Local Nuisance – Exemption Application Form

Applicant Details	
Name of Applicant *(Exempt Person)*:	
Address:	
	Post code:
Business Name:	ABN:
Business Address:	
	Post code:
Email:	Mobile:

Responsible Person Details	
Name of Responsible Person:	
Address:	
	Post code:
Email:	Mobile:

Site Location:

(Please attach supporting documentation to occupy site/area)

Council may declare an activity exempt from Section 18 of the Local Nuisance and Litter Control Act, if the Council considers exceptional circumstances exist. Please outline your reasons for this exemption, the nature of the activity and the anticipated sources and kinds of local nuisance generated by the activity ie noise, dust, smoke etc (please attach further documentation if required):

Period for which declaration is sought:			
Date From:		To:	
Times of day OR periods of time:			
From:	am/pm	To:	am/pm

CITY OF PROSPECT

Payinthi
128 Prospect Road
PO Box 171
Prospect SA 5082

(08) 8269 5355
admin@prospect.sa.gov.au
www.prospect.sa.gov.au
ABN 58 758 236 361

Office Hours
Monday to Friday
9.00am - 5.00pm
Closed Public Holidays

Attachments:	
☐	A scaled Site Map – detail area/s relevant to the exemption
☐	Site nuisance management plan
☐	Approval to occupy site/area
☐	Communication strategy
☐	Any current permits, licences or consents ie Development Approval, liquor licence
☐	Other: *List below and include supporting documentation*
	●
	●
	●
	●

Site Nuisance Management Plan:

For the purposes of section 19(2)(a) of the Local Nuisance and Litter Control Act a Site Nuisance Management Plan must accompany this application and include the following information:

1. an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance:
2. a map showing –
   - the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers);

   and

   - the location of premises occupied by potentially affected persons and the distance of the premises from those sources;
3. the name and contact details of the responsible person in relation to the activity;
4. the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;
5. the proposed communication strategy for communicating with potentially affected persons;
6. a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details:
   - the nature of the proposed activity;
   - the start and finish dates for the activity;
   - the daily start and finish times for the activity;
   - the anticipated sources of local nuisance generated by the activity;
   - the proposed measures to be implemented to minimise the local nuisance;
   - the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;
   - such other details as the relevant council may require;
7. the proposed communication strategy with the relevant council, including reporting by the exempt person or progress of the activity and the site nuisance management plan and any unforeseen incidents;
8. the proposed process for recording details about complaints, including –
   - contact details for each complainant; and
   - the date and time of the complaint; and
   - a description of the complaint; and
   - the nature of the activity giving rise to the complaint; and
   - any action taken to address the complaint.

A plan prepared in accordance with the guidelines entitled Construction environmental management plans (2016) published by the Environment Protection Authority as in force from time to time may, subject to any requirements of the relevant council, have effect as if it were a site nuisance management plan in relation to an activity comprised of construction or demolition works.

Note: exempt person, in relation to an activity, means the person declared to be exempt from the application of section 18 of the Act in respect of the activity by notice under section 19(1) of the Act

Responsible person, in relation to an activity, means the person designated by the exempt person –

a) to be present on the premises at which the activity is being conducted; and
b) to receive an deal with complaints about any local nuisance generated by the activity and to inform or direct persons accordingly.

Proposed Communication Strategy:	
Notify affected person by: ☐ Council Example letter ☐ Other letter enclosed	
☐ Other Method:	
Proposed Date:	Number of businesses/residents:
Enclosed a map of businesses and residents to be notified ☐ YES ☐ NO	
Other Information:	

Signatures	
Signed by Applicant:	Date:
Signed by Responsible Person:	Date:

Local Nuisance – Exemption

Conditions of Application:

1. **Council notification:** For an application in relation to an activity that is to take place over a period not exceeding 24 hours –
   - At least 2 weeks before the activity commences; or
   - As requested by Council.

   For an application in relation to an activity that is to take place over a period of 24 hours or longer –
   - At least 4 weeks before the activity commences; or
   - As requested by Council.
2. If an application for a declaration in relation to an activity is not lodged with council as required above or does not include the relevant supporting documentation, the council may refuse to consider the application.
3. If Council believes the activity is not considered to be exceptional circumstances, the application may be refused.
4. If an activity requires an exemption and is carried out without this declaration, then penalties may apply under the Local Nuisance and Litter Control Act 2016 as determined by the Council. The person responsible or the exemption holders are liable to any action under this Act.
5. Approvals may be required outside of this form for an activity you may wish to be exempt from (ie road closure or development approval or event approval).
6. Council may request further information before approving this request. This may include an acoustic engineer's assessment from activities which may generate excessive noise.

Local Nuisance Exemption – Supporting Information

Example Letter in consultation with Residents/Businesses:

The following letter can be used as a guide as to what to include in your advice to potentially affected residents and businesses.

<Insert Date>

Dear Residents & Businesses

I am writing to advise you of an activity/event that will be taking place at **<insert location>** on/between **<insert date(s)>**. The nature of the proposed activity is **<insert type>** (ie construction noise or concert etc) and it is expected that this may generate **<insert nuisance>** (ie noise, dust, smoke etc) in your area.

For this reason I have sought an exemption from the City of Prospect under the Local Nuisance and Litter Control Act 2016, and I have provided them with a site nuisance management plan which includes the following measures **<insert measures>**. I hope these measure will ensure that this activity has minimal impact on you and other surrounding residents and businesses.

The activity is proposed to start at **<insert start>** and **<finish time>**. If you have any queries in the lead up to the activity/event, or have any feedback for us during or after, please don't hesitate to contact me on the following:

Telephone: <insert phone/mobile>

Email: <insert email>

Alternatively, you can contact the City of Prospect on 8269 5355 regarding the approval of this activity.

Yours sincerely

<insert name>
<insert company>

Example Complaint Register:

The following can be used as a template to establish a Complaints Register to record details of any complaints or concerns raised in relation to the activity.

Complaint One:

Time Received: _____ AM/PM

Received From: _____ Phone Number: _____

Address: _____

Nature of Complaint: _____

Response of event organiser: _____

City of Prospect Notified: ☐ YES ☐ NO

Complaint Two:

Time Received: _____ AM/PM

Received From: _____ Phone Number: _____

Address: _____

Nature of Complaint: _____

Response of event organiser: _____

City of Prospect Notified: ☐ YES ☐ NO