



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, THURSDAY, 29 AUGUST 2019

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

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Controlled Substances Advisory Council, pursuant to the provisions of the Controlled Substances Act 1984:

Member: from 12 September 2019 until 11 September 2022

Christopher Simon Reynolds  
Caroline Mary Ward  
Thomas Ian Osborn  
Jane Maria Rusalen  
Andrew Alexander Somogyi

By command,

STEVEN SPENCE MARSHALL  
Premier

HEAC-2019-00042

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Vickie Ann Chapman, MP, Deputy Premier and Attorney-General to be also Acting Minister for Human Services for the period from 31 August 2019 to 8 September 2019 inclusive, during the absence of the Honourable Jacqueline Michelle Ann Lensink, MLC.

By command,

STEVEN SPENCE MARSHALL  
Premier

MHACS19008

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint His Honour Judge Paul John Rice, a Judge of the District Court of South Australia as Acting Chief Judge of the District Court of South Australia commencing on 31 August 2019 and expiring on 7 October 2019 inclusive - pursuant to section 11AA(1) of the District Court Act 1991.

By command,

STEVEN SPENCE MARSHALL  
Premier

AGO0112-19CS

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to nominate His Honour Judge Paul John Rice, a Judge of the Environment, Resources and Development Court of South Australia as Acting Senior Judge of the Environment, Resources and Development Court of South Australia commencing on 31 August 2019 and expiring on 7 October 2019 inclusive - pursuant to section 8(7) of the Environment, Resources and Development Court Act 1993.

By command,

STEVEN SPENCE MARSHALL  
Premier

AGO0112-19CS

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint Hugh Douglas Borrowman as Official Secretary to the Governor of South Australia for a term commencing on 1 October 2019 and expiring on 31 December 2021 - pursuant to the provisions of the Constitution Act 1934.

By command,

STEVEN SPENCE MARSHALL  
Premier

DPC19/062CS

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint Nicola Jane Spurrier as the Chief Public Health Officer for a term of three years commencing on 29 August 2019 and expiring on 28 August 2022 - pursuant to the provisions of the South Australian Public Health Act 2011.

By command,

STEVEN SPENCE MARSHALL  
Premier

HEAC-2019-00053

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Department of the Premier and Cabinet  
Adelaide, 29 August 2019

His Excellency the Governor in Executive Council has been pleased to appoint Terri Christensen as a Visiting Inspector for the purposes of the Correctional Services Act 1982, commencing on 29 August 2019 - pursuant to section 20 of the Correctional Services Act 1982.

By command,

STEVEN SPENCE MARSHALL  
Premier

19COR006CS

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AQUACULTURE ACT 2001

*Grant of Aquaculture Lease*

Pursuant to the provisions of section 22 of the *Aquaculture Act 2001*, notice is hereby given of the grant of the following leases for the purposes of aquaculture in the waters of Coffin Bay, South Australia:

LA00459  
LA00460

Further details are available for the above leases on the Aquaculture Public Register; which can be found at [http://www.pir.sa.gov.au/aquaculture/aquaculture\\_public\\_register](http://www.pir.sa.gov.au/aquaculture/aquaculture_public_register) or by contacting Aquaculture Leasing & Licensing on 8226 0900.

Dated: 29 August 2019

EMILY KAESE  
Leasing & Licensing Officer

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ASSOCIATIONS INCORPORATION ACT 1985

ORDER PURSUANT TO SECTION 42(2)

*Dissolution of Association*

**WHEREAS** the CORPORATE AFFAIRS COMMISSION (the Commission) pursuant to section 42(1) of the *Associations Incorporation Act 1985* (the Act) is of the opinion that the undertaking or operations of **OPTOMETRY SOUTH AUSTRALIA INCORPORATED** (the Association) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the *Corporations Act 2001* (Cth) **AND WHEREAS** the Commission was on 30 May 2019 requested by the Association to transfer its undertaking to **OPTOMETRY VICTORIA SOUTH AUSTRALIA LIMITED** (Australian Company Number 634 919 994), the Commission pursuant to section 42(2) of the Act **DOES HEREBY ORDER** that on 29 August 2019, the Association will be dissolved, the property of the Association becomes the property of **OPTOMETRY VICTORIA SOUTH AUSTRALIA LIMITED** and the rights and liabilities of the Association become the rights and liabilities of **OPTOMETRY VICTORIA SOUTH AUSTRALIA LIMITED**.

Given under the seal of the Commission at Adelaide.

Dated: 29 August 2019

ROSALBA ALOI  
A delegate of the Corporate Affairs Commission

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ASSOCIATIONS INCORPORATION ACT 1985

ORDER PURSUANT TO SECTION 42(2)

*Dissolution of Association*

**WHEREAS** the CORPORATE AFFAIRS COMMISSION (the Commission) pursuant to section 42(1) of the *Associations Incorporation Act 1985* (the Act) is of the opinion that the undertaking or operations of **WESTSIDE HOUSING ASSOCIATION INCORPORATED** (the Association) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the *Corporations Act 2001* (Cth) **AND WHEREAS** the Commission was on 29 May 2019 requested by the Association to transfer its undertaking to **WESTSIDE HOUSING COMPANY LIMITED** (Australian Company Number 634 977 549), the Commission pursuant to section 42(2) of the Act **DOES HEREBY ORDER** that on 29 August 2019, the Association will be dissolved, the property of the Association becomes the property of **WESTSIDE HOUSING COMPANY LIMITED** and the rights and liabilities of the Association become the rights and liabilities of **WESTSIDE HOUSING COMPANY LIMITED**.

Given under the seal of the Commission at Adelaide.

Dated: 29 August 2019

ROSALBA ALOI  
A delegate of the Corporate Affairs Commission

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DEVELOPMENT ACT 1993

SECTION 26(9)

*Greater Edinburgh Parks Employment Lands—Development Plan Amendment Part 2*

*Preamble*

1. The 'Greater Edinburgh Parks Employment Lands Development Plan Amendment Part 2' (the Amendment) has been finalised in accordance with the provisions of the *Development Act 1993*.
2. The Minister for Planning has decided to approve the Amendment.

PURSUANT to section 26 of the *Development Act 1993*, I—

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

Dated: 25 August 2019

HON STEPHAN KNOLL MP  
Minister for Transport, Infrastructure and Local Government  
Minister for Planning

## DEVELOPMENT ACT 1993

## SECTION 46 (1)

*Whalers Way Orbital Launch Complex**Preamble*

Subsection (1) of Section 46 of the Development Act 1993, allows the Minister for Planning to apply that section to a specified kind of development or project if the Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of development or a project of major environmental, social or economic importance.

## NOTICE

PURSUANT to Section 46 (1) (a) of the Development Act 1993, being of the opinion that a declaration under Section 46 of the Act is appropriate for the proper assessment of a development of major environmental, and social and economic importance, I declare that Section 46 of the Act applies to any development of a kind specified in Schedule 1, in that part of the State specified in Schedule 2:

## SCHEDULE 1

*Specified Kinds of Development*

Development directly associated with the staged establishment and operation of an orbital space launch facility at Whalers Way, Sleaford (land as described in Schedule 2), being 25 kilometres south-west of Port Lincoln on Eyre Peninsula, including any or all of the following elements:

- (a) all activities and works associated with the construction and operation of an orbital space launch facility, and associated infrastructure, in that part of the State specified in Schedule 2, including:
  - (i) launch pads;
  - (ii) assembly facilities (both temporary and permanent);
  - (iii) secure block houses, blast walls and firing bunkers;
  - (iv) lightening rods and anemometer towers;
  - (v) propellant (liquid, hybrid and solid) storage;
  - (vi) diesel power generators and solar arrays;
  - (vii) bunding for blast wave deflection;
  - (viii) office, laboratory and research related facilities;
  - (ix) visitor viewing facilities; and
  - (x) road transport access;
- (b) any change in the use of land associated with any development within the ambit of paragraphs (a);
- (c) the undertaking of works for the purposes of, or otherwise related to; roads, parking, stormwater, water supply, fuel storage, power supply, telecommunications, fire suppression, perimeter fencing and effluent treatment in connection with the development;
- (d) any associated excavation and filling of land;
- (e) the division of land by lease associated with the development; and
- (f) any related or ancillary development associated with the development within the ambit of preceding paragraphs.

## SCHEDULE 2

*Location of Development*

The following part of the State is specified for the purposes of Schedule 1:

- (a) Allotment 101 in Deposited Plan 71437, Hundred of Sleaford, Certificate of Title Volume 5993, Folio 374.

Dated: 22 August 2019

HON STEPHAN KNOLL MP  
Minister for Planning

## HOUSING IMPROVEMENT ACT 2016

*Rent Control*

The Minister for Human Services Delegate in the exercise of the powers conferred by the *Housing Improvement Act 2016*, does hereby fix the maximum rental per week which shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each house described in the following table. The amount shown in the said table 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
51 Seaview Road, Tennyson SA 5022	Allotment 40 Filed Plan 124913 Hundred of Yatala	CT 5894/434	\$431.25

Dated: 29 August 2019

CRAIG THOMPSON  
Acting Housing Regulator and Registrar  
Housing Safety Authority, SAHA  
Delegate of Minister for Human Services

## HOUSING IMPROVEMENT ACT 2016

*Rent Control Revocations*

Whereas the Minister for Human Services Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the *Housing Improvement Act 2016*, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
37 Coglein Street, Brompton SA 5007	Allotment 221; Allotment 51 Deposited Plan 459; Filed Plan 254221 Hundred of Yatala	CT2785/4, CT5530/596, CT6135/816, CT6162/42; CT6222/500

Dated: 29 August 2019

CRAIG THOMPSON  
Acting Housing Regulator and Registrar  
Housing Safety Authority, SAHA  
Delegate of Minister for Human Services

## LAND ACQUISITION ACT 1969

## SECTION 16

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

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 37 in Filed Plan No 110616 comprised in Certificate of Title Volume 5650 Folio 697

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

**2. Compensation**

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

**3. Inquiries**

Inquiries should be directed to:

Rob Gardner  
GPO Box 1533  
Adelaide SA 5001  
Telephone: (08) 8343 2567

Dated: 27 August 2019

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

MOHAMMED ELGAZZAR  
Manager  
Property Portfolio & Strategy  
(Authorised Officer)  
Department of Planning, Transport and Infrastructure

DPTI 2016/16159/01

## LAND ACQUISITION ACT 1969

## SECTION 16

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

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 72 in Deposited Plan No 62822 comprised in Certificate of Title Volume 6113 Folio 980, and being the whole of the land identified as Allotment 74 in DP 119374 lodged in the Lands Titles Office

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

**2. Compensation**

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

**3. Inquiries**

Inquiries should be directed to:

Carlene Russell  
GPO Box 1533  
Adelaide SA 5001  
Telephone: (08) 8343 2512

Dated: 27 August 2019

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

MOHAMMED ELGAZZAR  
Manager

Property Portfolio & Strategy  
(Authorised Officer)

Department of Planning, Transport and Infrastructure

DPTI: 2017/23960/01

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MENTAL HEALTH ACT 2009

*Authorised Mental Health Professionals*

NOTICE is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following persons as Authorised Mental Health Professionals commencing from date of Gazettal:

Andrew Blunden  
Sandy Black  
Tania Brogden  
Steven Cody  
Helen Fairbanks  
Anna Gilfillan  
Terri Heavyside  
Michele Henry  
Peter Jensen  
Sara Kent  
Gordon Murray  
Jocelyn Douglass  
Felicity Green  
David Walsh  
Jorja Terrell

A person's determination will expire three years after the date of Gazettal.

Dated: 29 August 2019

DR J BRAYLEY  
Chief Psychiatrist

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South Australia

## **Motor Vehicles (Conditional Registration—Withdrawal of Recognition of Motor Vehicle Clubs) Notice 2019 - Club Fiat 500 South Australia Inc.**

under the *Motor Vehicles Act 1959*

### **Preamble**

1. By notice made by the Registrar the motor vehicle clubs specified in Schedule 1 were recognised for the purposes of section 16 of the *Motor Vehicles Regulations 2010*.
2. The Registrar has decided to withdraw that recognition.

### **1—Short title**

This notice may be cited as the *Motor Vehicles (Conditional Registration—Withdrawal of Recognition of Motor Vehicle Clubs) Notice 2019 – Club Fiat 500 South Australia Inc.*

### **2—Commencement**

This notice takes effect from the date it is published in the Gazette.

### **3—Withdrawal of recognition of motor vehicles clubs**

The recognition of the motor vehicle clubs specified in Schedule 1 for the purposes of section 16 of the *Motor Vehicles Regulations 2010* is withdrawn.

## Schedule 1-Motor vehicle clubs recognition withdrawn

### Historic, left-hand drive and street rod motor vehicle clubs

Club Fiat 500 South Australia Inc.

### Made by the Deputy Registrar of Motor Vehicles

Dated: 20 August 2019

#### NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

##### *Part Closure of Adelaide International Bird Sanctuary National Park*

PURSUANT to Regulations 7(3) (a) and 7(3) (d) of the National Parks and Wildlife (National Parks) Regulations 2016, I, Stuart Anthony Maxwell Paul, as Director, Regional Operations, National Parks and Wildlife Service Division, authorised delegate of the Director of National Parks and Wildlife, close to the public, the Buckland Park area of the Adelaide International Bird Sanctuary National Park, to the south of Port Gawler Road:

5am to Midday every Monday, Wednesday and Saturday between Monday 2 September 2019 and Sunday 30 August 2020.  
7.30pm to 11.30pm every Monday and Wednesday between Monday 2 September 2019 and Sunday 30 August 2020.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program within the park area during the period indicated.

Dated: 21 August 2019

STUART PAUL  
Director  
Regional Operations  
National Parks and Wildlife Service Division  
Department for Environment and Water

#### ROAD TRAFFIC ACT 1961

##### *Operate Breath Analysing Instruments*

I, GRANT STEVENS, Commissioner of Police, do hereby notify that on and from 5 June, 2019, the following persons were authorised by the Commissioner of Police to operate breath analysing instruments as defined in and for the purposes of the:

- Road Traffic Act 1961;
- Harbors and Navigation Act 1993;
- Security and Investigation Industry Act 1995; and
- Rail Safety National Law (South Australia) Act 2012.

