

GOOD NEIGHBOURHOOD POLICY

Special Entertainment Precincts

Summary	The Good Neighbour policy enables Council to work with live music venues, licensed premises, and residents 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
Relevant Operation Plan Theme	• Theme 1 – Community Wellbeing • Theme 4 – Strong and Resilient Economy
Legislative Reference	• Local Government Act 1993 • Protection of the Environment Operations Act 1997 • Environmental Planning and Assessment Act 1979 • Companion Animals Act 1998 • Food Act 2003 • Public Health Act 2010 • Liquor Act 2007 • Vibrancy Reforms 2023 & 2024
Related Council Documents	• Compliance and Enforcement Policy • Economic Development Strategy
Original Good Neighbourhood Policy	This policy has been adapted from the Inner West Council. Their policy has been helping licensed premises and residents to resolve concerns at the source before Council is involved. The Policy below reflects the work of Inner West Council staff to provide a policy framework that works for the businesses and the community. Inner West Council initiated a Good Neighbour Policy in 2019 which has been successful in resolving many sound related complaints in the Inner West Local Government Area. The Policy was seen as a forerunner for the NSW Government's Vibrancy Reforms in 2023 and 2024.

Fairfield City Council

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1. Policy

The purpose of this policy is to support Fairfield City’s live music venues, licensed premises, creative spaces, and commercial businesses by providing them with 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 have 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. The policy outlines Council’s approach to amicably resolving these matters prior to taking any formal regulatory action.

2. Scope

This policy applies to all Council Officers and contractors working for Fairfield City Council regardless of whether they are permanent, temporary, full-time, part-time or casual.

3. Definitions

In the Good Neighbour Policy, the following terms have the following meanings:

Term	Definition
Council Officer	Fairfield City Council members of staff (including full-time, part-time, casual and contracted staff)
Government Agencies	Include Environmental Protection Agency, Liquor & Gaming NSW and NSW Police
Policy	Refers to the Good Neighbour Policy
Premises	Includes live music venues, licensed premises, creative spaces, sporting clubs and commercial businesses
Stakeholders	Include licensees, businesses, residents, industry, community groups and Council

4. Statement

This Policy recognises Council’s commitment in ensuring that good neighbourhood amenity is maintained 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.

5. Objectives

Objective 1 – Neighbourhood Amenity

The neighbourhoods surrounding the Special Entertainment Precincts 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.

6. Vibrancy Reforms

The NSW Government's vision for the state's 24-hour economy is to cement 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 changes 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 Fairfield City Council Good Neighbour Policy, which is a localised policy.

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Roles and responsibilities for a fairer approach to managing entertainment noise

Regulating sound from entertainment activities from licensed premises

The Vibrancy changes build on changes made previously including around venue sound management. Since 1 July 2024, **Liquor & Gaming NSW** is the lead regulator for entertainment sound coming from licensed premises. This enables a sensible and consistent approach to managing entertainment sound associated with licensed premises and a streamlined complaints process for everyone involved. It is noted that non-compliances with licensed premises not associated with sound emitted from entertainment activities will be managed by the relevant authority (Council or NSW Police).

To help 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 number of disturbance complaints about a licensed venue needed for a formal complaint to be considered. The number has increased from 3 to 5 (the complainants must be from different households). Complainants must also attempt to resolve disputes with the licensee before lodging a disturbance complaint.

The length of time a complainant has been living in the household (otherwise known as the “order of occupancy”) is now a central consideration in disturbance complaints. This will help to prevent newcomers to a neighbourhood from shutting down or winding back the entertainment offerings and/or operating hours of established venues.

Note: Order of occupancy only applies to statutory disturbance complaints (under s79B of the Liquor Act) for venues that are not in a SEP. This is because in a SEP, complaints are assessed against the sound controls set in a precinct management plan and whether the exceedance is considered ‘unreasonable’.

Regulating sound from entertainment activities from unlicensed premises

There has been no change in the primary regulator for managing noise complaints in unlicensed premises.

Business premises that hold entertainment activities and are not a licensed premises will continue to be regulated by **Council** for both sounds emitted from entertainment activities and non-compliances with development consents.

Notwithstanding the state reforms outlined above, Fairfield City Council is committed to resolving noise related issues under the Good Neighbour Policy where applicable.

