

Disturbance Complaint Guidelines

For licensed premises

1 July 2024

www.liquorandgaming.nsw.gov.au



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Introduction

Liquor & Gaming NSW (L&GNSW) has developed these Guidelines under section 81(3) of the Liquor Act 2007 (the Liquor Act) which requires L&GNSW to publish Guidelines that set out the matters to which L&GNSW, which acts on behalf of the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport, may have regard when determining a statutory disturbance complaint under section 81 of the Liquor Act. 'Disturbance complaints' against licensed premises, which are often referred to as 'noise complaints' or 'sound complaints', are managed under the 'disturbance complaint' framework of Division 3 of the Liquor Act. As such, these Guidelines refer to these complaints as 'disturbance complaints'.

The disturbance complaint framework of the Liquor Act sets out a comprehensive structure for formal complaints to be made against venues, including eligibility for a complaint to be made to L&GNSW and the criteria for which a complaint may be upheld against a venue.

For additional information on the making of a statutory disturbance complaint – including submitting a complaint - as well as information on the making of general complaints about a venue that do not meet the threshold of a formal disturbance complaint, please visit the Liquor & Gaming NSW website.

Note, in these Guidelines, references to 'L&GNSW' are taken to be 'the Secretary' in the context of administering functions under Division 3 of the Liquor Act.

Changes made by the Vibrancy Reforms

In late 2023, the NSW Parliament passed the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* (the Vibrancy Reforms Act). These regulatory reforms were designed to boost NSW's night-time economy, benefiting live music, dining, and creative sectors and workers, and bringing vibrancy back to NSW's night-time economy and community.

Under changes made by these reforms, on 1 July 2024 L&GNSW became the lead regulator for noise complaints under the Liquor Act associated with licensed venues. This change was made to reflect the value of live performance in NSW and enable a sensible and consistent approach to managing noise complaints associated with licensed premises across the state, and to facilitate an easier and fairer resolution of conflicts, whilst striking the balance for arts and music venues.

These changes were made to facilitate premises hosting live music; however, licensees also retain certain obligations to minimise negative impact on local residents or businesses in their community. An important object of the Liquor Act is to regulate and control the sale, supply, and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community, and licensees must have due regard to the need to ensure that their premises operates in a way that contributes to, and does not detract from, the amenity of community life.

Under the Vibrancy Reforms, key changes to the statutory disturbance complaint framework included:

- The number of persons needed to make a statutory disturbance complaint increased from three to five. These persons cannot be part of the same household/business or part of the complainant's household/business.
- Complainants must first attempt to address the issues directly with the licensee before lodging a disturbance complaint.
- 'Order of occupancy' became a key consideration and determines the thresholds associated with the level of disturbance that must be satisfied to uphold the disturbance complaint.

Number of complainants required has been increased

Statutory disturbance complaints lodged under the Liquor Act can only be made if the complaint is authorised in writing by a number of persons. Changes made by the Vibrancy Reforms mean that the number of persons required to make a statutory disturbance complaint increased from three to five from July 2024. This means that to make a statutory disturbance complaint, a person who lives or works in the neighbourhood of the licensed venue must be joined (and authorised in writing) by a minimum of four other persons who live or work in the neighbourhood and who are not part of the same household/business or part of the complainant's household/business.

Complainants are required to have tried to address the issue with the venue

It is preferable for noise issues to be resolved between the venue and its neighbours rather than through a statutory disturbance complaint. Under changes made by the Vibrancy Reforms, a statutory disturbance complaint under the Liquor Act will only be dealt with if a complainant provides evidence that demonstrates they have first attempted to address the complaint directly with the licensed venue. This could occur through the complainant contacting the venue by phone or meeting in person with the licensee or venue operator to discuss possible solutions to the issue. The complainant must show a genuine effort to contact the venue (for example, documenting all attempts of contact such as time/date, details of the person spoken to and any outcome that may have resulted). This ensures that the parties engage in dialogue and attempt to resolve the issue by mutual understanding in an informal manner; it also works as a de-escalation mechanism.

