

SECTION 1 - INTRODUCTION

BACKGROUND

The Special Entertainment Precincts Good Neighbour policy enables Council to work with live music venues, licensed premises, and residents in the Canley Heights and Canley Vale Town Centres to manage sound and activity prior to taking formal regulatory action. It is a means of resolving music related issues in a constructive and positive manner.

Council acknowledges that this policy has been adapted from a similar policy introduced by the Inner West Council, which established the first Special Entertainment Precinct in NSW under a trial process and provided the foundation for implementing similar precincts in other NSW Local Government Areas.

PURPOSE

The purpose of this policy is to support Fairfield City's live music venues, licensed premises, creative spaces, and commercial businesses in the Canley Heights and Canley Vale Special Entertainment Precincts by providing assurance that Council takes a balanced approach to the coexistence of residents and businesses and will seek to keep premises operating wherever possible.

The policy specifically excludes construction businesses and the Development Assessment process as these are governed by their own legal mechanisms and requirements.

The policy identifies the role of stakeholders, including residents, businesses, Council, and the Police in managing sound and activity in an urban environment. It outlines Council's approach to amicably resolving these matters prior to taking any formal regulatory action.

SCOPE

This policy has been developed to support establishment and operation of Special Entertainment Precincts for Canley Heights and Canley Vale Town Centres and should be read in conjunction with the associated Canley Heights and Canley Vale Town Centres Precinct Management Plan.

DEFINITIONS

Word/Term	Definition
Government Agencies	Include Environmental Protection Agency, Liquor & Gaming NSW and NSW Police
Policy	Refers to the Good Neighbour Policy or Special Entertainment Precincts Good Neighbour Policy
Premises	Includes live music venues, licensed premises, creative spaces, sporting clubs and commercial businesses

Word/Term	Definition
Special Entertainment Precinct	Means the Canley Heights and Canley Vale Special Entertainment Precincts shown as referred to under Cl.## of the Fairfield LEP 2013

LEGISLATIVE CONTEXT

This Policy is linked to number of Acts associated with establishment of the Canley Heights and Canley Vale Special Entertainment Precincts and complaints handling processes dealt with by Council, including:

- 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023
- 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024
- Companion Animals Act 1998
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- Liquor Act 2007
- Liquor Amendment (Night-time Economy) Act 2020 No 40
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Public Health Act 2010

STAKEHOLDERS

Include licensees, businesses, residents, industry, community groups located within Canley Heights and Canley Vale Special Entertainment Precincts and Council.

SECTION 2 - POLICY

OBJECTIVE AND GOALS

Objective 1 – Neighbourhood Amenity

The neighbourhoods surrounding live music venues, licensed premises and commercial businesses is afforded with reasonable amenity.

Objective 2 – Roles of Stakeholders

The roles of stakeholders including, businesses, residents, industry, Council, Liquor & Gaming and NSW Police are clear and committed to managing amenity expectations.

Objective 3 – Compliance

A consistent and adaptable regulatory response to manage amenity expectations.

POLICY STATEMENT

This Policy recognises Council's commitment in maintaining good neighbourhood amenity for residents by applying a consistent regulatory response to managing sound and activity.

Council commits to liaise with other government agencies and stakeholders to seek their assistance in decision-making, mediation, and resolutions.

APPLICATION & IMPLEMENTATION

1. Vibrancy Reforms

The NSW Government's vision for the state's 24-hour economy is to establish NSW as a world class nightlife destination for visitors, locals and workers alike.

The NSW Government is committed to enhancing vibrancy in NSW by creating an environment for venues and artists to flourish, simplifying the regulation of entertainment noise, removing red tape for local councils to host special events, supporting outdoor activations, and updating the liquor licensing system. The new reforms include 'switching off' conditions of development consent or plans of management at all licensed premises that prohibit:

- specific music genres
- the number or types of instruments
- the number of musicians
- the playing of original music
- whether dancing occurs or whether there is a dancefloor
- the direction of the stage or what decorations are used (e.g. a mirror ball)
- for hotels, clubs and small bars only, conditions of development consent or plans of management that prohibit 'live music' or 'live entertainment'.