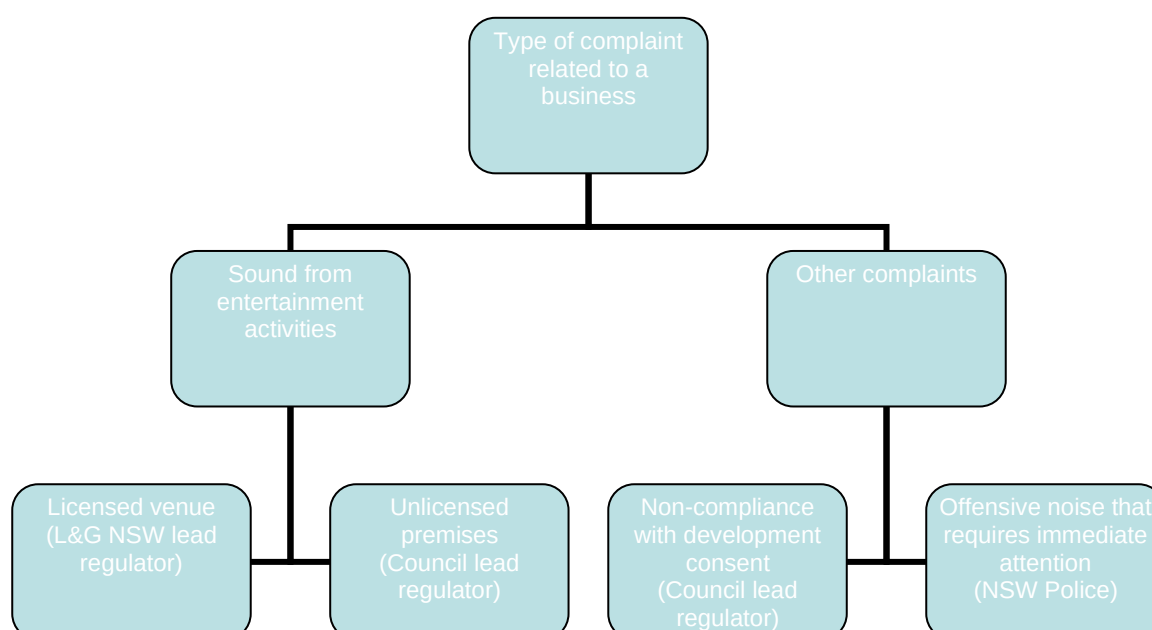
Regulating noise that requires immediate attention for Police handling of reports

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.

The below diagram illustrates the relevant lead regulator based on the type of complaint:



7. Complaints Procedures under this Policy

7.1. Steps to take before lodging a formal complaint

Residents are encouraged to take the following steps prior to lodging a formal sound and activity request with Liquor & Gaming NSW, or Council, the former is detailed in 7.2 below.

7.2. *Complaints handling of businesses*

Under this policy, complainants are encouraged to find a resolution with the licensed venue in the first instance.

Should a need arise to make a complaint with Council, or the Police, for un-licensed premises, the following process is to be undertaken prior:

a. **Identify the location and source**

In urban environments it can be difficult to determine the location and source of sound and activity. Accurately identifying the location and source of the activity 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 grievances, 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 Council and/or the Police if requires an immediate response.

7.3. *Liquor & Gaming handling of sound complaints (licensed venues)*

Licensees of licensed premises such as pubs and clubs have certain obligations to ensure any negative impacts on residents are minimised. It is reasonable to expect some level of sound from activities associated with licensed venues due to people arriving, leaving or general operation.

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From 1 July 2024, the Vibrancy Reforms designated Liquor & Gaming NSW (L&GNSW) as the lead regulator for noise and disturbance complaints associated with licensed venues. The reforms see a streamlined regulatory approach to sound management.

L&GNSW encourages complaints directly with the venue, gaming operator or people concerned, if it is safe to do so, in the first instance. L&GNSW will assess a complaint to determine what action is most appropriate. This can include conducting an investigation or referring the matter to another agency.

Should an investigation be required, the complaint is allocated to an investigator. Following the investigation, the complainant will be notified whether or not regulatory action was taken as a result of the complaint. For privacy reasons, they may not be able to disclose details about the type of action taken.

