



THE BAROSSA COUNCIL

By-law made under the Local Government Act 1999

By-law No 7 – Nuisances Caused By Building Sites

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

1. Definitions

In this by-law:

- 1.1 'Authorised Person' has the same meaning as in the Local Government Act 1999;
- 1.2 'Building Work' has the same meaning as in the Development Act 1993.

2. No Unauthorised Discharge

- 2.1 The person in charge of Building Work on land must take all reasonable steps necessary to ensure that all paper, plastic, or other building materials (not including soil, sand or stones) on the land associated with the Building Work is secure so that it does not blow from the land in a wind.

3. Removal of Discharge

- 3.1 If paper, plastic or other building materials (not including soil, sand or stones) blows from the land in a wind, the person in charge of the building work must remove all such materials from adjacent land at the request in writing of an Authorised Person.
- 3.2 If the person in charge of building work on land fails to comply with clause 3.1, then the Council or such person as authorised by the Council may undertake the work, and recover the cost of doing so from that person.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on the 17 day of 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.

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Martin McCarthy
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Dale Jason Mazzachi of 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which The Barossa Council intends to make, being *By-law No 7 – Nuisances Caused By Building Sites* and do certify that in my opinion:

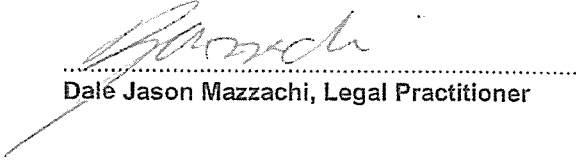
- (a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

Local Government Act 1934, Section 667(1) paragraphs 4.I and 9.XVI;

Local Government Act 1999, Sections 246(1)(a) and 246(3)(c);

- (b) the by-law is not in conflict with the Local Government Act 1999.

DATED the 26th day of NOVEMBER 2013


Dale Jason Mazzachi, Legal Practitioner