

**Town of Gawler**

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Dear Resident,

## Your Nuisance Complaint

The Town of Gawler takes nuisance complaints seriously and your complaint is no exception.

Importantly, the Council's ability to progress and take action to address complaints is limited to complaints that constitute a local nuisance under the *Local Nuisance and Litter Control Act 2016* ("the **Act**"). Whether or not this is the case involves a careful assessment of the circumstances in question, taking into account the provisions of the Act.

Additional information is required for the Council to assess your complaint, to determine whether Council has powers to address your issue under the Act and, if so, what action can reasonably be taken.

Therefore, to assist the Council in progressing your complaint, please find **attached** a copy of the Council's *Local Nuisance Complaint Form* for you to review and complete. This form has been prepared with legal assistance to ensure that prior to any enforcement action being taken, the Council has obtained all relevant information from you that is required to address the applicable evidentiary considerations.

While we appreciate that the form is comprehensive, it is important that you provide the Council with as much detail as possible to enable the Council to assist (to the extent that it is able to do so) in resolving your concerns.

Upon the Council's receipt of the completed form from you, the Council will progress its assessment of your complaint. In some cases, further investigation may be required. In particular, it may be necessary for a Council Officer to attend at your premises to personally experience the nuisance. The Council will liaise with you further if this is required.

Whilst it is ultimately a matter for you as to whether you wish to complete the enclosed form and provide it to the Council, without further information, the Council will have limited ability (if any) to take action in respect of your complaint at this time.

If you have any questions regarding the above, please contact the Community Safety Team during normal business hours on 8522 9211 or via email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)

Yours sincerely

Louise Hollowell  
Team Leader – Community Safety

## Local Nuisance

### Customer Complaint Form

This form is to be used to report allegations that a local nuisance is occurring within the area of the Town of Gawler. To enable the Council to determine what action (if any) can reasonably be taken to resolve your concerns, it is important that you include as much detail as you can in response to the matters set out in this form (including on any additional pages if necessary).

**Important Note:** The contents of this form may be disclosed to a third party where necessary, which includes where required by law (for example, under the *Freedom of Information Act 1991*) or, in connection with any investigation into or enforcement action undertaken by the Council for an offence. Wherever possible the customer's personal information will be redacted in connection with any disclosure.

#### CUSTOMER INFORMATION

Full Name:	
Date of Birth:	
Residential Address:	
Contact Phone Number:	
Email Address:	

#### INFORMATION RELATING TO YOUR COMPLAINT

<b>What type of nuisance is impacting you?</b>	<div><div><input type="radio"/> Noise</div><div><input type="radio"/> Smoke</div><div><input type="radio"/> Vibration</div><div><input type="radio"/> Aerosols</div></div> <div><div><input type="radio"/> Odour</div><div><input type="radio"/> Fumes</div><div><input type="radio"/> Dust</div><div><input type="radio"/> Animals</div></div>
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<p><b>Provide details of the specific dates and times when the nuisance occurs.</b></p> <p>Attached to this form is a Local Nuisance Activity Diary to assist you in documenting the relevant dates and times that the nuisance occurs. Please continue to record evidence while Council investigates.</p>	<p>Please utilise the Activity Diary to record all instances when you are disturbed by the nuisance.</p>
<p><b>Provide a description of the person (or persons) causing the nuisance and the reasons why you suspect this person (or persons).</b></p> <p>For example, have you observed the person carrying out the activity or does the person reside at the address where the nuisance is occurring?</p>	
<p><b>Explain how the nuisance is impacting upon you and your day-to-day activities.</b></p> <p><b>Where are you when you are experiencing the nuisance issue (eg. in your kitchen? when trying to sleep in bed?)</b></p>	
<p><b>Have you had any communication with the person you suspect of having caused the nuisance about your concerns?</b></p> <p>If so, provide details, including a copy of any written communication</p>	
<p><b>Do you have evidence (photographs or video) of the nuisance?</b></p> <p>If so, please provide a copy to the Council</p>	
<p><b>Are you willing to attend Court and give evidence?</b></p>	

# Local Nuisance

## Activity Diary

Please complete the following diary in consecutive date order by recording the times when the nuisance is happening during the next 14 days.

Example:

09/07/2020	6:31am	Excessive drilling. I can hear it through my closed windows. It woke me up	9:38am	7/10
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Date	Start Time	Detail of the nuisance, including its source and any impacts on you	Time Finished	Level of Noise (on a scale of 1-10, 10 being the worst)

Full Name: .....

Address: .....

Signature:.....

Date: .....

**Gawler**



[illegible]

Full Name: .....

Signature:.....

Date: .....



Date	Start Time	Detail of the nuisance and the activity being carried out	Time Finished	Level of Noise (on a scale of 1-10, 10 being the worst)

Full Name: .....

Signature:.....

Date: .....



Date	Start Time	Detail of the nuisance and the activity being carried out	Time Finished	Level of Noise (on a scale of 1-10, 10 being the worst)

Full Name: .....

Signature:.....

Date: .....

