



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 15 AUGUST 2024

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 15 August 2024

His Excellency the Governor's Deputy 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 15 August 2024 until 14 August 2027
Evelyn Mei Yin Yap

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

24ART0012CS

Department of the Premier and Cabinet
Adelaide, 15 August 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the State Theatre Company of South Australia Board, pursuant to the provisions of the State Theatre Company of South Australia Act 1972:

Member: from 15 August 2024 until 14 August 2027
Jehad Souham Ali

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

24ART0011CS

Department of the Premier and Cabinet
Adelaide, 15 August 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Dr Susan Elizabeth Close MP, to be Acting Minister for Trade and Investment, Acting Minister for Local Government and Acting Minister for Veterans' Affairs, for the period from 17 August 2024 to 24 August 2024 inclusive, during the absence of the Honourable Joseph Karl Szakacs MP.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

24MTI003CS

Department of the Premier and Cabinet
Adelaide, 15 August 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Benjamin Joseph Doyle KC to the office of Puisne Judge of the Supreme Court of South Australia, effective from 19 August 2024 - pursuant to section 9(1) of the Supreme Court Act 1935.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

AGO0161-24CS

Department of the Premier and Cabinet
Adelaide, 15 August 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Kelly-Anne Saffin as the Cross Border Commissioner for a term of three years commencing on 8 October 2024 and expiring on 7 October 2027, pursuant to the Cross Border Commissioner Act 2022.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

DPC24/048CS

PROCLAMATIONS

South Australia

Child Sex Offenders Registration (Child-Related Work) Amendment Act (Commencement) Proclamation 2024

1—Short title

This proclamation may be cited as the *Child Sex Offenders Registration (Child-Related Work) Amendment Act (Commencement) Proclamation 2024*.

2—Commencement of Act

The *Child Sex Offenders Registration (Child-Related Work) Amendment Act 2024* (No 7 of 2024) comes into operation on 1 July 2025.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 15 August 2024

REGULATIONS

South Australia

Criminal Law Consolidation (Prescribed Place) (CT 5046/144) Regulations 2024

under the *Criminal Law Consolidation Act 1935*

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1—Short title

These regulations may be cited as the *Criminal Law Consolidation (Prescribed Place) (CT 5046/144) Regulations 2024*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Criminal Law Consolidation Act 1935*.

4—Declaration of prescribed place—Pooraka (CT 5046/144)

For the purposes of the definition of prescribed place in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5046/144 is declared to be a prescribed place.

Note—

The prescribed place relates to property at the address Unit 5, 96 Research Road, Pooraka (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

Editorial note—

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

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 15 August 2024

No 83 of 2024

STATE GOVERNMENT INSTRUMENTS

DISABILITY INCLUSION ACT 2018

Authorised Program Officer

I, Nichola Hunt, exercising the delegated authority of the Senior Authorising Officer, hereby revoke the authorisation for Sharon Bristow to be an Authorised Program Officer with respect to the registered NDIS providers below, for the purposes of the *Disability Inclusion Act 2018* in accordance with section 23L(4) of that Act:

- DHS Disability Services
- Lighthouse Disability Ltd

Dated: 12 August 2024

NICHOLA HUNT
Authorising Officer
Department of Human Services

ENERGY RESOURCES ACT 2000

Grant of Preliminary Survey Licence—PSL 44

Pursuant to Section 92(1) of the *Energy Resources Act 2000*, notice is hereby given that the undermentioned Preliminary Survey Licence has been granted under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 27 November 2023.

No of Licence	Licensee	Locality	Area in km ²	Reference
PSL 44	Tri-Star Nightingale Pty Ltd	Warburton Basin	4,708.46	F2024/0076

Description of Area

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

-27.83606 138.332721
 -27.78782 138.719233
 -27.74850 138.749791
 -27.74849 139.001272
 -28.08183 139.001276
 -28.49850 139.001282
 -28.49850 139.000008
 -28.49850 138.983342
 -28.49850 138.734620
 -28.49850 138.501289
 -28.24850 138.501285
 -28.24841 138.340964
 -27.83606 138.332721

All coordinates in GDA2020

AREA: **4,708.46** square kilometres approximately.

Dated: 7 August 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Suspension of Petroleum Exploration Licence—PEL 96 Associated Activities Licence—AAL 246

Pursuant to Section 90 of the *Energy Resources Act 2000*, notice is hereby given that the abovementioned Licences have been suspended for the period from 1 June 2024 to 30 September 2024 inclusive, pursuant to delegated powers dated 27 November 2024.

The expiry date of PEL 96 is now determined to be 14 March 2025.

The expiry date of AAL 246 is now determined to be 14 March 2025.

Dated: 7 August 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

FISHERIES MANAGEMENT (GENERAL) REGULATIONS 2017

REGULATION 23A(1)

Determination—Taking of Bivalve Filter-Feeding Molluscs in Port Adelaide River Estuary

As delegate of the Minister for Primary Industries and Regional Development, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, make the following determination for the purposes of Regulation 23A(1) of the *Fisheries Management (General) Regulations 2017* in regard to the taking of bivalve molluscs in the Port Adelaide River estuary, unless this notice is otherwise varied or revoked:

Mr Ely Woods, Director of East West Dive & Salvage (SA) Pty Ltd and his nominated agents (authorised employees of East West Dive & Salvage (SA) Pty Ltd), may take bivalve filter-feeding molluscs within the waters of the Port Adelaide River Estuary excluding the waters of aquatic reserves (unless otherwise authorised under the *Fisheries Management Act 2007*) but only to the extent that it is incidental to the trialling and development of an in-water cleaning and capture system, subject to the following conditions in the Port Adelaide River estuary between:

- Latitude – 34°.814021 S; Longitude – 138°.512200 E (GDA94) (Snowden Beach); and
- Latitude – 34°.838453 S; Longitude – 138°.507006 E (GDA94) (Tom Derrick Bridge)

This determination is made subject to the following conditions:

- (1) All equipment used in the trialling and development of the in-water cleaning and capture system within the Port Adelaide River must be appropriately decontaminated in accordance with the AQUAVETPLAN Operational Procedures Manual—Decontamination.
- (2) All bivalve molluscs collected incidentally during the trialling and development of the in-water cleaning and capture system must be disposed of appropriately in accordance with AQUAVETPLAN Operational Procedures Manual—Disposal.
- (3) The incidental taking of bivalve filter-feeding molluscs as contemplated by this determination may only occur between 9 August 2024 and 8 August 2025 unless this notice is otherwise varied or revoked.

Dated: 8 August 2024

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

FISHERIES MANAGEMENT (GENERAL) REGULATIONS 2017

REGULATIONS 23B

Revocation

The Determination made for the purposes of Regulation 23B dated 3 June 2023 and published in the Government Gazette dated 27 July 2023 being the second notice on page 2388 relating to catch and release activities for Murray Cod in Certain Waters is revoked as of the date of gazettal of this notice.