PD Number	Officer Name
76031	BENNETT, Caitlin Marie
76424	CLONAN, Joshua Paul
76044	DART, Aaron Bert
77732	LEGGE, Matthew James
76420	LOTT, Thomas Ian Edgar
76597	MOYLE, Bradley Donald
74481	REYNOLDS, Samuel Thomas
76500	RULFS, Curtis Keith
76899	TRENTO, Kirsty Marie
76553	WATSON, Alyshia Lee
76801	WHYBRO, Corinne Alexandra
76819	WRIGHT, Douglas Michael

Dated: 5 June 2019

GRANT STEVENS  
Commissioner of Police

#### WATER MAINS AND SEWERS

##### *Office of the South Australian Water Corporation*

##### WATER MAINS LAID

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

#### ADELAIDE WATER DISTRICT

CAMPBELLTOWN CITY COUNCIL  
Reserve Road, Campbelltown. p29

CITY OF CHARLES STURT  
Second Street, Bowden. p98 and 99

**CITY OF PLAYFORD**

Fradd Road, Angle Park. p89 and 90

**CITY OF PORT ADELAIDE ENFIELD**

Harper Circuit, Lightsview. p36 and 37  
 Stuart Lane, Lightsview. p36 and 37  
 Harper Circuit, Lightsview. p45 and 46  
 Warren Lane, Lightsview. p45 and 46  
 Mills Avenue, Lightsview. p45 and 46  
 Jeffcott Avenue, Lightsview. p45 and 46  
 Saverio Boulevard, Angle Vale. p103 and 104  
 John Circuit (North), Angle Vale. p103-105  
 Mission Court, Angle Vale. p103 and 105  
 John Circuit (South), Angle Vale. p103 and 104  
 Lucca Close, Angle Vale. p103 and 104  
 Alex Street, Angle Vale. p103 and 104  
 Rosie Circuit, Angle Vale. p103 and 104

**CITY OF PROSPECT**

Boucher Place, Prospect. p49

**OUTSIDE ADELAIDE WATER DISTRICT****DISTRICT COUNCIL OF MOUNT BARKER**

Lilac Parade, Mount Barker. p31-33  
 Goodenia Grove, Mount Barker. p31-33  
 Swallowtail Street, Mount Barker. p31 and 33  
 Wagtail Way, Mount Barker. p31 and 33  
 Easement in lot 1000 in LTRO DP 120184 (proposed road Peppermint Grove in Land Division number 580/D063/16), Flaxley Road, Mount Barker. p31 and 33  
 Sims Road, Mount Barker. p132 and 133  
 Dornoch Court, Mount BARKER. p132 and 133  
 Grantchester Avenue, Mount Barker. p132 and 133

**ANGASTON WATER DISTRICT****THE BAROSSA COUNCIL**

Radford Road, Angaston. p27 and 28  
 Schubert Boulevard, Angaston. p27 and 28  
 Brian Hurn Crescent, Angaston. p27 and 28  
 Valley Road, Angaston. p27 and 28

**STRATHALBYN WATER DISTRICT****ALEXANDRINA COUNCIL**

Edward Street, Strathalbyn. p82

**SEWERS LAID**

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

**ADELAIDE DRAINAGE AREA****ADELAIDE CITY COUNCIL**

Across Waymouth Street, Adelaide. FB 1291 p17  
 Bentham Street, Adelaide. FB 1291 p17

**CITY OF BURNSIDE**

Windsor Avenue, Burnside. FB 1291 p16

**CITY OF HOLDFAST BAY**

King George Avenue, Hove. FB 1291 p14

**CITY OF MARION**

Hurst Street, Morphettville. FB 1291 p20

**CITY OF MITCHAM**

Easements in lots 33 and 34 in LTRO FP 19037, George Street, Torrens Park. FB 1291 p21

**CITY OF ONKAPARINGA**

Borrage Street, O'Sullivan Beach. FB 1291 p22

**CITY OF PLAYFORD**

In and across Fradd Road, Angle Vale. FB 1288 p51-54  
 Easement in lot 2 in LTRO FP 15026 (proposed road Burgundy Avenue in Land Division Number 292/D024/17), Fradd Road, Angle Vale. FB 1288 p51-54

**CITY OF PORT ADELAIDE ENFIELD**

Royce Avenue, Croydon Park. FB 1291 p12  
 Across Harper Circuit, Lightsview. FB 1286 p59 and 60  
 Stuart Lane, Lightsview. FB 1286 p59 and 60  
 Easement in allotment piece 4602 in LTRO DP 120990 (proposed road Stuart Lane in Land Division Number 040/D047/14), Wiltshire Drive, Lightsview. FB 1286 p59 and 60  
 Easement in allotment piece 4602 (proposed road Harper Circuit in Land Division Number 040/D047/14), Wiltshire Drive, Lightsview. FB 1288 p42-44  
 In and across Harper Circuit, Lightsview. FB 1288 p42-44  
 Mills Avenue, Lightsview. FB 1288 p42-44  
 Easement in lot 5001 in LTRO DP 121582 (proposed road Mills Avenue in Land Division Number 040/D097/15), Wiltshire Drive, Lightsview. FB 1288 p42-44  
 Warren Lane, Lightsview. FB 1288 p42-44  
 Swan Avenue, Klemzig. FB 1291 p18



**CITY OF SALISBURY**

Furner Avenue, Ingle Farm. FB 1291 p15

**CITY OF TEA TREE GULLY**

Barkala Court, Redwood Park. FB 1291 p19

**CITY OF UNLEY**

Across Irwin Lane, Unley. FB 1291 p13

Easement in lot 178 in LTRO FP 12870, Young Street, Unley. FB 1291 p13

**OUTSIDE ADELAIDE DRAINAGE AREA****CITY OF PLAYFORD**

Across Heaslip Road, Angle Vale. FB 1290 p1, 2 and 4

In and across Saverio Boulevard, Angle Vale. FB 1290 p1, 2 and 4

In and across John Circuit (North), Angle Vale. FB 1290 p1-3 and 5

Mission Court, Angle Vale. FB 1290 p1, 3 and 5

Easement in allotment piece 5002 in LTRO DP 121251, Heaslip Road, Angle Park. FB 1290 p1, 3 and 5

In and across John Circuit (South), Angle Vale. FB 1290 p1, 2 and 4

Lucca Close, Angle Vale. FB 1290 p1, 2 and 4

Alex Street, Angle Vale. FB 1290 p1, 2 and 5

Easements in allotment piece 5001 in LTRO DP 121251, Heaslip Road, Angle Vale. FB 1290 p1, 2 and 5

Rosie Circuit, Angle Vale. FB 1290 p1, 2, 4 and 5

Dated: 29 August 2019

MARK GOBBIE  
Chief Executive Officer (Acting)  
South Australian Water Corporation

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South Australia

## **Statutes Amendment (SACAT) Act (Commencement) Proclamation 2019**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (SACAT) Act (Commencement) Proclamation 2019*.

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

- (1) Part 11 of the *Statutes Amendment (SACAT) Act 2019* (No 14 of 2019) comes into operation on 2 September 2019.
- (2) The following provisions of the Act come into operation on 1 October 2019:
  - (a) Part 4;
  - (b) Part 17;
  - (c) Parts 23 and 24.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 August 2019

South Australia

## **Oaths (Appointments) Proclamation 2019**

under section 33 of the *Oaths Act 1936*

### **1—Short title**

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2019*.

### **2—Commencement**

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

### **3—Appointment of persons to take declarations and attest instruments**

The following police officers are appointed to take declarations and attest the execution of instruments:

Kathryn Janet Adams  
Daniel Robert Aikman  
Jordan Joseph Allely

Dennis Roger Allely  
Michelle Marie Allen  
Zachary Amundson  
Jordan Tayla Anderson  
Kate Alicia Arbon  
Jaspal Singh Bahl  
Madeleine Emmeline Baker  
Nicole Emily Baker  
Jason Daniel Balint  
Jason Michael Bates  
Tasja Margaret Batzavalis  
Jake Wayne Beaumont  
Alexandra Jane Belletti  
Ashlee Jade Belmonte  
Jordan Aaron Bird  
Travis James Raymond Black  
Adam Kane Blackburn  
Kimberley Anne Blackmore  
Renee Lee Bloffwitch  
Kate Lee-Ann Boehm  
Scott Harrison Boin  
Justin Robert Bollenhagen  
Michael Allan Bowes  
Nikki Lee Boyle  
Jasmin Tahlia Budich-Brain  
Luke Robert Burnard  
Christian Alexander Burnett  
Patrick Francis Burns  
Matthew James Butler  
Michael James Cahill  
Danielle Lori Carse  
Adam Joseph Carvalho  
Ioana Katerina Chis  
Joanne Louise Clarke  
Matthew Robert Cleggett  
Emma Pearl Collett

Alison Marie Coombe  
Dayna Louise Cox  
Jessie John Cugley  
Nebojsa Culibrk  
Jalil Danesh  
Matthew Thomas Davey  
Madison Patricia Davies  
Sophy Elizabeth d'Avigdor  
Kim Thien Do  
Georgia Melanie Doecke  
Renee Paige Drewett  
Connor Reid Elphick  
Lauren Brooke Elsworthy  
Timothy Blake Ely  
Stacy Laura Everingham  
Samara Farrell  
Alison Feo  
Lachlan John Foot  
Eboni Rallayne Frankel  
Maddison Courtney Furlong  
Scott William Galletly  
Mark Gambles  
Michael George Gardiner  
Amos Troy Gaskin  
Lisa Jane Gauld  
Krystal Ann Gray  
Zoe Louise Green  
Niamah Eliza Haddow  
Stephanie Amber Hagger  
Richard David Haley  
Christopher David Hannah  
Michael Jeffrey Harrison  
Claire Hatchard  
Olivia Renay Hauser  
Hannah Georgia Hill  
Ehlana Jane Hoff

Melissa Crystal Holden  
Bethany Alice Hunt  
Rebecca Fern Hynes  
Harrison Wright Isherwood  
Jessie Anne Ford Johns  
Donna Felicity Johnson  
Robert William Johnston  
Peter George Kalkanas  
Darren Leslie Lambert  
Ryan David Lavender  
Matthew Adam Lawrence  
Thomas James Lawrence  
Amber Lauren Lillyman  
Derryth Eloise Lloyd  
Gareth Lloyd-Jones  
Christopher Ronald Lohmeyer  
Dennis Duku Lubajo  
Shane Jesse Lucks  
Joshua Craig Malic  
Charlie James Martin  
Brett Andrew Massey  
Tyler James Matchett  
Ulli Maynard-Stagat  
Alexander James McDonald  
Jaimee Lynette McDougall  
Elizabeth Charlotte McErlean  
Ayden Izaak McGregor-Baptista  
Alexa Maree McIntosh  
Anthony James Mitchell  
Ryan John Mitchell  
Samantha Dawn Mooney  
Jamie Owen Moran  
Laura Jean Muldoon  
Tara Elizabeth Muscat  
Jacqueline Margaret Newton  
Grace Elizabeth O'Donovan

Megan Lynn Palmer  
Chantal Susan Potgieter  
Joseph Francis Quigley  
Georgia Louise Reardon  
Benjamin Harry Roth  
Andrew James Rowland  
Julianne Terese Ryan  
Rebecca Ann Ryan  
Daniel Caine Scarlett  
Tenille Courtney Schmidt  
Madeline Gabrielle Schofield  
Tessa Beth Schuck  
Nicholas Richard Schultz  
Jayden Philip Searle  
Jarrad Luke Semmens  
Demi Louise Sharp  
Manveer Singh  
Jordan Anthony Smith  
Rebecca Janet Smith  
Amie Jayne Staples  
Patrick Joseph Taylor  
Bradley George Tiljak  
Sarah Genevieve Tiller  
Billie Ann Tuckerman  
Leah Joanne Turner  
Levi Benjamin Turner  
Jacques William Van Dulken Abreu  
Oliver Alexander Von Doussa  
Joshua James Wallace  
Daniel Scott Wallis  
Liam Michael Warren  
Dylan Weaver  
Matilda Alexandra West  
Elise Susan Whorlow  
Chloe Whyte  
Matilda Jane Winter

Indianna Withers  
Luke Thomas Withey  
Alisha Jane Wood  
Monique Ilse Zoumaras

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 August 2019

South Australia

## **Harbors and Navigation (Care, Control and Management— Cowell Foreshore) Proclamation 2019**

under section 18 of the *Harbors and Navigation Act 1993*

### **1—Short title**

This proclamation may be cited as the *Harbors and Navigation (Care, Control and Management—Cowell Foreshore) Proclamation 2019*.

### **2—Commencement**

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

### **3—Interpretation**

In this proclamation—

*Act* means the *Harbors and Navigation Act 1993*;

*Cowell Foreshore* means—

- (a) the adjacent or subjacent land (within the meaning of the Act) belonging to the Minister within area A delineated in GRO Plan No 6/2019; and
- (b) any structures belonging to the Minister on that adjacent or subjacent land.

### **4—Care, control and management of Cowell Foreshore**

- (1) Pursuant to section 18(1) of the Act, Cowell Foreshore is placed under the care, control and management of the District Council of Franklin Harbour (the *Council*).
- (2) Pursuant to section 18(2)(a) of the Act, the following conditions are imposed in relation to the care, control and management of Cowell Foreshore:
  - (a) the Council must not undertake any development of the Cowell Foreshore unless the development complies with terms and conditions approved by the Minister;
  - (b) the cost of maintenance and development of Cowell Foreshore and any other costs associated with its care, control or management must be borne by the Council;

- (c) the Council must indemnify the Minister against all claims for injury to or death of a person or loss of or damage to property occurring in connection with the Cowell Foreshore while it is under the care, control and management of the Council;
- (d) the Council must, in connection with any development of the Cowell Foreshore—
  - (i) comply with the *Native Title Act 1993* of the Commonwealth; and
  - (ii) bear all costs associated with complying with the *Native Title Act 1993* of the Commonwealth; and
  - (iii) indemnify the Minister against all claims or liabilities arising from the Council's development of the Cowell Foreshore including any entitlement to compensation arising under the *Native Title Act 1993* of the Commonwealth.