The switching off of these conditions does not apply to state significant or complying development. These changes follow similar amendments made to liquor licences in 2020 via the Liquor Amendment (Night-time Economy) Act 2020.

To help significant live music venues that may be involved in a dispute, a mediation pathway will be established, empowering the Minister for Music and the Night-Time Economy to refer matters for mediation or case management. This process differs from the draft Fairfield City Council Good Neighbour Policy, which is a localised policy.

A fairer approach to managing entertainment noise

The Vibrancy Reforms build on previous changes including around venue sound management. Since 1 July 2024, Liquor & Gaming NSW has been the lead regulator for entertainment sound from licensed premises. This enables a sensible and consistent approach to managing entertainment sound associated with licensed venues and provides a streamlined complaints process for all involved.

To support Liquor & Gaming NSW effectively carry out this role, amendments were made to relevant pieces of legislation. These amendments ensure that entertainment sound emanating from licensed premises is managed under the disturbance complaint framework of the Liquor Act 2007. Under these reforms, certain noise-related conditions of development consent and 'offensive noise pollution' laws no longer apply to licensed venues.

The Vibrancy Reforms also increase the threshold for disturbance complaints about licensed venues. The required number of complainants has increased from 3 to 5, and they (must be from different households). Complainants are also required to attempt to resolve the issue with the licensee before lodging a formal disturbance complaint.

The length of time a complainant has resided in their household (also referred to as the "order of occupancy") is now a key consideration in disturbance complaints. This aims to prevent new residents to a neighbourhood from shutting down or winding back the entertainment offerings or trading hours of established venues.

There has been no change in the primary regulator for managing noise complaints in unlicensed venues. Despite the state reforms outlined above, Council remains committed to resolving noise related issues through the Good Neighbour Policy, where applicable.

2.0 COMPLIANCE PROCEDURES UNDER THIS POLICY

2.1 Steps to take before lodging a formal customer complaint

Residents are encouraged to take the following steps prior to lodging a formal sound and activity request with Council or Liquor & Gaming NSW, the latter is detailed in 2.2 below.

2.3 Liquor & Gaming handling of complaints

Licensees of licensed premises, such as pubs and clubs have certain obligations to minimise negative impacts on surrounding residents. It is reasonable to expect some level of sound from activities associated with licensed venues including patrons arriving, leaving or general operations.

From 1 July 2024, under the Vibrancy Reforms, Liquor & Gaming NSW (L&GNSW) became lead regulator for noise and disturbance complaints relating to licensed venues. These reforms introduce a streamlined regulatory approach to sound management.

L&GNSW encourages complainants to first contact the venue, gaming operator or relevant individuals directly, if it is safe to do so L&GNSW will then assess the complaint to determine the most appropriate action, which may include an investigation or referral to another agency. If an investigation is warranted, the complaint will be allocated to an investigator. Once the investigation is complete, the complainant will be notified whether or not regulatory action has been taken. However, for privacy reasons, specific details of the action may not be disclosed.

While not all complaints result in investigation, all information received is recorded by L&GNSW for intelligence purposes. Further details on how Liquor & Gaming L&GNSW handles complaints can be found at:

- Liquor & Gaming NSW – Reforms to the regulation of venue sound management <https://www.liquorandgaming.nsw.gov.au/community-and-stakeholders/reforms-to-the-regulation-of-venue-sound-management>
- Parliament of NSW - 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18523>

2.3 Council handling of complaints

As noted in Section 2.2, the NSW Vibrancy Reforms designated L&GNSW as the lead regulator for noise complaints under the Liquor Act 2007. Under this policy, complainants are encouraged to seek resolution directly with the licensed venue in the first instance. Should it become necessary to contact Council or NSW Police (see Section 2.7), the following steps should be undertaken.

a. Identify the location and source

In urban environments, it can be difficult to pinpoint the source of sound or activity. Accurately identifying the location and source will assist when approaching the premises to discuss how to alleviate the impacts.

b. Approach the premises

Experience shows that when neighbours approach one another with reasonable concerns, they tend to be resolved quickly. In the first instance, Council encourages residents to contact the premises by phone, email, or by approaching them in person.

