



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 4 JANUARY 2024

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 4 January 2024

Her Excellency the Governor in Executive Council has revoked the appointment of the Honourable Stephen Campbell Mullighan, MP as Acting Minister for Health and Wellbeing for the period from 15 January 2024 to 2 February 2024 inclusive.

By command,

CHRISTOPHER JAMES PICTON MP
For Premier

DPC24/003CS

Department of the Premier and Cabinet
Adelaide, 4 January 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Anastasios Koutsantonis, MP to be Acting Minister for Health and Wellbeing for the period from 10.00am, 4 January 2024 to 21 January 2024 inclusive, during the absence of the Honourable Christopher James Picton, MP.

By command,

CHRISTOPHER JAMES PICTON MP
For Premier

DPC24/003CS

STATE GOVERNMENT INSTRUMENTS

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Rita McPhail as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

MARK DARREL COCKING (BLD 157963)

SCHEDULE 2

Construction of an office and laundry addition to an existing residential dwelling at Unit 1 Strata Plan 5552 being a portion of the land described in Certificate of Title Volume 5018 Folio 15, more commonly known as 1/2 Wheaton Road, Plympton SA 5038.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.
3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
 - Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
 - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
 - Making an independent expert report available to prospective purchasers of the property;
 - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 22 December 2023

RITA MCPHAIL
Director, Customer and Transformation
Delegate for the Minister for Consumer and Business Affairs

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Rita McPhail as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

MIROSLAW GLOWACKI (BLD 52342)

SCHEDULE 2

Construction of a single storey detached dwelling at Allotment 124 Deposited Plan 7650 being a portion of the land described in Certificate of Title Volume 5589 Folio 245, more commonly known as 586 Sir Donald Bradman Drive, Lockleys 5032.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.
3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
 - Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
 - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
 - Making an independent expert report available to prospective purchasers of the property;
 - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 22 December 2023

RITA MCPHAIL
Director Customer Service and Transformation
Delegate for the Minister for Consumer and Business Affairs

CROWN LAND MANAGEMENT ACT 2009

SECTION 55

Minister may make declaration in relation to land

I, Michael Joseph Williams, Director of National Parks and Wildlife and authorised delegate of the Minister for Climate, Environment and Water, being the Minister responsible for the *Crown Land Management Act 2009*, hereby declare under Section 55 of the *Crown Land Management Act 2009* that —

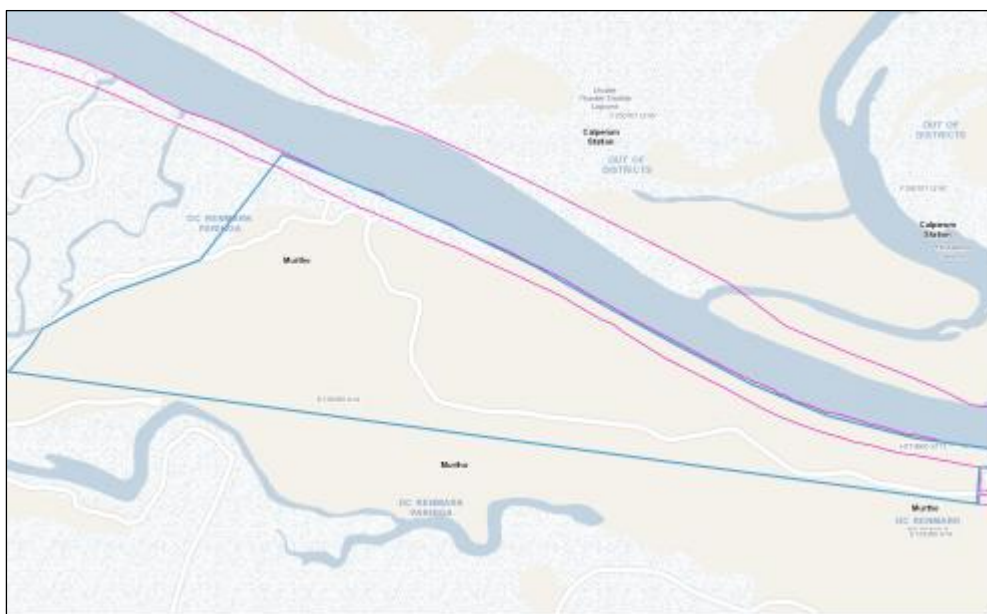
- (a) Sections 61, 62, 63 and 64 of the *Crown Land Management Act 2009* will not apply to the land defined in The Schedule for a period of 24 months from the date of this notice, and
- (b) the following provisions apply to the land defined in The Schedule, during the period specified above, as if it were a national park constituted under the *National Parks and Wildlife Act 1972*;
 - *National Parks and Wildlife Act 1972*, sections 20-26, 43C, 45M, 47, 70, 70A, 72, 73A, 74, 75, 77, 78, 79, 80
 - *National Parks and Wildlife (National Parks) Regulations 2016*, regulations 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 19, 22, 23, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42

Dated: 22 December 2023

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

SCHEDULE

Those portions of Allotment 14 in Deposited Plan 129260 and Section 113 Hundred of Murtho, marked on the attached map.