**Made by the Governor**

after consultation with the District Council of Franklin Harbour and with the advice and consent of the Executive Council  
on 29 August 2019



South Australia

# **Anangu Pitjantjatjara Yankunytjatjara Land Rights Variation Regulations 2019**

under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Regulations 2010***

- 4 Insertion of regulation 5
- 5 Electorates
- 5 Insertion of Schedule 1

#### **Schedule 1—Maps of electorates**

- 1 Map of electorates
  - 2 Map of electorate comprised of community groups of Pipalyatjara and Kalka
  - 3 Map of electorate comprised of community groups of Kanypi, Nyapari, Angatja and Watarru
  - 4 Map of electorate comprised of community groups of Amata and Tjurma
  - 5 Map of electorate comprised of community groups of Kaltjiti, Irintata and Watinuma
  - 6 Map of electorate comprised of community groups of Pukatja, Yunyarinyi, Anilalya and Turkey Bore
  - 7 Map of electorate comprised of community group of Mimili
  - 8 Map of electorate comprised of community groups of Iwantja, Amuruna, Railway Bore, Witjintitja and Wallatinna
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Variation Regulations 2019*.

### **2—Commencement**

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

### **3—Variation provisions**

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

## **Part 2—Variation of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Regulations 2010***

### **4—Insertion of regulation 5**

After regulation 4 insert:

#### **5—Electorates**

- (1) For the purposes of Schedule 3 clause 2(1) of the Act, the following electorates are constituted:
  - (a) the community groups of Pipalyatjara and Kalka;
  - (b) the community groups of Kanypi, Nyapari, Angatja and Watarru;
  - (c) the community groups of Amata and Tjurma;
  - (d) the community groups of Kaltjiti, Irintata and Watinuma;
  - (e) the community groups of Pukatja, Yunyarinyi, Anilalya and Turkey Bore;
  - (f) the community group of Mimili;
  - (g) the community groups of Iwantja, Amuruna, Railway Bore, Witjintitja and Wallatina.
- (2) For ease of reference, maps of the electorates setting out the community group or groups comprising the electorate are set out in Schedule 1.

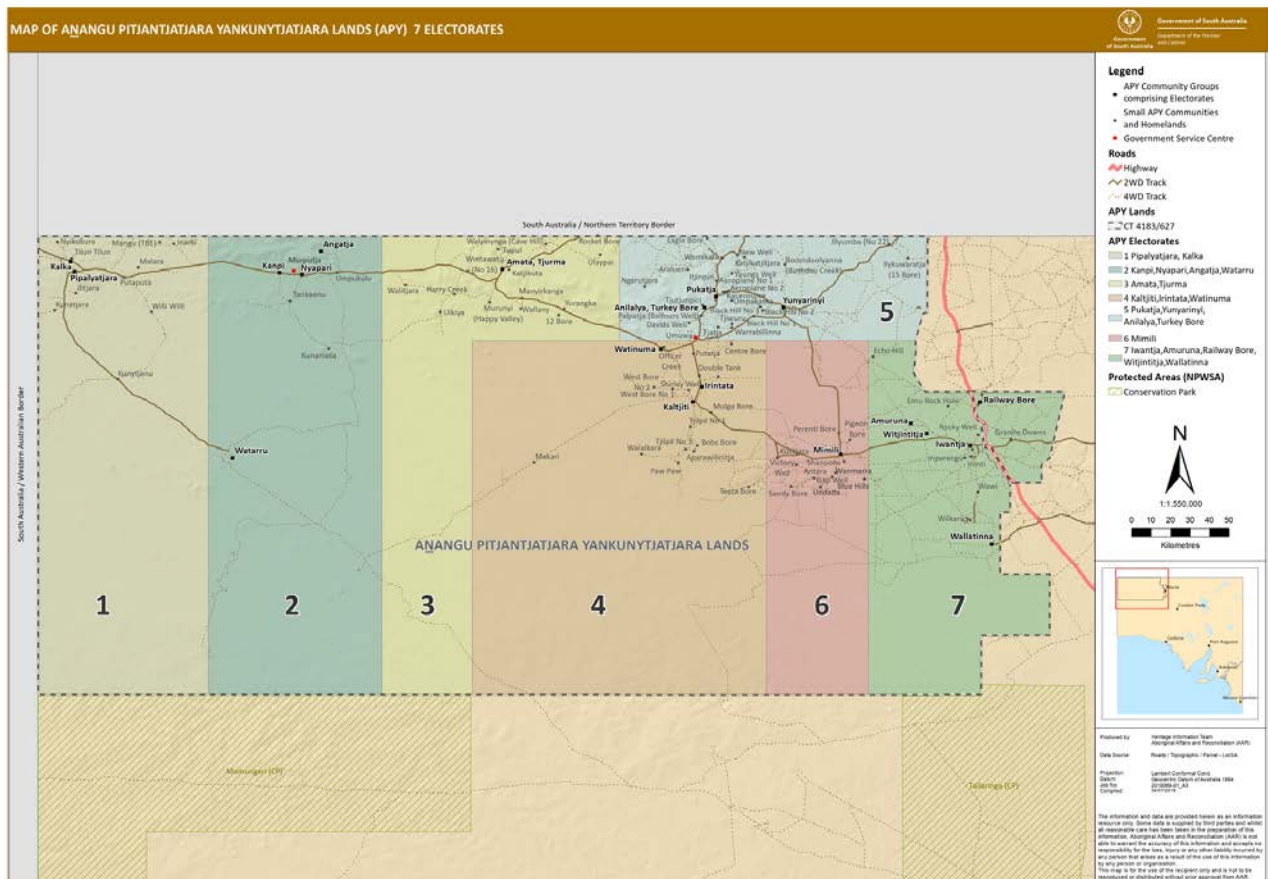
### 5—Insertion of Schedule 1

After regulation 5 insert:

## Schedule 1—Maps of electorates

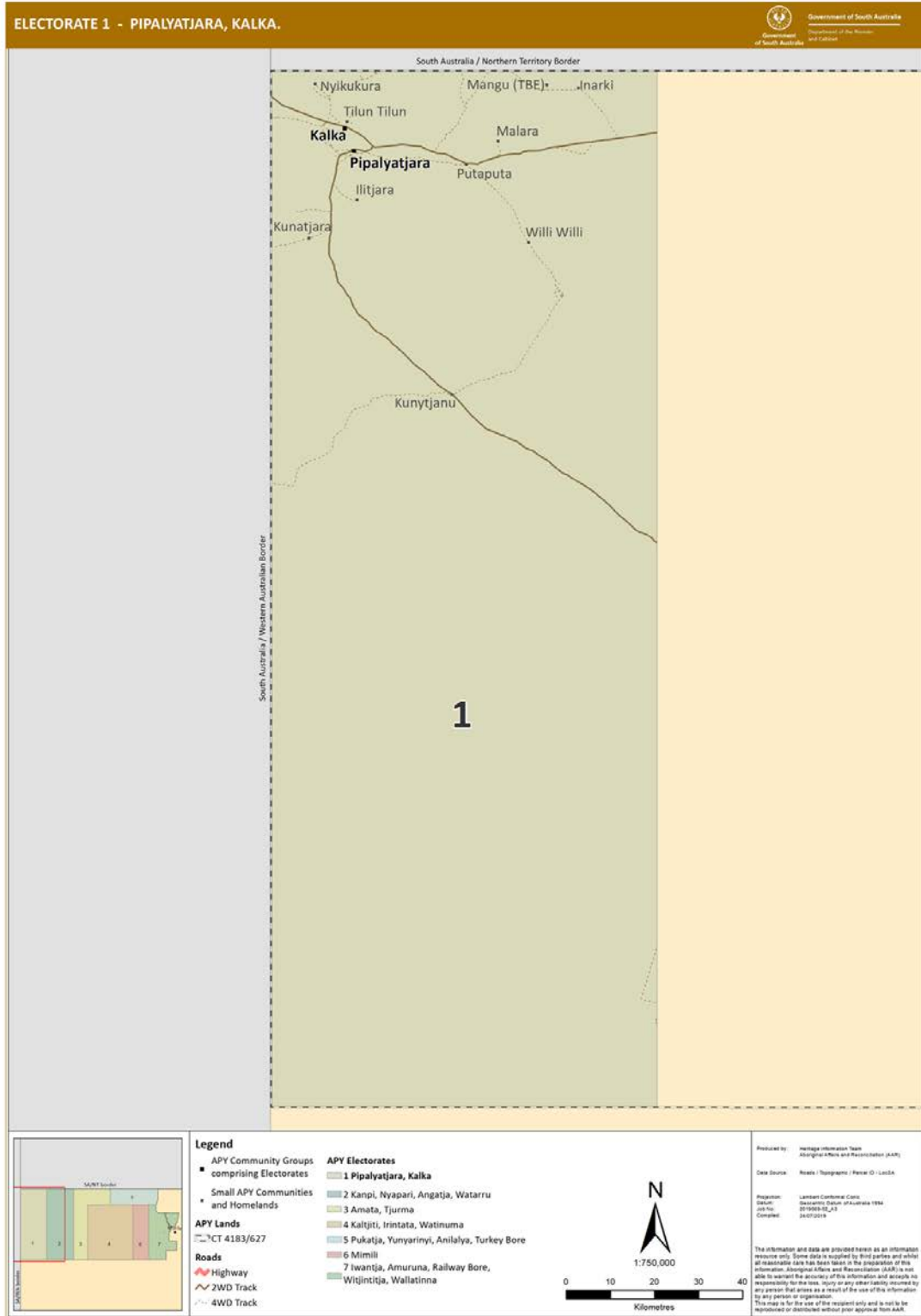
### 1—Map of electorates

The following map sets out the electorates referred to in regulation 5(1):



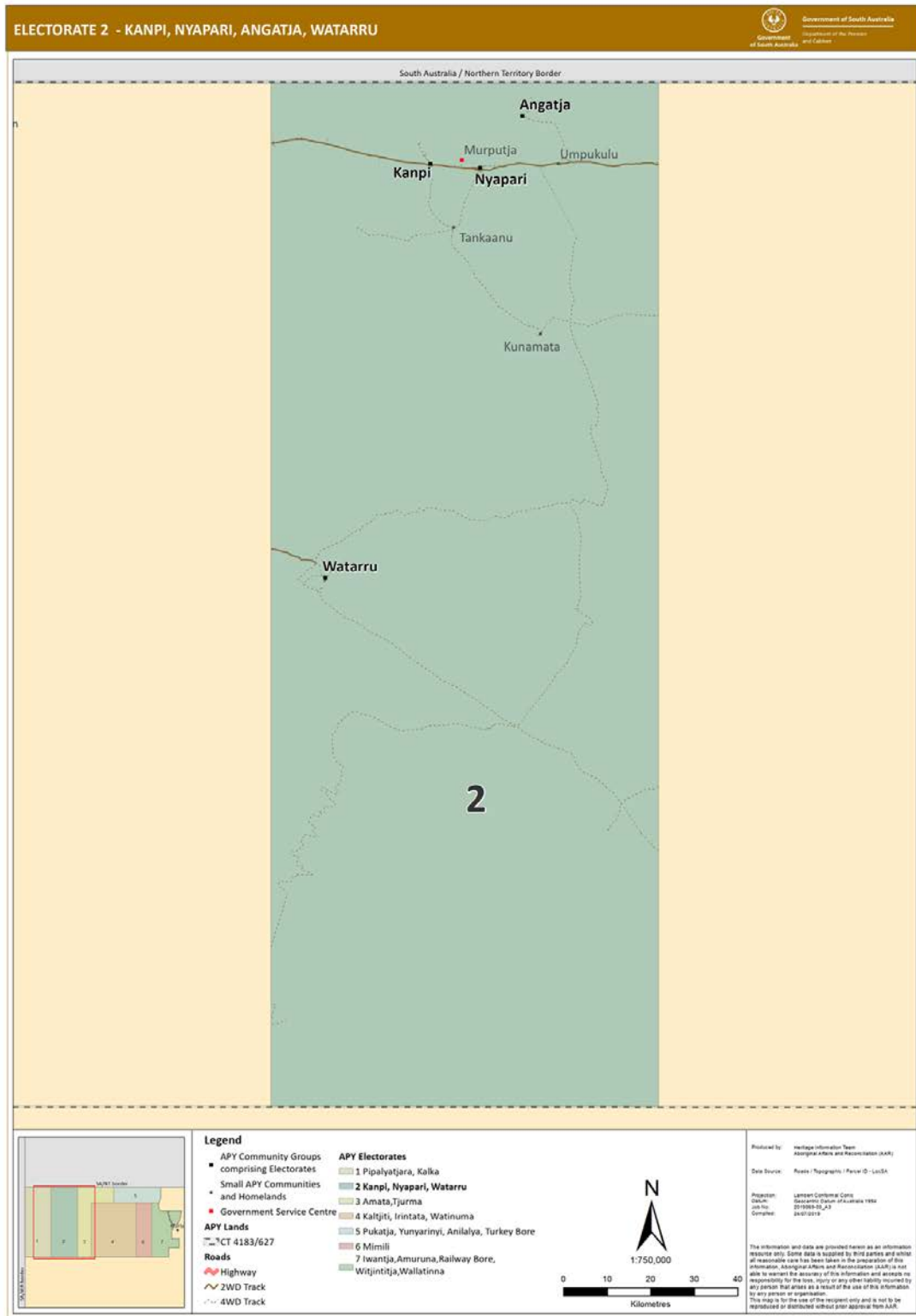
## 2—Map of electorate comprised of community groups of Pipalyatjara and Kalka

The following map sets out the electorate referred to in regulation 5(1)(a) comprised of the community groups of Pipalyatjara and Kalka:



