

LGA Response to EPA Consultation on Local Nuisance and Litter Control Regulations 2017

Survey on whether additional regulations are required for the implementation of the Local Nuisance and Litter Control (Miscellaneous) Amendment Act 2025

LGA Response to EPA Survey

- 1. Are there any other grounds or circumstances other than those listed in the LNLC Amendment Act 2025 that you would consider to be a reasonable justification for not collecting a (non-hazardous) shopping trolley? Please provide a detailed explanation of these circumstances and the frequency with which they might arise.*

LGA response:

LGA South Australia (LGA) supports the amendments to the *Local Nuisance and Litter Control Act 2016* relating to abandoned shopping trolleys that are due to commence next year. LGA considers retailers already have access to appropriate defences under the existing legislative framework. The fact that a trolley is not creating an immediate hazard should not, in itself, remove a retailer's responsibility to retrieve an abandoned trolley.

LGA recognises there may be exceptional circumstances where a retailer is unable to retrieve a non-hazardous trolley within the required timeframe. However, such circumstances are likely to be infrequent and can be addressed under existing arrangements. For example, a trolley may be located on private property where access cannot reasonably be obtained despite genuine efforts to arrange collection. In these circumstances, retailers should be expected to demonstrate that reasonable attempts have been made to retrieve the trolley and that collection will occur as soon as practicable.

Councils can exercise discretion in responding to non-compliance and are well placed to consider exceptional circumstances on a case-by-case basis. As such, LGA does not consider additional grounds or exemptions necessary. Rather, LGA recommends EPA develop clear guidance for councils and retailers to support implementation of the new shopping trolley amendments.

More broadly, LGA recognises that abandoned shopping trolleys remain an issue for some councils. A recent LGA survey on illegal dumping found that 62% of responding councils had recorded abandoned shopping trolleys over the previous three years, with metropolitan councils reporting more than 100 trolleys each during that period.

2. Are you engaged in primary production activities, and if so, what role do you play?

No response.

3. Do you live in close proximity to primary production activities?

No response.

4. Have you ever experienced a nuisance from primary production activities? If so, please explain the source and nature of the nuisance.

LGA response:

Councils respond to a range of complaints that may relate to primary production activities. The extent, source and nature of complaints vary depending on the council and activity involved, but can include noise, odour, dust, spray drift, waste management practices, insects, birds and vehicle movements. These nuisances impact on the amenity of neighbouring properties and surrounding areas. Concerns associated with aquaculture activities, including oyster farming operations, were also raised during consultation.

5. Has your primary production business been impacted by the LNLC Act? If so, please explain how it was impacted and what the result was.

No response.

6. Do you think noise and nuisance from an activity carried on in the normal course of a primary production business should be excluded from the LNLC Act? Please explain your answer.

LGA response:

LGA acknowledges the important contribution primary producers make to SA's economy, food security, and cultural life. LGA also recognises the ongoing encroachment of urban development into traditionally agricultural areas. LGA understands that primary producers often have limited control over work schedules, as weather and seasonal demands may require work outside normal hours.

LGA recognises that routine farming activities may generate nuisance impacts, such as noise, dust and odour, as part of normal operations. Primary producers should be able to undertake legitimate farming activities without being subject to unreasonable regulatory burden or unsubstantiated complaints, particularly where primary production existed before housing development.

However, LGA does not support a blanket exclusion of noise and nuisance arising from all primary production activities from the LNLC Act. Councils play an important role in managing

local nuisance issues and balancing the interests of primary production businesses with neighbouring landowners and communities. The LNLC Act already provides a framework to assess complaints on their merits and includes provisions to discourage unsubstantiated complaints.

LGA considers there may be merit in limited and clearly defined exemptions for nuisance arising from normal and accepted farming practices where impacts are unavoidable and managed in accordance with relevant industry standards and regulatory requirements. However, mechanisms should be retained to address activities that fall outside accepted farming practices or unreasonably impact nearby residents.

Given the diversity of primary production activities, LGA considers further consultation should be undertaken before proceeding with any specific exemptions. LGA therefore considers a balanced approach would be to retain the LNLC Act's existing nuisance management framework while exploring targeted exemptions or clearer assessment criteria for specific activities where appropriate.

7. What activities do you consider activities related to primary production business?

LGA response:

LGA considers it important that activities associated with a primary production business are clearly defined in the context of the LNLC Act, particularly if exemptions from nuisance provisions are to apply. While the discussion paper provides examples such as cropping, grazing, horticulture, viticulture and market gardening, it does not include a specific definition of primary production activities.

LGA considers further clarity is needed regarding activities that may sit at the margins of traditional farming operations. For example, it is unclear whether activities such as animal breeding (including cat and dog breeding), horse breeding, aquaculture, stabling and training activities (e.g. a race track in metropolitan Adelaide), wineries and cellar doors would be considered primary production. LGA notes that a clear definition would assist councils, businesses and communities to understand the scope of any exemption and support consistent application of the Act.

8. Do you have any suggestions for alternative approaches to managing nuisance from primary production?

LGA response:

LGA recommends the EPA develop clear and specific guidance on primary production activities, nuisance provisions and the factors that may be considered when assessing complaints. This would assist primary producers, councils and community members to better

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understand their respective roles and responsibilities, while supporting greater consistency in the assessment of complaints. It could also help set expectations and provide guidance to council inspectors in exercising their discretion regarding the impacts that may reasonably arise from lawful primary production activities and provide greater clarity about circumstances where further investigation or intervention may be warranted.

Finally, LGA recognises that councils play a critical role in managing nuisance complaints and supporting local resolution of issues and require adequate resourcing and support to effectively undertake these functions.