DETERMINATION

Catch and Release Activities for Murray Cod in Certain Waters

I, Professor Gavin Begg, Delegate of the Minister for Primary Industries and Regional Development, make the following determination for the purpose of Regulation 23B of the *Fisheries Management (General) Regulations 2017*, regarding the taking of Murray Cod in certain waters commencing on the date of gazettal of this notice until otherwise varied or revoked:

1. During the period 1 January and 31 July in any calendar year within the waters of the River Murray proper (excluding any part of the Chowilla floodplain north of the River Murray) and Lakes Albert and Alexandrina (excluding the waters of the Coorong) a person may catch and immediately release Murray Cod (*Maccullochella peelii*).
2. Where a Murray Cod is caught in accordance with this notice no part of the fish can be removed from the water other than for the purposes of removing a fishing hook.
3. Where a hook is being removed:
 - (a) The gills or fins of the fish must not be handled at any stage;
 - (b) The weight of the fish must at all times be supported; and
 - (c) The fish must be released immediately after the fishing hook has been removed.

For the purposes of this determination the Chowilla floodplain is any waters north of the River Murray (excluding the River Murray) between 34°9'46.65" South, 140°45'30.41" East (Ral Ral Creek) upstream to the River Murray at 34°1'14.55" South, 141°0'9.72" East (South Australia and New South Wales border) (GDA2020).

Dated: 8 August 2024

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

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Temporary Prohibition of Fishing Activity—Trailing a Baited Line or Lure

Pursuant to Section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1, in the area specified in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

The act of fishing by trailing a baited line or by trailing a lure, being any artificial device used to attract fish, through the water from a moving vessel.

SCHEDULE 2

In all waters of the River Murray proper and Lakes Albert and Alexandrina, (excluding the waters of the Coorong) as described in the *Fisheries Management (General) Regulations 2017*.

SCHEDULE 3

From midnight on 9 August 2024 until midnight on 31 December 2024.

Dated: 8 August 2024

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

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903321

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007* (the Act), Leslie Morrison of Flinders University, Sturt Road, Bedford Park (the 'exemption holder'), and her nominated agents, are exempt from Section 70 of the *Fisheries Management Act 2007* and Regulation 5(a), and Clause 74 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* within the waters specified in Schedule 1 but only insofar as the activities undertaken are consistent with the educational course activities specified in Schedule 2, using the gear specified in Schedule 3 (the 'exempted activity'), subject to the conditions specified in Schedule 4, from 7 August 2024 until 6 August 2025, unless varied or revoked earlier.

SCHEDULE 1

The waters of the state, excluding any aquatic reserves, the River Murray, the Adelaide Dolphin Sanctuary or any sanctuary zone or restricted access zone of a marine park (unless otherwise authorised under the *Marine Parks Act 2007*).

SCHEDULE 2

The teaching activities of Flinders University conducted as part of the provision of the following courses:

1. Marine Ecology BIOL 2742
2. Marine & Freshwater Biology BIOL 3702

SCHEDULE 3

The gear that may be used when undertaking activities under this exemption notice include:

- Up to 8 x plankton nets (maximum 1m diameter, 1.6m length and maximum 38mm mesh)
- Up to 6 x Niskin bottles
- Up to 30 plastic corers (4cm and 10cm diameter x 20cm length).

SCHEDULE 4

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. Nominated agents of the exemption holder are teaching Staff of the College of Science and Engineering, Flinders University.
3. Nominated agents may be assisted by students undertaking studies related to the courses specified in Schedule 2 at Flinders University, under the conditions prescribed in this notice, providing those students are under the supervision of a nominated agent.
4. Any equipment used to collect fish during the exempted activity must be appropriately decontaminated prior to and after its use.
5. The exemption holder or nominated agent must not cause or permit the use of more than two (2) hand-held nets by any one person at any one time whilst undertaking the exempted activity.
6. Any species (other than noxious species) caught pursuant to this notice that is not being collected as part of the education or research program must be returned to the water as soon as practicable. Noxious species must not be returned to the water and must be disposed of appropriately.
7. Any protected species incidentally caught while undertaking the exempted activity must be returned to the water unencumbered as soon as reasonably practicable and cannot be retained.
8. The specimens collected by the exemption holder are for education or research purposes only and must not be used for any commercial purpose.
9. Organisms collected pursuant to this notice must not be released into waters of the State if they have been kept separate to their natural environment for any length of time.
10. The exemption holder or agent must not conduct any other fishing activity whilst undertaking the exempted activity.
11. At least 1 hour before conducting an activity under this notice, the exemption holder or nominated agent must contact the Department of Primary Industries and Regions (PIRSA) Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder or nominated agent will need to have a copy of this notice in their possession at the time of making the call and be able to provide information about the area and time of the exempted activity, the specific gear to be used, vehicles and/or boats involved, the number of permit holders undertaking the exempted activity and other related questions.
12. The exemption holder must provide a report in writing detailing the activities carried out pursuant to this notice to PIRSA, Fisheries and Aquaculture (GPO Box 1625, Adelaide SA 5001) within 14 days of the activity being completed with the following details:
 - the date and location of sampling;
 - the gear used;
 - the number and description of all species caught and their fate;
 - the number and description of any samples/biopsies collected;
 - any interactions with protected species and their fate; and
 - any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.
13. While engaging in the exempted activity, the exemption holder and agents must be in possession of a signed copy of this notice and carry their identification card issued by Flinders University. Such notice and identification must be produced to a PIRSA Fisheries Officer if requested.

14. The exemption holder, or agent must not contravene or fail to comply with the Act or any regulations made under the Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007* and the *River Murray Act 2003*.

Dated: 6 August 2024

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

HOUSING IMPROVEMENT ACT 2016

Rent Control

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
Unit 15/59 Grand Junction Road, Rosewater SA 5013	Unit 15 Strata Plan 13071 Hundred of Port Adelaide	CT5401/756	\$0.00
30 Baker Street, Birkenhead SA 5015	Allotment 64 Deposited Plan 597 Hundred of Port Adelaide	CT5518/471	\$0.00

Dated: 15 August 2024

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

HOUSING IMPROVEMENT ACT 2016

Rent Control Variations

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Reason for Variation	Maximum Rental per week payable
28 McInerney Avenue, Mitchell Park SA 5043	Allotment 4 Deposited Plan 32938 Hundred of Adelaide	CT5421/794		\$0.00
1/104 Ellen Street, Port Pirie SA 5540	Allotment 562 Filed Plan 184644 Hundred of Pirie	CT6167/110		\$125.00

Dated: 15 August 2024

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

JUSTICES OF THE PEACE ACT 2005

SECTION 4

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

I, Martyn Campbell, 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 11 September 2024 and expiring on 10 September 2034:

Alfred ZAMMIT
Helen THOMAS
Michelle Jacqueline STORIE
Bruce Gilbert SPILSBURY
Lynette RANIOLO
Ajmer Singh RANDHAWA
Kym Anthony PERRY
Dennis Carlton NOACK
Cherrie MANGOS
Catherine Ann LANGE
Pavlos KITSI
Robert Wayne HENDERSON
John Kenneth HAWKE
Terence Kenneth Maurice HALFORD
Deborah Ann GULLY
Warren FUSS

Alexander FROLOW
Jan Louise FITZGERALD
Gaetano Peter D'ARRIGO
Alison Rosemary COUSINS
Philip Duncan COLE