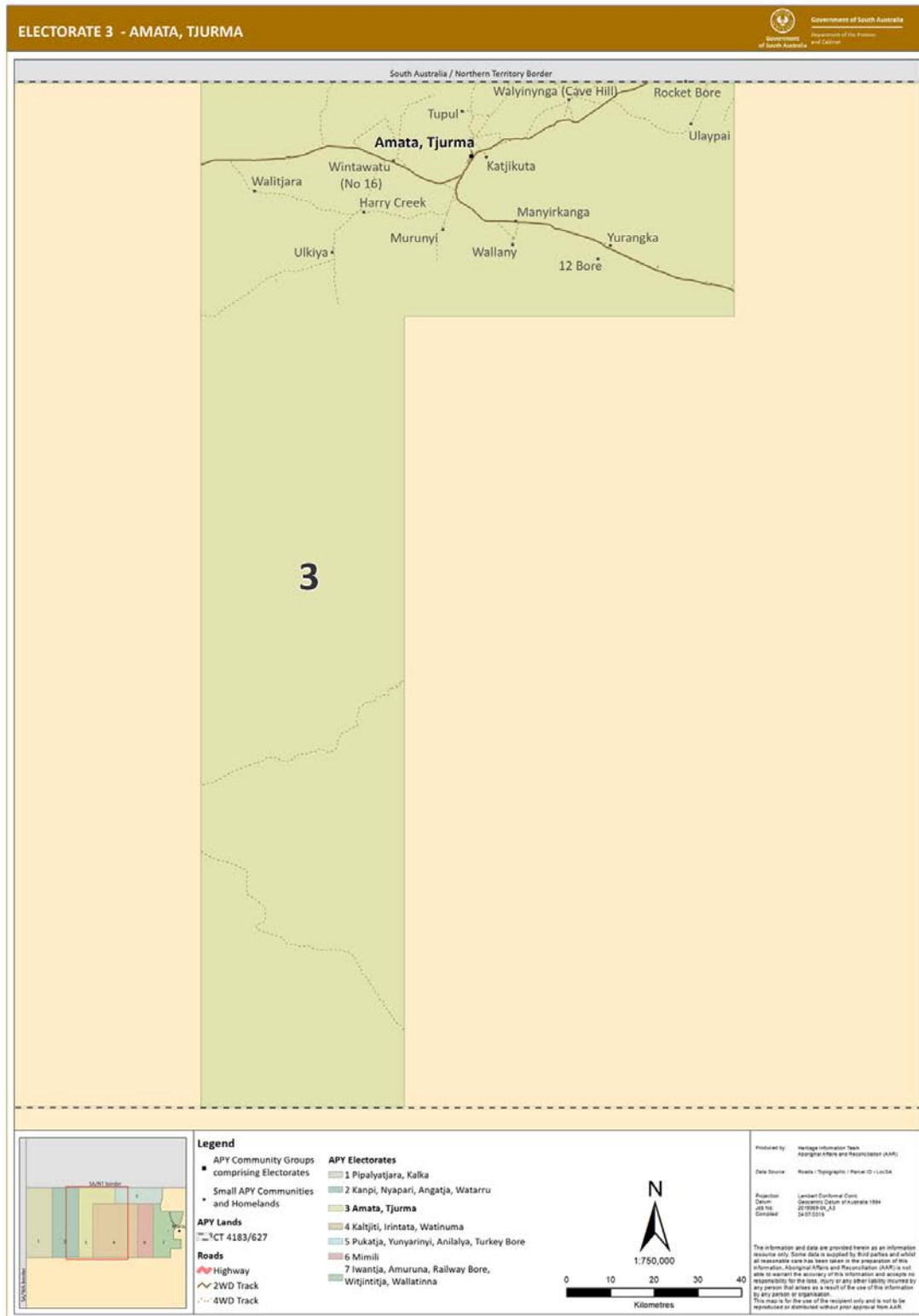
### 3—Map of electorate comprised of community groups of Kanypi, Nyapari, Angatja and Watarru

The following map sets out the electorate referred to in regulation 5(1)(b) comprised of the community groups of Kanypi, Nyapari, Angatja and Watarru:



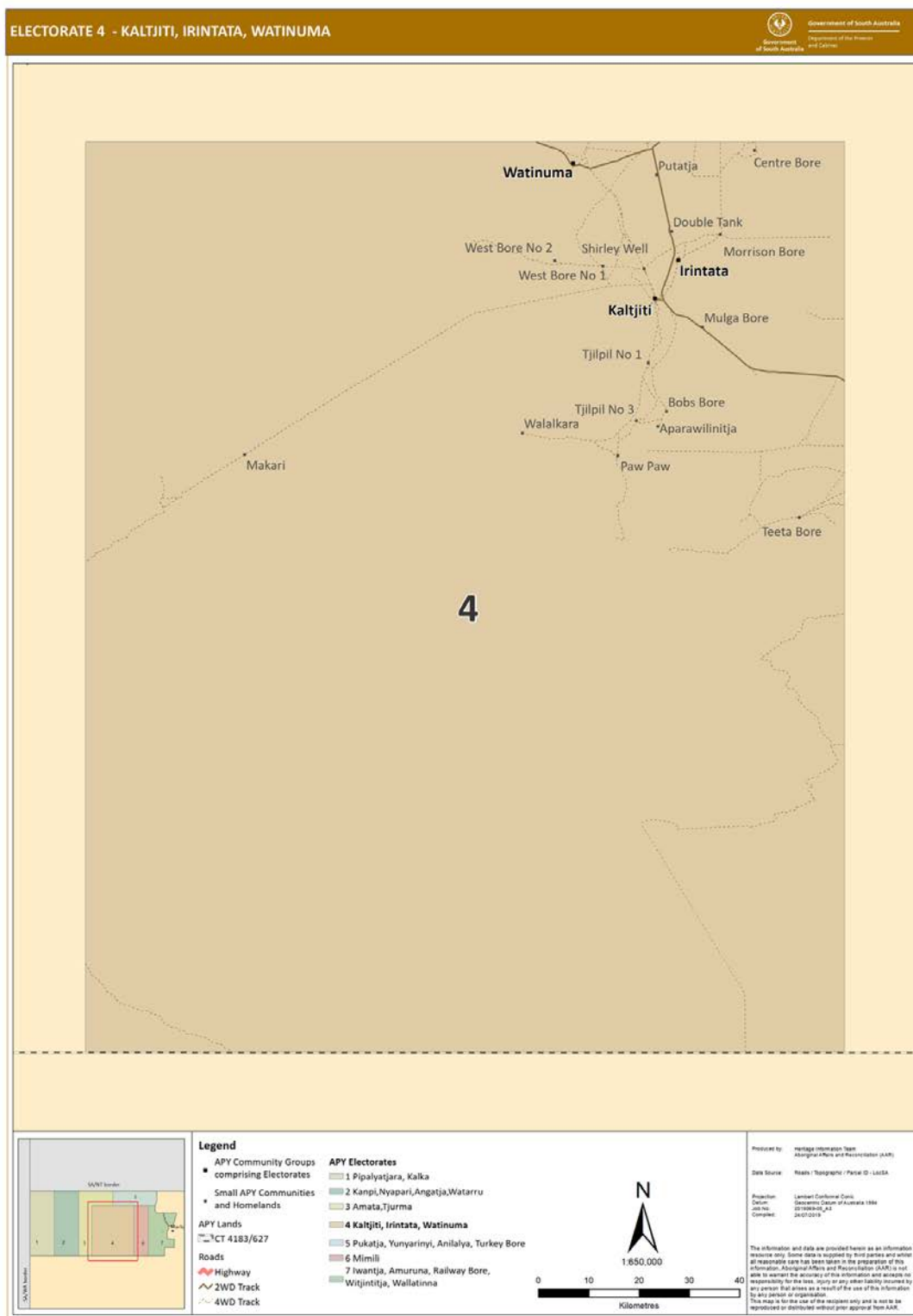
### 4—Map of electorate comprised of community groups of Amata and Tjurma

The following map sets out the electorate referred to in regulation 5(1)(c) comprised of the community groups of Amata and Tjurma:



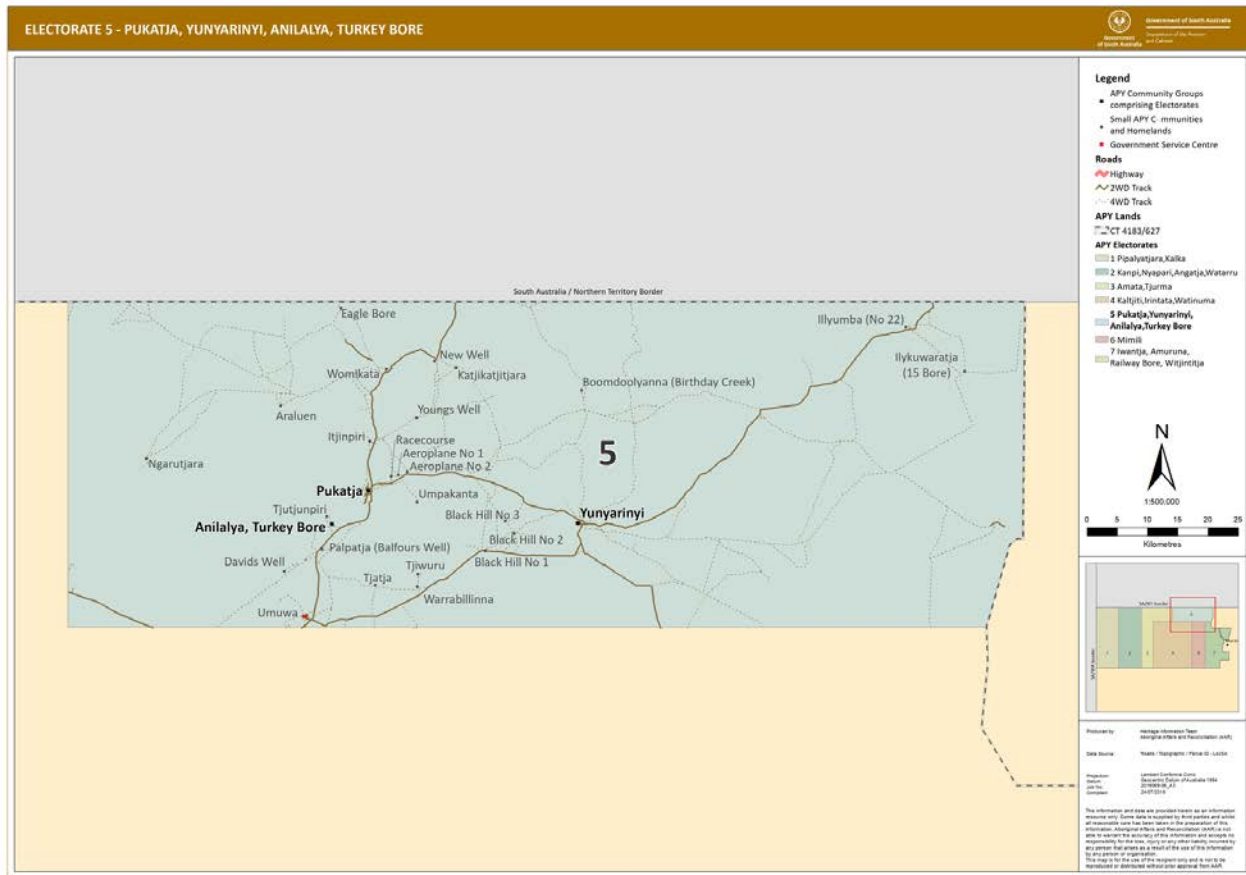
### 5—Map of electorate comprised of community groups of Kaltjiti, Irintata and Watinuma

The following map sets out the electorate referred to in regulation 5(1)(d) comprised of the community groups of Kaltjiti, Irintata and Watinuma:



### 6—Map of electorate comprised of community groups of Pukatja, Yunyarinyi, Anilalya and Turkey Bore

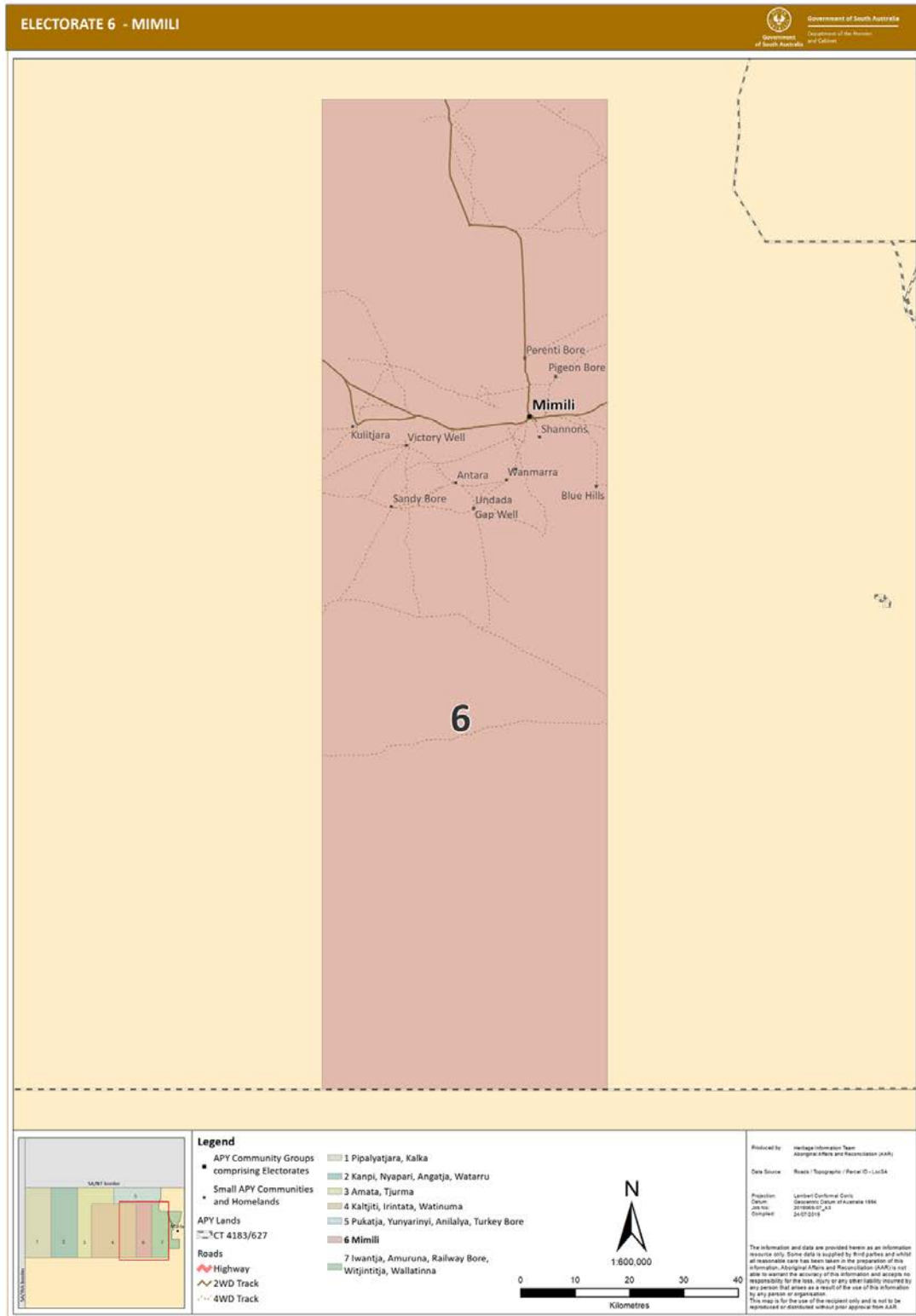
The following map sets out the electorate referred to in regulation 5(1)(e) comprised of the community groups of Pukatja, Yunyarinyi, Anilalya and Turkey Bore:





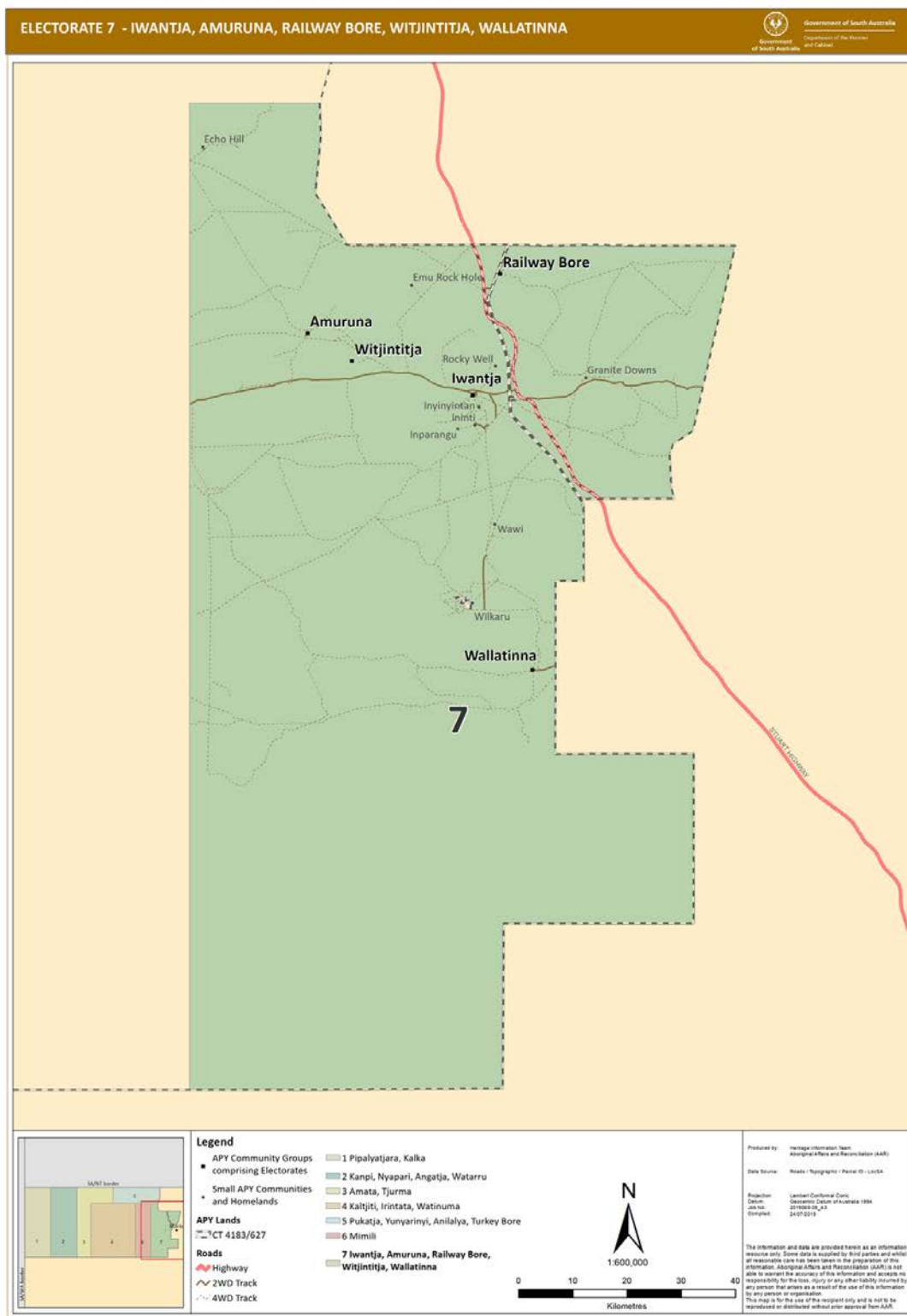
**7—Map of electorate comprised of community group of Mimili**

The following map sets out the electorate referred to in regulation 5(1)(f) comprised of the community group of Mimili:



### 8—Map of electorate comprised of community groups of Iwantja, Amuruna, Railway Bore, Witjintitja and Wallatinna

The following map sets out the electorate referred to in regulation 5(1)(g) comprised of the community groups of Iwantja, Amuruna, Railway Bore, Witjintitja and Wallatinna:



**Note—**

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

**Made by the Governor**

on the recommendation of the Minister, after consultation with the Executive Board and the returning officer, and with the advice and consent of the Executive Council  
on 29 August 2019

No 204 of 2019

South Australia

# Spent Convictions (Central Assessment Unit) Variation Regulations 2019

under the *Spent Convictions Act 2009*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### Part 2—Variation of *Spent Convictions Regulations 2011*

- 4 Variation of regulation 5B—Prescribed exclusions (Schedule 1 clause 9A of Act)
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Spent Convictions (Central Assessment Unit) Variation Regulations 2019*.

### 2—Commencement

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

### 3—Variation provisions

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

## Part 2—Variation of *Spent Convictions Regulations 2011*

### 4—Variation of regulation 5B—Prescribed exclusions (Schedule 1 clause 9A of Act)

- (1) Regulation 5B(1)(a)—delete paragraph (a) and substitute:
  - (a) in relation to the performance of a function or the exercise of a power by the central assessment unit—
    - (i) conducting a working with children check under the *Child Safety (Prohibited Persons) Act 2016*; or
    - (ii) conducting a screening check, or an NDIS worker check clearance or exclusion, under the *Disability Inclusion Act 2018*; or
    - (iii) undertaking an assessment of a person's relevant history within the meaning of the *Disability Services Act 1993* (whether under section 5B or 5C of that Act or otherwise);

- (2) Regulation 5B(1)(b)—delete "interstate authorised screening unit within the meaning of the *Children's Protection Regulations 2010*—undertaking an assessment of information (as authorised or required under a law of another State or Territory, or of the Commonwealth) about a person for the purpose of determining whether the person may, if appointed to, or engaged to act in, a position, pose a risk to the safety of children" and substitute:
- interstate screening unit—undertaking an assessment of information (as authorised or required under a law of another State or Territory, or of the Commonwealth) about a person for the purpose of determining whether the person may, if appointed to, or engaged to act in, a position, pose a risk to the safety of children or persons with disability
- (3) Regulation 5B(2)(a) and (b) —delete paragraphs (a) and (b) and substitute:
- (a) circumstances related to a working with children check of a person under the *Child Safety (Prohibited Persons) Act 2016*;
  - (b) circumstances related to a screening check, or NDIS worker check clearance or exclusion, of a person under the *Disability Inclusion Act 2018*;
  - (c) circumstances related to an assessment of a person's relevant history within the meaning of the *Disability Services Act 1993* (whether under section 5B or 5C of that Act or otherwise);
- (4) Regulation 5B(3)(a) and (b)—delete paragraphs (a) and (b) and substitute:
- (a) the central assessment unit;
  - (b) an interstate screening unit;
- (5) Regulation 5B—after subregulation (3) insert:
- (4) In this regulation—  
*central assessment unit* means the central assessment unit established under the *Child Safety (Prohibited Persons) Act 2016*;  
*interstate screening unit* means a person or body performing functions under a law of the Commonwealth, or another State or Territory, corresponding to the functions of the central assessment unit under the *Child Safety (Prohibited Persons) Act 2016*, the *Disability Inclusion Act 2018* or the *Disability Services Act 1993*.

**Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 August 2019

No 205 of 2019

## RULES OF COURT

## MAGISTRATES COURT OF SOUTH AUSTRALIA

*Amendment 78 to the Magistrates Court Rules 1992*

PURSUANT to section 49 of the *Magistrates Court Act 1991* and all other enabling powers, we, the undersigned, do hereby make the following amendments to the ***Magistrates Court Rules 1992*** as amended.

1. These Rules may be cited as the ‘*Magistrates Court Rules 1992 (Amendment 78)*’.
2. The *Magistrates Court Rules 1992* (‘the Rules’) as amended by these amendments apply to and govern all actions in the criminal division of the Court on and after the date on which suspended sections 7, 11 and 12 of the *Statutes Amendment (Domestic Violence) Act 2018* (No 38) commence.
3. Rule 18.05 is deleted and replaced as follows:
  - 18.05 An application to the Court for an Intervention Order must be supported by evidence which may consist of an affidavit in Form 45 or oral evidence in person or by video link. The Court must record the evidence and where possible keep an audio-visual record so that it can be available to the Court in later hearings.
4. Rule 18 is amended to insert the following after Rule 18.05:
  - 18.05AA An application to the Court for the making of an Intervention Order made by a police officer may also be supported by recorded evidence if permitted by the Court at an *ex parte* hearing or another hearing. Any such recorded evidence must be provided to the Court on a USB device delivered in a sealed envelope marked with the following identifying details: court file number or apprehension report number, the name of the defendant and witness, and the date the recording was made.
5. Rule 18.08A is amended to insert, after “supported by recorded evidence upon application to the Court”, “Any such recorded evidence must be provided to the Court on a USB device delivered in a sealed envelope marked with the following identifying details: court file number or apprehension report number, the name of the defendant and witness, and the date the recording was made.”
6. Rule 18.08AB is amended to insert, after “supported by recorded evidence upon application to the Court”, “Any such recorded evidence must be provided to the Court on a USB device delivered in a sealed envelope marked with the following identifying details: court file number or apprehension report number, the name of the defendant and witness, and the date the recording was made.”
7. Rule 26.16 is deleted and replaced as follows:
  - 26.16 If a party seeks to rely upon a recorded interview, pursuant to s 13BB of the *Evidence Act 1929*, they must disclose and serve an electronic copy on all other parties not less than 7 days before the pre-trial conference. An electronic copy of the transcript of the recording must be disclosed and served not less than 14 days before the trial. A recorded interview provided pursuant to s 13BB must be provided to the Court on a USB device delivered in a sealed envelope marked with the following identifying details: court file number or apprehension report number, the name of the defendant and witness, and the date the recording was made.

Dated: 26 August 2019

MARY-LOUISE HRIBAL  
Chief Magistrate

BRETT JONATHON DIXON  
Magistrate

MARK STEVEN SEMMENS  
Magistrate

BRIONY KENNEWELL  
Magistrate

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## CITY OF ONKAPARINGA

## DEVELOPMENT ACT 1993

*Old Reynella Former Winery Site Development Plan Amendment—Public Consultation*

Notice is hereby given that the City of Onkaparinga, pursuant to Sections 24 and 25 of the *Development Act 1993*, has prepared a Development Plan Amendment (DPA) to amend its Development Plan.

The City of Onkaparinga is proposing amendments to the Onkaparinga Council Development Plan to rezone a portion of the Old Reynella former winery site at Reynell Road and Panalatinga Road, Old Reynella.

This DPA is an Externally-Funded DPA initiated by the owners of the site, Tarac Properties Pty Ltd to amend the Development Plan to enable a greater range of land uses on the site, including residential. The DPA also seeks to provide adaptive re-use and better community access to the local and heritage listed items on the land.

**Community Engagement**

The community engagement period will extend from 2 September 2019 until 29 October 2019 inclusive.

Copies of the DPA will be available for public inspection during office hours at council offices and on our website [www.onkaparingacity.com/yoursay](http://www.onkaparingacity.com/yoursay).

**Written Submissions**

Visit [www.onkaparingacity.com/yoursay](http://www.onkaparingacity.com/yoursay) for information on how to make a submission.

Submissions will be received from 2 September 2019 until 11.59pm, 29 October 2019 and should be forwarded to:

- Old Reynella Former Winery Site DPA  
City of Onkaparinga, PO Box 1  
Noarlunga Centre SA 5168
- or email [developmentpolicy@onkaparinga.sa.gov.au](mailto:developmentpolicy@onkaparinga.sa.gov.au)

**Public Meeting**

Tuesday 5 November 2019, 7pm  
City of Onkaparinga, Noarlunga office  
Ramsay Place, Noarlunga Centre

Any interested person will have the opportunity to make a verbal submission at the Public Meeting. If no submissions are received, or no persons making a submission request to be heard, the Public Meeting may not be held.

**More Information**

To view the draft DPA and supporting material, visit [www.onkaparingacity.com/yoursay](http://www.onkaparingacity.com/yoursay)

Alternatively, contact Heidi Lacin, Development Policy Planner on 8384 0671 or email [developmentpolicy@onkaparinga.sa.gov.au](mailto:developmentpolicy@onkaparinga.sa.gov.au).