If a premises is an ongoing problem, requesting the number of a key representative for direct contact to assist with sound and activity management. This is particularly helpful with afterhours concerns so matters can be addressed as they are occurring.

Resolutions may involve minor changes to the premises operation such as closing certain windows and doors, lowering volume or advising a resident of when the entertainment is due to cease. It's also expected in these discussions that certain concessions may need to be made by residents, including closing their windows or doors, and accepting occasional higher noise levels.

c. Re-evaluate sound and activity management

If a complainant remains dissatisfied with the response from the premises, or if the sound and/or activity remains at an unreasonable level, feedback or a request should be lodged with L&GNSW as a first option, or Council and/or the Police.

2.4 Council customer request handling procedure

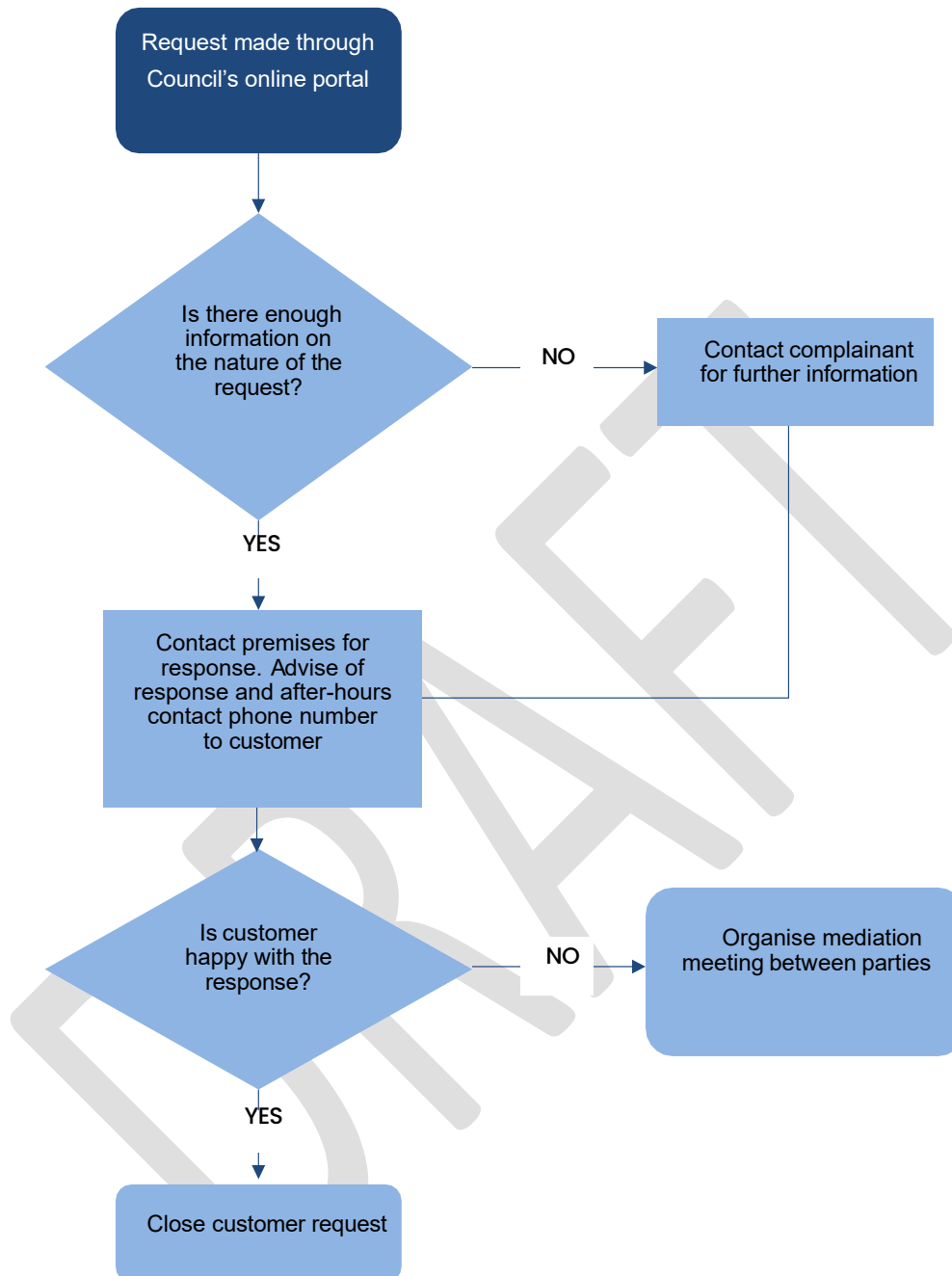
Any customer requests to Council associated with live music venues, licensed premises, commercial businesses can be made via the Report It | Fairfield City Council (nsw.gov.au)