'Order of Occupancy' considerations

Changes were made to strengthen the rights for licensed premises where the order of occupancy is in their favour. The 'order of occupancy' refers to the order in which the licensed premises and complainant first began to operate or occupy their premises, and favours the party established first. The order of occupancy framework sets out several factors to determine which party first occupied or operated their premises. More information on the order of occupancy framework can be found in Chapter 3.

Special Entertainment Precincts

Licensed venues located within Special Entertainment Precincts have special rules relating to noise management and the emission of noise. More information on how noise emanating from a licensed venue is managed within Special Entertainment Precincts can be found in Chapter 2.

1. Conditions and enforcement

1.1. Development consent noise conditions that cease to have effect for licensed premises

Many local councils impose noise-related conditions on venues' development consents under local planning laws. Under the Vibrancy Reforms, certain types of noise-related conditions on licensed venues' development consents cease to have effect while the venue is regulated under the Liquor Act (i.e. for as long as the venue holds a liquor licence).

From 1 July 2024, certain noise-related conditions that councils have included on licensed premises' development consents under local planning laws ceased to have effect. These are:

- decibel limit-based sound controls, such as the LA10 noise criteria
- the provision or cessation of live / amplified music or sound entertainment at specific times
- use of a noise limiter
- placement and use of speakers

Councils and licensed venues premises were not required to take any action to implement this change or modify consents to remove the conditions.

All other development consent conditions that do not relate to the above continue to apply to licensed premises and will be enforced by the relevant council. These may include, but are not limited to, staffing requirements, building construction requirements relating to sound mitigation such as sound proofing, signage requirements, heating, ventilation and air conditioning noise, waste and recycling collection and disposal procedures including glass crushing, and patron capacity.

1.2. Liquor licence conditions

It is reasonable to expect some level of noise or activity from licensed venues due to people arriving and leaving or in the general operation of the venue, including through amplified or live performance and entertainment sound. However, a licensee must not permit business to be conducted in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood in which the licensed premises are located.

To mitigate against excessive noise from a venue or address issues relating to patron management or amenity concerns, L&GNSW and the Independent Liquor & Gaming Authority (the Authority) are able to impose certain noise-related conditions on liquor licences. These conditions are generally only imposed after a disturbance complaint regarding noise has been investigated and upheld under the Liquor Act, or there are specific issues associated with the operation or management of a venue that need to be addressed via a specific condition.

These conditions typically will remain on liquor licences unless there is a valid reason for removal.

Unless a licensed venue is in a Special Entertainment Precinct (*there is more information about Special Entertainment Precincts in Chapter 2*), all existing conditions on an existing liquor licence remain in force. Any licensed premises with an existing liquor licence condition is required to abide by that condition.

1.3. Offensive noise

As a result of the Vibrancy Reforms, licensed venues are exempt from certain noise pollution provisions contained in the *Protection of the Environment Operations Act 1997*, including offensive noise laws. This exemption only applies if the venue is operating in accordance with its liquor licence, including any licence conditions, and the Liquor Act. If the venue is located within a Special Entertainment Precinct, then the venue must also comply with the local council's plan for that Precinct.

1.4. Improvement notices

To ensure noise emissions from licensed venues can be addressed, including in situations requiring an immediate response, an 'improvement notice' can be issued in certain circumstances under section 75 of the Liquor Act by NSW Police, NSW Maritime or L&GNSW. These notices can include a direction for noise emanating from a licensed venue to cease.

Process for issuing of an improvement notice

An improvement notice allows NSW Police, NSW Maritime, or L&GNSW to issue a direction to a person who is making (or contributing to the making of) noise from a licensed premises to cease the noise. The notice may be given to the licensee of the licensed premises, an employee of the licensee, or an agent of a licensee. The notice can be issued where a police officer or a marine authority reasonably believes that noise being emitted from the licensed premises is in contravention of a liquor licence condition or the Liquor Act or regulations.