Dated: 20 August 2019

MARK DOWD  
Chief Executive Officer

## CITY OF PLAYFORD

## DEVELOPMENT ACT 1993

*Playford Health Precinct Development Plan Amendment - Public Consultation*

Notice is hereby given that the City of Playford pursuant to sections 24 and 25 of the *Development Act 1993*, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The Amendment proposes to change the Development Plan by rezoning additional land near to the Lyell McEwin Hospital as Suburban Activity Node Zone. The intention is to establish a significant health and innovation precinct to service the greater northern region and City of Playford. The rezoning of more land is intended to provide the opportunity for development such as health, allied health and related education and research facilities to establish in the vicinity of the Lyell McEwin Hospital.

The DPA report will be on public consultation from 29 August 2019 until 25 October 2019.

Copies of the DPA report are available during normal office hours at Customer Service at the Playford Civic Centre, 10 Playford Boulevard, Elizabeth. Alternatively the DPA report and additional information can be viewed on the Internet at <https://playfordengagementhub.com.au>

Written submissions regarding the DPA should be submitted no later than 5.00 pm on 25 October 2019. All submissions should be addressed to the CEO, City of Playford, 12 Bishopstone Road, Davoren Park, SA 5013 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you wish to lodge your submission electronically, please email it to [playford@playford.sa.gov.au](mailto:playford@playford.sa.gov.au)

Copies of all submissions will be available for inspection at The Playford Operations Centre, 12 Bishopstone Road, Davoren Park from 28 October 2019 until the conclusion of the public hearing.

A public hearing will be held on 12 November 2019 at 7pm at the Playford Civic Centre 10 Playford Boulevard, Elizabeth at which time interested persons may be heard in relation to the DPA and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like further information about the DPA, contact Paul Johnson, 8256 0333 or by e-mail [playford@playford.sa.gov.au](mailto:playford@playford.sa.gov.au)

Dated: 29 August 2019

SAM GREEN  
Acting Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
**PERMITS AND PENALTIES BY-LAW 2019**  
**By-law No. 1 of 2019**

This 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 2019* and is By-law No. 1 of the Port Augusta City 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 operation<sup>1</sup>:
    - 4.1.1 By-Law No.1 – Permits and Penalties 2012.<sup>2</sup>
  - 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

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

Note-

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

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

**PART 2 – PERMITS AND PENALTIES**

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



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

**Note-**

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.  
Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
**MOVEABLE SIGNS BY-LAW 2019**  
**By-law No. 2 of 2019**

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

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Moveable Signs By-law 2019* and is By-law No. 2 of the Port Augusta City 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's area;
    - 3.3 to prevent nuisances occurring on roads;
    - 3.4 to prevent unreasonable interference with the use of a road; and
    - 3.5 for the good rule and government of the Council's area.
  4. **Commencement, revocation and expiry**
    - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
      - 4.1.1 By-Law No.2 – Moveable Signs 2012.<sup>2</sup>
    - 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>
- 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 2019*.
    - 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 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
    - 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure and includes a feather banner;
    - 6.4 **business premises** means the premises from which a business, trade or calling is conducted.
    - 6.5 **Council** means the Port Augusta City Council;
    - 6.6 **footpath area** means:
      - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
      - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
    - 6.7 **Local Government land** means 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 *Local Government Act 1999*;

- 6.9 **road** has the same meaning as in the *Local Government Act 1999*;  
 6.10 **road related area** has the same meaning as in the *Road Traffic Act 1961*; and  
 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

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

A moveable sign displayed on a road must:

- 7.1 be of kind known as an 'A frame' or 'sandwich board' sign, an 'inverted T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;
- 7.4 not have sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not contain flashing parts or rotate;
- 7.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.8 not have balloons, flags, streamers or other material attached to it;
- 7.9 not exceed 900mm in perpendicular height, or have a base with any side exceeding 600mm in length and 600mm in depth;
- 7.10 not have a display area exceeding one square metre in total, or, if the sign is two-sided, one square metre on each side;
- 7.11 in the case of an 'A' frame or sandwich board sign:  
 7.11.1 be hinged or joined at the top; and  
 7.11.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.12 in the case of an 'inverted T' sign, not contain struts or supports that run between the display area and the base of the sign.

**8. Appearance**

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

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the moveable sign, and which relate well to the townscape and overall amenity of the locality in which it is situated; and
- 8.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

**9. Placement**

A moveable sign must:

- 9.1 only be positioned on the footpath area of a road;
- 9.2 be adjacent to the business premises to which it relates;
- 9.3 be placed no closer than 400mm from the edge of the carriageway of a road;
- 9.4 in the case of a flat sign, must be in line with and against the property boundary of the road;
- 9.5 not be placed less than 1.8 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.6 not be fixed, tied, chained to or leant against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.7 not be placed on the sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of a width of at least 1.8 metres;
- 9.8 not be placed on a landscaped area;
- 9.9 be placed on a designated parking area or within 1.8 metres of an entrance to or exit from premises;
- 9.10 not be placed on a footpath area that is less than 1.8 metres wide;
- 9.11 not be placed on a footpath area with a minimum height clearance, of a structure above it of less than 2 metres;
- 9.12 not be placed so as to interfere with the reasonable movement of persons or vehicles using the road;
- 9.13 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, be placed resting against the premises of the business to which the moveable sign relates;
- 9.14 not be placed within 2 metres of an intersection of two or more roads;
- 9.15 not be placed in such a position or in such circumstances that:  
 9.15.1 it compromises the safety of any person or places a person at risk of harm; or

- 9.15.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

#### 10. Restrictions

- 10.1 A moveable sign must:
- 10.1.1 only display content advertising a business being conducted on premises that is immediately adjacent to the moveable sign or, the products available from that business;
- 10.1.2 be limited in number to one moveable sign per business premises;
- 10.1.3 only be displayed when the business to which the Moveable Sign relates is open; and
- 10.1.4 not be displayed during the hours of darkness unless it is in a clearly lit area and clearly visible.
- 10.2 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.3 If in the opinion of the Council a road 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. Banners

A banner must:

- 11.1 only be displayed on a road in areas approved by the Council for that purpose;
- 11.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 11.3 not be displayed more than one month before and two days after the event it advertises;
- 11.4 not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 11.5 not exceed 3 square meters in size.

#### 12. Moveable Signs on Vehicles

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

#### 13. Exemptions

- 13.1 Subclauses 10.1 and 10.2 of this By-law do not apply to a moveable sign which:
- 13.1.1 advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises; or
- 13.1.2 is a directional sign to a short term (less than three days) event run by a community organisation or charitable body;
- 13.2 Subclauses 10.1 and 10.2 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.
- 13.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

#### Note-

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

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

### PART 3 – ENFORCEMENT

#### 14. Removal of moveable signs

- 14.1 If:
- 14.1.1 the design or construction or position of a movable sign that has been placed on a road does not comply with a requirement of this By-law; or
- 14.1.2 any other relevant requirement of this By-law is not complied with;
- 14.1.3 a moveable sign unreasonably:
- 14.1.3.1 restricts the use of the road; or
- 14.1.3.2 endangers the safety of members of the public –
- an authorised person may order the owner of the sign to remove the sign from the road.
- 14.2 A person must comply with an order of an authorised person made pursuant to subclause 14.1 of this By-law.
- 14.3 If the authorised person cannot find the owner, or the owner fails to comply with the order, the authorised person may remove the moveable sign.

- 14.4 If a moveable sign that is removed pursuant to clause 14.3 of this by-law, is not claimed within thirty days of such removal, the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 14.5 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.
- 14.6 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 14.6.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 14.6.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 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 Port Augusta City Council held on the **13 August** 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
LOCAL GOVERNMENT LAND BY-LAW 2019  
**By-law No. 3 of 2019**

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

**PART 1 – PRELIMINARY**

- 1. Title**  
This By-law may be cited as the *Local Government Land By-law 2019* and is By-law No. 3 of the Port Augusta City Council.
- 2. Authorising law**  
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**  
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council'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 operation<sup>1</sup>:
- 4.1.1 By-law No. 3 – Local Government Land 2012.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>
- 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 2019*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.3, 9.7, 9.10.1, 9.10.4, 9.11.2, 9.27.1, 9.27.3, 9.27.5, 9.29.2, 9.40, 10.3 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 9.5.3, 9.10.3, 9.10.5, 9.16.2, 9.26.2 and 9.36 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, or a caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.8 **Council** means the Port Augusta City Council;
- 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12 **foreshore** means (as the case may be) land (regardless of whether or not it is Local Government land):
- 6.12.1 extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance); or
- 6.12.2 extending from the edge of any other navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 **low water mark** means the lowest meteorological tide;
- 6.17 **motor home** means a recreational self-contained vehicle which is not a caravan but includes electrical and plumbing facilities;
- 6.18 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.19 **open container** means a container which after the contents of the container have been sealed at the time of manufacture:
- 6.19.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.19.2 being a can, it has been opened or punctured;
- 6.19.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.19.4 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
- 6.19.5 is a flask, glass, mug or other container able to contain liquid.
- 6.20 **personal watercraft** means a device that –
- 6.20.1 is propelled by a motor; and
- 6.20.2 has a fully enclosed hull; and
- 6.20.3 is designed not to retain water if capsized; and
- 6.20.4 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;
- 6.21 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.22 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.23 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and
- 6.24 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

### Note-

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

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

Pursuant to section 238(7) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

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

**8. Closed lands**

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

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

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

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

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

**9.1 Advertising**

Display, paint or erect or cause to be displayed, painted or erected, on Local Government Land or a structure, building or fixture on Local Government Land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose unless the sign is authorised under the Council's *Moveable Signs By-law No. 2*.

**9.2 Aircraft**

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

**9.3 Alcohol**

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

**9.4 Amplification**

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

**9.5 Animals**

- 9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land.
- 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land.
- 9.5.3 Lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

**9.6 Annoyance**

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

- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises, by making noise or creating a disturbance.

**9.7 Aquatic Life**

Introduce any aquatic life to any waters to which the Council has resolved this clause applies.

**9.8 Attachments**

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

**9.9 Bees**

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

**9.10 Boats & Mooring**

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

- 9.10.1 launch or retrieve a boat to or from any waters adjacent to or on any Local Government land or foreshore to which the Council has determined this subclause applies;
- 9.10.2 launch or retrieve a boat from or to the foreshore without using a boat ramp constructed and set aside by the Council for that purpose;
- 9.10.3 propel, float or otherwise use a boat on or in any waters except:

- 9.10.3.1 in an area to which the Council has determined this subclause applies; and  
9.10.3.2 in accordance with any conditions that the Council may have determined by resolution apply to that use.
- 9.10.4 hire out a boat or otherwise use a boat for commercial purposes on any waters to which the Council has determined this clause applies; or
- 9.10.5 moor a boat on any waters or on or to Local Government land except:
- 9.10.5.1 upon waters or on or to Local Government land that the Council has determined this subclause applies; and  
9.10.5.2 other than in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.11 **Boat Ramps**
- 9.11.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.11.2 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land to which the Council has determined this subclause applies.
- 9.11.3 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land as determined by the Council under subclause 9.11.2, other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp.
- 9.12 **Bouncy Castle**  
Erect a bouncy castle or other similar structure that requires inflation.
- 9.13 **Bridge Jumping**  
Jump or dive from a bridge, jetty or wharf on Local Government land.
- 9.14 **Buildings**  
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.15 **Burials and Memorials**
- 9.15.1 Bury, inter or spread the ashes of any human or animal remains.  
9.15.2 Erect any memorial.
- 9.16 **Camping and Tents**
- 9.16.1 Subject to this subclause 9.16, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.16.2 Camp or sleep overnight on Local Government land except:
- 9.16.2.1 in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or  
9.16.2.2 on an area which has been designated by resolution of the Council for that purpose and only then in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.17 **Canvassing**  
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.18 **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.
- 9.19 **Distribution**  
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.20 **Donations**  
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.21 **Entertainment and Busking**
- 9.21.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.  
9.21.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.22 **Equipment**  
Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 9.23 **Fires**  
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.23.1 in a place provided by the Council for that purpose; or  
9.23.2 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.

- 9.24 **Fireworks**  
Ignite or discharge any fireworks.
- 9.25 **Flora and Fauna**  
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.25.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.25.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.25.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.25.4 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;
- 9.25.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.25.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.25.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.25.8 collect or burn any timber or dead wood –  
with the exception that subclauses 9.25.4 and 9.25.7 do not apply to lawful fishing activities.
- 9.26 **Foreshore**
- 9.26.1 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.26.2 Drive or propel a vehicle on the foreshore except where the Council has determined this clause applies.
- 9.26.3 Hire out a boat on or from the foreshore.
- 9.27 **Games & Sport**
- 9.27.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.27.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.27.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.27.4 Play or practise the game of golf on Local Government Land to other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its agent) that apply to such play or practice.
- 9.27.5 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 and indicated on a sign on or in the vicinity of the land.
- 9.28 **Interference with Land**  
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.28.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.28.2 erecting or installing a structure in, on, across, under or over the land;
- 9.28.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.28.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.28.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.29 **Model Aircraft, Boats and Cars**  
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.29.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.29.2 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.
- 9.30 **Overhanging Articles or Displaying Personal Items**  
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 9.31 **Playing Area**  
Use or occupy a playing area:



- 9.31.1 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);
- 9.31.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.31.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.32 **Pontoons**  
Install or maintain a pontoon, jetty or similar structure in any waters.
- 9.33 **Preaching**  
Preach, harangue or solicit for religious or charitable purposes.
- 9.34 **Ropes**  
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.35 **Rubbish and Rubbish Dumps**
  - 9.35.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land.
  - 9.35.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government Land, or placed on Local Government Land for collection by the Council (or its agent).
- 9.36 **Swimming**  
Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or bathe in any waters on Local Government land except:
  - 9.36.1 in an area which the Council has designated and set aside for such purposes; and
  - 9.36.2 in accordance with any conditions that the Council may have determined by resolution apply to such use, which are exhibited on any signage on land adjoining the body of water.
- 9.37 **Trading**
  - 9.37.1 Sell buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
  - 9.37.2 Carry on any business or promote or advertise the same.
  - 9.37.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.38 **Vehicles**
  - 9.38.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
  - 9.38.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
  - 9.38.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.39 **Weddings, Functions and Special events**
  - 9.39.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
  - 9.39.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
  - 9.39.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.40 **Wheeled Recreational Devices**  
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
- 10. **Prohibited activities**  
A person must not do any of the following on Local Government land.
  - 10.1 **Animals**
    - 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
    - 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
    - 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
  - 10.2 **Equipment**  
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
  - 10.3 **Fishing**  
Fish in any waters to which the Council has determined this subclause applies.
  - 10.4 **Glass**  
Willfully break any glass, china or other brittle material.