Dated: 13 August 2024

MARTYN CAMPBELL
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LANDSCAPE SOUTH AUSTRALIA ACT 2019

*Declaration of Penalty in Relation to the Unauthorised or Unlawful Taking of Water
from the River Murray Prescribed Watercourse*

Pursuant to Section 88(1) of the *Landscape South Australia Act 2019* (the Act), I, Sue Hutchings, delegate of the Minister for Climate, Environment and Water and Minister to whom the Act is committed, hereby declare that the following penalties are payable in relation to the unauthorised or unlawful taking or use of water during the consumption period that corresponds to the accounting period defined in Column 1 of Schedule 1:

1. Where a person who is the holder of a water allocation takes water from the River Murray Prescribed Watercourse in excess of the amount available under the allocation, the penalty declared pursuant to Section 88(1)(a) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount available under the allocation endorsed on the relevant instrument under the terms of the water licence to which the allocation is attributable, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity of water referred to in paragraph (a) above 500,000 kilolitres.
2. Where a person who is authorised under section 105 of the Act takes water from the River Murray Prescribed Watercourse that exceeds the amount authorised under the terms of that authorisation the penalty declared pursuant to Section 88(1)(e) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised by a notice under Section 105 of the Act, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
3. Where water is taken from the River Murray Prescribed Watercourse by a person who is not the holder of a water management authorisation or who is not authorised under Section 105 of the Act to take the water, the penalty declared under Section 88(1)(e) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
4. Where a person takes water from the River Murray Prescribed Watercourse in excess of the amount authorised for use under Section 109 of the Act the penalty declared pursuant to Section 88(1)(f) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised for use by a notice under Section 109 of the Act, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
5. Where water is taken from the River Murray Prescribed Watercourse subject to a notice under Section 109 of the Act by a person who is not authorised to use the water the penalty declared under Section 88(1)(f) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
6. Where a person may be subject to more than one penalty under Section 88, the penalty that is the greater shall be imposed.

SCHEDULE 1

Penalties for overuse from the River Murray Prescribed Watercourse between 1 July 2024 and 30 September 2024 inclusive:

Column 1	Column 2	Column 3	Column 4
Accounting Period	Penalty for overuse up to and including 500,000 kL (per kL)	Penalty for overuse above 500,000 kL (per kL)	Penalty for unlawful taking or use of water (per kL)
1 July 2024 to 30 September 2024	\$0.996	\$1.328	\$1.328

Unit of measure kL is the abbreviation of kilolitre.

For the purposes of this notice:

'the River Murray Prescribed Watercourse' means the watercourses and lakes declared to be the River Murray Proclaimed Watercourse by proclamation under Section 25 of the *Water Resources Act 1976* (see Gazette 10 August 1978, p.467).

'accounting period' means the period determined by the Minister from time to time by notice in the Gazette (with the period not necessarily being the same period as the accounting period under Part 5, Division 2 of the Act).

'consumption period' in relation to an accounting period means a period of approximately the same length as the accounting period that commences or terminates during the accounting period and during which water is taken or used.

Words used in this notice that are defined in the Act shall have the meanings as set out in the Act.

Dated: 12 August 2024

SUE HUTCHINGS
A/Executive Director, Water and River Murray
Department for Environment and Water
Delegate of the Minister for Climate, Environment and Water

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

BARUNGA WEST COUNCIL

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the two vacant positions of Area Councillor.

The voters roll for this supplementary election will close at 5pm on Friday, 30 August 2024.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council area. If you have recently turned 18 or changed your residential or postal address, you must complete an electoral enrolment form available online at www.ecsa.sa.gov.au.

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property in the council area. Contact the council to find out how.

Nominations to fill the vacancy will open on Thursday, 26 September 2024 and will be received until 12 noon on Thursday, 10 October 2024.

The election will be conducted by post with the return of ballot material to reach the Returning Officer no later than 12 noon on polling day, Monday, 25 November 2024.

Dated: 8 August 2024

MICK SHERRY
Returning Officer

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

CITY OF WEST TORRENS

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant position of Councillor for Hilton Ward.

The voters roll for this supplementary election will close at 5pm on Friday, 30 August 2024.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council area. If you have recently turned 18 or changed your residential or postal address, you must complete an electoral enrolment form available online at www.ecsa.sa.gov.au.

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property in the council area. Contact the council to find out how.

Nominations to fill the vacancy will open on Thursday, 26 September 2024 and will be received until 12 noon on Thursday, 10 October 2024.

The election will be conducted by post with the return of ballot material to reach the Returning Officer no later than 12 noon on polling day, Monday, 25 November 2024.

Dated: 8 August 2024

MICK SHERRY
Returning Officer

MENTAL HEALTH ACT 2009

Authorised Mental Health Professional

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following person as an Authorised Mental Health Professional:

Carey Blizzard
Ian Bishop
Nick Burt
Paula Larsen

A person's determination as an Authorised Mental Health Professional expires three years after the commencement date. The Chief Psychiatrist make vary or revoke this determination at any time.

Dated: 8 August 2024

DR JOHN BRAYLEY
Chief Psychiatrist

MENTAL HEALTH ACT 2009

Authorised Mental Health Professional

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following person as an Authorised Mental Health Professional:

Nadia Daminato

This determination as an Authorised Mental Health Professional expires 12 months after the commencement date whereby the AMHP will complete additional training sessions with OCP. The Chief Psychiatrist make vary or revoke this determination at any time.

Dated: 8 August 2024

DR J. BRAYLEY
Chief Psychiatrist

NATIONAL PARKS AND WILDLIFE ACT 1972

Martindale Hall Conservation Park Management Plan—Draft

I, Michael Joseph Williams, Director of National Parks and Wildlife, hereby give notice under the provisions of Section 38 of the *National Parks and Wildlife Act 1972* that a draft Management Plan has been prepared for Martindale Hall Conservation Park. Copies of the draft plan may be obtained from:

- Department for Environment and Water Customer Service Centre, Ground Floor, 81-95 Waymouth Street, Adelaide SA 5000
- Yorke and Mid North National Parks and Wildlife Service Office, 115 Main North Road, Clare SA 5453

Or online at:

- <https://yoursay.sa.gov.au/>
- <https://www.parks.sa.gov.au/park-management/management-plans>

Any person may make representations in connection with the draft plan during the period up to and including 5pm, 23 October 2024

Written comments should be forwarded to National Parks and Protected Area Program Unit, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001 or e-mailed to DEWProtectedAreaManagement@sa.gov.au.

