:

5.00 a.m. until 2 p.m. on Saturday, 1st September 2018.

The closure applies to the first 3 kilometres of West Bay Road, the whole of Cape du Couedic Road, the whole of Boxer Drive and the whole of Weirs Cove Road.

Vehicle access from/to the Rocky River Campground and from/to West Bay Road to/from the Flinders Chase National Park Visitor Centre, will not be possible during the closure period, due to the partial closure of the West Bay Road and the closure of Cape du Couedic Road.

The purpose of the closure is to allow for the running of an event within the reserve during the period indicated.

Permission to enter closed Reserve

Pursuant to Regulations 7(4), and 40 of the *National Parks and Wildlife (National Parks) Regulations 2016*, I, Grant Anthony Pelton, A/Group Executive Director, Parks and Regions, grant permission to those persons identified in the Event Agreement between the Minister for Environment and Water and 1908 Management Group Pty Ltd, trading as 1908 Sports Management, to drive a vehicle in the closed portions of Flinders Chase National Park from 5.00 a.m. until 2 p.m. on Saturday 1st September 2018 in accordance with the purposes and conditions as outlined in the said Event Agreement.

This permission is conditional upon the observance by each of those persons of the requirements of the *National Parks and Wildlife Act 1972*, and the *National Parks and Wildlife (National Parks) Regulations 2016*, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated: 1 August 2018

G. A PELTON
Acting Group Executive Director
Parks and Regions

NOTICE TO MARINERS

NO 22 OF 2018

Birkenhead Bridge in Lock down Position

The Department of Planning Transport and Infrastructure is undertaking bird-proofing works on the Birkenhead Bridge. The works is scheduled to commence on Monday 13 August 2018 and be complete on Friday 31 August 2018.

The works involves construction of scaffolding within the bascules and therefore will require the bridge to be locked in the down position.

The raising of the bridge will be prohibited at all times during the works. If you have any queries please ring Ben Mumford on 0417 884 033.

Mariners are advised to exercise caution in the vicinity.

Dated: 1 August 2018

GORDON PANTON
Manager
Marine Operations

DPTI2017/02277/01
www.dpti.sa.gov.au

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) ACT 2009

OUTBACK COMMUNITIES AUTHORITY

Declaration of Community Contribution (Iron Knob) for 2018-2019

NOTICE is hereby given that at a meeting in 14 June 2018, the Outback Communities Authority, for the financial year ending 30 June 2019 and in exercise of the powers contained in Division 2, Part 3 of the *Outback Communities (Administration and Management) Act 2009*, resolved as follows:

Declaration of the Community Contribution

To declare a community contribution for the rateable land in:

- the township of Iron Knob.

Purpose of Community Contribution

Declare a fixed charge of \$240 per property unit on rateable land for the purposes of raising revenue for the provision of services and support to the community of Iron Knob.

Payment of Community Contribution

Pursuant to Section 181 (2) of the Local Government Act 1999, that the community contribution is payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 15 September 2018;
- second instalment, payable on 15 December 2018;
- third instalment, payable on 15 March 2019; and
- fourth instalment, payable on 15 June 2019.

M. R. SUTTON
Director

(A3699156)

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) ACT 2009

OUTBACK COMMUNITIES AUTHORITY

Declaration of Community Contribution (Andamooka) for 2018-2019

NOTICE is hereby given that at its meeting in 14 June 2018, the Outback Communities Authority, for the financial year ending 30 June 2019 and in exercise of the powers contained in Division 2, Part 3 of the *Outback Communities (Administration and Management) Act 2009*, resolved as follows:

Declaration of the Community Contribution

To declare a community contribution for the rateable land over:

- the township of Andamooka;
- those sites immediately adjacent the town of Andamooka not within the Andamooka Precious Stones Field or excluded from the operation of the Opal Mining Act 1995 held in Fee Simple, occupied under Crown Lease or Licence, and
- those portions of Section 1500, Out of Hundreds (Andamooka), occupied under Crown Licence (known as White Dam).

Purpose of Community Contribution

Declare a fixed charge of \$400 per property unit on rateable land for the purposes of raising revenue for the provision of services and support to the community of Andamooka.

Payment of Community Contribution

Pursuant to Section 181 (2) of the Local Government Act 1999, that the community contribution is payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 15 September 2018;
- second instalment, payable on 15 December 2018;
- third instalment, payable on 15 March 2019; and
- fourth instalment, payable on 15 June 2019.

M. R. SUTTON
Director

(A3699156)

South Australia*Passenger Transport Act 1994***Determination and Direction - Point to point transport service transaction levy**

under Schedule 2 clause 2(4) of the *Passenger Transport Act 1994* and regulation 150H of the Passenger Transport Regulations 2009

1 – Short title

This notice may be cited as the *Passenger Transport (Determination and Direction – Point to point transport service transaction levy) Notice 2018*.

2 – INTERPRETATION

In this Notice-

Act means the *Passenger Transport Act 1994*;

Assessment Period for collection of the point to point transaction levy under clause Schedule 2 clause 1 of the Act which has been determined to mean:

- (a) 1 May 2017 to 30 June 2017; and
- (b) Subsequent assessment periods align with the following quarters:
 - Quarter 1 – 1 July – 30 September
 - Quarter 2 – 1 October – 31 December
 - Quarter 3 – 1 January – 31 March
 - Quarter 4 – 1 April – 30 June

Levy means the point to point transport service transaction levy

Regulations means the Passenger Transport Regulations 2009

Relevant Provider of a point to point transport service has the same meaning as that contained in Schedule 2 clause 1 of the Act

3 DETERMINATION AND DIRECTION:

I, **STEPHAN KARL KNOLL, Minister for Transport, Infrastructure and Local Government**, in the State of South Australia hereby:

- 3.1 **DIRECT** under Schedule 2 Clause 2(4) of the Act, that the point to point transport service transaction levy for an assessment period:
- (a) must be paid by a relevant provider within 30 days of the date of issue of a notice of assessment to the relevant provider; and
 - (b) must be paid by a relevant provider either by cheque, postal order, electronic funds transfer or credit card in accordance with requirements set out in the notice of assessment.
- 3.2 **DIRECT** under Schedule 2 Clause 2(4) of the Act, that the point to point transport service transaction levy for any preceding assessment period that remains unpaid as at the date of publication of this determination:
- (a) must be paid by a relevant provider within 30 days of the date of issue of a notice of outstanding debt to the relevant provider for that preceding assessment period and/or periods; and
 - (b) must be paid by a relevant provider either by cheque, postal order, electronic funds transfer or credit card in accordance with requirements set out in that notice.

