

South Australia

Local Nuisance and Litter Control (Amendment of Act, Schedule 1) Regulations 2023

under the *Local Nuisance and Litter Control Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Local Nuisance and Litter Control Act 2016*

- 4 Amendment of Schedule 1—Meaning of local nuisance (section 17)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Nuisance and Litter Control (Amendment of Act, Schedule 1) Regulations 2023*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) The following regulations come into operation on 1 April 2024:
 - (a) regulation 4(1) to (9) (inclusive); and
 - (b) regulation 4(11) and (12).

3—Amendment provisions

In these regulations, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Nuisance and Litter Control Act 2016*

4—Amendment of Schedule 1—Meaning of local nuisance (section 17)

- (1) Schedule 1, Part 1, clause 1—after the definition of *construction noise* insert:

emergency services organisation means—

- (a) an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*; and
- (b) in relation to a particular emergency within the meaning of the *Emergency Management Act 2004*—the control agency for the emergency under that Act; and
- (c) SA Ambulance Service Inc; and
- (d) South Australian Police; and
- (e) a local government council engaged in duties in connection with an emergency; and
- (f) an arm of the Australian Defence Force engaged in police, fire fighting, ambulance or search and rescue duties or duties in connection with an emergency;

essential services has the same meaning as in the *Essential Services Commission Act 2002*;

- (2) Schedule 1, Part 1, clause 1—after the definition of *promotional image* insert:

public infrastructure means—

- (a) infrastructure, equipment, structures, works and other facilities used in or in connection with the provision of essential services or telecommunications; and
- (b) roads and their supporting structures and works;

public infrastructure works means works for the construction, installation, repair, maintenance or replacement of, or making of other physical changes to, public infrastructure;

- (3) Schedule 1, Part 2, clause 2—delete clause 2 and substitute:

2—Declared agents (section 17(1)(a))

The following are declared agents for the purposes of section 17(1)(a):

- (a) vibration;
- (b) light.

- (4) Schedule 1, Part 2, clause 4(a)—delete "generated on premises"

- (5) Schedule 1, Part 2, clause 4(a)(i)—after subsubparagraph D insert:
- (DA) in the case of noise from the operation of refrigeration equipment fitted on or in a vehicle that is parked and not being operated—the noise has travelled from the place where the vehicle is parked to neighbouring domestic 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; or
- (6) Schedule 1, Part 2, clause 4—after paragraph (e) insert:
- (ea) light emitted from a place, if an authorised officer forms the opinion that—
- (i) the light has travelled from the place at which it was generated to neighbouring premises; and
 - (ii) the nature, intensity, colour, location, direction or extent of the light is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises;
- (7) Schedule 1, Part 3, clause 5(d)—before "noise" first occurring insert:
- other than in the case of construction noise or other nuisance from construction activities carried out in accordance with a development authorisation within the meaning of the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*—
- (8) Schedule 1, Part 3, clause 5(h)—delete paragraph (h) and substitute:
- (h) noise, vibration and other nuisance from public infrastructure works where—
- (a) the works are carried out because of an emergency or urgent public need; or
 - (b) the works are carried out in the circumstances in order to avoid or reduce inconvenience or disruption to traffic or pedestrians during normal business hours;
- (9) Schedule 1, Part 3, clause 5(i)—delete "clause 4(1)(a)(i)(D)" and substitute:
- clause 4(a)(i)(D) and (DA)
- (10) Schedule 1, Part 3, clause 5(j)(iii)—delete subparagraph (iii)
- (11) Schedule 1, Part 3, clause 5(n)—after "worship" insert:
- , other than noise consisting of amplified music
- (12) Schedule 1, Part 3, clause 5—after paragraph (r) insert:
- (s) dust from unsealed public roads;
 - (t) light emitted by or from the following:
 - (i) public street lighting;

- (ii) public infrastructure works;
- (iii) airports;
- (iv) harbours;
- (v) vehicles;
- (vi) railway premises (within the meaning of the *Rail Safety National Law (South Australia) Act 2012*);
- (vii) bus stations and bus depots;
- (viii) public transport operating centres and facilities;
- (ix) goods vehicle operating and transport centres (including goods distribution centres);
- (x) traffic control devices;
- (xi) navigational aids (including lighthouses);
- (xii) premises or facilities (including temporary premises or facilities) used by an emergency services organisation;
- (xiii) correctional institutions (within the meaning of the *Correctional Services Act 1982*);
- (xiv) premises or facilities of, or used by, an arm of the Australian Defence Force (including training areas);
- (xv) business premises during the normal operating hours of the business provided that the lights are required for the reasonable and safe operation of the business and reasonable measures have been taken to reduce the impact of the light on neighbouring premises;
- (xvi) public light displays (including laser light displays);
- (xvii) Christmas light displays;
- (xviii) natural sources, including the reflection of natural light (but not including where natural light is reflected by a device designed or intended to be used for the deliberate reflection of light (for example, a bird scaring device)).

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 5 October 2023

No 99 of 2023