

## Local Nuisance Complaint Form

Under section 18 of the *Local Nuisance and Litter Control Act 2016*, it is an offence in South Australia for a person to cause a local nuisance. For further information regarding what is and is not a local nuisance refer pages 4 and 5.

If you wish to report a local nuisance occurring in the Council's area, please complete and provide this form to the Council either in person at the Council's offices, via post to PO Box 171, Prospect SA 5082 or, by email to [admin@prospect.sa.gov.au](mailto:admin@prospect.sa.gov.au)

| COMPLAINANT DETAILS   |  |
|---|--|
| <b>Name:</b>  |  |
| <b>Date of Birth:</b>   |  |
| <b>Residential Address:</b>   |  |
| <b>Postal Address (if different):</b>   |  |
| <b>Phone Number:</b>  |  |
| <b>Email Address:</b>   |  |
| DETAILS OF THE COMPLAINT  |  |
| <b>Nuisance Type:</b>   | <input type="checkbox"/> Noise <input type="checkbox"/> Vibration<br><input type="checkbox"/> Odour <input type="checkbox"/> Unsightly Premises<br><input type="checkbox"/> Smoke <input type="checkbox"/> Insanitary Conditions<br><input type="checkbox"/> Dust <input type="checkbox"/> Other [see pages 3 & 4]<br><input type="checkbox"/> Animals |
| <p><b>To enable the Council to be in a position to progress your complaint, further information is required from you. Accordingly, please provide details below (and insert additional pages where required) of the activity that you consider is causing a local nuisance, including at a minimum:</b></p> <ul style="list-style-type: none"> <li>• what you consider is the cause of the local nuisance and the reasons for your views;</li> <li>• the property at which the activity giving rise to the alleged local nuisance is occurring;</li> <li>• when the nuisance occurs -times, duration, etc. (Note: in some cases, you may be requested to maintain a diary over a specified period that records the times and dates when the nuisance occurs and the length of time for which it persists);</li> <li>• how the alleged nuisance is affecting you; and</li> <li>• details of any person you have observed carrying out the activity giving rise to the local nuisance.</li> </ul> |  |
|   |  |
|   |  |
|   |  |
|   |  |
| DETAILS OF THE COMPLAINT (continued)  |  |
|   |  |
|   |  |



**How is the Complaint being made?**

Tick one box:

- personally handing it to the council
- mailing it to the council
- faxing or emailing it to the council
- verbally over the phone to a council officer *[please specify name of officer]:*

**Complainant's Acknowledgement and Signature**

I acknowledge and agree that the information in or accompanying this form is, to the best of my knowledge, true and accurate. I understand that this information may be used as evidence in relation to an offence under the *Local Nuisance and Litter Control Act 2016* and, may be disclosed to a third party where necessary in connection with any investigation into or proceedings undertaken by the Council for any such offence. I also understand that the Council may be required to disclose the information that I have provided in or with this form to a third party under the *Freedom of Information Act 1991*.

Name

Signature

Date

**The Council appreciates your report, which will be managed in accordance with the Council's policies and procedures. This will involve the report being assessed by an authorised officer to determine whether further investigation is required and what action, if any, can be taken. In complex cases, it may take time for the Council to obtain sufficient evidence to action a nuisance complaint. The Council will endeavor to keep you updated regarding the action taken in respect of your report.**

## The Following ARE a Local Nuisance unless listed on page 5

### 1. Any adverse effect on the amenity value of an area caused by any of the following:

- noise
- odour,
- smoke
- fumes
- aerosol;
- dust;
- vibration; or
- animals, whether dead or alive; and

that unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by people in it.

### 2. **Insanitary Conditions** on premises that unreasonably interfere with or are likely to interfere with the enjoyment of other people living in the area.

### 3. **Unsightly Conditions** on premises involving –

- a) excessive or unconstrained rubbish, waste or vegetation;
- b) stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste in the circumstances;
- c) graffiti (that is offensive or consists mainly of words, tags or symbols and that has been left on premises for 7 days in the case of offensive graffiti or 28 days in any other case)
- d) a building that has been left partially demolished or in a state of disrepair, dilapidation or damage –

where the condition has had an adverse effect on the amenity value of the area or caused the premises to be significantly out of conformity with the general appearance of neighbouring premises.