- 3.3 **DETERMINE**, under regulation 150H(2) of the Regulations, that the rate of interest payable in relation to unpaid levy amounts, in accordance with regulation 150H(1) and Schedule 2 clause 2 of the Act, is the ‘*prescribed interest rate*’ determined under the *Late Payment of Government Debts (Interest) Act 2013*. The Late Payment of Government Debts (Interest) Regulations 2014 defines this as ‘a rate of 5% above the cash rate published by the Reserve Bank of Australia (expressed as an annual rate).’

HON STEPHAN KARL KNOLL MP

Minister for Transport, Infrastructure and Local Government

Dated: 3 August 2018

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence PEL 112

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Licence has been suspended for the period from 1 August 2018 until 31 July 2019 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 112 is now determined to be 9 January 2021.

Dated: 2 August 2018

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence PEL 444

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Licence has been suspended for the period from 1 August 2018 until 31 July 2019 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 444 is now determined to be 11 January 2022.

Dated: 2 August 2018

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

NOTICE UNDER SECTION 42

Practice Directions

Preamble

The State Planning Commission may issue a practice direction for the purposes of this Act. A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

NOTICE

PURSUANT to section 42 (4) (a) of the *Planning, Development and Infrastructure Act 2016*, I, **Timothy Anderson**, State Planning Commission Chairperson,

- a. issue the State Planning Commission Practice Direction 2- Consultation on the preparation or amendment of a designated instrument 2018 (Practice Direction)
- b. fix the day on which the Practice Direction is published on the South Australian Planning Portal as the day on which the Practice Direction will come into operation.

Dated: 2 August 2018

TIMOTHY ANDERSON QC
State Planning Commission Chairperson

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

Notice of Confirmation of Road Process Order

Road Closure – Bookmark Avenue (Portion), Renmark West

BY Road Process Order made on 13 June 2018, the Renmark Paringa Council ordered that:

1. Portions of Bookmark Avenue situated adjoining Allotment 51 in Filed Plan 8997 and Allotment 51 in Deposited Plan 20814, more particularly delineated and lettered ‘A’ and ‘B’ in Preliminary Plan 17/0031 be closed.

2. Transfer the whole of the land subject to closure lettered 'A' to Colin Stuart Watson and Robyn Margaret Watson in accordance with the Agreement for Transfer dated 8 June 2018 entered into between the Renmark Paringa Council and Colin Stuart Watson and Robyn Margaret Watson.
3. Transfer the whole of the land subject to closure lettered 'B' to Detlef Kuhfuss and Margit Anneliese Kuhfuss in accordance with the Agreement for Transfer dated 1 November 2017 entered into between the Renmark Paringa Council and Detlef Kuhfuss and Margit Anneliese Kuhfuss.

On 3 August 2018 that order was confirmed by the Minister for Transport, Infrastructure and Local Government conditionally upon the deposit by the Registrar-General of Deposited Plan 119129 being the authority for the new boundaries.

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

Dated: 9 August 2018

M. P. BURDETT
Surveyor-General

DPTI: 2017/10154/01

TRAINING AND SKILLS DEVELOPMENT ACT 2008

Part 4 – Apprenticeships/Traineeships

PURSUANT to the provision of the Training and Skills Development Act 2008, the Training and Skills Commission (TaSC) gives notice that determines the following Trades or Declared Vocations in addition to the *gazette* notices of:

1. 25 September 2008	2. 23 October 2008	3. 13 November 2008	4. 4 December 2008
5. 18 December 2008	6. 29 January 2009	7. 12 February 2009	8. 5 March 2009
9. 12 March 2009	10. 26 March 2009	11. 30 April 2009	12. 18 June 2009
13. 25 June 2009	14. 27 August 2009	15. 17 September 2009	16. 24 September 2009
17. 9 October 2009	18. 22 October 2009	19. 3 December 2009	20. 17 December 2009
21. 4 February 2010	22. 11 February 2010	23. 18 February 2010	24. 18 March 2010
25. 8 April 2010	26. 6 May 2010	27. 20 May 2010	28. 3 June 2010
29. 17 June 2010	30. 24 June 2010	31. 8 July 2010	32. 9 September 2010
33. 23 September 2010	34. 4 November 2010	35. 25 November 2010	36. 16 December 2010
37. 23 December 2010	38. 17 March 2011	39. 7 April 2011	40. 21 April 2011
41. 19 May 2011	42. 30 June 2011	43. 21 July 2011	44. 8 September 2011
45. 10 November 2011	46. 24 November 2011	47. 1 December 2011	48. 8 December 2011
49. 16 December 2011	50. 22 December 2011	51. 5 January 2012	52. 19 January 2012
53. 1 March 2012	54. 29 March 2012	55. 24 May 2012	56. 31 May 2012
57. 7 June 2012	58. 14 June 2012	59. 21 June 2012	60. 28 June 2012
61. 5 July 2012	62. 12 July 2012	63. 19 July 2012	64. 2 August 2012
65. 9 August 2012	66. 30 August 2012	67. 13 September 2012	68. 4 October 2012
69. 18 October 2012	70. 25 October 2012	71. 8 November 2012	72. 29 November 2012
73. 13 December 2012	74. 25 January 2013	75. 14 February 2013	76. 21 February 2013
77. 28 February 2013	78. 7 March 2013	79. 14 March 2013	80. 21 March 2013
81. 28 March 2013	82. 26 April 2013	83. 23 May 2013	84. 30 May 2013
85. 13 June 2013	86. 20 June 2013	87. 11 July 2013	88. 1 August 2013
89. 8 August 2013	90. 15 August 2013	91. 29 August 2013	92. 6 February 2014
93. 12 June 2014	94. 28 August 2014	95. 4 September 2014	96. 16 October 2014
97. 23 October 2014	98. 5 February 2015	99. 26 March 2015	100. 16 April 2015
101. 27 May 2015	102. 18 June 2015	103. 3 December 2015	104. 7 April 2016
105. 30 June 2016	106. 28 July 2016	107. 8 September 2016	108. 22 September 2016
109. 27 October 2016	110. 1 December 2016	111. 15 December 2016	112. 7 March 2017
113. 21 March 2017	114. 23 May 2017	115. 13 June 2017	116. 18 July 2017
117. 19 September 2017	118. 26 September 2017	119. 17 October 2017	120. 3 January 2018
121. 23 January 2018	122. 14 March 2018	123. 14 June 2018	124. 5 July 2018
125. 2 August 2018	126. 9 August 2018		