Regardless of when it is made, customer requests will be handled by Council in accordance with this Policy. Serious breaches that require immediate attention may be expedited or require involvement from multiple stakeholders.

If while resolving a sound and activity management matter, Council officers become aware of other compliance issues the premises should be supported to keep operating as normal with a view to coordinated approach in resolving all matters.

This flowchart illustrates the typical customer request handling process for licensed venues only. Noting, that L&GNSW is the lead regulator.

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2.5 Managing sound and activity through mediation

Sound and activity concerns reported to Council are expected to be resolved by L&GNSW under the Vibrancy Reforms. Premises should include a commitment to lessening any future sound and activity impacts on the neighbourhood.

Should sound and activity management be an ongoing issue that has been unable to be resolved through previous attempts, a meeting may be facilitated by Council, bringing together the customer/s and key representatives of the premises to discuss, understand and resolve the issues.

These meetings will be attended by Council staff from the relevant departments, such as Environmental Health, Development Compliance, Economic Development and/or Planning. An agenda will be prepared by Council with minutes of action items recorded and provided to all attendees in a timely manner.

Such meetings will ideally be held face to face on site, either in the premises or on the street outside the premises. There may be circumstances with scheduling conflicts or public health concerns where an online meeting or neutral ground is preferred.

While L&GNSW will endeavour to investigate and resolve complaints pertaining to licensed premises, the process outlined in this section above may also be applied to complaints emanating from non-licensed premises especially and if required, licensed premises.

2.6 Substantiating Council customer requests

Ongoing sound and activity management that cannot be resolved through the processes outlined above will need to be assessed against the *Protection of the Environment Operations Act 1997*, *Environmental Planning and Assessment Act 1979* or any other relevant legislation. This may involve the customer completing a noise diary or the deployment of Council staff or a consultant to conduct noise monitoring at the premises at an undisclosed time and date.

Should breaches be identified, a formal notice may be given to the premises to take corrective action to comply with the relevant legislation.

2.7 Police handling of reports

Police play a crucial role in compliance as they are a 24/7 operation and are granted powers under the *Protection of the Environment Operations Act 1997* to conduct offensive noise assessments.

At times when Council is unavailable and immediate attention is required due to sound and activity concerns, reports will need to be made directly to the local Police Station. When making a report to Police, it is requested that a customer request is similarly lodged through Council's online portal. This will assist Council in understanding the location of nature of sound and/or activity being undertaken.

3. Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

4. Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

SECTION 3 - GOVERNANCE

RELATED POLICIES/PROCEDURES

Policy Number	Title
0-066	Compliance and Enforcement
0-123	Busking Policy
0-064	Outdoor Dining Policy

RESPONSIBILITY

Policy Owner	City Strategy - Economic Development Team
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RISK

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies and/or legislation. Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

VERSION CONTROL AND CHANGE HISTORY

Version Number	Approval Date	Approved by	Amendment
01	X July 2025	Council	Newly created

The management of Council reserves the right to cease, modify or vary this Policy and will do so in accordance with Council's established consultation processes.

REVIEW DATE

3 Years from the date of implementation.

AUTHORISATION

This Policy was approved by the Outcomes Committee on xx July 2025 (Item X).

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