Dated: 31 July 2024

M. J. WILLIAMS
Director of National Parks and Wildlife
Delegate of the Minister for Climate, Environment and Water

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 1 August 2024 (Version 2024.14) in order to make changes:

- of form relating to the Code's spatial layers and their relationship with land parcels. NOTE: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.
 - to correct an error with regards to the spatial application of the Local Heritage Place Overlay over a property at Walkerville.
1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
- (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
- (i) New plans of division deposited in the Land Titles Office between 24 July 2024 and 6 August 2024 affecting the following spatial and data layers in the Code:
- A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Finished Ground and Floor Levels
 - Interface Height
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - C. Overlays
 - Affordable Housing
 - Airport Building Heights (Regulated)
 - Character Area
 - Coastal Areas
 - Design
 - Future Local Road Widening
 - Future Road Widening
 - Hazards (Bushfire—High Risk)
 - Hazards (Bushfire—Medium Risk)
 - Hazards (Bushfire—General Risk)
 - Hazards (Bushfire—Urban Interface)
 - Hazards (Bushfire—Regional)
 - Hazards (Bushfire—Outback)
 - Heritage Adjacency
 - Local Heritage Place
 - Noise and Air Emissions
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy

- (b) Amend the spatial layer of the Local Heritage Place Overlay for Heritage Number 8494 (being the ‘Shop (Walkerville Drapers)’ so that it is reinstated over the whole of the following allotment:
- (i) Lot 2, F4988, CT 5220/217
- (c) In Part 13 of the Code—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 13 August 2024

GREG VAN GAANS
Director, Land and Built Environment
Department for Housing and Urban Development
Delegate of the Minister for Planning

RETAIL AND COMMERCIAL LEASES ACT 1995

Exemption

Pursuant to Section 77(2) of the *Retail and Commercial Leases Act 1995* (SA) I, Nerissa Kilvert, Small Business Commissioner for the State of South Australia, exempt the management agreement between the City of Salisbury (Council) and BlueFit Pty Ltd (ABN 15 623 370 552) from the entirety of the Act with regard to the facility known as Salisbury Aquatic Centre, located at Happy Home Drive, Salisbury North SA, 5108.

Dated: 12 August 2024.

NERISSA KILVERT
Small Business Commissioner

SUMMARY OFFENCES ACT 1953

Event Declaration

Notice is hereby given in accordance with Section 72A(3) of the *Summary Offences Act 1953*, that the following event has been declared for the duration of the event between the listed dates:

Event: Royal Adelaide Show 2024
Place: Public place known as the Adelaide Showgrounds
Date: 31 August to 8 September 2024
Conditions: May be subject to conditions specified in the notice

At this event a police officer may carry out a metal detector search in relation to any person who is in or attempting to enter or leave the event and any property in the person’s possession.

Dated: 15 August 2024

SUPERINTENDENT SCOTT DENNY
Delegate of the Commissioner

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999 (SA): SECTION 198

Adoption of Amended Community Land Management Plans—Gawler Place Car Park and Parc Arcade, Adelaide Town Hall Complex, North Adelaide Library, North Adelaide Community Centre, North Adelaide Post Office Complex

Notice is hereby given to adopt the Amended Community Land Management Plan, pursuant to Section 198 of the *Local Government Act 1999* (SA), of the Gawler Place Car Park, Parc Arcade, Adelaide Town Hall Complex, North Adelaide Library, North Adelaide Community Centre and North Adelaide Post Office Complex comprised in the following Certificates of Title:

Name of Property	Certificate of Title
Gawler Place Car Park and Parc Arcade	Volume 6142/Folio 779
Adelaide Town Hall Complex— Adelaide Town Hall (including Prince Alfred Chambers) Eagle Chambers, Gladstone Chambers, and Queens Chambers	Volume 6136/Folio 364
North Adelaide Library North Adelaide Community Centre	Volume 5845/Folio 212
North Adelaide Post Office Complex	Volume 5892/Folio 367

Dated: 15 August 2024

MICHAEL SEDGMAN
Chief Executive Officer

CITY OF PROSPECT

Assignment of Names for New Roads

Notice is hereby given that the Council of City of Prospect at its meeting held on 06 August 2024 resolved pursuant to Section 219(1) of the *Local Government Act 1999* that the name of certain new roads located in the suburb of Prospect be assigned the street names with a date of effect being 6 August 2024, as detailed below:

- The road mark 'Blue' in Attachment 1 be assigned the name Payinthe Drive, Prospect;
- The road mark 'Orange' in Attachment 1 be assigned the name Payinthe Drive, Prospect;
- The road mark 'Purple' in Attachment 1 be assigned the name of Wardlu Crescent, Prospect;
- The road mark 'Green' in Attachment 1 be assigned the name of Towilla Lane, Prospect; and
- The road mark 'Black' in Attachment 1 be assigned the name of Wildoo Lane, Prospect.

A plan that delineates the new roads that are the subject to the assignment street names, together with a copy of the Council's resolution 2024/104 are both available for inspection at the Council's principal office, 128 Prospect Road, Prospect, during their normal business hours and on the Council's website www.prospect.sa.gov.au/naming-of-public-roads.

Dated: 15 August 2024

CHRIS WHITE
Chief Executive Officer

CITY OF SALISBURY

LOCAL GOVERNMENT ACT 1999

Proposal to Lease Community Land

Notice is hereby given that at a meeting held on 24 June 2024, pursuant to Section 202 of the *Local Government Act 1999*, the Council of the City of Salisbury resolved to seek public comment on a proposal to lease portions of land until June 2036 identified as Allotment 1002 in Deposited Plan 80382 for commercial purposes to St Kilda Tackle & Tucker.

Details on this proposal are available for inspection at the Salisbury Community Hub, 34 Church Street, Salisbury.

Any person is entitled to object to the proposed lease. Such objections must set out the full name and address of the person making the objection and must be fully supported by reasons.

Council invites written submissions on the proposal which are to be received by close of business on Thursday, 12 September 2024 and addressed to the Chief Executive Officer, City of Salisbury, PO Box 8, Salisbury SA 5108.

Any further information can be obtained from Emma Robinson on (08) 8406 8216 or erobinson@salisbury.sa.gov.au.

Dated: 15 August 2024

JOHN HARRY
Chief Executive Officer

ADELAIDE PLAINS COUNCIL

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the Adelaide Plains Council, at a Special meeting held on 5 August 2024, in respect of the financial year ending 30 June 2025, adopted its Annual Business Plan and Budget and made the following decisions:

Adoption of Valuations

Pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the Council adopted, 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 \$3,670,769,940, of which \$3,630,798,130 is the total capital value of rateable land.

Declaration of Rates and Service Charges*General Rates*

Pursuant to Sections 152(1)(c), 153(1)(b) and 156(1)(a) of the *Local Government Act 1999*, the Council declared differential general rates on all rateable land within its area comprising two components:

- (a) one component being a differential rate based on the capital value of rateable land varying according to land use as follows:
- 0.333631 cents in the dollar on rateable land attributed with a land use category of Residential;
 - 0.451456 cents in the dollar on rateable land attributed with a land use category of Commercial Shop or Commercial Office;
 - 0.476625 cents in the dollar on rateable land attributed with a land use category of Commercial Other;
 - 0.494107 cents in the dollar on rateable land attributed with a land use category of Industry Light;
 - 0.539247 cents in the dollar on rateable land attributed with a land use category of Industry Other;
 - 0.300534 cents in the dollar on rateable land attributed with a land use category of Primary Production; and
 - 0.346509 cents in the dollar on rateable land attributed with a land use category of Vacant Land; and
 - 0.326491 cents in the dollar on rateable land attributed with a land use category of Other;
- (b) the other component being a fixed charge of \$278.