TRADES OR DECLARED VOCATIONS AND REQUIRED QUALIFICATIONS AND TRAINING CONTRACT CONDITIONS FOR THE AUTOMOTIVE RETAIL, SERVICE AND REPAIR TRAINING PACKAGE AUR

*Trade/ #Declared Vocation/ Other Occupation	Qualification Code	Qualification Title	Nominal Term of Training Contract	Probationary Period
Automotive Air Conditioning Serviceperson #	AUR20218	Certificate II in Automotive Air Conditioning	12 Months	60 Days

TRADES OR DECLARED VOCATIONS AND REQUIRED QUALIFICATIONS AND TRAINING CONTRACT CONDITIONS FOR THE FINANCIAL SERVICES TRAINING PACKAGE FNS

*Trade/ #Declared Vocation/ Other Occupation	Qualification Code	Qualification Title	Nominal Term of Training Contract	Probationary Period
Customer Servicing (Financial Institutions) #	FNS30317	Certificate III in Accounts Administration	24 Months	60 Days
Bookkeeper #	FNS40217	Certificate IV in Accounting and Bookkeeping	24 Months	60 Days
Customer Servicing (Financial Institutions) #	FNS40217	Certificate IV in Accounting and Bookkeeping	24 Months	60 Days

Customer Servicing (Financial Institutions) #	FNS42215	Certificate IV in Personal Trust Administration	24 Months	60 Days
Injury Claims Team Leader #	FNS42115	Certificate IV in Personal Injury Management	24 Months	60 Days
Customer Servicing (Financial Institutions) #	FNS52015	Diploma of Personal Trusts	18 Months	60 Days
Customer Servicing (Financial Institutions) #	FNS50217	Diploma of Accounting	36 Months	90 Days
Customer Servicing (Financial Institutions) #	FNS60217	Advanced Diploma of Accounting	48 Months	90 Days

TRADES OR DECLARED VOCATIONS AND REQUIRED QUALIFICATIONS AND TRAINING CONTRACT CONDITIONS FOR THE
RACING AND BREED TRAINING PACKAGE RGR

*Trade/ #Declared Vocation/ Other Occupation	Qualification Code	Title	Nominal Term of Training Contract	Probationary Period
Racing Operations #	RGR30218	Certificate III in Racing (Stablehand)	24 Months	60 Days
Racing Operations #	RGR40218	Certificate IV in Racing (Jockey)	48 Months	90 Days

South Australia

Criminal Law Consolidation (Dishonest Communication with Children) Amendment Act (Commencement) Proclamation 2018

1—Short title

This proclamation may be cited as the *Criminal Law Consolidation (Dishonest Communication with Children) Amendment Act (Commencement) Proclamation 2018*.

2—Commencement of Act

The *Criminal Law Consolidation (Dishonest Communication with Children) Amendment Act 2018* (No 4 of 2018) will come into operation on 13 August 2018.

Made by the Governor

with the advice and consent of the Executive Council
on 9 August 2018

AGO0021-18CS

South Australia

Historic Shipwrecks (Fees) Variation Regulations 2018

under the *Historic Shipwrecks Act 1981*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Historic Shipwrecks Regulations 2017*

- 4 Variation of regulation 4—Fee for copy of Register
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Historic Shipwrecks (Fees) Variation Regulations 2018*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Historic Shipwrecks Regulations 2017*

4—Variation of regulation 4—Fee for copy of Register

Regulation 4—delete "\$1.80" and substitute:

\$1.85

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 9 August 2018

No 198 of 2018

18EWDEWCS0009

CITY OF CHARLES STURT
ROADS (OPENING AND CLOSING) ACT 1991
Road Closure – Terminus Street, Grange

Notice is hereby given pursuant to section 10 of the Act, that the City of Charles Sturt proposes to make a Road Process Order to close and transfer to the adjoining owner a portion of Terminus Street adjoining allotment 55 in FP 96 as marked 'A' on Preliminary Plan No. 18/0025.

A copy of the plan and statement of persons affected are available for public inspection at the Council office, 72 Woodville Road Woodville and the office of the Surveyor-General, 101 Grenfell Street Adelaide during normal office hours.

Any application for easement or objections must set out the full name, address and details of the submission and must be fully supported by reasons.

Any application for easement or objections must be made in writing within 28 days of this notice to the Council, PO Box 1 Woodville 5011 and the Surveyor-General, GPO Box 1354 Adelaide 5001, setting out full details. Where a submission is made, council will give notification of a meeting at which the matter will be considered.

Dated: 9 August 2018

P. SUTTON
Chief Executive Officer

THE CORPORATION OF THE CITY OF MARION
Renaming of Public Reserve

NOTICE is hereby given that at its meeting held on 24 July 2018, the Corporation of the City of Marion resolved to change the name of the reserve known as "Sixth Avenue Reserve" Ascot Park to "Joan Herraman Reserve", pursuant to Section 219(1) of the Local Government Act 1999.

