



# Noise complaints

## Fact Sheet



It is expected that some level of disturbance or noise will arise from the operation of a licensed venue, including from patrons, live music and other entertainment.

However, licensees have a duty not to conduct business in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood.

This fact sheet provides information about noise complaints, general steps that can be taken to resolve noise and disturbance issues locally and how L&GNSW manages noise complaints.

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### Introduction

Liquor & Gaming NSW (L&GNSW) handles two distinct types of disturbance complaints: noise complaints and statutory disturbance complaints lodged under the *Liquor Act 2007*.

We deal with these complaints differently and will not investigate every complaint we receive.

**Statutory disturbance complaints are considered through a process contained in the *Liquor Act 2007* and have specific requirements that must be met prior to a complaint being lodged. For more information on this type of complaint, refer to the [Fact Sheet: Statutory Disturbance Complaints](#).**

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### Noise complaints

Noise complaints refer to reports made by members of the community raising general concerns about the level of noise being generated by a licensed venue. This may include noise from amplified music, other types of entertainment such as karaoke, patron noise and in some circumstances,

anti-social behaviour from patrons when leaving a venue.

We can only assist with these reports where:

- An attempt has been made to resolve the issue directly with the licensed venue involved, where appropriate.
- Noise-related licence conditions are present on the venue's liquor licence.
- The noise falls into one of the categories set out in Table 1.

**You can check which conditions are present on a liquor licence prior to making a noise complaint by searching for the licence on the public register available [here](#).**

**Relevant licence conditions might include the LA10 noise condition, a requirement to use a noise limiter, complaint management procedures, security requirements or for the venue to operate in accordance with a Plan of Management.**

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## Resolve the issue directly with the licensed venue

The simplest way to resolve a dispute with a licensed venue concerning noise or disturbance is to speak with the licensee or venue operator as soon as possible.

Licensed venues should take seriously any reasonable concern raised by residents and businesses about neighbourhood disturbances by the venue. This approach provides the venue with an opportunity to make proactive changes to address concerns regarding disturbance and resolve the issue in an informal manner.

We understand that it might not be appropriate in all instances to approach a venue directly. In those circumstances, we will ask you for more detail on why an engagement with the venue was not undertaken prior to considering your complaint.

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## Engaging the appropriate regulator for noise complaints

In some cases, we may review your complaint and determine that your concerns are better resolved by another agency, such as NSW Police or the local council. In those circumstances, we will either refer your complaint directly to that agency or direct you to the appropriate place to make a complaint.

Table 1 outlines different sources of noise and the responsible regulator or agency.

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## Prior to lodging noise complaints

Before you make a noise complaint against a venue, we ask you to complete the following:

- Check the public register to confirm whether the venue has noise-related conditions imposed on its liquor licence. For example, these may include conditions relating to noise criteria and restrictions on the provision of music, complaint management procedures and security requirements.
- Write down the exact details of the incident, including the type of disturbance, date, and time, as soon as possible after the incident.
- Include any actions you took at the time, such as contacting the venue or another agency like NSW Police. Record details such as the time of the call, the name of the person you spoke to, and their response.
- Call the venue about your concerns as soon as possible after the incident. Record the date, time, and the name of the person you spoke to.
- Arrange to meet with the licensee or venue manager to discuss your concerns and find a solution if you cannot resolve them by speaking over the phone.
- Be respectful and clear about what an acceptable solution might be but be open minded about other options the

venue may offer that could achieve the same result.

- If more than one licensed venue is involved, provide them all with the same information and let them know who else you have raised the issue with.

Noise complaints must be accompanied by a detailed summary of issues, including specific times and dates, and records of your attempts to engage with the venue to resolve the issues you have outlined. You may also wish to keep a diary or log of noise or disturbance issues to better record details about each instance of disturbance.

**You may submit video files or audio files in support of a complaint and to inform our assessment, but we can not use these files as evidence to support enforcement action.**

Table 1: Sources of noise emanating from licensed venues and the responsible agency or regulatory.

Source of disturbance	Responsible agency or regulator
Entertainment sound from licensed venues including: <ul style="list-style-type: none"> <li>- amplified or live music,</li> <li>- other forms of entertainment, such as karaoke, trivia, bingo, comedy and raffles,</li> <li>- patron noise on or within the venue, including noise from patrons entering and exiting, talking and singing to music,</li> <li>- patron behaviour when leaving a venue, including anti-social behaviour, yelling or swearing.</li> </ul>	Liquor & Gaming NSW
An act of violence, criminal activity, vandalism, use of a prohibited drug or property damage.	NSW Police
Other sources of noise from licensed venues including: <ul style="list-style-type: none"> <li>- waste disposal and collection, including recycling material</li> <li>- delivery services, such as food and liquor supplies, including loading and unloading operations,</li> <li>- mechanical and industrial noise including ventilation, air conditioners, kitchen exhaust fan systems, refrigeration units or construction work</li> </ul>	Local council
Entertainment sound, including noise from amplified music, entertainment and patron noise, emanating from a marine vessel	NSW Police Marine Area Command or NSW Maritime, if an immediate response is required.

