Request for exemption from Section 18 of the

*Local Nuisance and Litter Control Act 2016*

Please complete and return to Mount Barker District Council within the below timeframes. Outside these timeframes Council may refuse to consider the application.

* For Concerts/ events or activities using amplified sound that are to take place over a period not exceeding 24 hours – an application needs to be submitted to council at least 2 weeks prior to the commencement of the activity.
* For concerts/ events or activities using amplified sound that are to take place over a period of 24 hours or longer – an application needs to be submitted to council at least 4 weeks prior to the commencement of the activity.

*If an application for a declaration is not lodged within these timeframes, Council may refuse to consider the application.*

* The council cannot make a declaration unless they are satisfied that exceptional circumstances exist and they have enough information to make a decision. Please outline your reasons for this exemption, the nature of the activity and the anticipated sources and kinds of local nuisances generated by this activity (i.e. noise, smoke, vibration, dust etc. Please attach further documentation if required).

1. **Applicant Contact details**

|  |  |
| --- | --- |
| **Name:** |  |
| **Business or company name:** |  |
| **Phone:** |  |
| **Email address:** |  |
| **Postal address:** |  |

1. **Activity**

|  |  |
| --- | --- |
| **Commencement date for which the exemption is sought:** |  |
| **End date for which the exemption is sought** |  |
| **Time of day construction activities will be undertaken** |  |
| **Address of the activity:** |  |

|  |
| --- |
| **Summary of the activity:** (Include the nature of the activity and a brief description.) |
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| **Exceptional circumstances for which the exemption is sought:** (Discuss the reasons why this cannot be carried out during legislated hours.) |
|  |

1. **Activity contact details**

This person must be contactable for the duration of the activity

|  |  |
| --- | --- |
| **Name:** |  |
| **Phone:** |  |
| **Email address:** |  |
| **Postal address:** |  |

1. **summary of Anticipated sources of local nuisance generated by the activity**

All reasonable measures must be taken to minimise the impacts of local nuisance in the form of dust, odour, noise, vibration, smoke and fumes. It is the responsibility of the persons undertaking this activity to minimise nuisance and communicate with those potentially impacted.

For small scale construction activity, completion of following section will be taken to constitute a Site Nuisance Management Plan.

**Map**

Include a map showing the following: the proposed location of the activity, the likely fixed sources of local nuisance, the location of premises occupied by persons potentially affected by the nuisance and the distance of these premises from those sources.

**Assessment of the potential for local nuisance**

On the table below, summarise the sources of local nuisance (as identified on the map) and the communication strategy to

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Source of local nuisance** | **Strategies to minimise and manage nuisance** | **Strategies to monitor nuisance** | **Identification of potentially affected premises** | **Distance from source [[1]](#footnote-2)** | **Communication Strategy** | **Timeframe** |
| *E.g. Concert* |  |  | *2 Egbert Place* | *100m* | *Letter drop to resident* | *Two weeks before proposed event* |
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| **Communication strategy for council:** (Detail how council will be kept informed about the activities related to this application.) |
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| **Complaints management:** (Detail how complaints will be managed – both those received directly and those referred from council. Consider using the attached complaints management table.) |
|  |

**Complaints management**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date and time** | **Complainant name** | **Contact details (address and phone number)** | **Description of the complaint** | **Nature of the activity causing the complaint** | **Action proposed/taken to address complaint** |
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**Request for exemption from Section 18 - Local Nuisance and Litter Control Act 2016.**

This form is for Council use (as per Regulation 6 of the *Local Nuisance and Litter Control Act 2016*) to ensure that all the relevant information has been provided and a declaration can be made by the council.

**Administrative details**

The application should provide the following information

|  |  |  |  |
| --- | --- | --- | --- |
| Format written application received | In person ☐ Fax ☐ Post ☐ Email ☐ | | |
| Date Application received |  | | |
| Date activity proposes to be commenced: |  | | |
| Proposed duration of the activity: |  | | |
| Was the application received?   * for an activity to take place over a period not exceeding 24 hours, at least 2 weeks prior * for an activity that is to take place over a period of 24 hours or longer, at least 4 weeks prior   (If not received within regulated timeframes, council can refuse exemption.) | | **Yes** | **No** |
|  |  |
|  |  |

**Checklist of Information Received:**

(Council can request any of the below information if not submitted with the application)

|  |  |  |  |
| --- | --- | --- | --- |
| **Mandatory info** | **Yes** | **No** | **Detail/comment** |
| Name and contact details of the applicant |  |  |  |
| Name and contact details of the responsible person in relation to the activity |  |  |  |
| The exceptional circumstances for which the declaration is sought and justification as to why it is essential the nominated construction activities should occur outside of permitted times. |  |  |  |
| The nature of the activity |  |  |  |
| Anticipated sources and kinds of local nuisance generated by the activity |  |  |  |
| The period for which the declaration is sought |  |  |  |
| The times of day or periods of time during which the activity if proposed to be carried on (e.g. Sunday 11/09 - 8pm to 12pm) |  |  |  |
| Location of activity/s (address and landmarks if applicable). |  |  |  |
| **Site Nuisance management plan: (which contains all of the following information)** | | | |
| A map showing:   * + location of the activity and likely fixed sources of local nuisance.   + location of premises occupied by potentially affected persons   + distance of premises occupied by potentially affected persons and the sources of nuisance |  |  |  |
|  |  |  |
|  |  |  |
| The name and contact details of the responsible person in relation to the activity |  |  |  |
| A strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons |  |  |  |
| A communication strategy for communicating with potentially affected persons |  |  |  |
| A copy of the notice to be given to potentially affected persons to notify them of the activity |  |  |  |
| A communication strategy with the relevant council |  |  |  |
| A method for recording complaints |  |  |  |

**Further Information**

|  |  |  |  |
| --- | --- | --- | --- |
| Was a request for further information sent to the applicant? | | Yes | No |
| Date sent: |  | | |
| What information was requested? | Detail: | | |
| Further information received | | Yes | No |

**Assessed by Officer**

Name of officer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Approved ☐ Declined ☐

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Assessed by Team Leader/Manager** Approved ☐ Declined ☐

Comments:

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**Assessed by Delegate**

Name of Delegate:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Approved ☐ Declined ☐

Comments:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Distance from the source – should be measured from the source of the noise to a place on the noise affected premises that is within or near, and at the same approximate elevation as, an area frequented by persons residing, working or sleeping at the premises. [↑](#footnote-ref-2)