Dated: 2 August 2018

ADRIAN SKULL
Chief Executive Officer

CITY OF VICTOR HARBOR
Exemption of Land from Classification as Community Land

NOTICE is hereby given that Council at its meeting held on 26 February 2018, resolved pursuant to section 193(4)(a) of the Local Government Act 1999 that the land contained in:

Certificate of Titles: Volume 5777 Folio 345, Allotment 40 and

Volume 5840 Folio 195 in Deposited Plan 99 Allotments 41 and 42, 8-12 McKinlay Street, Victor Harbor; and

at the special meeting held on 14 May 2018, resolved pursuant to section 193(4)(a) of the Local Government Act 1999 that the land contained in:

Certificate of Title: Volume 5887 Folio 938 Deposited Plan 61062 Allotment 101, 181 Coromandel Drive McCracken;

be excluded from the classification as Community Land.

V. MACKIRDY
Chief Executive Officer

ADELAIDE HILLS COUNCIL
PERMITS AND PENALTIES BY-LAW 2018

By-law No. 1 of 2018

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

PART 1 -PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2018* and is By-law No. 1 of the Adelaide Hills Council.
2. **Authorising law**
This By-law is made under section 246 of the Act.
3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-Law No.1 – Permits and Penalties 2010.²
 - 4.2 This By-law will expire on 1st January 2026.³

Note

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

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

Note-

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

7. **Construction of By-laws generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council, unless the contrary intention appears **permission** means permission of the Council, or such other person as the Council may authorise, granted in writing (including, by way of the Council adopting a policy of general application for this purpose) prior to the act, event or activity to which it relates.

PART 2 – PERMITS AND PENALTIES

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

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

Note-

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

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

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

**ADELAIDE HILLS COUNCIL
MOVEABLE SIGNS BY-LAW 2018**

By-law No. 2 of 2018

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2018* and is By-law No. 2 of the Adelaide Hills Council.
2. **Authorising law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
3. **Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
 - 3.1 to protect the comfort and safety of road users and members of the public;
 - 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
 - 3.3 to prevent nuisances occurring on roads;
 - 3.4 to prevent unreasonable interference with the use of a road; and
 - 3.5 for the good rule and government of the Council area.
4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:
By-Law No.2 - Moveable Signs 2011.²
 - 4.2 This By-law will expire on 1 January 2026.³

NOTE -

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
 - 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
 - 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
 - 6.4 **business premises** means premises from which a business is being conducted excluding any place where a home activity (as defined in the *Development Regulations 2008*) is being conducted;
 - 6.5 **Council** means the Adelaide Hills Council;
 - 6.6 **footpath area** means:

- 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

NOTE-

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

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

A moveable sign must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.8 in the case of an 'A' frame or sandwich board sign:
- 7.8.1 be hinged or joined at the top;
- 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.8.3 not have a base area in excess of 0.6 square metres; and
- 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.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11 displayed during the hours of darkness unless it is clearly lit; or
- 8.12 be placed in such a position or in such circumstances that:
- 8.12.1 it compromises the safety of any person or places a person at risk of harm; or
- 8.12.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

9. Appearance

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

- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be attractive, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;
- 9.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated;
- 9.5 not have balloons, flags, streamers or other things attached to it; and
- 9.6 not rotate or contain flashing parts.

10. Banners

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

Note-

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

11. Restrictions

- 11.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 11.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3 A person must not, without the permission of the Council, cause or allow a moveable sign to be placed on a footpath area unless:
- 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.3.2 the business premises to which it relates is open to the public.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. Exemptions

- 12.1 Subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises;
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 12.2 Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

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

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

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

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

Note-

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

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

14. Liability of vehicle owners

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

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on the **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

ADELAIDE HILLS COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2018

By-law No. 3 of 2018

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

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2018* and is By-law No. 3 of the Adelaide Hills Council.
- 2. Authorising law**
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council area; and
 - 3.5 for the good rule and government of the Council's area.
- 4. Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-law No. – Local Government Land 2010.²
 - 4.2 This By-law will expire on 1 January 2026.³

Note-

 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
 - 5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2018
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
 - 5.3 Subclauses 9.3, 9.10.1, 9.10.5, 9.14.1, 9.24.1, 9.24.3, 9.24.5, 9.26.2, 9.37, 10.3 and 10.8 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.5.3, 9.10.3, 9.14.2 and 9.33 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 6. Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog;
 - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants
 - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
 - 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
 - 6.7 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a 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;
 - 6.8 **Council** means Adelaide Hills Council;
 - 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12 **foreshore** means land extending from the edge of any other navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17 **open container** means a container which after the contents of the container have been sealed at the time of manufacture:
- 6.17.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.17.2 being a can, it has been opened or punctured;
- 6.17.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.17.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.17.5 is a flask, glass, mug or other container able to contain liquid.
- 6.18 **personal watercraft** means a device that –
- 6.18.1 is propelled by a motor; and
- 6.18.2 has a fully enclosed hull; and
- 6.18.3 is designed not to retain water if capsized; and
- 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.19 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.20 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.21 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

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

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

The Council may:

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

8. Closed lands

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

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

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

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

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

9.1 Advertising

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

- 9.2 **Aircraft**
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3 **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.
- 9.4 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.
- 9.5 **Animals**
- 9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land.
- 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land.
- 9.5.3 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.
- 9.6 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises,
by making noise or creating a disturbance.
- 9.7 **Aquatic Life**
Introduce any aquatic life to any waters located on Local Government Land.
- 9.8 **Attachments**
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.9 **Bees**
Place a hive of bees on such land or allow it to remain thereon.
- 9.10 **Boats & Mooring**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
- 9.10.1 launch or retrieve a boat to or from any waters adjacent to or on any Local Government land or foreshore to which the Council has determined this subclause applies;
- 9.10.2 launch or retrieve a boat from or to the foreshore without using a boat ramp constructed and set aside by the Council for that purpose;
- 9.10.3 propel, float or otherwise use a boat on or in any waters except:
- (a) in an area to which the Council has determined this subclause applies; and
- (b) in accordance with any conditions that the Council may have determined by resolution apply to that use.
- 9.10.4 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.10.5 moor any boat on or to Local Government land to which the Council has determined this subclause applies.
- 9.11 **Bridge Jumping**
Jump or dive from a bridge on Local Government land.
- 9.12 **Buildings**
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.13 **Burials and Memorials**
- 9.13.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.13.2 Erect any memorial
- 9.14 **Camping and Tents**
- 9.14.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation on Local Government land to which the Council has determined this subclause applies
- 9.14.2 Camp or sleep overnight on Local Government land except:
- 9.14.2.1 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; or
- 9.14.2.2 other than on an area which has been designated by resolution of the Council for that purpose and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.15 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