While not all complaints result in an investigation, all complaints and information received are recorded by L&GNSW for intelligence purposes. Further details on the Liquor & Gaming handling of complaints process can be found at the following: <https://www.liquorandgaming.nsw.gov.au/community-and-stakeholders/reforms-to-the-regulation-of-venue-sound-management>

7.4. Council customer request handling procedure (non-licensed venues)

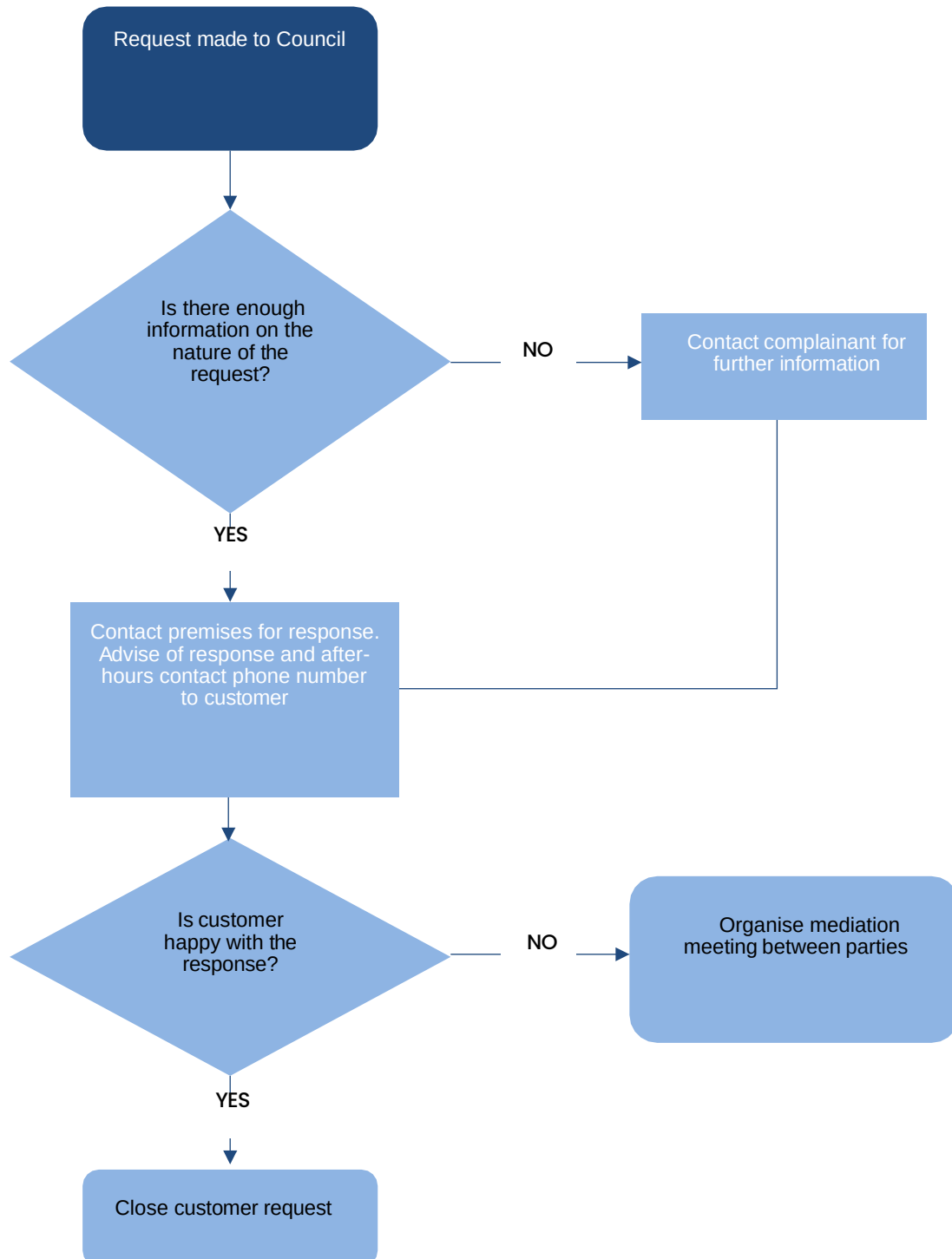
In the event that the public still wish to contact Council, customer requests associated with live music venues, licensed premises, commercial businesses can be made via the Report It | Fairfield City Council. For sound complaints from an unlicensed premises and non-entertainment activity, the complainant must contact Council.

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 non-licensed venues only.

Council, at the request of the complainant and business, can arrange mediation talks between the complainant and the business, as per the spirit and intent of the Good Neighbour Policy



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7.5. Managing sound and activity through mediation (non-licensed venues)

Sound and activity concerns reported to Council for licensed premises are expected to be resolved by L&GNSW under the Vibrancy Reforms. All businesses whether it is a licensed and unlicensed 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.

7.6. 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.

8. Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies.

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Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

9. 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.

10. Version Control – Policy History

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

Version Number	Approval Date	Approved by	Amendment
01	9 September 2025 (item 83)	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

Twelve months from the newly created Policy to monitor the trial-period of the Canley Heights and Canley Vale Special Entertainment Precincts, followed by 3 years from the date of implementation.