A police officer or maritime authority who issues an improvement notice may make a disturbance complaint to the Secretary, using the process set out in these Guidelines, about the emission of noise from the licensed premises the subject of the improvement notice.

L&GNSW also has the power to issue improvement notices under section 75 of the Liquor Act in respect of any matter relating to a licensed premises, including noise. It is noted that Councils do not have the ability to issue an improvement notice under the Liquor Act.

2. Special Entertainment Precincts

Special Entertainment Precincts support live entertainment, via extended trading hours for live music venues and bespoke noise controls that provide operational certainty for venues, neighbouring residents, and businesses.

2.1. Sound management framework in Special Entertainment Precincts

Licensed venues located within a Special Entertainment Precinct have special rules relating to sound management and the emission of noise. When a Special Entertainment Precinct is established, local councils must prepare a precinct management plan that includes information on the regulation of noise from amplified music from venues in the Special Entertainment Precinct. The plan must include a sound management framework which sets out the sound criteria for entertainment sound for each venue located within the Special Entertainment Precinct. For example, this may include fixed or defined decibel levels designed for specific sound category areas or zones within the Special Entertainment Precinct.

The sound criteria standards set out in a precinct management plan will override any existing development consent conditions for a licensed venue relating to noise, to the extent that they are inconsistent with the plan. All other development consent conditions that fall outside of the precinct management plan will continue to apply to licensed venues.

Noise-related conditions on the liquor licences of venues in Special Entertainment Precincts that are inconsistent with a precinct management plan will cease to have effect to the extent of the inconsistency.

Licensed venues located within a Special Entertainment Precinct are also exempt from noise pollution laws if they are operating in accordance with the precinct management plan for regulating noise from amplified music. In situations requiring an immediate response, NSW Police or L&GNSW may issue an improvement notice under the Liquor Act where it is believed that noise being emitted from the venue is exceeding the sound criteria set out in the precinct management plan.

2.2. Statutory disturbance complaint management

Statutory disturbance complaints may be lodged against a licensed venue located within a Special Entertainment Precinct, however there is a higher threshold that applies before a complaint can be upheld. It must be established that the venue failed to comply with the sound management framework set out in the precinct management plan and the threshold or level of disturbance was 'unreasonable'. For example, acoustic testing which indicates that sound being emitted from the venue is unreasonably exceeding the limits set within the precinct management plan.

If there is evidence that a venue has exceeded the sound limits in the precinct management plan, L&GNSW may take regulatory action against the venue. This may include issuing a direction under section 34A of the *Gaming and Liquor Administration Act (NSW) 2007*, requiring the venue to comply with the sound management framework as set out in the precinct management plan.

3. Disturbance Complaint Framework

3.1. 'Order of Occupancy' considerations

'Order of occupancy' refers to the order in which the relevant parties (complainants and licensed premises) began to occupy or operate at their premises, and favours the party established first.

Order of occupancy considerations, which are built into the disturbance complaint framework, help protect venues against unreasonable expectations about the types of activity and threshold for noise in the particular area, especially in mixed-use locations where residential and hospitality venues are in close proximity. It achieves this by establishing a higher threshold for a disturbance complaint to be upheld in relation to a venue with the order of occupancy in its favour.

The Liquor Act sets out several factors to determine the order of occupancy. If the order of occupancy is not in favour of the licensed premises as per the guidance below, it by default operates in favour of the complainant. Additionally, licensed venues can lose their order of occupancy if there is a 'change in the operation of the business carried on at the licensed venue', even if the venue has been operating for longer.

There are additional protections built into the order of occupancy framework to guard venues that provide live music against unreasonable complaints. Under the Liquor Act, it is not a 'substantial change to the operation of the business' if a venue puts on live music between midday and 10pm inside, or between midday and 6pm outside.