- 9.16 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.17 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.18 **Donations**
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.19 **Entertainment and Busking**
- 9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **Equipment**
Use an item of equipment, facilities or property belonging to the Council 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.
- 9.21 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.21.1 in a place provided by the Council for that purpose; or
- 9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.22 **Fireworks**
Ignite or discharge any fireworks.
- 9.23 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.23.8 burn any timber or dead wood –
with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.
- 9.24 **Games & Sport**
- 9.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.24.2 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 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.24.4 Play or practice the game of golf on Local Government Land other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its agent) that apply to such play or practice.
- 9.24.5 Play or practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.
- 9.25 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.25.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.25.2 erecting or installing a structure in, on, across, under or over the land;
- 9.25.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.25.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.25.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

- 9.26 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.26.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.26.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government Land to which the Council has resolved this subclause applies.
- 9.27 **Overhanging Articles 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.
- 9.28 **Playing Area**
Use or occupy a playing area:
- 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.29 **Pontoons**
Install or maintain a pontoon, jetty or similar structure.
- 9.30 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.31 **Ropes**
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.32 **Rubbish and Rubbish Dumps**
- 9.32.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land.
- 9.32.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government Land, or placed on Local Government Land for collection by the Council (or its agent).
- 9.33 **Swimming**
Subject to the provisions of the *Harbours and Navigation Act 1993* enter, swim or bathe in any waters on Local Government land except:
- 9.33.1 in an area which the Council has designated and set aside for such purposes; and
- 9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use, which are exhibited on any signage on land adjoining the body of water.
- 9.34 **Trading**
- 9.34.1 Sell buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.34.2 Carry on any business or promote or advertise the same.
- 9.34.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.35 **Vehicles**
- 9.35.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.36 **Weddings, Functions and Special events**
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral service or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral service or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.37 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
- 10. Prohibited activities**
A person must not do any of the following on Local Government land.
- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.

- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **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.
- 10.3 **Fishing**
Fish in any waters to which the Council has determined this subclause applies.
- 10.4 **Glass**
Willfully break any glass, china or other brittle material.
- 10.5 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.6 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.7 **Playing games**
Play or practise a game:
10.7.1 which is likely to cause damage to the land or anything on it; or
10.7.2 in any area where a sign indicates that the game is prohibited.
- 10.8 **Smoking**
Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.
- 10.9 **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.10 **Throwing objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.11 **Toilets**
In any public convenience on Local Government land:
10.11.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.11.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
10.11.3 use it for a purpose for which it was not designed or constructed;
10.11.4 enter a toilet that is set aside for use of the opposite gender except:
(a) where a child under the age of eight years is accompanied by a parent or adult guardian of that gender; or
(b) to provide assistance to a person with a disability; or
(c) in the case of a genuine emergency.
- 10.12 **Waste**
10.12.1 Deposit or leave thereon anything obnoxious or offensive.
10.12.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 4 - ENFORCEMENT**11. Directions**

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

12. Orders

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

Note –

Section 262(1) of the Act states:

- (1) *if a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
(a) *if the conduct is still continuing - to stop the conduct; and*

(b) whether or not the conduct is still continuing-to take specified action to remedy the contravention.

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

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

13. Removal of animals and objects

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 or in accordance with a direction from a Council officer.
- 14.2 The restrictions in subclauses 9.15 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to and occurs during the course of and for the purpose of a referendum.

15. Liability of vehicle owners

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

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on the **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

**ADELAIDE HILLS COUNCIL
ROADS BY-LAW 2018**

By-law No. 4 of 2018

A By-law to manage, control and regulate certain activities on roads in the Council's area.

PART 1- PRELIMINARY

- 1. Title**
This By-law may be cited as the *Roads By-law 2018* and is By-law No. 4 of the Adelaide Hills Council.
- 2. Authorising law**
This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.
- 3. Purpose**
The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation.¹
- 4.2 By-Law No. 4 - Roads 2010.²
- 4.3 This By-law will expire on 1 January 2026.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.1 of this By-law only applies to such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act;
- 5.4 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp, or causing:
- 6.4.1 a tent (including a tent trailer) or other structure of calico, canvas, plastic or other similar material; or
- 6.4.2 a swag or similar bedding; or
- 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;
- to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means the Adelaide Hills Council;
- 6.6 **effective control** means a person exercising effective control of an animal either:
- 6.6.1 by means of a physical restraint; or
- 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.9.1 a bridge, viaduct or subway; or
- 6.9.2 an alley, laneway or walkway; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

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

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

- 7.1 **Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.
- 7.2 **Amplification**
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road to which the Council has determined this subclause applies.
- 7.3.2 Subject to clause 7.3, lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.
- 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.4 **Camping and Tents**
- 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
- 7.4.2 Camp or remain overnight except:
- 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and
- 7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.
- 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, footway, water-channel, or watercourse in a road.
- 7.6 **Preaching**
Preach, harangue, solicit or canvass for religious or charitable purposes.