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## Process for handling noise complaints

### Complaint assessment

All reports that we receive that are within our jurisdiction are recorded and are used to inform our compliance activities.

L&GNSW adopts a risk-based compliance approach in the assessment of noise complaints and as such, not all complaints received are investigated. If we do not conduct further enquiries regarding your complaint, it may be used for intelligence purposes and to assist in future compliance activities and education campaigns.

If a venue does not have conditions on its liquor licence relating to noise or amenity provisions, we are unable to take investigative or enforcement action.

We exercise discretion in determining whether we commit resources to conducting further enquiries in response to noise complaints.

Relevant factors we consider when assessing noise complaints include:

- the nature and context of the complaint, such as the type, frequency, seriousness, and timing of the alleged disturbance,
- whether any attempts have been made to resolve the issues directly with the venue,
- whether there is evidence, or a history of ongoing noise disturbance associated with the venue,
- whether there are any applicable noise-related conditions on the venue's liquor licence,
- the venue's compliance history (including previous noise complaints),
- whether the disturbance complained of is to be reasonably expected from a venue of the type in question, and
- whether the complaint aligns to one of our identified regulatory priorities.

To assist us in the assessment of a noise complaint and to determine the appropriate course of action, it is important that detailed

information about the disturbance is provided. If ambiguous or insufficient information is received, we may be limited in how we can respond to, or assist, with your complaint. In these circumstances we may need to contact you to request further information about the issues raised in your complaint. If you do not provide contact details or respond to our attempts at contacting you, then your complaint may be closed, and no action taken.

**If the licensed venue is within a council-established 'Special Entertainment Precinct', then the local council will also have a precinct management plan which contains a sound management framework for venues within the precinct. L&GNSW works closely with local councils to resolve noise complaints from licensed venues located in these precincts.**

### Responding to complaints

Where we do investigate noise complaints, we take the following steps:

- When a noise complaint is received and there is evidence of ongoing disturbance, we take an educative approach in the first instance and remind the venue of its obligations. We provide general advice and encourage the licensee to take proactive steps to manage disturbance and engage with other parties.

We will then allow the venue time to change its approach, implement additional controls or resolve the complaint directly through engagement with the complainant/s,

- If further noise complaints are received, we will engage with the venue providing focused guidance, support, and mediation to remedy existing noise impacts using non-regulatory approaches. This may involve education, undertaking an inspection of the venue, engaging with the licensee, and checking compliance with applicable licence conditions that do not require specialised acoustic equipment.

## Acoustic testing

If there are existing noise-related licence conditions which set limits on the level of noise generated by the venue, such as the LA10 noise condition, we may conduct acoustic testing to assess noise levels to substantiate any findings and assist in the case management of the venue without taking enforcement action.

In circumstances where further noise complaints are received and there is evidence that noise from the venue is ongoing and substantiated, regulatory intervention may be appropriate. This may include a notice or direction being issued to the venue to rectify any conduct or practice relating to noise emissions. This supports an improvement-focused approach and acts a remedial enforcement action.

Alternatively, if it appears from inspections undertaken that the noise from the venue is ongoing and would contravene noise-related licence conditions, we may organise independent acoustic testing as an escalated approach.

To facilitate this acoustic testing, we will ordinarily seek a list of functions or events from the venue so that testing can be conducted during one of these events. It is difficult to say how many rounds of testing are required as variables can affect the efficacy of testing (background noise, weather, other activity, events concluding early or being cancelled).

Testing ordinarily comprises three rounds, must be undertaken by specialist acoustic consultants and must be supervised by L&GNSW inspectors.

If the result from the independent acoustic testing indicates that the venue has breached its noise-related licence condition/s, we will consider what (if any) enforcement action to take. This may include issuing a penalty infringement notice.

Where the disturbance persists, we may:

- Revisit the above steps with a view to taking escalated action.
- Recommend you make a statutory disturbance complaint, if we consider that additional licence conditions may be a solution to your concerns.

**In most cases when conducting acoustic testing, our inspectors will require access to the home of the affected resident, so they can assess the noise levels and to identify the source of the noise.**

**If the resident refuses access to their home or property, we will be restricted in what action we can take in relation to the complaint and may not be able to proceed.**

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## How to engage with us

We understand that noise and disturbance can have a significant impact on quality of life and can be a frustrating issue to deal with. It is essential, however, that complainants and venue operators treat our staff with respect and engage with them politely and professionally.

If this does not occur, we may be limited in how we handle the complaint, particularly in circumstances where we need to attend the complainant's home, and we are not satisfied it is a safe environment for our inspectors.

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## Make a noise complaint

You can lodge a noise complaint [here](#).

### More Information

For more information on how we handle complaints, please refer to the L&GNSW website.

For more information on our approach to compliance and enforcement, please refer to our [Compliance and Enforcement Policy](#).

Visit our website to see our identified regulatory priorities.