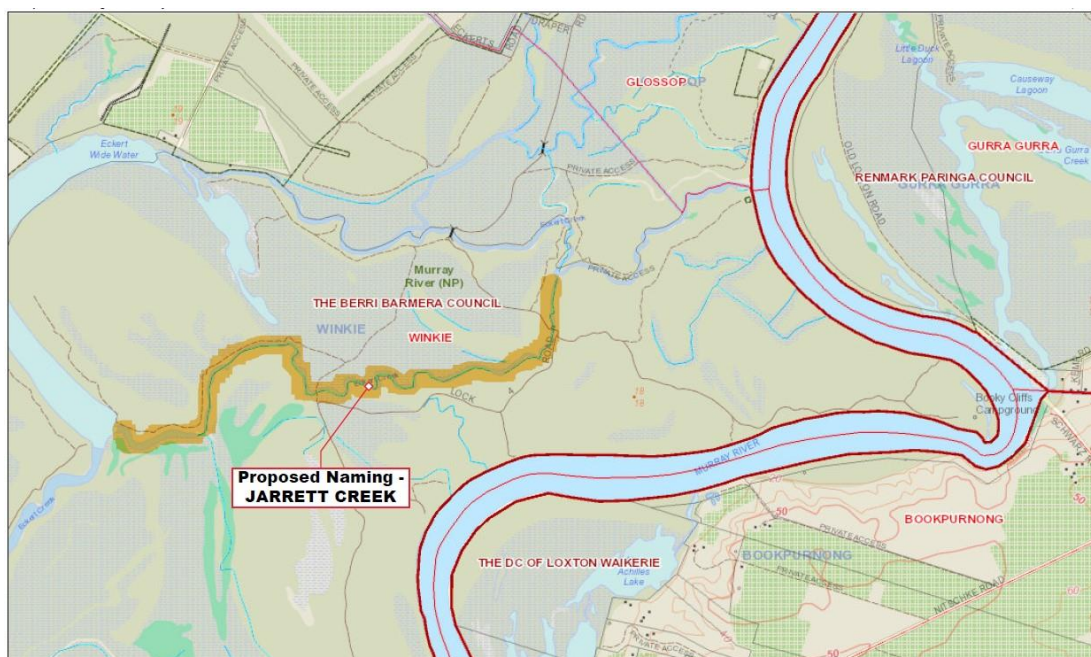


GEOGRAPHICAL NAMES ACT 1991

Notice of Intention to Assign a Name to a Place

Notice is hereby given that, pursuant to Section 11B(2)(d) of the *Geographical Names Act 1991*, I, the Honourable Nick Champion MP, Minister for Planning, Minister of the Crown to whom the administration of the *Geographical Names Act 1991* is committed, seeks public comment on a proposal to:

- Assign the name JARRETT CREEK to the geographical feature (creek) located within the Murray River National Park in the area known as Winkie, as shown highlighted in orange on the location map.



This proposal can also be viewed at www.sa.gov.au/placenameproposals

Submissions in writing regarding this proposal may be lodged with the Surveyor-General, GPO Box 1815, Adelaide SA 5001, or DTI.PlaceNames@sa.gov.au within one month of the publication of this notice.

Dated: 4 January 2024

HON NICK CHAMPION MP
Minister For Planning

2023/08423/01

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 Twentieth Street, Renmark SA 5341	Allotment 51 Deposited Plan 50716 Renmark Irrigation District	CT 6163/12	\$0.00
7 Waltham Street, Berri SA 5343	Allotment 211 T740201 Town of Berri	CT 5952/316	\$168.00

Dated: 5 January 2024

CRAIG THOMPSON
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
715 Verner Rd, Redbanks SA 5502 (AKA Lot 12)	Allotment 52 Deposited Plan 45629 Hundred of Grace	CT4255/878, CT5382/803
86 Langham Pl, Port Adelaide SA 5015	Allotment 283 Deposited Plan 3 Hundred of Port Adelaide & Yatala	CT5128/615

Dated: 4 January 2024

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

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

WATTLE RANGE COUNCIL

Supplementary Election of Councillor for Corcoran Ward—Call for Nominations

Nominations open on Thursday, 11 January 2024 and close at 12 noon Thursday, 25 January 2024. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

More information about nominating, including the candidate handbook that outlines the criteria and requirements for nominating, can be accessed at ecsa.sa.gov.au or by phoning 1300 655 232.

Nominate online at: ecsa.sa.gov.au

ECSA is holding an online briefing session for intending candidates at 6pm on Thursday, 11 January 2024. Register online at ecsa.sa.gov.au.

An in-person briefing session will be held by Wattle Range Council CEO Ben Gower at 2pm on Thursday, 11 January 2024, in the Council Chamber, Civic Centre, George Street, Millicent.

Intending candidates wishing to attend the in-person session are asked to register in advance by contacting Wattle Range Council on (08) 8733 0900 or by email to council@wattlerange.sa.gov.au.

Dated: 4 January 2024

MICK SHERRY
Returning Officer

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

DISTRICT COUNCIL OF MOUNT REMARKABLE

*Supplementary Elections of Councillor for Willochra Ward and
Councillor to Telowie Ward—Call for Nominations*

Nominations open on Thursday, 11 January 2024 and close at 12 noon Thursday, 25 January 2024. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

More information about nominating, including the candidate handbook that outlines the criteria and requirements for nominating, can be accessed at ecsa.sa.gov.au or by phoning 1300 655 232.

Nominate online at: ecsa.sa.gov.au

A briefing session for intending candidates will be held online at 6pm on Thursday, 11 January 2024. Register online at ecsa.sa.gov.au

Dated: 4 January 2024

MICK SHERRY
Returning Officer

LOCAL GOVERNMENT INSTRUMENTS

CITY OF MARION

Assignment of a Name for a New Road

Notice is hereby given pursuant to Section 219(1) of the *Local Government Act 1999*, to assign the following street name to the parcel of land in Deposited Plan 133146, west of Appleby Road located between Lots 1001 and 156.

The new street name is Storkey Way, Morphettville.