- 7.7 **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.
- 7.8 **Rubbish Bins**
Deposit in any Council bin on a road any rubbish emanating from a domestic, commercial or trade source.
- 7.9 **Soliciting**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.10 **Vehicles**
Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note-

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

PART 3- ENFORCEMENT**8. Directions**

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

9. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

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

10. Removal of animals and objects

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

PART 4- MISCELLANEOUS**11. Exemptions**

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

12. Liability of vehicle owners

- 12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Council held on **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

ADELAIDE HILLS COUNCIL
DOGS BY-LAW 2018

By-law No. 5 OF 2018

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dog By-law 2018* and is By-law No. 5 of the Adelaide Hills Council.
 2. **Authorising law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council area:
 - 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
 - 3.2 to promote responsible dog ownership; and
 - 3.3 to protect the convenience, comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹.
By-Law No. 5 – Dogs 2011.²
 - 4.2 This By-law will expire on 1 January 2026.³
- Note-
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.1 and 10.2, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
 - 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
 - 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
 - 6.5 **Council** means Adelaide Hills Council;
 - 6.6 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.7 **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.8 **keep** includes the provision of food or shelter;
 - 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
 - 6.11 **small dwelling** means a self-contained residence that is:
 - 6.11.1 a residential flat building;
 - 6.11.2 contained in a separate strata unit or community title;
 - 6.11.3 on an allotment less than 400 square metres in area; or
 - 6.11.4 without a secure yard of at least 100 square metres in area;
 - 6.12 **working dog** means a dog-
 - 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—
 - a. a primary producer; or
 - b. engaged or employed by a primary producer; and
 - 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
 - 6.13 For the purposes of clause 9 of the By-law, a dog is (under **effective control by means of a leash**) if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:

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

Note-

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

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

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

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

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

Note –

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

9. Dog on leash areas

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

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

10. Dog prohibited areas

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

- 10.1 on any children's playground on Local Government land; or
- 10.2 on any other Local Government land or public place to which the Council has determined 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 – EXEMPTIONS**12. Council may grant exemptions**

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

PART 5 – ENFORCEMENT**13. Orders**

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

Note-

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

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

ADELAIDE HILLS COUNCIL
CATS BY-LAW 2018

By-law No. 6 of 2018

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

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Cats By-law 2018* and is By-law No. 6 of the Adelaide Hills Council.

2. Authorising law

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

3. Purpose

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

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of 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's area.

4. Commencement, revocation and expiry

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

4.1.1 By-law No 6 – Cats 2011.²

4.2 This By-law will expire on 1 January 2026.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.

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

5.3 The operation of clause 10 is subject to a resolution of the Council.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis or, for use in connection with a business involving the keeping of cats, that is operating in the accordance with all approvals;
- 6.3 except for in clauses 8 and 9 **cat** means an animal of the species *felis catus*, which is three months of age or has lost its juvenile canine teeth;

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

Note-

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

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

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

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

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

9. Effective confinement of cats

- 9.1 As and from 1 January 2022, the owner or person responsible for the control of a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Registration of cats

- 10.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.2 An application for registration of a cat must:
- 10.2.1 be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and
- 10.2.2 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
- 10.2.3 identify with reference to an address the premises at which the cat is kept; and
- 10.2.4 otherwise comply with any other requirements determined by the Council.
- 10.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 10.4 Subclause 10.1 does not apply to premises comprising an approved cattery.
- 10.5 The Council may, by resolution, revoke a resolution to adopt a registrations scheme under subclause 10.1 should it see fit to do so.

PART 3 – EXEMPTIONS**11. Council may grant exemptions**

- 11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 11.2 An exemption—
- 11.2.1 may be granted or refused at the discretion of the Council; and
- 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 4 – ENFORCEMENT**12. Orders**

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

Note-

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

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

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on **24 July 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ANDREW AITKEN
Chief Executive Officer

DISTRICT COUNCIL OF FRANKLIN HARBOUR

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the District Council of Franklin Harbour at its meeting held on 25 July 2018, resolved for the 2018/2019 financial year:

Adoption of Capital Valuations

Pursuant to section 167(2) (a) of the Local Government Act 1999 adopts for the year ending 30 June 2019 for rating purposes, the valuations of the Valuer General of capital values in relation to the area of the Council totalling \$289,099,180.

Declaration of Rates

Pursuant to sections 153(1) (b) and 156 (1) (c) of the Local Government Act 1999, the District Council of Franklin Harbour declares the following Differential Rates based on the assessed capital value of all rateable properties within the Council for the financial year ending 30 June 2019, the said differential general rates to vary by reference to the land use and to locality in which the rateable land is situated:-

- Rateable land with land use Residential - 0.2050 cents in the dollar;
- Rateable land with land use Commercial Shop - 0.2050 cents in the dollar
- Rateable land with land use Commercial Other - 0.2050 cents in the dollar
- Rateable land with land use Industry Light - 0.2050 cents in the dollar
- Rateable land with land use Industry Other - 0.2050 cents in the dollar
- Rateable land with the Commercial (Bulk Handling) zone - 1.1051 in the dollar
- Rateable land with land use Primary Production - 0.4910 cents in the dollar
- Rateable land with land use Vacant Land - 0.4910 cents in the dollar
- Rateable land with land use Other - 0.2050 cents in the dollar

Declaration of a Fixed Charge

Pursuant to section 152(1)(c) of the Local Government Act 1999, the District Council of Franklin Harbour declares a fixed charge of \$371.00 on each separate assessed rateable property for the financial year ending 30 June 2019.

Declaration of a Separate Rate – Natural Resources Management Levy

Pursuant to section 95 of the Natural Resources Management Act 2004 and section 154 of the Local Government Act 1999, and in order to reimburse Council for amounts contributed to the Eyre Peninsula Natural Resources Management Board, declare a separate rate on all rateable properties within the area of the Council and of the Board for the year ending 30 June 2019 based on the purpose of land use, these rates being

- Residential \$75.99
- Commercial & Industrial \$113.98
- Primary Producers \$151.98
- Other & Vacant Land \$75.99

Declaration of an Annual Service Charge – Garbage

Pursuant to section 155 (1)(b) of the Local Government Act 1999, the District Council of Franklin Harbour declares an Annual Service Charge of \$250.00 (140L bin) and \$300.00 (240L bin) for all occupied properties in Cowell, Port Gibbon and Lucky Bay for the first service and \$200.00 for each additional service for the year ended 30 June 2019.

