



By-Law Made Under the Local Government Act 1999

FORESHORE BY-LAW 2016

By-law No. 7 of 2016

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

1. Definitions

In this by-law:

- 1.1 **authorised person** has the same meaning as in the Local Government Act 1999;
- 1.2 **boat** includes a raft, pontoon, personal watercraft or any other similar device;
- 1.3 **boat ramp** means the facilities constructed, maintained and operated for the launching and retrieval of a boat, yacht or seagoing craft;
- 1.4 **emergency vehicle** has the same meaning as in the Australian Road Rules;
- 1.5 **emergency worker** has the same meaning as in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;
- 1.6 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
 - 1.6.1 a road;
 - 1.6.2 a section;
 - 1.6.3 a public reserve; or
 - 1.6.4 land comprised in a land grant, Crown Land or Crown Licence;
- 1.7 **livestock** has the same meaning as defined in the Livestock Act 1997 but, does not include a dog or cat;
- 1.8 **low water mark** means the lowest meteorological tide;
- 1.9 **open public water** means any stream, river, creek, sea within the foreshore;

1.10 **personal watercraft** has the same meaning as in the Harbors and Navigation Act 1993;

1.11 **vehicle** has the same meaning as in the Road Traffic Act 1961.

2. **Prohibited Activities**

A person must not on the foreshore:

2.1 **Annoyances**

2.1.1 jump, dive, propel or throw any person(s) or object from any structure into any open public water;

2.1.2 conduct him or herself in such a manner that may annoy others, unreasonably interfere with the lawful activities of others, endanger the public, or cause any inconvenience to any other persons, make excessive noise or create a disturbance, unless authorised by the Council;

2.2 **Kiosk, Pergola or Surf Club**

use any kiosk, pergola, surf club:

2.2.1 for any other purpose other than for which it was not designed or constructed;

2.2.2 or remain therein for longer than is necessary to effect such purpose;

2.3 **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.

3. **Activities requiring permission**

A person must not without permission on the foreshore:

3.1 **Animals**

cause or allow any livestock to enter or remain on the foreshore;

3.2 **Bathing**

swim or bathe at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on the land;

3.3 **Boat ramps**

subject to the provisions of the Harbours and Navigation Act 1993:

3.3.1 launch or retrieve a boat or other object from any boat ramp or other area except where a sign or signs are displayed by the Council indicating that such activity is permitted in that area; or

3.3.2 allow any vehicle, boat, yacht or other seagoing craft to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

3.4 Conducting events etc.

conduct or hold any event, concert, festival, show, public gathering, meeting, performance or any similar activity;

3.5 Dressing sheds

use any dressing shed or enclosure for other than the purpose of changing into or from bathing garments, or remain there for longer than is necessary for that purpose;

3.6 Erection of signs

erect or display any sign, hoarding or notice;

3.7 Fishing

3.7.1 endanger another person by casting a fishing line or have one in the water from any beach, jetty, structure or boat while there are other persons in the water in the vicinity of the fishing line; or

3.7.2 to which this sub-paragraph applies cast a fishing line, net or trap to catch water creatures;

3.8 Flora fauna and other living things

subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:

3.8.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or

3.8.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;

3.8.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

3.9 Jetties

comprising a jetty:

3.9.1 jump or dive from the jetty into water or onto a beach;

3.9.2 tie or affix any water craft to the jetty;

3.9.3 after being requested to leave a jetty by an authorised officer for an alleged offence, come back onto the jetty on the same day;

3.10 Moorings

3.10.1 enter or be on any mooring or mooring area unless with the consent of the person who has the right to use the mooring or mooring area;

3.10.2 to moor a vessel or enter a mooring area to which permission is required and is generally closed to the general public.

4. Exemptions

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 driving an emergency vehicle.

5. Application of Paragraph

Any of subparagraph 2.3, 3.2, 3.3.2 and 3.7.2 of this by-law shall apply only in such portion or portions of the Foreshore as the Council may by resolution direct in accordance with Section 246 (3)(e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla held on the 16th day of August 2016 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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Mr Nigel Morris
Chief Executive