Notice is hereby given pursuant to Section 219(1) of the *Local Government Act 1999*, to assign the following street name to the parcel of land in Deposited Plan 133146, west of Barham Avenue located between Lots 1003 and 202.

The new street name is Dartford Road, Morphettville.

Dated: 30 December 2023

T. HARRISON
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

LOCAL GOVERNMENT ACT 1999

By-law No. 1—Permits and Penalties By-Law 2023

To provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the District Council of Yankalilla;
- 3.1.3 **drive a vehicle** means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver of a vehicle** means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules* and includes a motor vehicle.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

PART 2—PERMITS

5. Council May Grant Permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 the permit must be in writing;
- 5.2 a person may apply for permission by:
 - 5.2.1 making a written application for permission to the Council or its duly authorised agent;
 - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
- 5.3 the Council may:
 - 5.3.1 provide that the permit applies for a particular term;
 - 5.3.2 attach conditions to the permit the Council considers appropriate;
 - 5.3.3 change or revoke a condition, by notice in writing; or
 - 5.3.4 add new conditions, by notice in writing;
- 5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;
- 5.5 the Council may revoke a permit, by notice in writing, if:
 - 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;

- 5.6 the Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;
- 5.7 a person who applies for permission by way of subparagraph 5.2.1 or 5.2.2 is taken to have been granted permission when the following steps have been completed:
 - 5.7.1 the person pays the permit fee (if any) by (as the case may be) by:
 - 5.7.1.1 credit or debit card; or
 - 5.7.1.2 such other method of payment that may be approved by the Council by resolution;
 - 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

PART 3—ENFORCEMENT

6. Penalties

- 6.1 A person who contravenes or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a nomination:
 - 7.3.1 setting out the name and address of the driver; or
 - 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
 - 7.4.1 setting out particulars of the alleged prescribed offence; and
 - 7.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a nomination setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
 - 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a nomination under this paragraph 7 as the driver of the vehicle.
- 7.6 The Council, Informant or officer to whom a nomination is provided in response to a notice under subparagraphs 7.3 or 7.4 may require the person who made the nomination to verify the information contained in the nomination by statutory declaration.
- 7.7 If the Council, Informant or officer specified in the notice under subparagraphs 7.3 or 7.4 believes that a nomination made in response to the notice has been made in error, the Council, Informant or officer (as the case may be) may permit the nomination to be withdrawn and a new nomination to be made.
- 7.8 Subject to subparagraph 7.9, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
 - 7.8.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - 7.8.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.9 The defence in paragraph 7.8.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.10 If:
 - 7.10.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
 - 7.10.2 proceedings are commenced against a person named as the alleged driver in such a nomination,the notice or Information, as the case may be, must be accompanied by a notice setting out particulars of the nomination that named the person as the alleged driver.
- 7.11 The particulars of the nomination provided to the person named as the alleged driver must not include the address of the person who provided the nomination.
- 7.12 A nomination made under this paragraph must be made in a manner and form approved by the Council.
- 7.13 A person must not, in making a nomination for the purposes of this paragraph, make a statement that is false or misleading in a material particular.

8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or

- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a nomination or statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the nomination or declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day, is proof of the matters so alleged in the absence of proof to the contrary.

PART 4—MISCELLANEOUS

9. Revocation

Council's *By-law No. 1—Permits and Penalties*, published in the Gazette on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla held on the 20th day of December 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 4 January 2024

NATHAN CUNNINGHAM
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

LOCAL GOVERNMENT ACT 1999

By-law No. 2—Local Government Land By-law 2023

For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or cause a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **e-cigarette** means:
 - 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
 - 3.7.2 a device of a kind resolved by the Council and notified by notice in the Gazette to be an e-cigarette;
- 3.8 **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;
- 3.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.10 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
 - 3.10.1 a road;
 - 3.10.2 a section;
 - 3.10.3 a public reserve; or
 - 3.10.4 land comprised in a land grant, Crown Land or Crown License;
- 3.11 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 3.12 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.13 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;

- 3.14 **livestock** has the same meaning as defined in the *Livestock Act 1997* but does not include a dog or cat;
- 3.15 **local government land** has the same meaning as in the *Local Government Act 1999* and includes the foreshore but does not include any road;
- 3.16 **low water mark** means the lowest meteorological tide;
- 3.17 **model aircraft** includes a drone;
- 3.18 **ocean** means that part of the foreshore comprising water;
- 3.19 **open container** means a container which:
- 3.19.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.19.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.19.1.2 being a can, it has been opened or punctured;
- 3.19.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.19.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 3.19.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.20 **personal watercraft** means a device that:
- 3.20.1 is propelled by a motor; and
- 3.20.2 has a fully enclosed hull; and
- 3.20.3 is designed not to retain water if capsized; and
- 3.20.4 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;
- 3.21 **smoke** means:
- 3.21.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.21.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.22 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.23 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.24 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council, but does not include the ocean.