Kerbside Waste Collection Annual Service Charges

Pursuant to Section 155(2) of the *Local Government Act 1999*, the Council imposed:

- an annual service charge of \$210 per assessment in respect of all occupied land to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service (noting that this service is provided within the townships of Mallala, Two Wells and Dublin); and
- an annual service charge of \$210 per assessment in respect of all occupied land to which Council provides the prescribed service of kerbside waste collection 2-bin service (noting that this service is provided outside the townships of Mallala, Two Wells and Dublin) upon the (existing or future) application to participate in such service by the ratepayer,

provided that the sliding scale provided for in regulations will apply to reduce the service charge, as prescribed.

Community Wastewater Management Systems Annual Service Charges

Pursuant to Section 155(2) of the *Local Government Act 1999*, the Council imposed annual service charges of the following amounts in respect of all land to which the service of collecting, treating and disposing of wastewater as part of the Council's Community Wastewater Management Systems is provided or made available:

<i>Middle Beach</i>	<i>Mallala Township</i>
\$522.00 Per Property Connection	\$792.00 Per Property Connection

Regional Landscape Levy

Pursuant to Section 69 of the *Landscape Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declared a separate rate of 0.009537 cents in the dollar on all rateable land within its area and within the area of the Northern and Yorke Landscape Board for the purpose of raising the amount of \$344,247 to reimburse the Council for the amount payable to the Northern and Yorke Landscape Board.

Payment of Rates

Pursuant to Section 181(2) of the *Local Government Act 1999*, the Council determined all rates and annual service charges shall be due in four equal or approximately equal instalments payable on 20 September 2024, 2 December 2024, 3 March 2025 and 2 June 2025.

Dated: 15 August 2024

JAMES MILLER
Chief Executive Officer

MID MURRAY COUNCIL

Change of Road Name

Notice is hereby given that Mid Murray Council at its meeting held 21 May 2024 resolved, pursuant to Section 219(1) of the *Local Government Act 1999*, to change the name of the road previously known as Christian Road, Sunnydale to Christian Road, Sunnydale.

This road name will come into effect from 13 September 2024.

Dated: 12 August 2024

BEN SCALES
Chief Executive Officer

MOUNT BARKER DISTRICT COUNCIL

PERMITS AND PENALTIES BY-LAW 2024

By-law No. 1 of 2024

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2024* and is By-law No. 1 of the Mount Barker District Council.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-law No. 1 – Permits and Penalties 2017.2*
 - 4.2 This By-law will expire on 1 January 2032.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means Mount Barker District Council; and
 - 6.3 **person** includes a natural person or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

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

Note-

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

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on 5 August 2024 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MOUNT BARKER DISTRICT COUNCIL

MOVEABLE SIGNS BY-LAW 2024

By-law No. 2 of 2024

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2024* and is By-law No. 2 of the Mount Barker District Council.
 2. **Authorising Law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
 - 3.1 to protect the comfort and safety of road users and members of the public;
 - 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
 - 3.3 to prevent nuisances occurring on roads;
 - 3.4 to prevent unreasonable interference with the use of a road; and
 - 3.5 for the good rule and government of the Council area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-Law No. 2 – Moveable Signs 2017.*²
 - 4.2 This By-law will expire on 1 January 2032.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2024.
 - 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
 - 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
 - 6.4 **business premises** means premises from which a business is being conducted;
 - 6.5 **Council** means Mount Barker District Council;
 - 6.6 **footpath area** means:
 - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
 - 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
 - 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
 - 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.9.1 a bridge, viaduct or subway;
 - 6.9.2 an alley, laneway or walkway; and
 - 6.9.3 the footpath area.
 - 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.
- PART 2 – MOVEABLE SIGNS**
- Note-**
- This By-law operates subject to the *Planning, Development and Infrastructure Act 2016*. The display of a moveable sign in the Hahndorf State Heritage Area, which is a State Heritage Place, constitutes development for the purposes of that legislation and cannot lawfully occur without a development authorisation.
7. **Construction and Design**
A moveable sign must:
 - 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
 - 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
 - 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions;
 - 7.4 not contain any sharp or jagged edges or corners;
 - 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
 - 7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
 - 7.7 not exceed 900mm in height, 600mm in width and 600mm in depth;
 - 7.8 in the case of an 'A' frame or sandwich board sign:

- 7.8.1 be hinged or joined at the top; or
 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 7.8.3 not have a base area in excess of 0.6 square metres;
- 7.9 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.10 not rotate or contain flashing parts.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a sealed part of any footpath area:
 8.2.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
 8.2.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.2 metres;
- 8.3 placed other than adjacent to the premises of the business to which it relates;
- 8.4 placed so as to interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;
- 8.5 placed closer than 600mm 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);
- 8.6 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.7 placed within 10 metres of an intersection;
- 8.8 placed on a designated parking area or within 1 metre of an entrance to or exit from any premises;
- 8.9 tied, fixed or attached to, or placed closer than 1.2 metres to any other structure, object or thing (including another moveable sign);
- 8.10 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised person:
 8.12.1 the safety of a user of the footpath area or road is at risk; or
 8.12.2 the sign unreasonably restricts the use of the footpath area.

9. Banners

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

Note-

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

10. Restrictions

- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 10.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 A person must not cause or allow a moveable sign to be placed on a road unless:
 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

11. Exemptions

- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign that:
 11.1.1 advertises a garage sale taking place from residential premises; or
 11.1.2 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.
- 11.2 Subclauses 10.1 and 10.3.1 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

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

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- of a prescribed class.

PART 3 – ENFORCEMENT**12. Removal of Moveable Signs**

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

Note-

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

- the design, construction or positioning of a moveable Sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 12.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 if, in the reasonable opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

13. Liability of Vehicle Owners

- 13.1 For the purpose of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on **5 August 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**MOUNT BARKER DISTRICT COUNCIL
ROADS BY-LAW 2024
By-law No. 3 of 2024**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Roads By-law 2024* and is By-law No. 3 of the Mount Barker District Council.
2. **Authorising Law**
This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.
3. **Purpose**
The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.
4. **Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
- By-law No. 3 – Roads 2017.*²
- 4.2 This By-law will expire on 1 January 2032.³
- 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 2024*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.4 of this By-law only applies to that part or parts of the Council's area as the Council may determine by resolution in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means Mount Barker District Council;
- 6.5 **effective control** means a person exercising effective control of an animal either:
- 6.6 by means of a physical restraint; or
- 6.7 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter does not, or is not likely to, cause physical damage or injury to a person within its immediate vicinity;
- 6.9 **emergency worker** has the same meaning as in the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.10 **moveable sign** has the same meaning as in the Act;
- 6.11 **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:
- 6.12 a bridge, viaduct or subway; or
- 6.13 an alley, laneway or walkway;
- 6.14 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.15 **waste container** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities Requiring Permission

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

- 7.1 **Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2024*.
- Note-**
Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2024*.
- 7.2 **Amplification**
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 Cause or allow an animal to be left unattended on any road;
- 7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, as indicated by signs, and provided the animal or animals are under effective control;
- 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person; or
- 7.3.4 Lead, drive or allow any animal (or animal of a particular type) on any road to which the Council has resolved this paragraph applies.
- 7.4 **Obstructions**
Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
- 7.5 **Preaching and Canvassing**
- 7.5.1 Preach, harangue, or canvass for religious or charitable purposes; or
- 7.5.2 Convey any religious or other message to any bystander, passerby or other person.
- 7.6 **Public Exhibitions and Displays**
- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities;
- 7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity;
- 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity; or
- 7.6.4 Cause any public exhibition or displays.
- 7.7 **Soliciting**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.8 **Repairs to Vehicles**
Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.
- 7.9 **Rubbish Bins**
Deposit in any Council bin on a road any rubbish:
- 7.9.1 emanating from a domestic, commercial or trade source; or
- 7.9.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.
- 7.10 **Waste Containers**
Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:
- 7.10.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.10.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and
- 7.10.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container.

