

South Australia

Local Government (General) Variation Regulations 2012

under the *Local Government Act 1999*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (General) Variation Regulations 2012*.

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 *Local Government (General) Regulations 1999*

4—Insertion of regulation 4A

After regulation 4 insert:

4A—Review of council composition and ward

For the purposes of section 12(4), the relevant period is the period determined by the Minister from time to time by notice published in the *Gazette*.

5—Variation of regulation 9A—Service rates and charges

Regulation 9A—after subregulation (3) insert:

- (4) For the purposes of section 155(5) of the Act, the cost of capital (as understood as an economic concept) may be taken into account when determining the cost to the council of establishing, operating, maintaining, improving or replacing the relevant service.

6—Insertion of regulation 9B

After regulation 9A insert:

9B—Rates and charges for services not provided at the land

- (1) For the purposes of section 155(11), a council is authorised to impose a service rate or annual service charge (or a combination of both) for a prescribed service in respect of the collection of domestic waste in accordance with the scheme set out in subregulation (2).
- (2) For the purposes of subregulation (1), the following provisions apply to the imposition of rates or charges in relation to a particular piece of land:
 - (a) if the prescribed service is provided no more than 500 metres from the access point to the land—the full service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (b) if the prescribed service is provided more than 500 metres but no more 2 km from the access point to the land—75% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (c) if the prescribed service is provided more than 2 km but less than 5 km from the access point to the land—50% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (d) if the prescribed service is provided 5 km or more from the access point to the land—no rate or annual service charge may be charged for the prescribed service (but nothing in this paragraph prevents a council from entering into an agreement for the provision of a prescribed service in respect of the collection of waste that involves the payment of an amount for the provision of the prescribed service).

- (3) In this regulation—

access point means the point on the land where the land is generally accessed;

domestic waste means waste produced in the course of a domestic activity.

7—Variation of regulation 18A—By-laws—roads

Regulation 18A—delete "the use of roads for camping." and substitute
the following:

- (a) the use of roads for camping;
- (b) the prevention of the obstruction of—
 - (i) any road; or
 - (ii) any footway, water-channel, or watercourse in a road.

Note—

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

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 10 May 2012

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