PART 2—MANAGEMENT OF LOCAL GOVERNMENT LAND

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

- 4.1 Access to Waters
subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* enter any waters, or swim or use a boat in or on waters except:
- 4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is permitted; and
- 4.1.2 in accordance with any condition stated in the sign;
- 4.2 Advertising & Signage
- 4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2023*;
- 4.2.2 erect, install, place or display a variable message sign;
- 4.3 Aircraft
subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land;
- 4.4 Alteration to Local Government Land
make an alteration to the land, including:
- 4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.4.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;
- 4.4.6 erect, place, use or allow any object to remain;
- 4.5 Amplification
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;
- 4.6 Animals
- 4.6.1 other than the foreshore:
- 4.6.1.1 ride, lead or drive any livestock, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;

- 4.6.1.2 cause or allow any livestock to stray onto, move over, graze or be left unattended on any land;
 - 4.6.1.3 cause or allow any animal under their control to swim or bathe in any waters to which the Council has resolved this subparagraph shall apply;
- 4.6.2 release or leave any domestic animal;
- 4.7 Attachments
 - attach anything to:
 - 4.7.1 a tree or plant; or
 - 4.7.2 a structure or fixture;
- 4.8 Aquatic Life
 - take, interfere with, introduce or disturb any aquatic life in any waters to which the Council has resolved this subparagraph shall apply;
- 4.9 Bees
 - place, or allow to remain, any bee hive;
- 4.10 Boats
 - subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
 - 4.10.1 hire or offer for hire a boat, raft, pontoon or other watercraft;
 - 4.10.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;
 - 4.10.3 propel, float, install, maintain or otherwise use any boat, raft, pontoon, steps, jetty or other watercraft or similar structure on any waters;
 - 4.10.4 launch or operate a model boat on any waters;
 - to which the Council has resolved this subparagraph shall apply;
- 4.11 Bridge Jumping
 - jump from or dive from a bridge or jetty;
- 4.12 Buildings & Structures
 - 4.12.1 erect or install a building;
 - 4.12.2 use a building or structure other than for its intended purpose;
- 4.13 Camping
 - 4.13.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
 - 4.13.2 camp or sleep overnight;
 - except where a sign or signs erected by the Council indicate that camping on the land is permitted or where the person is in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land);
- 4.14 Cemeteries
 - Comprising a cemetery:
 - 4.14.1 bury or inter any human or animal remains;
 - 4.14.2 erect any memorial;
- 4.15 Closed Lands
 - enter or remain on any part of the land:
 - 4.15.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or
 - 4.15.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or
 - 4.15.3 where admission charges are payable, without paying those charges;
- 4.16 Distribution
 - give out or distribute to any bystander, passerby or other person any handbill, book, notice, or other printed matter;
- 4.17 Donations
 - ask for or receive or indicate that they desire a donation of money or any other thing;
- 4.18 Fires
 - light any fire except:
 - 4.18.1 in a place provided by the Council for that purpose; or
 - 4.18.2 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 metres; and
 - 4.18.3 in accordance with the *Fire and Emergency Services Act 2005*;
- 4.19 Fireworks
 - discharge any fireworks;
- 4.20 Fishing
 - 4.20.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or
 - 4.20.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

- 4.21 Flora, Fauna and Other Living Things
subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 4.21.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or
- 4.21.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
- 4.21.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 4.22 Funerals, Burials and Scattering Ashes
- 4.22.1 bury, inter or scatter the ashes of any human or animal remains;
- 4.22.2 erect any memorial;
- 4.22.3 conduct or participate in a funeral ceremony;
- on land to which the Council has resolved this subparagraph shall apply;
- 4.23 Golf
play or practice golf, except on local government land where a nearby sign erected by the Council states that the playing or practicing of golf is permitted.
- 4.24 Lighting
- 4.24.1 use or operate any fixed floodlight;
- 4.24.2 use or operate any portable floodlight between sunrise and sunset on land to which the Council has resolved this subparagraph shall apply;
- 4.25 Model Aircraft, Boats and Cars
- 4.25.1 subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft, model boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;
- 4.25.2 fly or operate a model aircraft, model boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;
- 4.26 No Liquor
- 4.26.1 consume, carry or be in possession or charge of any liquor on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);
- 4.26.2 except for sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);
- 4.27 Picking of Fruit, Nuts or Berries
except in any community garden, pick fruit, nuts, seeds or berries from any plant;
- 4.28 Playing Games
- 4.28.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 4.28.2 promote, organise or take part in any organised athletic sport in any area to which the Council has resolved this subparagraph shall apply;
- 4.28.3 play any organised competition sport, as distinct from organised social play, in any area to which the Council has resolved this subparagraph shall apply;
- 4.29 Pontoons
install or maintain a pontoon, steps, jetty or similar structure in any waters;
- 4.30 Preaching and Canvassing
preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.31 Public Exhibitions and Displays
- 4.31.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.31.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.31.3 erect or inflate any inflatable castle;
- 4.31.4 cause any public exhibitions or displays;
- 4.32 Removing and Depositing
carry away or deposit any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;
- 4.33 Sand Dunes
- 4.33.1 use a sand board or other item to slide down a sand dune, coastal slope, or cliff;
- 4.33.2 ride a horse on a sand dune or coastal slope;
- 4.33.3 carry out an activity on a sand dune, coastal slope or cliff that may threaten its integrity;
- 4.34 Selling, Hiring, Leasing
sell, offer or display anything for sale, hire or lease;
- 4.35 Skateboards and Small Wheeled Devices
subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard, e-scooters, segways, other motorised transport or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;

- 4.36 Vehicles
- 4.36.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- 4.36.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 4.36.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;
- 4.37 Weddings, Functions and Special Events
- 4.37.1 hold, conduct or participate in a marriage ceremony, funeral or special event;
- 4.37.2 erect a marquee, stage or structure;
- 4.37.3 conduct any commercial filming;
- on land to which the Council has resolved this subparagraph will apply;
- 4.38 Wetlands
- subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:
- 4.38.1 operate a model boat;
- 4.38.2 fish, or take any aquatic creature;
- 4.38.3 introduce any fish or aquatic creature;
- 4.38.4 take or draw water;
- 4.39 Working on Vehicles
- perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person must not, on any local government land:

- 5.1 Animals
- 5.1.1 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;
- 5.1.2 allow an animal in that person's control, charge or ownership to damage Council property;
- 5.1.3 lead, drive, or exercise any horse or other animal in such a manner as to endanger the safety of any other person;
- 5.2 Annoyances
- unreasonably annoy or interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the Council;
- 5.3 Children's Playgrounds
- use any device, equipment or apparatus installed in a children's playground if that person is of or over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;
- 5.4 Defacing Property
- deface, paint, write, cut marks or affix bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council;
- 5.5 Fishing
- 5.5.1 fish, including with a hand spear or spear gun in any waters to which the Council has determined this subparagraph applies;
- 5.5.2 return any noxious species including European carp (*Cyprinus carpio*) or redfin perch (*Perca fluviatilis*) caught by the person to any land or waters;
- 5.5.3 deposit or leave any dead fish (in part or whole) or offal;
- 5.6 Glass
- wilfully break any glass, china or any other brittle material;
- 5.7 Interference with Permitted Use
- interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;
- 5.8 Smoking
- smoke any substance:
- 5.8.1 in any building or part of any building; or
- 5.8.2 on any local government land;
- to which the Council has resolved this subparagraph shall apply;
- 5.9 Swim
- swim, dive, scuba dive or snorkel in any waters to which the Council has determined this subparagraph applies;
- 5.10 Toilets
- in any public convenience:
- 5.10.1 smoke any substance;
- 5.10.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

- 5.10.3 use it for a purpose or manner for which it was not designed or constructed;
- 5.10.4 subject to clause 5.10.5, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
- 5.10.5 Clause 5.10.4 does not apply—
 - 5.7.5.1 in a genuine emergency; or
 - 5.7.5.2 to a vulnerable person being assisted by the vulnerable person’s caregiver, parent or guardian; or
 - 5.7.5.3 to a person that is intersex, transgender or gender diverse; or
 - 5.7.5.4 to a person with a disability; or
 - 5.7.5.5 to a person assisting a person with a disability;
- 5.11 Use of Council Rubbish Bins
deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;
- 5.12 Use of Equipment
use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside.

PART 3—MISCELLANEOUS

6. Directions

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person’s use of the land;
- 6.2 that person’s conduct and behaviour on the land;
- 6.3 that person’s safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

7. Removal of Animals and Exclusion of Persons

7.1 If any animal is found on local government land in breach of this by-law:

- 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if the authorised person reasonably believes that no person is in charge of the animal.

7.2 An authorised person may direct any person who is reasonably considered to be committing, or has committed, a breach of this by-law to leave local government land.

8. Removal of Encroachment or Interference

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

- 8.1 cease the encroachment or interference; and
- 8.2 remove the source of the encroachment or interference; and
- 8.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

9. Council May do Work

If a person:

- 9.1 fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 8 of this by-law; or
- 9.2 intentionally or negligently damages local government land,

an authorised person may:

- 9.3 undertake the work to comply with the request pursuant to paragraph 8 and/or repair the damage; and
- 9.4 recover the cost of completing the work from the person.

10. Exemptions

10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person’s normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.

10.2 The restrictions in paragraph 4.2.2, 4.7.2, 4.16, 4.30, 4.31.1, 4.31.2 and 4.31.4 of this by-law do not apply to:

- 10.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 10.2.2 matters which relate to, and occur during the course of and for the purpose of a referendum.

11. Application

Any of paragraphs 4.6.1.3, 4.8, 4.10, 4.20, 4.22, 4.24.2, 4.25.2, 4.26, 4.28.2, 4.28.3, 4.35, 4.37, 5.5.1, 5.8 and 5.9 of this by law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council’s *By-law No. 2—Local Government Land*, published in the Gazette on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla on the 20th day of December 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 4 January 2024

NATHAN CUNNINGHAM
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA
LOCAL GOVERNMENT ACT 1999
By-law No. 3—Roads By-law 2023

For the management of public roads.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Roads By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

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

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 3.3 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **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;
- 3.5 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*.

PART 2—MANAGEMENT OF ROADS

4. Activities Requiring Permission

A person must not on any road, without the permission of the Council:

- 4.1 Advertising
display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2023*;
- 4.2 Amplification
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;
- 4.3 Animals
 - 4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any 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, then only if under the effective control of a person;
 - 4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;
- 4.4 Bicycles
chain, lock or affix a bicycle to any pole, fence or other structure on a Road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;
- 4.5 Bridge Jumping
jump or dive from any bridge or other structure;
- 4.6 Camping
 - 4.6.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
 - 4.6.2 camp or sleep overnight;
 - 4.6.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;
- 4.7 Canvassing
convey any advertising, religious or other message to any bystander, passerby or other person;
- 4.8 Donations
ask for or receive or indicate that they desire a donation of money or any other thing;
- 4.9 Fishing
 - 4.9.1 fish, including with a hand spear or spear gun in any waters to which the Council has determined this subparagraph applies;

- 4.9.2 return any noxious species including European carp (*Cyprinus carpio*) or redfin perch (*Perca fluviatilis*) caught by the person to any land or waters;
- 4.9.3 deposit or leave any dead fish (in part or whole) or offal;
- 4.10 Preaching
preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.11 Public Exhibitions and Displays
- 4.11.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.11.2 conduct or hold any concert, festival, public gathering, show, street party, circus, performance or any other similar activity;
- 4.11.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;
- 4.11.4 cause any public exhibitions or displays;
- 4.12 Touting for Business
tout for business;
- 4.13 Use of Council Rubbish Bins
deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;
- 4.14 Working on Vehicles
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person who owns or is in charge of any horse or cattle must, if the horse or cattle defecates on a road, immediately remove the faeces and dispose of them in a lawful and suitable manner.

