



# Local Nuisance and Litter Control

The Local Nuisance and Litter Control Act 2016 (the Act) was developed to support and enhance local amenity values by strengthening local nuisance and litter management services within South Australia.

## What is Local Nuisance?

Local nuisance is described in the Act as being any adverse impact on the amenity value of an area, which unreasonably interferes with, or is likely to unreasonably interfere with, the enjoyment of that area by people in that area. Some common examples of activities that may be considered a local nuisance include:

- Dust and activity noise from development and construction sites
- Noise emanating from fixed and non-fixed domestic machines such as air conditioner compressors, swimming pool pumps, lawnmowers, and power tools
- Smoky wood heaters

Local nuisance can also be caused by insanitary conditions such as filthy or neglected premises that present a risk of rodent infestation or emit offensive odours or material. It can also be caused by unsightly conditions on premises caused by human activity or a failure to act on those type of conditions such as excessive or unconstrained rubbish, waste or vegetation; or stockpiled, excessive or unconstrained disused or derelict items or material.

## What is Amenity?

Amenity value is defined in the Act as including any quality or condition of an area that is conducive to its enjoyment. This can refer to a wide range of qualities, characteristics and attributes about a place or area that people value, and which contributes to their experience of a good quality of life. Whilst the amenity values that individuals seek to appreciate vary according to each person's own principles, there is a wide range of common ideals that are generally accepted as being key elements relative to the amenity value of a community.

## What are a person's obligations with regard to Local Nuisance?

A person's activities should not unreasonably interfere with the well-being or enjoyment of an area by others. The community should all be mindful of the degree of potential local nuisance that can be generated by things such as unwarranted smoke, excessive noise, nuisance dust or unkempt properties and always seek to minimise such impacts as much as possible.

## Roles and Responsibilities in investigating Local Nuisance?

Councils are not responsible for sites that are licensed by the Environment Protection Authority (EPA). In circumstances where a complaint relates to a nuisance that is considered to be of high impact or on a wide scale, involves actual or potential harm to the health or safety of human beings, councils will refer this directly to the EPA. Nuisances related to party noise or music should always be referred to the **Police**. Councils are also not responsible for nuisances emanating from establishments licenced under the Liquor Licencing Act 1997.

The Act contains clauses that allow for the defence of due diligence if a person can demonstrate that all reasonable precautions had been taken and that they exercised all due diligence to prevent or avoid causing an offence of local nuisance under the Act.

When investigating a local nuisance concern, Council's Officers will need to determine if the nuisance has travelled to a neighbouring premises (eg noise, dust, odour vibration); and the nature, extent, smell, level (including its volume, pitch, vibrational frequency prevalence or frequency of occurrence as applicable) is such as to constitute an unreasonable interference with the enjoyment of a premises by persons occupying those premises.

## Noise Nuisance?

Concerns regarding noise are the most commonly reported local nuisance matter to Council. Council takes into account the following requirements when investigating noise nuisance:

- In the case of fixed machine noise (e.g. air conditioner, pool pump) generated on domestic premises, that the noise has travelled from the domestic premises to a habitable room, or an outdoor courtyard or entertainment area, on neighbouring premises;
- In the case of noise other than fixed machine noise generated on domestic premises, that the noise has travelled from the domestic premises to neighbouring premises between the hours of:
  - 8pm and midnight on any day; or
  - midnight and 9am on Sunday; or
  - midnight and 8am on any other day.
- In the case of construction noise—the noise has travelled from the location of the construction activity to neighbouring premises—
  - on any Sunday or public holiday; or
  - after 7pm or before 7am on any other day.
- In the case of waste collection noise, that the noise has travelled from the place at which it was generated to neighbouring premises:
  - before 9am or after 7pm on any Sunday or public holiday; or
  - after 7pm or before 7am on any other day.

In all cases, it must be taken into account if 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 persons occupying those premises.

## Exemptions for an activity that might cause Local Nuisance?

The Act allows councils to consider the granting of an exemption from local nuisance-causing activities upon application. Applications must, however, be accompanied by a nuisance management plan describing the steps that will be taken to prevent, minimise or address any adverse effects on the amenity value of the area concerned and also describing that exceptional circumstances exist to justify the granting of an exemption.

Exemptions may be reasonable for short-term activities - such as festivals, events, or major construction activities - where some level of noise, dust, odour, or other local nuisance is likely to be unavoidable. Councils can apply strict conditions to ensure that an applicant does everything reasonable to minimise the impact of the nuisance. All exemptions are published on the council's website.

## When should I report nuisance?

In the first instance a person should try and discuss concerns with the people (e.g. neighbours) from where the nuisance is emanating from. Concerns should be raised and discussed, and suggestions provided to resolve problems - simple solutions can often be found that satisfy everyone.

Generally, councils will only become involved if an issue within the community (e.g. between neighbours) cannot be resolved or if the nuisance is a broad-scale issue involving multiple parties.

## More Information

Further information regarding local nuisance and litter control can be obtained by contacting Council's Community Safety Team on 8408 1111 or by visiting [www.charlessturt.sa.gov.au/nuisance](http://www.charlessturt.sa.gov.au/nuisance).