Examples where a change in the operation of the business may impact order of occupancy

- A traditional pub that previously did not host live music or other entertainment changes its business model to feature regular entertainment programming that extends past midnight.
 - An existing outdoor area utilised for recreational and sporting use, such as a bowling green, is converted for modified use and entertainment purposes to host large scale outdoor functions and events.
 - Changes to liquor licences and business types. For example, a venue with an on-premises liquor licence may obtain an extended trading or primary service authorisation to diversify its service, or expand its operation under a different business type to suit a multi-purpose business that may carry a higher risk profile.
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3.2. Threshold for upholding a complaint

The threshold or level of disturbance on which a disturbance complaint may be upheld will differ depending on the order of occupancy. There is a higher threshold that must be satisfied for a disturbance complaint to be upheld when the order of occupancy is in favour of the licensed venue.

Order of occupancy in favour of the complainant

A statutory disturbance complaint may be upheld if:

- the quiet and good order of the neighbourhood in which the licensed venue is located has been **unduly disturbed**.

Undue disturbance

Undue disturbance is not defined in the Liquor Act and as such L&GNSW affords the term a general meaning to be a disturbance to the quiet and good order of the residents or tenants of the neighbourhood that is not appropriate or suitable having regard to the particular context. This is a subjective assessment with weight placed on the strength and relevance of the evidence obtained during the disturbance complaint process.

Order of occupancy in favour of the venue

A complaint may be upheld if:

- the quiet and good order of the neighbourhood in which the licensed premises are located has been **unreasonably and seriously disturbed**, and
- the alleged disturbance was **not reasonably foreseeable** by the complainant when the complainant began residing or working in the area.

Unreasonable and serious disturbance

Unreasonable and serious is not defined in the Liquor Act and as such L&GNSW affords the terms a general meaning to be significant and beyond the limits of what is acceptable. This is a subjective assessment with weight placed on the strength and relevance of the evidence obtained during the disturbance complaint process.

The quiet and good order of the neighbourhood will not be considered unreasonably and seriously disturbed if the complainant could take reasonable steps to mitigate the impact of the disturbance on the complainant but has not taken the steps. Reasonable steps will vary according to the circumstances including the extent of control the complainant has in relation to taking the steps (e.g. a complainant in rental housing may have less control over the structure of their residence than an owner occupier). These steps may include ensuring windows and doors are closed at night and properly sealed, where it is safe and appropriate to do so.

Reasonably foreseeable

It is reasonably foreseeable if a reasonable person, by applying common sense/knowledge, would expect that a change to the operations of the business might occur at the licensed premises. For example, it would be reasonable to expect that a café might diversify its business operations by operating an outdoor dining service on the footpaths adjacent to the licensed premises.

3.3. Making a complaint and determining the order of occupancy

A disturbance complaint may be made only by one of the following persons:

- (a) Five or more persons who live or work in the neighbourhood who are not part of the same household/business and have attempted to address the complaint directly with the venue; or
- (b) A police officer; or
- (c) A person or entity that satisfies L&GNSW that because of the nature or gravity of the complaint, the person should be entitled to make the complaint, or another person where it is otherwise in the public interest.

Complaints by a local resident or worker

For complaints lodged by persons who live or work in the neighbourhood, the order of occupancy is in favour of the licensed premises if:

- the licensed premises has operated as licensed premises longer than the primary complainant has resided or worked in the area, and
- there has been no substantial change to the operations carried on at the licensed premises since the complainant began living or working in the area (hosting live music between midday and 10pm inside the venue, or midday to 6pm outside the venue is not considered to be a change of operations), or
- there has been a change to the operations of the licensed premises since the complainant began living or working in the area, but that change was reasonably foreseeable at the time the complainant moved in or started working in the area. See above for an explanation of the term '*reasonably foreseeable*'.