Declaration of an Annual Service Charge – Garbage Recycling

Pursuant to section 155 (1)(b) of the Local Government Act 1999, the District Council of Franklin Harbour declares an Annual Service Charge of \$120.00 for residents of Cowell who use the monthly recyclable collection service for the year ended 30 June 2019.

Separate Rate – Cowell CWMS fixed charge

Pursuant to Section 154(1) and (2)(c) of the Local Government Act 1999, declares a Separate Rate of \$367.00 for the fixed component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30th June 2019.

Declaration of an Annual Service Charge – Cowell CWMS service charge

Pursuant to Section 155(1)(a) of the Local Government Act 1999, declares an Annual Service Charge of \$150.00 for the variable component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30th June 2019.

Declaration of an Annual Service Charge – Lucky Bay Water

Pursuant to section 155(1)(a) of the Local Government Act 1999, declares an Annual Service Charge of \$250.00 for the Lucky Bay water supply capital and maintenance costs for the year ended 30 June 2019.

Separate Rate – Lucky Bay Erosion Projection Investigation

Pursuant to section 154(2)(c) of the Local Government Act 1999, and in order to reimburse Council for expenditure on the Erosion Projection Investigation and Design project, declares a separate rate based on a fixed charge of \$100.00 on all rateable properties within Lucky Bay for the year ending 30 June 2019.

Declaration of an Annual Service Charge – Port Gibbon Water

Pursuant to section 155(1) (a) of the Local Government Act 1999, declares an Annual Service Charge of \$270.00 for the Port Gibbon water supply capital and maintenance costs for the year ended 30 June 2019.

Declaration of an Annual Service Charge – Port Gibbon CWMS

Pursuant to section 155(1) (a) of the Local Government Act 1999, declares an Annual Service Charge of \$430.00 for the Port Gibbon CWMS capital and maintenance costs for the year ended 30 June 2019.

Declaration of Payment of Rates

Pursuant to section 181 of the Local Government Act 1999, the District Council of Franklin Harbour declares that the rates for the financial year ending 30 June 2019 will fall due in four equal or approximately equal instalments payable on 1 September 2018, 1 December 2018, 1 March 2019 and 1 June 2019.

C SMITH
Chief Executive Officer

DISTRICT COUNCIL OF KAROONDA EAST MURRAY

Adoption of Valuation and Declaration of Rates for 2018/2019

NOTICE is hereby given that the District Council of Karoonda East Murray at its Special Meeting held on 18 July 2018, resolved the following:

Adoption of Valuations

That pursuant to the provisions of Section 167(2)(a) of the *Local Government Act 1999*, the Council adopts for rating purposes the most recent valuations of the Valuer-General available to the Council, of the capital value of land within the Council's area totalling \$266,738,620 for the 2018/2019 financial year and of which \$258,982,020 is the total valuation of rateable land.

Declaration of General Rates

That pursuant to Section 153(1)(a) of the *Local Government Act 1999*, the Council declare a general rate of 0.4977 cents in the dollar on the capital value of all rateable land within the whole council area for the 2018/2019 financial year.

Minimum Amount Payable

That pursuant to Section 158(1)(a) of the *Local Government Act 1999*, Council declare a minimum rate of \$300.00 to be fixed for rateable land within the whole of the council area for the 2018/2019 financial year.

Service Charges*Community Waste Water Management Scheme (CWMS) Service Charge*

That pursuant to Section 155 of the *Local Government Act 1999*, Council declare a service charge for the Community Wastewater Management System of \$445.00 per occupied unit and \$420.00 per vacant allotment in Karoonda for properties serviced by the system for the 2018/2019 financial year.

Kerbside Waste Management Collection Charge

That pursuant to Section 155 of the *Local Government Act 1999*, Council declare a service charge for Kerbside Waste Management Collection of \$100.00 per annum, to provide for the collection of one general waste bin collected weekly to each property in the collection zone for the 2018/2019 financial year.

Payment of Rates

That pursuant to Section 181(1) of the *Local Government Act 1999*, Council approve the quarterly rates payment due dates of 19 September 2018, 19 December 2018, 19 March 2019 and 19 June 2019.

Natural Resources Management Levy – Declaration of Separate Rate

That pursuant to Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse Council, the amount contributed to the South Australian Murray Darling Basin Natural Resources Management Board being \$64,977 and that Council declares a separate rate of 0.02509 cents in the dollar, based on the capital value of all rateable land in the Council's area for the 2018/2019 financial year.

MATTHEW MORGAN
Chief Executive Officer

WAKEFIELD REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates 2018-19

Notice is hereby given that at its special meeting held on 1 August 2018, Wakefield Regional Council, in exercise of its powers contained in Chapter 10 of the *Local Government Act 1999* (the 'Act'), made the following resolutions:

Adoption of Valuation

That, in accordance with the provisions of Section 167 of the Act, Wakefield Regional Council adopts for the year ending 30 June 2019 the most recent valuation made by the Valuer-General of capital value in relation to the area of the Council, that being the valuation listing of 23 July 2018 showing a total assessment for the district of \$2,056,521,380.

Fixed Charge

That, in accordance with the provisions of Sections 151 and 152 of the Act, Council declares a fixed charge of \$320 on rateable property within its area for the financial year ended 30 June 2019.

Declaration of Differential General Rates

That pursuant to the provisions of Section 151 and 156 of the Act, Council declares differential general rates on property within its area for the financial year ending 30 June 2019 based on land use as follows:

- 0.3739 cents in the dollar on rateable land of Category (a), (Residential);
- 0.5900 cents in the dollar on rateable land of Category (b) (Commercial Shop), Category (c) (Commercial Office), and Category (d) (Commercial Other);
- 0.5873 cents in the dollar on rateable land of Category (e) (Industry Light) and Category (f) (Industry Other);
- 0.3292 cents in the dollar on rateable land assigned Category (g) (Primary Production);
- 1.0879 cents in the dollar on rateable land assigned Category (h) (Vacant); and
- 0.3729 cents in the dollar on rateable land assigned Category (i) (Other).