PART 3—MISCELLANEOUS

6. Directions

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the road;
- 6.2 that person's conduct and behaviour on the road;
- 6.3 that person's safety on the road;
- 6.4 the safety and enjoyment of the road by other persons.

7. Removal of Animals

If any animal is found on a road in breach of this by-law:

- 7.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 7.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or authorised person reasonably believes that no person is in charge of the animal.

8. Exemptions

- 8.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 8.2 The restrictions in paragraph 4.7, 4.10 and 4.11 of this by-law do not apply to:
 - 8.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 8.2.2 matters which relate to, and occur during the course of and for the purpose of a referendum.

9. Application

Paragraph 4.9 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

10. Revocation

Council's *By-law No. 3—Roads*, published in the Gazette on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla held on the 20th day of December 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 4 January 2024

NATHAN CUNNINGHAM
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

LOCAL GOVERNMENT ACT 1999

By-law No. 4—Moveable Signs By-law 2023

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

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

- 3.1 **'A' frame sign** means a moveable sign that is hinged or joined at the top and is of such construction that its sides are securely fixed or locked in position when in position, and includes a sandwich board sign or inverted 'T' sign;
- 3.2 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure, but does not include an 'A' frame sign;
- 3.3 **event** has the same meaning as in Section 33 of the *Road Traffic Act 1961*;
- 3.4 **footpath** means:
 - 3.4.1 a footway, lane or other place made or constructed for the use of pedestrians; or
 - 3.4.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.5 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.6 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **road related area** has the same meaning as in the *Road Traffic Act 1961*;
- 3.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2—MOVEABLE SIGNS ON ROADS

4. 'A' Frame Signs

A person may, without permission, display an 'A' frame sign on a road provided that it complies with subparagraphs 4.1, 4.2, 4.3 and 4.4. of this by-law.

4.1 Design and Construction

An 'A' frame sign displayed on a road must:

- 4.1.1 be constructed so as not to present a hazard to any member of the public;
- 4.1.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.1.3 not be unsightly or offensive in appearance;
- 4.1.4 not contain flashing or moving parts;
- 4.1.5 be not more than 90cm high, 60cm in width or 60cm in depth;
- 4.1.6 in the case of an inverted 'T' sign, contain no struts or members that run between the display area of the sign and the base of the sign.

4.2 Placement

An 'A' frame sign displayed on a road must:

- 4.2.1 not be placed anywhere except on the footpath;
- 4.2.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.8 metres wide;
- 4.2.3 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 4.2.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 4.2.5 not be placed on a designated parking area;
- 4.2.6 not be placed within 1 metre of an entrance to any premises;
- 4.2.7 not be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
- 4.2.8 not be placed in a position that puts the safety of any person at risk;
- 4.2.9 not be placed on a median strip, roundabout, traffic island or on a carriageway; and
- 4.2.10 not be placed within 10 metres of an intersection of a road.

4.3 Restrictions

An 'A' frame sign displayed on a road must:

- 4.3.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 4.3.2 be limited to one per business premises;

- 4.3.3 not be displayed unless the business to which it relates is open to the public;
- 4.3.4 be securely placed in position such that it cannot be blown over or swept away;
- 4.3.5 not be displayed during the hours of darkness unless it is clearly visible.

4.4 Appearance

An 'A' frame sign displayed on a road must:

- 4.4.1 be painted or otherwise detailed in a competent and professional manner;
- 4.4.2 be legible and simply worded to convey a precise message;
- 4.4.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 4.4.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
- 4.4.5 not have any balloons, flags, streamers or other things attached to it.

5. Banners and Signs

A person must not, without permission, display a banner or sign on any road or road related area.

5.1 Design and Construction

A banner or sign must:

- 5.1.1 only be displayed on a road or road related area;
- 5.1.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 5.1.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 5.1.4 be constructed so as not to present a hazard to any member of the public;
- 5.1.5 not be unsightly or offensive in appearance;
- 5.1.6 not contain flashing or moving parts;
- 5.1.7 not exceed 2m² in size;

5.2 Placement

A banner or sign displayed on a road must:

- 5.2.1 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.2.2 not be placed on a landscaped irrigated area;
- 5.2.3 not be placed on a designated parking area;
- 5.2.4 not be placed within 1 metre of an entrance to any premises;
- 5.2.5 not be placed in a position that puts the safety of any person or road user at risk;
- 5.2.6 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.2.7 not be placed within 50 metres of an intersection of a road with a posted speed limit of not more than 60km/h;
- 5.2.8 not be placed within 80 metres of an intersection of a road with a posted speed limit of more than 60km/h but less than 100km/h; and
- 5.2.9 not be displayed more than 21 days before and two days after the event it advertises.

5.3 Appearance

A banner or sign displayed on a road must:

- 5.3.1 be printed or otherwise detailed in competent and professional manner;
- 5.3.2 be legible and simply worded to convey a precise message;
- 5.3.3 not have any balloons, flags, streamers or other things attached to it.

PART 3—MOVEABLE SIGNS ON LOCAL GOVERNMENT LAND

6. Requirement to Obtain Permission

A person must not, without the Council's permission display or cause to be displayed a moveable sign on any local government land or resting on or attached to a vehicle on any local government land except a moveable sign:

- 6.1 attached to a licensed taxi;
- 6.2 on or attached to a vehicle belonging to any Council and which has been placed on or attached to the vehicle with the consent of the Council to which the vehicle belongs;
- 6.3 on or attached to a bus greater than 6m in length;
- 6.4 on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of which is to identify it as belonging to a business; and
- 6.5 comprising a sunscreen on a vehicle, where any message or trade name or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle.