Guidance notes:

- If the order of occupancy is not in favour of the licensed premises as per the guidance above, it by default operates in favour of the complainant.
- The order of occupancy is determined between the licensed premises and the primary complainant.
- A complainant is taken to have lived at the same address, even if the complainant has moved, if the complainant's new address is within 500 metres of the address from which the complainant moved, or the licensed premises.
- Renters, both residential and commercial properties, can submit a statutory disturbance complaint.

Complaints made by an individual in serious or unique circumstances

A person may seek to satisfy L&GNSW that due to the nature or gravity of the complaint they should be entitled to make the complaint without the requirement to be authorised by four other local residents.

If such a complaint is accepted by L&GNSW under this pathway, L&GNSW will apply the order of occupancy between the individual complainant - if they are a resident or worker in the neighbourhood of the premises - and the venue. If this type of complaint is brought by another party such as NSW Police, the following paragraph will apply.

Complaints made by Police or another person in the public interest

Order of occupancy considerations are slightly different for complaints made to L&GNSW by NSW Police or another person in the public interest (e.g. a local council). For complaints made via these pathways, L&GNSW will consider the order of occupancy between the licensed premises and any residents or workers in the neighbourhood who are associated with the complaint, for example residents or workers who brought the disturbance concerns to Police or council.

3.4. Requirements for a disturbance complaint

A disturbance complaint must be made in writing to L&GNSW using the pathway provided on the L&GNSW website and be verified or made by a statutory declaration. It must include:

- a) unless it is a complaint from the Commissioner of Police, a complaint must be made with the written authorisation of four or more other persons (in addition to the primary complainant) who live or work in the neighbourhood or, if the complainant seeks to satisfy L&GNSW that they should be entitled to make a complaint because of the nature or gravity of the complaint or because it is otherwise in the public interest, evidence to support this consideration.
- b) specific times and dates of the alleged disturbance.
- c) details about the type of alleged disturbance, for example live music or amplified entertainment, patron noise or anti-social behaviour from patrons when leaving the venue.
- d) information relating to the frequency and duration of the disturbance and whether there have been any operational changes to the activities carried on at the licensed venue.
- e) details about previous contact with the venue, NSW police and/or local council; and
- f) evidence that the primary complainant has made genuine efforts to resolve the issues directly with the licensee or an employee or agent of the licensee and any resulting actions or steps that occurred.

The complainant should be clear about what an acceptable solution or desired outcome might be but be open minded about other options the venue may offer that could achieve an acceptable result. If more than one licensed venue is involved, the complainant must provide each venue with the same information and let them know who else they have raised the issue with.

Supporting evidence may be provided with the complaint material, which may include video or audio files. In some instances, sound readings taken from mobile device applications have previously been submitted as supporting material. These files will not be used as evidence to support regulatory action as the accuracy of these devices varies greatly, and expertise is needed to ensure technical parameters and measurement procedures are appropriate.

3.5. Investigating a disturbance complaint

L&GNSW takes a proportionate, risk-based approach to enforcing and ensuring compliance with the law. When L&GNSW receives a statutory disturbance complaint an initial assessment is conducted to determine if the complaint should be dealt with under the disturbance complaint provisions in the Liquor Act. L&GNSW may determine to not deal with the complaint under these provisions, but instead address the allegations raised in the complaint through other methods. This may include focused remedial engagement with the venue to provide education and support; this provides an opportunity for the venue to implement measures that may mitigate noise and disturbance and result in a timely resolution.

If a member of the public is concerned about noise from a licensed premises and does not meet the criteria in these Guidelines to make a complaint, that person may nonetheless report the disturbance to L&GNSW. This may be recorded for intelligence purposes, and/or further investigation and action may occur depending upon all the circumstances and having regard to the L&GNSW Compliance and Enforcement Policy.

Written Submissions

When investigating a disturbance complaint, L&GNSW may invite written submissions from the licensee of the premises to which the complaint relates, and from such other persons as may be deemed appropriate, such as the business owner or premises owner. NSW Police and the relevant local council will also be invited to make written submissions in response to the disturbance complaint and provide any other relevant information.