Community Wastewater Management Schemes Service Charges

That pursuant to the provisions of Section 155 of the Act, Wakefield Regional Council declares service charges for the year ending 30 June 2019 for the purposes of recovering from ratepayers who will be benefited by the authorised Community Wastewater Management Schemes for the disposal of sewerage effluent, the capital cost of the work and the cost of the maintenance and operation thereof, of \$472 in respect of land which is occupied and \$377 in respect of land which is vacant.

Waste Collection Charge

That pursuant to the provisions of Section 155 of the Act, Council declares a service charge for the year ending 30 June 2019 of \$306 for the service known as the Residential (three bin) waste collection service and \$271 for the service known as the Commercial (two bin) domestic waste collection service for the purpose of recovering from ratepayers, who will be benefited by the collection of waste, the full cost of providing those services.

Natural Resources Management Levy

That, in accordance with the provisions of Section 154 of the Act, Council declares a separate rate of 0.01841 cents in the dollar on rateable land within its area for the financial year ending 30 June 2019 for the purpose of raising its contribution to the Natural Resources Management levy.

Payment of Rates

That, in accordance with the provisions of Section 181 of the Act, Council hereby determines that all rates imposed in respect of the year ending 30 June 2019 will fall due in four instalments and further that Council determines that the instalments will fall due on:

- Friday 21 September 2018;
- Friday 7 December 2018;
- Friday 8 March 2019; and
- Friday 7 June 2019.

Dated: 1 August 2018

JASON KUCHEL
Chief Executive Officer

NATIONAL ELECTRICITY LAW

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

Under s 99, the making of a draft determination on the *Estimated meter reads* consolidated proposal (Ref. ERC0241). Requests for a pre-determination hearing must be received by **16 August 2018**. Submissions must be received by **20 September 2018**.

Under s 95, AEMC has requested the *Minor Changes 2018 (2)* (Ref. ERC0245) proposal. The proposal seeks to correct minor errors and makes non-material changes. The AEMC intends to expedite the proposal under s 96 as it considers the proposed Rule is non-controversial, subject to requests not to do so. Written requests not to expedite the proposal must be received by **23 August 2018**. Submissions must be received by **6 September 2018**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to submissions@aemc.gov.au and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

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

Australian Energy Market Commission

Level 6, 201 Elizabeth Street
Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

Dated: 9 August 2018

NATIONAL ENERGY RETAIL LAW

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

Under s 256, the making of a draft determination and related draft rule on the *Estimated meter reads* (Ref. RRC0018) consolidated proposal. Written requests for a pre-determination hearing must be received by **16 August 2018**. Submissions must be received by **20 September 2018**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

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Australian Energy Market Commission

Level 6, 201 Elizabeth Street
Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

Dated: 9 August 2018

NATIONAL GAS LAW

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

Under s 308, the making of a draft determination on the *Estimated meter reads* (Ref. GRC0045) proposal. Requests for a pre-determination hearing must be received by **16 August 2018**. Submissions must be received by **20 September 2018**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

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Telephone: (02) 8296 7800

www.aemc.gov.au

Dated: 9 August 2018

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

ARBERRY Tony Ronald late of 99 Park Terrace Bordertown Cleaner who died 11 September 2017
BROWN Barbara Jane late of 29 Twelfth Street Gawler South of no occupation who died 10 October 2016
FRAMPTON, Ronald Ian late of 1 Miller Street Whyalla Norrie Retired Labourer who died 3 October 2017
GOWLING William Kelly late of 103 Fisher Street Fullarton of no occupation who died 21 April 2018
KELLY Michael Alfred late of 128 Folkestone Road Dover Gardens of no occupation who died 6 September 2016
KIMMINS Ellen June late of 6 East Terrace Gawler East of no occupation who died 19 April 2018
KNOUS Henry Charles late of 11 Hill Street West Peterborough Retired Labourer who died 14 July 2017
MENEGHETTI Darren Matthew late of 8 Shirley Avenue Felixstow of no occupation who died 19 October 20017
NICHOLSON Helen late of 1 Tomkinson Road Semaphore Park Retired Enrolled Nurse who died 8 December 2017
PARSONS Eric Charles late of 3 Modra Street McCracken of no occupation who died 20 December 2017
RIMRON Olive Ruby late of 175 Main South Road Yankalilla of no occupation who died 13 April 2018
ROBERTS, Dennis late of 16 War Memorial Drive Balaklava Retired Cook who died 31 August 2017
SOROKOVSKY Walter Andrew late of 19 Bowyer Street Rosewater of no occupation who died 10 December 2015
WELSH Ross Keith late of 16 - 24 Penneys Hill Road Hackham of no occupation who died 5 June 2018
WHITE Michael Leonard late of 44 Suffolk Road Hawthorndene Retired Engineer who died 18 October 2017

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975 that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 7 September 2018 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 9 August 2018

N S RANTANEN
Acting Public Trustee

NOTICE SUBMISSION

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

Proofs of formatted content are supplied for all notice submissions. Alterations must be returned before 4 p.m. Wednesday.

The *SA Government Gazette* is compiled and published each Thursday. Requests to withdraw submitted notices must be received before 10 a.m. on the day of publication.

Gazette notices should be emailed as Word files—and signed PDF files if applicable—in the following format:

- Title (name of the governing legislation/department/organisation)
- Subtitle (description of notice)
- A structured body of text
- Date of authorisation
- Name, position, and department/organisation of the authorising person

Please provide the following information in your email:

- Date of intended gazettal
- Details that may impact on publication of the notice
- Email address and phone number of the person authorising the submission
- Name of the person and organisation to be charged for the notice, if applicable
- Request for a quote, if required
- Purchase order, if required

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