

NORTHERN TERRITORY OF AUSTRALIA

DARWIN CITY COUNCIL (FIRE WORKS) AMENDMENT BY-LAWS 2009

Subordinate Legislation No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2009*

Darwin City Council Amendment (Fireworks) By-laws 2009

Darwin City Council], at a meeting held on [] 2009, made the following by-laws under the *Local Government Act* and, for section 63(2)(a) of the *Interpretation Act*, authorised [], [the Chief Executive Officer], to sign them.

Dated 2009.

Chief Executive Officer

The common seal of the Darwin City Council is affixed under a resolution authorising the seal to be affixed passed on [] 2009.

Mayor

Chief Executive Officer

**NB: A certificate of a legal practitioner is required under section 190(1)(c) of the *Local Government Act*.
Also, a special resolution of the council is required for making a by-law under section 190(2) of the *Local Government Act*.**

* Notified in the *Northern Territory Government Gazette* on [] 2009.

1 Citation

These By-laws may be cited as the *Darwin City Council (Fireworks) Amendment By-laws 2009*.

2 By-laws amended

These By-laws amend the *Darwin City Council By-laws*.

3 Amendment of clause 45 (Igniting fireworks, &c.)

(1) Clause 45(1)

omit

all words from "without a permit" to "meaning of"

substitute

unless allowed to do so under

(2) Clause 45(4)

omit

celebrated

substitute

celebrated at a place other than the Mindil Beach area

(3) After clause 45(4)

insert

(5) In this by-law:

firework includes (but is not limited to) shopgoods fireworks as defined in regulation 70(1) of the *Dangerous Goods Regulations*.

Mindil Beach area means all that parcel of land at Mindil Beach in the Town of Darwin, Northern Territory of Australia bounded by lines described as follows:

Commencing at the intersection of the north-westerly prolongation of the north-eastern boundary of Lot 5244 with the Low Water Mark of Fannie Bay; thence south-easterly by the said prolongation and boundary and its south-easterly prolongation to the north-easterly prolongation of the north-western boundary of Lot 5257; thence south-westerly to the northern corner of the said Lot; thence south-easterly by its north-eastern boundary to a north-western boundary

of Gilruth Avenue; thence generally north-easterly by the said boundary to intersect parallel of south latitude 12 degrees 26 minutes 33.9 seconds, being a point on the centreline of a stormwater drain exiting under Gilruth Avenue; thence generally north-westerly by the centreline of the said drain to intersect a south-western boundary of Lot 5670; thence north west by the said boundary to the Low Water Mark of Fannie Bay; thence generally south-westerly by the said Low Water Mark to the point of commencement, the position of Low Water Mark referred to being as at Lowest Astronomical Tide.

4 Amendment of Schedule (Fixed Penalties)

Schedule, before item 63(1)

insert

45(1)	Offence in relation to lighting or assisting to make a bonfire, or igniting or throwing a firework or similar article, in a public place	4
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1 Citation

These By-laws may be cited as the *Darwin City Council (Fireworks) Amendment By-laws 2009*.

2 By-laws amended

These By-laws amend the *Darwin City Council By-laws*.

3 Amendment of clause 45 (Igniting fireworks, &c.)

(1) Clause 45(1)₁

omit

all words from "without a permit" to "meaning of"

~~omit~~ *substitute*

unless allowed to do so under

(2) Clause 45(4)

omit

celebrated

substitute

celebrated at a place other than at the Mindil Beach area

(3) ~~Clause~~ After clause 45(4)

insert

(5) In this by-law:

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Commencing at the intersection of the north-westerly prolongation of the north-eastern boundary of Lot 5244 with the Low Water Mark of Fannie Bay; thence south-easterly by the said prolongation and boundary and its south-easterly prolongation to the north-easterly prolongation of the north-western boundary of Lot 5257; thence south-westerly to the northern corner of the said Lot; thence south-easterly by its north-eastern boundary to a north-western boundary

of Gilruth Avenue; thence generally north-easterly by the said boundary to intersect parallel of south latitude 12 degrees 26 minutes 33.9 seconds, being a point on the centreline of a stormwater drain exiting under Gilruth Avenue; thence generally north-westerly by the centreline of the said drain to intersect a south-western boundary of Lot 5670; thence north west by the said boundary to the Low Water Mark of Fannie Bay; thence generally south-westerly by the said Low Water Mark to the point of commencement, the position of Low water~~Water~~ Mark referred to here-in-being as at Lowest Astronomical Tide.

Note for V1G.

~~I will talk to other drafters about how they handle descriptions here. I don't want to include in schedule as then I need to retitle existing schedule etc. The above is a little unusual I suspect but legally effective.~~

4 Amendment of Schedule (Fixed Penalties)

Schedule, before entry for section~~item~~ 63(1)

insert

45(1)	Offence in relation to lighting or assisting to make a bonfire, or igniting or throwing a firework or similar article, in a public place	4
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