The submission process generally involves at least one round for all parties to have a fair say/right of reply and provides an opportunity for the licensee to arrange for independent acoustic testing, if appropriate, and undertake remedial works or implement changes to mitigate noise impacts. This process may take time and is likely to extend the submission process, however, it is a positive step in seeking a resolution and is one that is encouraged by L&GNSW. If acoustic testing is commissioned and any acoustic improvement recommendations set out in the acoustic report are completed, further submissions may be invited from all parties to determine whether there have been any improvements in noise emissions since the remedial works or voluntary measures have been undertaken by the venue.

L&GNSW inspectors may also undertake one or more inspections of the venue to make observations regarding the operation of the venue and conduct compliance testing with any applicable licence conditions, including acoustic testing, where appropriate.

Conference

A conference may also be convened by L&GNSW to hear submissions in relation to the complaint. If a conference is convened, notice of the time and place of the conference will be given to all individuals that are party to the complaint, including the licensee/approved manager and complainant/s. L&GNSW may also provide further information to attendees in advance of the conference explaining the procedure that will be followed. Attendance at the conference is voluntary, however, to assist in facilitating a timely and effective resolution, it is encouraged that all parties attend. All parties will be given a fair and reasonable opportunity to be heard and the principles of natural justice and procedural fairness will be observed.

The complainant and licensee or approved manager will be the main parties in the conference process; however, an invitation may be extended for other persons L&GNSW considers appropriate, such as NSW Police and local council. A conference is intended to be an informal process and does not follow rules of evidence like a court hearing; however, it is open for all parties to have legal representation during the conference should they choose.

The objective of a conference will be to identify and if possible, narrow the issues in dispute with a view to achieving resolution between the parties in the first instance if possible. L&GNSW may adjourn the conference subject to the implementation and continuation of undertakings given by the licensee.

3.6. Other factors to be considered

In addition to the statutory considerations set out in the Liquor Act, L&GNSW may also have regard to a number of other factors in determining whether to uphold a disturbance complaint and any regulatory outcome.

Additional factors that may be considered by L&GNSW when investigating a disturbance complaint

The nature and substance of the alleged disturbance, including,

- the type of disturbance (amplified music and/or patron noise),
- the frequency, duration, timing, level, character, and quality of the alleged disturbance, including vibration-related impacts from bass-heavy music.

The number of individuals or residents impacted or affected by the alleged disturbance.

The context in which the licensed premises operates, including,

- the location and surrounding environment. For example, a busy urban environment with elevated background noise levels will carry a higher threshold or level of tolerance to noise compared to a predominantly residential area or a quiet rural setting,
- the authorised trading hours and business type of the premises. For example, if the venue trades into the later trading period, this may carry a higher risk profile and is relevant to the level of disturbance that may be reasonably foreseeable.
- the provision and programming of entertainment, including live or amplified music, and any potential impact on neighbouring residents, and
- the operation of outdoor areas, such as beer gardens and alfresco areas.

If the premises is located within a Special Entertainment Precinct, consideration of the precinct management plan and sound management framework.

Any changes in the operation and use of the licensed premises that may contribute to noise emissions, including,

- changes in the ownership and operational management,
- changes in the primary business or activity conducted on the licensed premises, and
- consideration of the ‘primary purpose test’ for on-premises licence types such as restaurants. For example, the main business focus of a restaurant or similar venue when operating under that licence type must at all times be the preparation and service of meals to the public. If such a venue transforms and operates as a bar or nightclub during late- night trading hours, where meals are not available or there is a significantly greater focus on selling liquor, this is inconsistent with the primary purpose of the licence type.

Any physical changes to the licensed premises, including,

- structural and additional building works, such as extensions, renovations, and changes in the internal configuration and premises layout, and
- the conversion of existing areas, such as bowling greens and car parks for modified use including for the provision of entertainment.