### 4 Other

**4.1 The projection of a promotional, obscene or offensive image** onto property without the consent of the owner or occupier of property.

**4.2** Using an **audible bird scaring device** otherwise than in accordance with the *Audible Bird Scaring Devices Environmental Noise Guidelines 2007*.

### 4. Other (continued)

#### 4.3 Noise generated on premises –

- a) if it is generated from a *fixed machine* on domestic premises and it travels to a room, outdoor courtyard or entertainment area on a neighbouring premises;
- b) in *any other case*, where the noise generated on domestic premises travels to neighbouring premises between the hours of:
  - 8pm and midnight on any day;
  - midnight and 9am on Sunday; or
  - midnight and 8am on any other day;
- c) if it is construction noise that has travelled to neighbouring premises:
  - on any Sunday or public holiday; or
  - after 7pm or before 7am on any other day;
- d) if it is waste collection noise that has travelled to neighbouring premises:
  - before 9am or after 7pm on any Sunday or public holiday; or
  - after 7pm or before 7am on any other day;
- e) if it is noise from a street or tree maintenance machine being used in a public place that has travelled into neighbouring premises:
  - before 9am or after 7pm on a Sunday or public holiday; or
  - after 7pm or before 7am any other day – AND where the level, nature or extent of the noise (including its volume, pitch, vibrational frequency, prevalence or frequency of occurrence) is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by its occupiers.

**4.4 Odour, dust, vibration or smoke generated on premises** that has travelled to neighbouring premises and where the nature, intensity or extent of it is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by its occupiers.

In the case of *smoke from a solid fuel heater*:

- if a visible plume of smoke extends into the air above neighbouring premises from the flue or chimney of the heater more than 15 minutes after the heater is lit; and
- the extent, colour, smell or density of the smoke is such as to constitute an unreasonable interference with the enjoyment of neighbouring premises.

Further Information about what constitutes a local nuisance and factsheets are available to the public online at:

<https://www.lga.sa.gov.au/nuisanceandlitter>

## The Following ARE NOT a Local Nuisance

(refer section 17 and clause 5 of the *Local Nuisance and Litter Control Act 2016*)

### **Noise or other nuisance from –**

- blasting operations carried out as part of a mining operation within the meaning of the *Mines and Works Inspection Act 1920* or *Mining Act 1971*;
- any activity carried out in accordance with a program for environmental protection and rehabilitation that is in force for mining operations under Part 10A of the *Mining Act 1971*;
- the keeping of animals in accordance with a development authorisation within the meaning of the *Development Act 1993*;
- any other activity carried on in accordance with an authorisation (including approval, consent, licence, permit, exemption or entitlement) granted under any other Act, provided that the authorisation imposes requirements to control, minimise or eliminate noise and the requirements have been complied with;
- firework displays;
- sporting or associated activities at sporting venues;
- community events run by or on behalf of a council; or
- that may be subject of proceedings under –
  - the *Community Titles Act 1996*;
  - the *Strata Titles Act 1988*; or
  - the *Residential Tenancies Act 1995*.

**Noise, odour or waste from animals living in their natural habitat** (other than such animals that have been actively encouraged, by feeding, to gather in a particular area).

### **Noise from public infrastructure works**

**Noise from vehicles** (other than vehicles operating within, or entering or leaving, business premises).

**An activity on, or noise emanating from, licensed premises** within the meaning of the *Liquor Licensing Act 1997*, or behaviour, in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of that Act.

### **Noise –**

- in connection with **aircraft or a railway**;
- principally consisting of **music or voices**, or both, resulting from an activity at domestic premises;
- from activities carried on in the normal course of a **school, kindergarten, child care centre or place of worship**;
- **caused by emergency vehicle sirens**
- created by **dog barking** that may be the subject of an offence under s 45A(5) of the *Dog and Cat Management Act 1995*; or
- That is outside of the **human audible range**