- 10.5 **Interference with Permitted Use**  
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.6 **Nuisance**  
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person.
- 10.7 **Obstruction**  
Unreasonably obstruct:  
10.7.1 any path in or on Local Government land; or  
10.7.2 any door entrance stairway or aisle in any building in or on Local Government land; or  
10.7.3 any gate or entrance to, in or on Local Government land.
- 10.8 **Playing games**  
Play or practise a game:  
10.8.1 which is likely to cause damage to the land or anything on it; or  
10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9 **Sand Dunes, Coastal Slopes and Cliffs**  
10.9.1 Use a sand board or other item to slide down a sand dune, coastal slope or cliff.  
10.9.2 Destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope.  
10.9.3 Destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff.  
10.9.4 Introduce non-indigenous flora or fauna or dump any material in a sand dune;  
10.9.5 Carry out any other activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.
- 10.10 **Smoking**  
Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.
- 10.11 **Solicitation**  
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing objects**  
Throw roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**  
In any public convenience on Local Government land:  
10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;  
10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;  
10.13.3 use it for a purpose for which it was not designed or constructed;  
10.13.4 enter a toilet that is set aside for use of the opposite gender except:  
(a) where a child under the age of eight years is accompanied by a parent or adult guardian of that gender; or  
(b) to provide assistance to a person with a disability; or  
(c) in the case of a genuine emergency.
- 10.14 **Waste**  
10.14.1 Deposit or leave thereon anything obnoxious or offensive.  
10.14.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

**PART 4 – ENFORCEMENT****11. Directions**

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

**12. Orders**

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

**Note-**

Section 262(1) of the Act states:

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

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

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

### 13. Removal of animals and objects

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

## PART 5 – MISCELLANEOUS

### 14. Exemptions

- 14.1 The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of or in accordance with a direction from a Council officer.
- 14.2 The restrictions in subclauses 9.17 and 9.19 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to and occurs during the course of and for the purpose of a referendum.

### 15. Liability of vehicle owners

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

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on the 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

## PORT AUGUSTA CITY COUNCIL ROADS BY-LAW 2019 By-law No. 4 of 2019

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

### PART 1 – PRELIMINARY

1. **Title**  
This By-law may be cited as the *Roads By-law 2019* and is By-law No. 4 of the Port Augusta City Council.
2. **Authorising law**  
This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.
3. **Purpose**  
The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.
4. **Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
- 4.1.1 By-Law No. – Roads 2012.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

#### 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 2019*.  
 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.  
 5.3 Subclauses 7.3.1 and 7.4.2 of this By-law applies throughout the Council's area except in such part or parts as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

#### 6. Interpretation

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

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

#### Note-

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

### PART 2 – USE OF ROADS

#### 7. Activities requiring permission

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

- 7.1 **Advertising**  
 Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law No. 2*.
- 7.2 **Amplification**  
 Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.
- 7.3 **Animals**  
 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.  
 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.4 **Camping and Tents**  
 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.  
 7.4.2 Camp or remain overnight except:  
 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and  
 7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.
- 7.5 **Obstructions**  
 Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
- 7.6 **Preaching**  
 Subject to clause 11.2, preach, harangue, solicit or canvass for religious or charitable purposes.
- 7.7 **Public Exhibitions and Displays**  
 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.  
 7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.  
 7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.  
 7.7.4 Cause any public exhibitions or displays.

7.8 **Soliciting**  
Subject to clause 11.2, ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

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

**Note-**

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

**PART 3 – ENFORCEMENT**

**8. Directions**

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

**9. Orders**

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

**Note-**

Section 262(1) of the Act states:

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

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

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

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

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

**10. Removal of animals and objects**

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

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

**PART 4 – MISCELLANEOUS**

**11. Exemptions**

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

11.2 The restrictions in clause 7.6 and 7.8 of this By-law do not apply to electoral matter authorised by a candidate and which is:

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

**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 Port Augusta City Council held on 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
DOGS BY-LAW 2019  
**By-law No. 5 of 2019**

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

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Dog By-law 2019* and is By-law No. 5 of the Port Augusta City 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's area:

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

**4. Commencement, revocation and expiry**

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

4.1.1 By-Law No. 5 – Dogs 2012.<sup>2</sup>

4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

**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 2019*.

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

5.3 Subclauses 9.1 and 10.2, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board;
- 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 Port Augusta City Council;
- 6.6 **detached dwelling, row dwelling** and **semi-detached dwelling** have the same meanings as in the *Development Act 1993*;
- 6.7 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.8 **effective control** means a person exercising effective control of a dog either:
  - 6.8.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - 6.8.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.9 **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, whether used or occupied for domestic or non-domestic purposes;
- 6.12 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
  - 6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or
  - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.13 **small dwelling** means a self-contained residence that is:
  - 6.13.1 a residential flat building;
  - 6.13.2 contained in a separate strata unit;
  - 6.13.3 on an allotment less than 400 square metres in area; or
  - 6.13.4 without a secure yard of at least 100 square metres in area;
- 6.14 **working dog** means a dog-
  - 6.14.1 usually kept, proposed to be kept or worked on rural land by a person who is—
    - a. a primary producer; or
    - b. engaged or employed by a primary producer; and

- 6.14.2 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 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

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

- 7.1 Subject to 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 more than one dog in premises that comprise a small dwelling;
- 7.1.2 more than two dogs in premises other than a small dwelling;
- 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 business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

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

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

**Note-**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner 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 Local Government land or a public place to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played; unless the dog is under effective control by means of a leash.

**10. Dog prohibited areas**

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

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

**11. Dog faeces**

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

**PART 4 – EXEMPTIONS****12. Council may grant exemptions**

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

**PART 5 – ENFORCEMENT****13. Orders**

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

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

**Note-**

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

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

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
 Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
**WASTE MANAGEMENT BY-LAW 2019**  
**By-law No. 6 of 2019**

A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.

**PART 1 – PRELIMINARY**

- 1. Title**  
 This By-law may be cited as the *Waste Management By-law 2019* and is By-law No. 6 of the Port Augusta City Council.
- 2. Authorising law**  
 This By-law is made under sections 238, 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:  
 3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste;  
 3.2 to prevent damage to Council property and land;  
 3.3 to define the requirements for the use of Council's domestic kerbside waste collection service;  
 3.4 to protect the convenience, comfort and safety of members of the public;  
 3.5 to enhance the amenity of the Council area; and  
 for the good rule and government of the Council area.
- 4. Commencement and Expiry**  
 This By-law will commence in accordance with section 249(5) of the Act and will expire on 1 January 2027.
- 5. Application**  
 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.  
 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 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;  
 6.3 **Council** means the Port Augusta City Council;  
 6.4 **Council Landfill Site** means any land used by the Council for the purposes of the receipt and management of waste;  
 6.5 **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other materials approved by the Council;  
 6.6 **Green Organics Container** means a 240 litre container (with green lid) for the disposal of Green Organics (maximum weight 75kg) or any other container that is approved by the Council for this purpose;  
 6.7 **Hard Waste** means any internal or external domestic items such as (but not limited to) fridges, television sets, and mattresses but excludes any Domestic Waste or other items as may be specified by the Council and noted on its website;  
 6.8 **Domestic Waste** means any kind of domestic and kitchen waste generated from residences including, but not limited to, broken crockery, clothing and material, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;



- 6.9 **Domestic Waste Container** means a 140 litre container (with red lid) for the disposal of Domestic Waste (maximum weight 75kg) or any other container that is approved by the Council for this purpose;
- 6.10 **Recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and any other materials approved by the Council;
- 6.11 **Recyclables Container** means a 240 litre container (with yellow lid) for the reception of Recyclables (maximum weight 75kg) or any other container that is approved by the Council for this purpose;
- 6.12 **Road** has the same meaning as in the *Local Government Act 1999*;
- 6.13 **Waste** means Domestic Waste, Recyclables and Green Organics; and
- 6.14 **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.

**7. Provide Containers**

An occupier of domestic premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container and a Green Waste Container (where the service is provided) in accordance with this by-law.

**8. Management of Waste Collection Services**

An occupier of domestic premises must:

**8.1 Domestic Waste**

- 8.1.1 ensure that the Domestic Waste Container kept on the premises is approved by the Council; and
- 8.1.2 not place, cause, suffer or permit any waste other than Domestic Waste to be in a Domestic Waste Container; and

**8.2 Recyclables**

- 8.2.1 ensure that the Recyclables Container kept on his or her premises is approved by the Council; and
- 8.2.2 not place, cause, suffer or permit waste other than Recyclables to be in a Recyclables Container; and

**8.3 Green Organics**

- 8.3.1 ensure that any Green Organics Container kept on his or her premises is approved by the Council;
- 8.3.2 not place, cause, suffer or permit waste other than Green Organics to be in a Green Organics Container; and

**8.4 Keep Container Clean**

cause each Waste Container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times; and

**8.5 Sealing of Container**

cause each Waste Container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container; and

**8.6 Damage**

ensure that each Waste Container thereon is maintained, repaired or replaced (as necessary) so that it is not damaged or worn to the extent that:

- 8.6.1 it is not robust or watertight;
- 8.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 8.6.3 the lid does not seal on the container when closed; or

**8.7 Collection Services**

- 8.7.1 facilitate the collection and removal of waste from the premises by ensuring all Waste Containers thereon that contain waste for collection are placed on the road for collection by the Council its agents or contractors:
- 8.7.1.1 on the day appointed by the Council for the collection of Waste from those premises or the night before (and not before these times); and
- 8.7.1.2 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises or in any other position as may otherwise be approved of directed by the Council; and
- 8.7.2 remove all Waste Containers from the road on the same day as the collection of Waste has occurred; and

**8.8 Waste**

not place any Waste Container on the road for collection by the Council its agents or contractors unless the Waste Container contains only the type of Waste that is permitted to be disposed of in that Waste Container; and

**8.9 Hard Waste**

not place any Hard Waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or on the Council's website.

**9. Interference with Waste Containers**

A person must not, without the Council's permission, remove, disburse or interfere with any Waste, or Hard Waste that has been placed on a road or in a Waste Container on a road for the apparent purpose of collection by the Council, its agents or contractors.

**10. Council Landfill Sites**

A person must not, without the permission of the Council, remove any material, be it Waste or otherwise, from a Council Landfill Site.

**PART 2 – ENFORCEMENT****11. 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.

**12. Exemptions**

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course of 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.

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on the 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**

CATS BY-LAW 2019

**By-law No. 7 of 2019**

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 2019* and is By-law No. 7 of the Port Augusta City Council.

**2. Authorising law**

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

**3. Purpose**

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

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

**4. Commencement, revocation and expiry**

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

4.1.1 By-law No. 7 – Cats 2012.<sup>2</sup>

4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

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 2019*.

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

- 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; or
- 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or
- 6.6.3 acts in a manner that is injurious to a person's real or personal property; or
- 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 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and
- 6.9 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

**Note-**

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

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

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

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

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

**9. Registration of cats**

- 9.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 9.2 An application for registration of a cat must:
- 9.2.1 be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and
- 9.2.2 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
- 9.2.3 identify with reference to an address the premises at which the cat is kept; and
- 9.2.4 otherwise comply with any other requirements determined by the Council.
- 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 9.4 Subclause 10.1 does not apply to premises comprising an approved cattery.
- 9.5 The Council may, by resolution, revoke a resolution to adopt a registrations scheme under subclause 9.1 should it see fit to do so.

**PART 3 – EXEMPTIONS****10. Council may grant exemptions**

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

**PART 4 – ENFORCEMENT****11. Orders**

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

**Note-**

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

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

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

**PORT AUGUSTA CITY COUNCIL**  
**AUSTRALIAN ARID LANDS BOTANIC GARDEN BY-LAW 2019**  
**By-law No. 8 of 2019**

For the management of land vested in, held in trust for or under the care, control and management of the Council known as the Australian Arid Lands Botanic Garden.

**PART 1 – PRELIMINARY****1. Title**

This by-law may be cited as the *Australian Arid Lands Botanic Garden By-law 2019* and is By-law No. 8 of the Port Augusta City Council.

**2. Authorising law**

This by-law is made under sections 238 and 246 of the Act.

**3. Purpose**

The objective of this by-law is to ensure the effective management of the Australian Arid Lands Botanic Garden by the Council so it may be enjoyed by the public and appropriately conserved for the benefit of future generations.

**4. Operation and Revocation**

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

4.1.1 *Australian Arid Lands Botanic Garden By-law No. 8 2012*.<sup>2</sup>

4.2 This by-law will expire on 1 January 2027.<sup>3</sup>

**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. Interpretation**

In this By-law,

- 5.1 **Australian Arid Lands Botanic Garden** means the area of land described in the Trust Grant over Allotments 84 and 85 of Deposited Plan 36449 in the Hundred of Copley, Port Augusta West and more particularly described in Register Book V4401 F598;
- 5.2 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 5.3 **concession card holder** means a person who is the holder of:
- 5.3.1 a current concession card issued by the appropriate State or Commonwealth agency;
- 5.3.2 a current student identification card issued to a student of a secondary or tertiary education institution by that institution; or
- 5.3.3 any other current concession card approved by the Council;
- 5.4 **Council** means the Port Augusta City Council;
- 5.5 **family group** means a group of adults and children not exceeding four in number and not including more than two adults;
- 5.6 **the Garden** means all the land and buildings within the Australian Arid Lands Botanic Garden.