PART 4—ENFORCEMENT

7. Removal of Unauthorised Moveable Signs

7.1 If:

- 7.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of Section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;

- 7.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
- 7.1.3 a moveable sign is removed under subparagraph 7.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 7.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 7.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

8. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the reasonable request of an authorised person if:

- 8.1 in the reasonable opinion of the 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
- 8.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign.

PART 5—MISCELLANEOUS

9. Specified Exemptions

- 9.1 This by-law does not apply to a moveable sign which:
- 9.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
- 9.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 9.1.3 directs people to a garage sale that is being held on residential premises;
- 9.1.4 is related to a State or Commonwealth election and is displayed during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 9.1.5 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 9.1.6 is displayed with permission of the Council and in accordance with any conditions attached to that permission;
- 9.1.7 is a sign of a class prescribed in regulations; or
- 9.1.8 directs people to a charitable function.
- 9.2 Paragraphs 4.2.6, 4.3.2, 4.3.3 and 5.2.4 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

10. Revocation

Council's *By-law No. 4—Moveable Signs*, published in the Gazette on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla on the 20th day of December 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 4 January 2023

NATHAN CUNNINGHAM
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

LOCAL GOVERNMENT ACT 1999

By-law No. 6—Foreshore By-law 2023

For the management of local government land comprising the beach and foreshore under the control of the Council.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Foreshore By-law 2023*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

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

- 3.1 **animal** includes birds, insects and fish, but excludes a dog;
- 3.2 **boat** includes a raft, pontoon, jet ski, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the foreshore for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the foreshore;
- 3.4 **e-cigarette** means:
- 3.4.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.4.2 a device of a kind resolved by the Council and notified by notice in the Gazette to be an e-cigarette;
- 3.5 **effective control** means a person exercising effective control of an animal either:
- 3.5.1 by means of a physical restraint; or

- 3.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 3.6 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.6.1 a road;
- 3.6.2 a section;
- 3.6.3 a public reserve; or
- 3.6.4 land comprised in a land grant, Crown Land or Crown License;
- 3.7 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.8 **low water mark** means the lowest meteorological tide;
- 3.9 **open public water** means any stream, river, creek or ocean within the foreshore;
- 3.10 **smoke** means:
- 3.10.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.10.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2—MANAGEMENT OF FORESHORE

4. Activities Requiring Permission

A person must not without permission on the foreshore:

- 4.1 Advertising
display any sign for the purpose of commercial advertising other than a moveable sign displayed in accordance with the Council's *Moveable Signs By law 2023*;
- 4.2 Aircraft
subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the foreshore;
- 4.3 Amplification
use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience;
- 4.4 Attachments
attach anything to a tree, plant, equipment, fence, post, structure or fixture on the foreshore;
- 4.5 Camp
- 4.5.1 erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation;
- 4.5.2 camp or sleep overnight;
- 4.6 Charge Admission
charge admission or seek payment for entering any part of the foreshore;
- 4.7 Closed Lands
enter or remain on any part of the foreshore that has been closed to the public, including through the erection of barriers;
- 4.8 Flora, Fauna and Other Living Things
subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 4.8.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or
- 4.8.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
- 4.8.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 4.9 Fireworks
ignite or discharge any fireworks;
- 4.10 Jetties
jump or dive from a jetty or other structure onto the foreshore or into any adjacent waters;
- 4.11 Missiles
throw, roll or discharge any stone, substance or missile to the danger of any person or animal thereon;
- 4.12 pontoons
install or maintain a pontoon or jetty in any open public water;
- 4.13 Public Exhibitions and Displays
- 4.13.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.13.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.13.3 erect or inflate any inflatable castle;
- 4.13.4 cause any public exhibitions or displays;
- 4.14 Trading
- 4.14.1 carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or
- 4.14.2 set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

4.15 Vehicles and Vessels

repair, wash, paint, panel beat or carry out other work to a vehicle or a vessel, except for running repairs in the case of a breakdown;

4.16 Weddings, Functions and Special Events

4.16.1 hold, conduct or participate in a marriage ceremony, funeral or special event;

4.16.2 erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event;

4.16.3 hold or conduct any filming where the filming is for a commercial purpose.

5. Activities Requiring Permission in Declared Areas

A person must not without permission on any part of the foreshore:

5.1 Alcohol

consume or possess or be in charge of any liquor;

5.2 Animals

5.2.1 cause or allow any animal to swim or bathe in any open public water to the inconvenience, annoyance or danger of any other person bathing or swimming; or

5.2.2 allow, ride or take any animal or allow it to remain;

5.2.3 allow any animal to enter or leave the foreshore other than by the access ramps constructed or provided for that purpose;

5.3 Bathing

swim or bathe in any open public water at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on or near the foreshore;

5.4 Boats

5.4.1 subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* hire out any boat or otherwise use a boat for commercial purposes from the foreshore;

5.4.2 launch or retrieve a boat from or onto the foreshore without using a boat ramp constructed or provided for that purpose;

5.4.3 allow a vehicle or a boat to remain stationary on a boat ramp for longer than is necessary to launch or retrieve a boat;

5.5 Boat Ramps

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

5.5.1 use or launch a boat or other object from any boat ramp or in any area except where a sign or signs are displayed by the Council requiring the purchase of a permit prior to launch;

5.5.2 in respect of a permit issued under sub-paragraph 5.5.1:

5.5.2.1 the Council shall prescribe a fee at least once in each financial year for permits to use a boat ramp;

5.5.2.2 a permit may be purchased for a fee from the Council or its duly authorised agent, or a ticket vending machine installed and maintained by the Council;