Note-
To avoid doubt clause 7.10.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection.

PART 3 – ENFORCEMENT

8. **Directions**
A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.
9. **Orders**
If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-
Section 262(1) of the Act states:
If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

a) *if the conduct is still continuing – to stop the conduct; and*

b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention*

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

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

- remove advertising displayed on a structure on a road.
10. **Removal of Animals and Objects**
- 10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.
- 10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**11. Exemptions**

- 11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 11.2 Subclause 7.1 of this By-law does not apply to electoral matter which is:
- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

Note-

Section 226(2a) of the Act prohibits the dumping of an electoral advertising poster, being a poster displaying electoral advertising made of corrugated, plastic, or any other material, or kind of material, prescribed by the regulations.

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

12. Liability of Vehicle Owners

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

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on **5 August 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**MOUNT BARKER DISTRICT COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2024
By-law No. 4 of 2024**

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

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Local Government Land By-law 2024* and is By-law No. 4 of the Mount Barker District Council.

2. Authorising Law

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

3. Purpose

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

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

4. Commencement, Revocation and Expiry

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

*By-law No. 4 – Local Government Land 2017.*²

- 4.2 This By-law will expire on 1 January 2032³

Note-

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

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.2, 9.4.1, 9.6.2, 9.9.1, 9.23.1, 9.23.3, 9.23.5, 9.25.2, 9.33, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4 Subclauses 9.1, 9.9.4, 9.13.2.2 and 9.23.1 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

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

Note-

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

- 6.7 **Council** means the Mount Barker District Council;
- 6.8 **effective control** means a person exercising effective control of an animal either:
- 6.8.1 by means of physical restraint; or
- 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.10 **emergency worker** has the same meaning as in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.11 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.12 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.13 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
- 6.14 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.15 **open container** means a container that:
- 6.15.1 after the contents of the container have been sealed at the time of manufacture:
- 6.15.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.15.1.2 being a can, it has been opened or punctured;
- 6.15.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.15.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.15.2 is a flask, glass, mug or other container able to contain liquid;
- 6.16 **personal watercraft** means a device that:
- 6.16.1 is propelled by a motor; and
- 6.16.2 has a fully enclosed hull; and
- 6.16.3 is designed not to retain water if capsized; and
- 6.16.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
and includes the device commonly referred to as a jet ski;
- 6.17 **road** has the same meaning as in the Act;
- 6.18 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.19 **tobacco product** has the same meaning as in the Tobacco and E-Cigarette Products 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 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

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

The Council may:

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

8. Closed Lands

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

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

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

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

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

where indicated on a road).

- 9.1 **Advertising**
Except on any Local Government land determined by resolution of the Council, display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on that Local Government land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.3 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements.
- 9.4 **Animals**
- 9.4.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on any Local Government land to which the Council has resolved this clause applies.
- 9.4.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.
- 9.4.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.
- 9.5 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
- 9.5.1 using that land; or
- 9.5.2 occupying nearby premises;
- by making a noise or creating a disturbance.
- 9.6 **Aquatic Life**
- 9.6.1 Introduce any aquatic life to any waters.
- 9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.7 **Attachments**
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.8 **Bees**
Place a hive of bees on such land, or allow it to remain thereon.
- 9.9 **Boats**
Subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law:
- 9.9.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;
- 9.9.2 launch or retrieve a boat to or from any waters other than from a boat ramp constructed for that purpose;
- 9.9.3 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.4 moor a boat on any waters or to a pontoon attached to Local Government land, except in an area that the Council has set aside for that purpose, as indicated by signage on or near the land.
- 9.10 **Bridge Jumping**
Jump or dive from a bridge on Local Government land.
- 9.11 **Buildings**
Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.12 **Burials and Memorials**
- 9.12.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.12.2 Erect any memorial.
- 9.13 **Camping and Tents**
On Local Government land or on a road:
- 9.13.1 subject to this subclause 9.13, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 9.13.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
- 9.13.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
- 9.13.2.2 on any Local Government land or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or road.
- 9.14 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.
- 9.15 **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.
- 9.16 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.17 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.18 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach

- onto the land.
- 9.19 **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 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21 **Fireworks**
Ignite, explode or use any fireworks.
- 9.22 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.22.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.
- 9.23 **Games and Sport**
- 9.23.1 Participate in, promote or organise any organised competition or sports distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object, that may, as determined by an authorised person acting reasonably, may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.23.3 Play or practice the game of golf on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.5 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.
- 9.24 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.25 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.25.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.25.2 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.
- 9.26 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
- 9.26.1 present a nuisance or danger to a person using the land; or
- 9.26.2 cause an unsightly condition.
- 9.27 **Playing Area**
Use or occupy a playing area:
- 9.27.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.28 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.29 **Rubbish Dumps and Rubbish Bins**

- 9.29.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.29.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).
- 9.30 **Trading**
- 9.30.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing; or
- 9.30.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.31 **Vehicles**
- 9.31.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land;.
- 9.31.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
- 9.31.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.32 **Weddings, Functions and Special Events**
- 9.32.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.32.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.32.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.33 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land:
- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place; or
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
- 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be use;
- 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
- 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct:
- 10.8.1 any path or track;
- 10.8.2 any door, entrance, stairway or aisle in any building; or
- 10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game:
- 10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or
- 10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

- 10.11 **Solicitation**
Subject to subclause 9.28, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except:
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
- 10.13.4.2 where the person is:
- (a) a vulnerable person; or
- (b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
- 10.13.4.3 for the purpose of providing assistance to a person with a disability; or
- 10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

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

12. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

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

13. Removal of Animals and Objects

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

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.14 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;

- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.
15. **Liability of Vehicle Owners**
- 15.1 For the purposes of this clause 15, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on **5 August 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**MOUNT BARKER DISTRICT COUNCIL
DOGS BY-LAW 2024
By-law No. 5 of 2024**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2024* and is By-law No. 5 of the Mount Barker District Council.
2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.
3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council area:
- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.
4. **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 2017.*²
- 4.2 This By-law will expire on 1 January 2032.³
- 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 2024*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.1 and 10.3 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means Mount Barker District Council;
- 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.8.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.8.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.9 **keep** includes the provision of food or shelter;
- 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.11 **premises** includes land and part of land whether used or occupied for domestic or non-domestic purposes;
- 6.12 **small dwelling** means a self-contained dwelling that is:
- 6.12.1 a residential flat building; or
- 6.12.2 contained in a separate strata unit or community title; or
- 6.12.3 on an allotment less than 400 square metres in area; or
- 6.12.4 without a secure yard of at least 100 square metres in area;
- 6.13 **township** has the same meaning as in the Act;
- 6.14 **working livestock dog** means a dog:
- 6.14.1 usually kept, proposed to be kept or worked on rural land by a person who is:
- 6.14.1.1 a primary producer; or

- 6.14.2 engaged or employed by a primary producer; and
 6.14.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

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

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

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
- 7.1.1 in a township, more than one dog in a small dwelling; or
 7.1.2 in a township, more than two dogs on any premises other than a small dwelling; or
 7.1.3 outside of a township:
- (a) more than three dogs on any premises (excluding a working livestock dog); and
 (b) more than 2 working dogs.
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

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

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

Note –

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

9. Dog on Leash Areas

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

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

10. Dog Prohibited Areas

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

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

11. Dog Faeces

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

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

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

PART 5 – ENFORCEMENT**13. Orders**

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

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or

- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on the **5 August 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**MOUNT BARKER DISTRICT COUNCIL
CATS BY-LAW 2024
By-law No. 6 of 2024**

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 2024* and is By-law No. 6 of the Mount Barker District Council.

2. Authorising Law

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

3. Purpose

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

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

4. Commencement, 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

*By-law No. 6 – Cats 2019.*²

4.2 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2032³.

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 2024*.

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

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the Mount Barker District Council;
- 6.4 effective control by means of physical restraint means:
 - 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and that does not exceed 2 metres in length; or
 - 6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure.
- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
- 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

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

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on Cat Numbers

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

PART 3 – CAT CONTROLS

8. Cats Not to be a Nuisance

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

- 8.3 For the purposes of this clause 8, *cat* means an animal of the species *felis catus* (of any age).
9. **Effective Confinement of Cats**
- 9.1 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 between the hours of 8pm and 7am daily unless the cat is under effective control by means of physical restraint.
- 9.2 As and from 30 June 2025 and subject to subclause 9.3, the owner of, 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 between the hours of 7am and 8pm daily unless:
- 9.2.1 the cat is in the presence of and in close proximity to the owner or person responsible for its control; and
- 9.2.2 is under effective supervision or control by that person such that it is not creating a nuisance.
- Note-**
- By way of example, a cat will be under effective supervision or control if, without limitation, it:
- is being transported from premises in a suitable enclosure from which it cannot escape;
 - is being held by or is in close proximity to the person so it can be quickly picked up; or
 - is being exercised on a leash or similar.
- 9.3 Subclause 9.2 does not apply to any cat that was born before 1 January 2025 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.
- 9.4 For the purposes of this clause 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 prescribed by Council (if any); and
- 10.2.2 be accompanied by the fee (if any) prescribed by the Council; and
- 10.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
- 10.2.4 identify with reference to an address the premises at which the cat is kept; and
- 10.2.5 otherwise comply with any other requirements determined by the Council.
- 10.3 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 registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS

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

PART 5 - ENFORCEMENT

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

Note-

- For example, an authorised person may order a person to:
- cease keeping more than the permitted number of cats on that person's premises; or
 - take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the Mount Barker District Council held on 5 August 2024 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**MOUNT BARKER DISTRICT COUNCIL
ANIMAL MANAGEMENT BY-LAW 2024
By-law No. 7 of 2024**

A By-law to manage and regulate the keeping of certain animals on residential premises, including for the prevention of nuisances.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Animal Management By-law 2024* and is By-law No. 7 of the Mount Barker District Council.
2. **Authorising Law**
This By-law is made under section 246 of the Act.
3. **Objectives**
The objectives of this By-law are to manage the keeping of certain animals in the Council's area:
- 3.1 to promote responsible animal management;
- 3.2 to reduce the incidence of public and environmental nuisance caused by the keeping of those animals;

- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.
4. **Commencement and Expiry**
- 4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the Act.¹
- 4.2 This By-law will expire on 1 January 2032.²
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazette, section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2 This By-law applies throughout the Council's area.
6. **Definitions**
In this By-law:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means Mount Barker District Council;
- 6.3 **keep** in relation to a prescribed animal includes to care, feed, provide shelter for, or to control or possess that animal, whether on a temporary or permanent basis;
- 6.4 **prescribed animal** means a rooster that is 2 months of age or older;
- 6.5 **premises** includes any land, (whether used or occupied for domestic or other purposes) or part of that land;
- 6.6 **residential premises** means premises with a residential land use category within the meaning of *Local Government (General) Regulations 2013*; and
- 6.7 **township** has the same meaning as in the Act.
- PART 2 – DOMESTIC ANIMAL MANAGEMENT**
7. **Permission Required to Keep Prescribed Animal**
- 7.1 A person must not, without the permission of the Council, keep or cause suffer or permit to be kept, a prescribed animal on:
- 7.1.1 any premises within a township; or
- 7.1.2 outside of a township on any premises that is within 100 metres of the boundary of neighbouring residential premises.
- 7.2 The Council (or its delegate) may require that premises that are the subject of an application under subclause 7.1 for permission to keep a prescribed animal be inspected by an authorised person for the purpose of assessing the suitability of the premises for keeping the prescribed animal.
- 7.3 The Council must consider the following matters in determining whether or not to grant permission under subclause 7.1:
- 7.3.1 whether an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 7.3.2 whether a nuisance is caused or has been caused to any neighbour as a result of the keeping of the animal on the premises or is likely to be caused;
- 7.3.3 the nature and size of the premises and whether the animal can be adequately contained thereon; or
- 7.3.4 any other matters the Council (or its delegate) considers should be taken into account.
- PART 3 – EXEMPTIONS**
8. **Council May Grant Exemptions**
- 8.1 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.
- 8.2 An exemption:
- 8.2.1 may be granted or refused at the discretion of the Council;
- 8.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 8.2.3 is subject to any conditions specified in the instrument of exemption.
- 8.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 8.4 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**
9. **Orders**
- 9.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 9.1.1 if the conduct is still continuing – to stop the conduct; and
- 9.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 9.2 A person must comply with an order of an authorised person made pursuant to section 262 of the Act.
- 9.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- Note-**
- For example, an authorised person may order a person to cease keeping a prescribed animal on that person's premises.
- This By-law was duly made and passed at a meeting of the Mount Barker District Council held on **5 August 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 15 August 2024

HEATHER BARCLAY
Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates 2024/2025

Notice is hereby given that the Port Pirie Regional Council, at its special meeting held 31 July 2024 in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999* and for the year ending 30 June 2025:

Adoption of Valuations

Adopted for rating purposes, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the area of the Council totalling \$3,736,624,040, of which \$3,616,331,540 is the capital value of rateable land.

Fixed Charge Component of Differential General Rates

Declared, pursuant to Section 151(1)(c)(ii) and 152(1)(c)(ii) of the *Local Government Act 1999*, a fixed charge component of general rates of \$620 on rateable land within the area of the Council.