Any physical changes to the complainant’s residence or place of business, including,

- structural and additional building works, such as extensions and renovations, and
- any sound proofing or sound attenuation works carried out to the residence, such as double-glazing windows.

The compliance history of the licensed premises, including any recent noise complaints, compliance with existing noise-related licence conditions and whether any improvement notices have been issued (and complied with) with respect to restricting or ceasing noise emissions.
Any technical acoustic evidence and expert recommendations.
Objective evidence and observations from NSW Police, local councils and L&GNSW inspectors.
The cooperation and responsiveness of the licensed premises in response to the disturbance complaint and evidence of any genuine attempts of an informal resolution with the complainants.
Voluntary measures implemented by the licensed premises to mitigate noise and amend its operational approach, including any sound attenuation measures and practical controls implemented.
Any financial implications or other practical consequences that regulatory action, such as the imposition of licence conditions, may have on the licensed premises.
Any relevant development application and planning approvals still to be determined by local councils (for example, a development application to modify use of certain areas within a licensed premises, or unauthorised building works and structures that require relevant approval).

3.7. Decision in relation to a disturbance complaint

After dealing with a disturbance complaint either through written submissions or convening a conference, all the material and evidence presented is reviewed by L&GNSW to determine whether to uphold the complaint, and if so, the appropriate regulatory outcome. The evidence collated during the investigation may include lengthy submissions and supporting material, technical acoustic reports, development consents provided by local councils and reports prepared by NSW Police.

The outcome of this process will be published in a decision, which will outline whether there is sufficient evidence to uphold a disturbance complaint and make a finding whether the level of disturbance meets the relevant threshold in the circumstances. Detailed reasoning of these findings and the regulatory outcome will be set out in the decision.

A disturbance complaint may lead to the following outcomes:

- No further action taken in relation to the complaint
 - The licensee being issued with a warning
 - An existing condition on the liquor licence may be varied or revoked
 - If a conference has been convened –the conference may be adjourned subject to implementation and continuation of undertakings given by the licensee
 - One or more conditions may be imposed on the liquor licence, including but not limited to, conditions relating to:
 - noise abatement (such as an LA10 noise condition).
 - requirement to install a noise limiter
 - prohibiting the sale or supply of liquor before 10 am and after 11 pm
 - prohibiting or restricting activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption)
 - security requirements
 - plan of management
 - requirement to participate in, and to comply with, a liquor accord
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— restricting the trading hours of, and public access to, the licensed premises.

3.8. Finalising a complaint

Once the matter has been determined, all stakeholders will receive a copy of the decision. The decisions are also published on the L&GNSW website, with any personal information removed prior to publication.

Timeframe for resolving disturbance complaints

There is no set timeframe for determining a disturbance complaint. If submissions are gathered from all relevant parties in writing, the process may take a number of months. This is due to the number of parties involved in the complaint, and the overriding need to afford all parties procedural fairness. If a conference format is used and all parties participate productively, it may be possible to resolve a complaint more quickly. L&GNSW endeavours to resolve and finalise all disturbance complaints as quickly as possible.

Review of decisions

The Authority can review, on the merits, a decision made under section 81 of the Liquor Act in relation to a disturbance complaint.

Applications for review are limited to the original applicant and to certain parties and must be made in writing to the Authority. The application must specify the grounds on which the review is being made. A delegate of the Secretary and all parties to the original complaint will be provided an opportunity to respond to a review application, to afford all parties procedural fairness.

Once the Authority has made its decision, all stakeholders will be notified. The Authority's decision will be published online. There is no statutory mechanism for review on the merits of a review decision made by the Authority.

4 Parramatta Square
Parramatta NSW 2150

GPO Box 7060
Sydney NSW 2001

Office hours:
Monday to Friday
9.00am – 4.00pm

T: 1300 024 720

E: contact.us@liquorandgaming.nsw.gov.au

W: www.liquorandgaming.nsw.gov.au