- 5.7 **the Children's Garden** means the area within the Garden designated as an interactive play space for children.

**Note-**

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

**PART 2 – REGULATION**

**6. Administration Charges**

- 6.1 The Chief Executive Officer may from time to time determine an entrance fee to the Garden, parts of the Garden or any building in the Garden.
- 6.2 If the Chief Executive Officer considers it appropriate, he or she may waive or reduce payment of a fee otherwise payable under this by-law or grant concessions to a family group or a concession card holder.

**7. Control on Activities**

**7.1 Entrance to Garden**

- 7.1.1 The Chief Executive Officer may from time to time give notice of the hours during which the Garden or parts of the Garden are open to the public and the appropriate charges to be paid upon entry to the Gardens. Such notice is to be displayed at the entrance to the Garden or those parts of the Garden open to the public.
- 7.1.2 The Chief Executive Officer may close the Garden or parts of the Garden when it is in the interests of public safety to do so or for any other reason that the Chief Executive Officer deems fit.
- 7.1.3 A person must not without the approval of an authorised person enter or remain in the Garden or a part of the Garden when that area is closed to the public.

**7.2 Entrance to buildings**

A person must not, without permission, enter or remain in those buildings open to the public unless the appropriate charge (if any) for admission has been paid.

**7.3 Buildings**

A person must not take food or drink into any building in the Garden unless authorised to do so by an authorised officer.

**7.4 Flora**

A person must not without permission:

- 7.4.1 remove from the Garden any soil, rock, mineral or similar material; or
- 7.4.2 dig or otherwise intentionally disturb any soil or similar material in the Garden (excluding the Children's Garden); or
- 7.4.3 take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in the Garden; or
- 7.4.4 take or molest any bird or fish in the Garden; or
- 7.4.5 take or intentionally damage the nest of any bird in the Garden.

**7.5 Protection of Council's property**

A person must not in the Garden:

- 7.5.1 remove, damage, deface or interfere with any label, sign, seat, statue, building or other structure erected or placed there on behalf of the Council; or
- 7.5.2 step or walk on any garden bed or border (excluding the Children's Garden); or
- 7.5.3 climb over, pass under or break through any gate, fence or hedge; or
- 7.5.4 drive or propel a motor vehicle, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles; or
- 7.5.5 damage or disturb whatsoever any area constructed or set aside by the Council as walking trails.

**7.6 Animals**

- 7.6.1 A person must not without permission, bring an animal into the Garden or permit an animal to enter the Garden;
- 7.6.2 This clause 7.6 does not apply to the Encounter Trail or beach areas of the Garden so long as the animal is restrained on a leash not exceeding 2 metres in length at all times while in the Garden.
- 7.6.3 This clause 7.6 does not apply to an assistance dog as defined in the *Dog and Cat Management Act 1995*.

**7.7 Camping**

A person must not, without permission of the Council, camp or stay overnight in the Garden.

**7.8 Fires**

A person must not without permission light or maintain a fire in the Garden except in a BBQ, stove or other receptacle safely positioned in a place set aside by the Council for that purpose.

**7.9 Fire Arms**

A person must not bring a fire arm, catapult or other weapon into the Garden.

**7.10 Sport and other recreational activities**

A person must not without permission in the Garden:

- 7.10.1 engage in any form of sport or sporting activity, or in any game involving the use of a ball or any game in which an object is thrown or discharged; or
- 7.10.2 ride or use a skateboard, roller skates or other similar device; or
- 7.10.3 engage in any organised sport or organised sporting activity.
- 7.11 **Behaviour**
- 7.11.1 A person must not behave in a drunken, disorderly, offensive or indecent manner or create any disturbance or nuisance in the Garden.
- 7.11.2 A person must not throw, roll or discharge any stone, substance or missile or engage in any other activity that may endanger the safety of any person in the Garden.
- 7.11.3 A person must not urinate or defecate in any place within the Garden except in a public convenience.
- 7.12 **Noise**
- A person must not without permission:
- 7.12.1 use or cause to be used any loud speaker, amplifier, radio, television, video or similar device in the Garden; or
- 7.12.2 play or sound any musical instrument or whistle in the Garden.
- 7.12.3 Clauses 7.12.1 and 7.12.2 do not apply if the device or instrument is not audible to any other person except to the person using it by reason of that person's use of headphones, earplugs or other similar device.
- 7.13 **Commercial activities**
- A person must not without permission:
- 7.13.1 use any part of the Garden for commercial purposes;
- 7.13.2 advertise any goods or services in the Garden;
- 7.13.3 sell any goods or services in the Garden;
- 7.13.4 subject to clause 8, distribute or leave for collection any pamphlet, paper or other written matter in the Garden; or
- 7.13.5 display or erect any flag, sign, hoarding or similar object in the Garden.
- 7.14 **Public assembly or announcement**
- A person must not without permission:
- 7.14.1 engage or take part in public speaking, or make any public announcement in the Garden; or
- 7.14.2 organise, attend or participate in any public meeting, demonstration or gathering in the Garden.
- 7.15 **Donations**
- A person must not without permission:
- 7.15.1 collect or seek money or other donations in the Garden; or
- 7.15.2 obtain or seek to obtain any promise or undertaking to pay any money or other donation in the Garden.
- 7.16 **Consumption of alcohol**
- A person must not consume alcohol in the Garden, except in licensed premises within the meaning of the *Liquor Licensing Act 1997*.
8. **Exemptions**
- 8.1 The restrictions in this By-law do not apply to any 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.
- 8.2 The restrictions in clause 7.13.4 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 8.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 8.2.2 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
- 8.2.3 related to, and occurs during the course of and for the purpose of a referendum.

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on 13 August 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

JOHN BANKS  
Chief Executive Officer

## CITY OF TEA TREE GULLY

## LOCAL GOVERNMENT ACT 1999 – SECTION 246

*Notification of Application of By-law*

NOTICE is hereby given pursuant to Section 246(4a) of the *Local Government Act 1999* that at its meeting of 13 August 2019 the City of Tea Tree Gully determined, in accordance with Section 246(3)(e) of the *Local Government Act 1999* and paragraph 9 of Council's *Local Government Land By-law 2015* that paragraph 5.6.2 of Council's *Local Government Land By-law 2015* (prohibition on smoking tobacco or any other substance) shall apply to the following parts of the area of Council:

1. That part of the local government land comprised in Certificate of Title Register Book Volume 5360 Folio 546 and a portion of the land comprised in partially cancelled Certificate of Title Register Book Volume 738 Folio 32 and Certificate of Title Register Book Volume 2936 Folio 94 outlined in yellow on the plan included as Attachment 1 to the report entitled 'Proposal to Declare Council's Dog Parks as Non-Smoking Areas' on the agenda for the meeting of the Council held on 13 August 2019, being the local government land known as Bentley Reserve Dog Park, Holden Hill.
2. That part of the local government land comprised in Certificate of Title Register Book Volume 5416 Folio 294 outlined in yellow on the plan included as Attachment 2 to the report entitled 'Proposal to Declare Council's Dog Parks as Non-Smoking Areas' on the agenda for the meeting of the Council held on 13 August 2019, being the local government land known as Pet Park Chestnut Reserve, Golden Grove.
3. That part of the local government land comprised in Certificate of Title Register Book Volume 5486 Folio 282 and a portion of the land comprised Certificate of Title Register Book Volume 3837 Folio 124 outlined in yellow on the plan included as Attachment 3 to the report entitled 'Proposal to Declare Council's Dog Parks as Non-Smoking Areas' on the agenda for the meeting of the Council held on 13 August 2019, being the local government land known as Ashley Avenue Dog Park Reserve, Ridgehaven.
4. Consequently, smoking is not permitted at Bentley Reserve Dog Park, Holden Hill, Pet Park Chestnut Reserve, Golden Grove, and Ashley Avenue Dog Park Reserve, Ridgehaven. A copy of the maps indicating the parts of the area of Council to which this restriction applies are available at Council's office at 571 Montague Rd, Modbury during business hours and from Council's website: <http://www.teatreegully.sa.gov.au>

Dated: 13 August 2019

JOHN MOYLE  
Chief Executive Officer

## CLARE AND GILBERT VALLEYS COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure – Fisher Road, Hill River*

**Notice** is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the **Clare and Gilbert Valleys Council** proposes to make a Road Process Order to close and merge with, Allotment 16 in F156301, the whole of Fisher Road as delineated and lettered 'F' on the Preliminary Plan No. 19/0022.

A copy of the plan and a statement of persons affected are available for public inspection at the Council Office, 4 Gleeson Street, Clare SA 5453 and the Adelaide Office of the Surveyor-General during normal office hours. The Preliminary Plan may also be viewed at [www.sa.gov.au/roadsactproposals](http://www.sa.gov.au/roadsactproposals)

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

The application for easement or objection must be made in writing to the Council, 4 Gleeson Street, Clare SA 5453 **within 28 days of this notice** and a copy must be forwarded to the Surveyor-General at GPO Box 1354 Adelaide 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 16 July 2019

DR HELEN MACDONALD  
Chief Executive Officer

## NARACOORTE LUCINDALE COUNCIL

*Notice of the Control of Consumption of Liquor in Lucindale*

Notice is hereby given that the Naracoorte Lucindale Council at its meeting held on 23 July 2019, pursuant to section 131(1ab) of the Liquor Licensing Act 1997, prohibits the consumption and possession of liquor in public places during the period from 12.00pm (noon) Friday 13 September 2019 until 12.00pm (noon) Sunday 15 September 2019 in the Township of Lucindale, as Gazetted on 2 August 2018.

The consumption and possession of liquor in public places during the period from 12.00pm (noon) Friday 13 September 2019 until 12.00pm (noon) Sunday 15 September 2019 is also prohibited in the area known as Yakka Park including the car parking areas, from the Avenue Range Road to 1074m north to the unmade road reserve and from West Terrace to 572m west and 731m north along West Terrace from the Avenue Range Road to the unmade road reserve.

Dated: 23 July 2019

TREVOR SMART  
Chief Executive Officer

## NARACOORTE LUCINDALE COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Corner Lucindale Road & Stewart Terrace, Naracoorte (Re-Advertisement)*

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act, 1991, that the Naracoorte Lucindale Council hereby gives notice of its intent to implement a Road Process Order to:

- (i) to open as road portion of Allotment Q32 in F217095 of Lucindale Road more particularly delineated and lettered as "B" in Preliminary Plan 19/0018.
- (ii) to close and retain for council as freehold excluded land the portion of Lucindale Road & Stewart Terrace more particularly delineated and lettered as "A" in Preliminary Plan 19/0018.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at DeGaris Place, Naracoorte SA 5271 and the Adelaide office of the Surveyor-General during normal office hours or can be viewed on Council's website – [www.naracoortelucindale.sa.gov.au](http://www.naracoortelucindale.sa.gov.au)

The Preliminary Plan can also be viewed at [www.sa.gov.au/roadsactproposals](http://www.sa.gov.au/roadsactproposals)

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Council at PO Box 555, Naracoorte SA 5271 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at GPO Box 1354, Adelaide 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 28 August 2019

TREVOR SMART  
Chief Executive Officer

#### NATIONAL ELECTRICITY LAW

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

Under s 95, the Chair of the Competitive Metering Industry Group has requested the *Introduction of metering coordinator planned interruptions* (Ref. ERC0275) proposal. The rule change request seeks to introduce metering coordinator planned interruptions for the purposes of installing, maintaining, repairing or replacing an electricity meter. Submissions must be received by **10 October 2019**.

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

Australian Energy Market Commission

Level 6, 201 Elizabeth Street  
Sydney NSW 2000

Telephone: (02) 8296 7800

[www.aemc.gov.au](http://www.aemc.gov.au)

Dated: 29 August 2019

#### NATIONAL ENERGY RETAIL LAW

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

Under s 251, the Chair of the Competitive Metering Industry Group has requested the *Introduction of metering coordinator planned interruptions* (Ref. RRC0030) proposal. The Rule change request seeks to introduce metering coordinator planned interruptions for the purposes of installing, maintaining, repairing or replacing an electricity meter. Submissions must be received by **10 October 2019**.

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

Australian Energy Market Commission

Level 6, 201 Elizabeth Street  
Sydney NSW 2000

Telephone: (02) 8296 7800

[www.aemc.gov.au](http://www.aemc.gov.au)

Dated: 29 August 2019

#### TRUSTEE ACT 1936

##### PUBLIC TRUSTEE

##### *Estates of Deceased Persons*

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

COBBETT David George late of 3 - 7 Broad Street Marden Clergyman who died 20 August 2018  
DO Nhan Tiem late of 15 Blacksmith Avenue Walkley Heights Mail Officer who died 24 November 2018  
DOLMAN Ronald Gwilym late of 96 Billabong Road Modbury Heights Enrolled Nurse who died 3 July 2018  
LANGTON-LEE Catherine Carmel late of 67 Sharp Street Whyalla Home Duties who died 16 February 2019  
MARTIN Joy Diana late of 205 St Bernards Road Rostrevor Retired Public Servant who died 1 March 2019  
RUSSELL Darrin Thomas late of 6 Rose Street Birkenhead Nurse who died 25 July 2018  
SHIELDS Amanda Jade late of 226 Fullarton Road Glenside of no occupation who died 17 August 2017  
SOLC Maria late of 13 Hendry Court Gilles Plains of no occupation who died 31 January 2019  
TAVERNER Bryan Edward late of 1 South Street Hamley Bridge Teacher who died 22 March 2019  
URRY Anna Elisabeth late of 68 Price-Maurice Road Ororoo Retired Dress Maker who died 7 October 2017  
WILKINSON Gwendoline Katherine late of 17 Robsart Street Parkside of no occupation who died 28 March 2017

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975 that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 27 September 2019 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 29 August 2019

N S RANTANEN  
Acting Public Trustee



# NOTICE SUBMISSION

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

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

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

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

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

**Please provide the following information in your email:**

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

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