Component of Differential General Rates based on Value of Land

Declared, pursuant to Section 151(1)(c)(i), 152(1)(c)(i), 153(1)(b) and 156 of the *Local Government Act 1999* the following differential general rates as a component of its general rates based on the capital value of the land varying according to the locality of the land and its use in accordance with Regulation 14 of the *Local Government (General) Regulations 2013* as follows:

1. Rateable Land within the locality of the Significant Industry subzone of the Strategic Employment zone as defined by the Planning and Design Code in force as at the date of the declaration, and with the land use:
 - Category (a)—Residential: 0.39859 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.95453 cents in the dollar;
 - Category (c)—Commercial Office: 0.9543 cents in the dollar;
 - Category (d)—Commercial Other: 0.9543 cents in the dollar;
 - Category (e)—Industry—Light: 0.77411 cents in the dollar;
 - Category (f)—Industry—Other: 3.3924 cents in the dollar;
 - Category (g)—Primary Production: 0.18282 cents in the dollar;
 - Category (h)—Vacant Land: 0.81011 cents in the dollar;
 - Category (i)—Other: 0.44067 cents in the dollar.
2. Rateable land within all other localities, being the balance of the Strategic Employment zone outside the scope of paragraph (1) above and all other zones and subzones as defined by the Planning and Design Code in force as at the date of the declaration, and with the land use:
 - Category (a)—Residential: 0.39859 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.95453 cents in the dollar;
 - Category (c)—Commercial Office: 0.95453 cents in the dollar;
 - Category (d)—Commercial Other: 0.95453 cents in the dollar;
 - Category (e)—Industry—Light: 0.77411 cents in the dollar;
 - Category (f)—Industry—Other: 0.77411 cents in the dollar;
 - Category (g)—Primary Production: 0.18282 cents in the dollar;
 - Category (h)—Vacant Land: 0.81011 cents in the dollar;
 - Category (i)—Other: 0.44067 cents in the dollar.

Annual Service Charge—Community Wastewater Management System

Imposed, pursuant to Section 155(2) of the *Local Government Act 1999* and Regulation 12 of the *Local Government (General) Regulations 2013*, an annual service charge on both rateable and non-rateable land to which it provides or makes available the prescribed service comprising a community wastewater management system based on the nature of the service and the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code and for that annual service charge to vary on the basis of land being occupied or vacant as follows:

Crystal Brook CWMS

- Occupied \$225 per property unit;
- Vacant \$168 per property unit.

Napperby CWMS

- Occupied \$522 per property unit;
- Vacant \$392 per property unit.

Annual Service Charge—Waste Management

Imposed, pursuant to Section 155(2) of the *Local Government Act 1999*, an annual service charge of \$269 on all land ascribed the residential land use category within the Council's area to which Council provides the prescribed service of waste collection, treatment and disposal based on the nature of the service and category of land use, provided that the sliding scale set out in Regulation 13 of the *Local Government (General) Regulations 2013* will apply to reduce the service charge, as prescribed.

Separate Rate—Regional Landscape Levy

Declared, pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999* and Regulation 12 of the *Landscape South Australia (General) Regulations 2020*, a separate rate of 0.009818 cents in the dollar on all rateable land located within the area of the Council in the region of the Northern & Yorke Landscape Board, in order to reimburse the Council the amount to be contributed to the Northern & Yorke Regional Landscape Board.

Due Dates for Payment of Rates

Determined, pursuant to Section 181 of the *Local Government Act 1999*, all rates (including all separate rates) and annual service charges shall be payable by four equal (or approximately equal) instalments which are due for payment on 11 September 2024, 11 December 2024, 12 March 2025 and 11 June 2025.

Dated: 8 August 2024

PETER ACKLAND
Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

LOCAL GOVERNMENT ACT 1999

Declaration of Public Roads—Notice of Intention

Notice is hereby given, pursuant to Section 210(1) of the *Local Government Act 1999* (SA) that the Port Pirie Regional Council intends to convert a private road to a public road, identified as Allotment 253 in FP 189195, Port Pirie West comprised in Certificate of Title Volume 5963 Folio 853.

Dated: 8 August 2024

PETER ACKLAND
Chief Executive Officer

RENMARK PARINGA COUNCIL

Adoption of Valuations and Declaration of Rates 2024-2025

Notice is given that at a meeting of Renmark Paringa Council held on 6 August 2024 for the financial year ending 30 June 2025 it was resolved:

Adoption of Valuation

To adopt the most recent valuations of the Valuer-General available to Council of the capital value of land within the Council's area, totalling \$2,461,316,260 of which \$2,406,105,686 is rateable.

Declaration of General Rates

Declared differential general rates as follows:

- (a) 0.2350 cents in the dollar on rateable land of Category (a) (Residential);
- (b) 0.4920 cents in the dollar on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light) and Category (f) (Industry—Other);
- (c) 0.3450 cents in the dollar on rateable land of Category (g) (Primary Production);
- (d) 0.6600 cents in the dollar on rateable land of Category (h) (Vacant Land);
- (e) 0.2350 cents in the dollar on rateable land of Category (i) (Other).

Fixed Charge

Imposed a fixed charge of \$424 on each separate piece of rateable land within the area of the Council.

Separate Rate—Regional Landscape Levy

Declared a separate rate of 0.01680 cents in the dollar, on all rateable land in the Council area in respect of the Regional Landscape Levy.

Service Charges

- (1) Imposed an annual service charge of \$554 per unit on rateable and non-rateable land where a septic tank effluent disposal connection point is provided by Council.
- (2) Declared an annual service charge of \$160 for residual waste collection within the Township areas (Town Residential).
- (3) Declared an annual service charge of \$160 for residual waste collection within the Rural areas (Rural Residential).
- (4) Declared an annual service charge of \$80 for recycling collection within the Township areas (Town Residential).
- (5) Declared an annual service charge of \$80 for recycling collection within the Rural areas (Rural Residential).
- (6) Declared an annual service charge of \$80 for organics collection within the Township areas (Town Residential).

Payment by Instalments

General rates, minimum rates and service charges shall be payable in four equal or approximately equal instalments on the following dates:

- (a) 16 September 2024
- (b) 6 December 2024
- (c) 6 March 2025
- (d) 6 June 2025

Dated: 15 August 2024

T. SIVIOUR
Chief Executive Officer

PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

Notice of Final Rule and Final Determination

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

Under ss 102 and 103, the making of the *National Electricity Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No. 15* (Ref. ERC0346) and related final determination. Provisions commence as follows **Schedule 1—29 August 2024, Schedule 2—31 May 2026, Schedules 3, 4 and 5—1 November 2026, Schedule 6—29 August 2024.**

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

Dated: 15 August 2024

NATIONAL ENERGY RETAIL LAW

Notice of Final Rule and Final Determination

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

Under ss 259 and 261, the making of the *National Energy Retail Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No. 4* (Ref. RRC0045) and related final determination. Provisions commence as follows **Schedules 1 and 2—1 November 2026, Schedule 3—29 August 2024.**

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

Dated: 15 August 2024

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

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