5.5.2.3 upon request of an authorised person, any person about to use (unless they have not yet had the opportunity to purchase a ticket) using or having used a boat ramp, must produce a permit or ticket purchased prior to the request in compliance with this by-law;

5.5.2.4 the Council, or such other person as the Council may authorise by resolution for that purpose, may exempt organisations involved in search and rescue at sea from the requirement to purchase a permit; and

5.5.2.5 the Council may, by resolution and the erection of a sign or signs, restrict the use of special areas or boat ramps to either commercial or recreational use, or prohibit their use entirely;

5.6 Camp

Camp or sleep overnight in accordance with such time limits and other conditions determined by resolution of Council (if any);

5.7 Fires

subject to the *Fire and Emergency Services Act 2005*, light any fire except:

5.7.1 in a place provided by the Council for that purpose; or

5.7.2 in a portable barbecue, as long as the barbecue is used in an area that is clear of flammable material for a distance of four metres;

5.8 Fishing

cast or keep in open public water any fishing line, net or trap to catch fish or other water creatures in any area, bridge, pontoon or jetty in any area to which the Council has resolved this paragraph applies;

5.9 Vehicles

drive or propel a vehicle except on an area of the foreshore set aside by the Council for that purpose and identified by means of signs, devices or fencing;

5.9.1 Clause 5.9 applies to all fenced Hooded Plover breeding sites located on the foreshore so that these sites constitute an area on the foreshore where a vehicle may not be driven or propelled; and

5.9.2 for the purposes of Clause 5.9.1, a 'Hooded Plover breeding site' is any land that has been identified by a temporary fenced exclusion zone with a sign at least 20 metres away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

6. Prohibited Activities

A person must not on the foreshore:

6.1 Annoyances

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

6.1.1 using the foreshore; or

- 6.1.2 occupying nearby premises,
by making a noise or creating a disturbance;
- 6.2 Glass
wilfully break glass, china or other brittle material;
- 6.3 Interference with Permitted Use
interrupt, disrupt or interfere with any other person's use of the foreshore for which permission has been granted;
- 6.4 Model Aircraft, Boats and Cars
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 foreshore or detract from or be likely to detract from another person's lawful use of and enjoyment of the foreshore;
- 6.5 Pontoon
moor a boat or allow any boat to remain stationary adjacent to a pontoon installed on the foreshore other than in accordance with any conditions displayed on any sign on or in the vicinity of the pontoon;
- 6.6 Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs
- 6.6.1 carry out any activity that may damage or threaten the integrity of sand dunes, pebble dunes, coastal slopes or cliffs; or
- 6.6.2 introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune; or
- 6.6.3 destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff;
- 6.6.4 remove or clear or destroy any sand, soil, rocks or other flora and fauna;
- 6.6.5 make or excavate any dugout, cave, cliff or other opening or camp in or otherwise occupy any dugout, cave or cliff overhanging opening;
- 6.7 Toilets
in any public convenience:
- 6.7.1 smoke tobacco or any other substance;
- 6.7.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 6.7.3 use it for a purpose or manner for which it was not designed or constructed;
- 6.7.4 subject to Clause 6.7.5, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
- 6.7.5 Clause 6.7.4 does not apply:
- 6.5.5.1 in a genuine emergency; or
- 6.5.5.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or
- 6.5.5.3 to a person that is intersex, transgender or gender diverse; or
- 6.5.5.4 to a person with a disability; or
- 6.5.5.5 to a person assisting a person with a disability;
- 6.8 Use of Equipment, Buildings and Property
use any item of equipment and/or facilities or other Council property:
- 6.8.1 other than for the purpose and in the manner for which it was designed, set aside or intended to be used; and
- 6.8.2 where any nearby sign states the conditions of use, except in accordance with those conditions;
- 6.9 Waste
- 6.9.1 deposit or leave thereon:
- 6.9.1.1 anything obnoxious or offensive;
- 6.9.1.2 any offal, dead animal, dung or filth; or
- 6.9.1.3 any mineral, mineral waste, industrial waste or by products;
- 6.9.2 deposit any rubbish other than in receptacles provided by the Council for that purpose;
- 6.9.3 deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 3—MISCELLANEOUS

7. Orders and Directions

- 7.1 Every person shall comply with any reasonable direction or request from an authorised person relating to:
- 7.1.1 that person's use of the foreshore;
- 7.1.2 that person's conduct and behaviour on the foreshore;
- 7.1.3 that person's safety on the foreshore; and
- 7.1.4 the safety and enjoyment of the foreshore by other persons.

8. Removal of Animals and Objects

If any animal or object is found on any part of the foreshore in breach of a by-law:

- 8.1 any person in charge of the animal or object shall forthwith remove it from that part on the reasonable request of an authorised person; and
- 8.2 any authorised person may remove the animal or object if the person fails to comply with the request, or if the authorised person reasonably believes that no person is in charge of the animal or object.

9. Exemptions

- 9.1 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 of a Council Officer, or an emergency worker when performing emergency duties.
- 9.2 The restrictions in paragraphs 4.1, 4.3, 4.4, 4.13.1, 4.13.2 and 4.13.4 of this by law do not apply to electoral matters:
- 9.2.1 authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 9.2.2 related to, and occurring during the course of and for the purpose of a referendum.

10. Application of Paragraphs

Any of paragraph 5.8 of this by-law shall apply only in such portion or portions of the foreshore as the Council may be resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

11. Revocation

Council's *By-law No. 7—Foreshore*, published in the Gazette on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla held on the 20th day of December 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 4 January 2024

NATHAN CUNNINGHAM
Chief Executive Officer

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