

**YORKE PENINSULA COUNCIL**  
**NUISANCES CAUSED BY BUILDING SITES BY-LAW 2013**

**By-Law No. 6 of 2013**

To prevent and suppress certain kinds of nuisances caused by rubbish escaping from land on which building work is being undertaken.

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**PART 1 – PRELIMINARY****1. Title**

This by-law may be cited as the *Nuisances Caused by Building Sites By-law 2013* and is by-law No. 6 of the Yorke Peninsula Council.

**2. Authorising Law**

This By-law is made under section 246 of the Act and sections 667(1) 4.I and 9.XVI of the *Local Government Act 1934*.

**3. Purpose**

The objects of this by-law are to:

- 3.1. prevent and suppress nuisances;
- 3.2. to protect the convenience, comfort and safety of members of the public;
- 3.3. to enhance the amenity of the Council area.

**4. Expiry**

- 4.1. This by-law will expire on 1st January 2021.<sup>1</sup>

**Note-**

1. Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetted by-law.

**5. Application**

- 5.1. This by-law applies throughout the Council 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** has the same meaning as in the *Local Government Act 1999*;
- 6.3. **building work** has the same meaning as in the *Development Act 1999*;
- 6.1. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.2. **Road** has the same meaning as in the *Local Government Act 1999*.

**Note-**

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

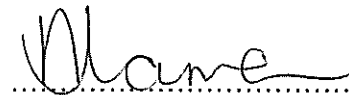
**PART 2 – PREVENTION AND REMOVAL OF DISCHARGE****7. No Unauthorised Discharge**

- 7.1. The person in charge of building work on land must take all reasonable steps to ensure that all paper, plastic or other building materials (not including soil, sand or stones) on the land associated with the building work do not blow from the land in a wind.
- 7.2. Section 7.1 does not extend to the prevention of materials blowing from land in a wind of such velocity and nature that similar materials from other properties in the area generally are blown from those properties, provided that reasonable steps have been taken to secure the materials on the land.

**8. Removal of Discharge**

- 8.1. If paper, plastic or other building materials (not including soil, sand or stones) blows from land upon which building work is being undertaken, the person in charge of the building work must remove all such materials from any Local Government land and/or road upon which that material has landed at the request in writing of an authorised person.
- 8.2. If the person in charge of building work on land fails to comply with section 8.1 then the Council may undertake the work itself and may recover the cost of doing so from that person.

This by-law was duly made and passed at a meeting of the Yorke Peninsula Council held on the 11 December 2013 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
.....  
ANDREW CAMERON  
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**Yorke Peninsula Council**

**By-law No 6 – Nuisances caused by building sites**

*To prevent and suppress certain kinds of nuisances caused by rubbish escaping from land on which building work is being undertaken.*

and do certify that in my opinion:

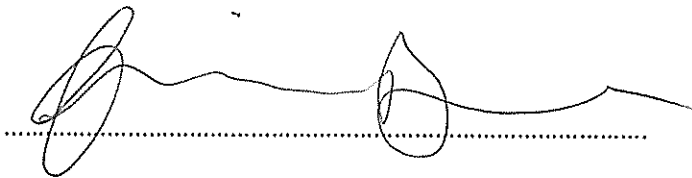
Yorke Peninsula Council

has the power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999*: sections 238, 246(1)(a), 246(3)(a), and 246(3)(c); and *Local Government Act 1934*: sections 667(1) 4.1 and 9.XVI;

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 20 day of November 2013

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a series of loops and a long horizontal stroke that ends in a small upward flick. The signature is written over a horizontal dotted line.

Cimon Burke, Legal Practitioner