



Planning circular

PLANNING SYSTEM

Circular	PS 24-003
Issued	1 July 2024
Related	Nil

Noise complaint management at licensed premises

This circular advises councils, applicants and venue owners of how certain development consent conditions that manage sound apply to licensed premises under Section 97A of the *Environmental Planning and Assessment Regulation (EP&A Regulation) 2021*. The circular advises councils on the condition types that cease to have effect, how to condition future development applications, and how complaints will be managed.

Overview of this circular

The NSW government has changed how sound is managed at licensed premises in a way that supports venues and the night-time economy.

This circular advises on how certain conditions of development consent will cease to have effect if the matter is regulated by the *Liquor Act 2007* (Liquor Act).

The changes are supported by the Disturbance Complaint Guidelines for licensed premises prepared by Liquor and Gaming NSW (L&GNSW) under Division 3 of Part 5 of the Liquor Act.

Vibrancy Reforms

The *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* (the Vibrancy Reforms Act) was designed to support NSW's night-time economy, benefiting live music, dining, and creative sectors, and bring vibrancy back to NSW's night-time economy and community.

From 1 July 2024, L&GNSW will be the lead regulator for noise complaints about licensed premises. L&GNSW will manage noise complaints made about licensed premises under the Liquor Act's disturbance complaint framework, set out in their Disturbance Complaint Guidelines.

These changes do not apply to premises that do not have a liquor licence. Councils will continue to manage complaints for unlicensed premises and disturbances that are not associated with entertainment sound, for example mechanical noise.

Councils should direct noise complaints about activities regulated under the Liquor Act and associated with licensed premises to L&GNSW.

Noise condition categories that cease to have effect for licensed premises

From 1 July, certain noise-related conditions that councils have included on licensed premises' development consents under local planning laws will cease to have effect and complaints about those venues will be managed under the Liquor Act. These are:

Category 1 – the way in which the business of the licensed premises is conducted:

- 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
- the use of a noise limiter
- the placement and use of speakers.

Category 2 - noise arising from the behaviour of persons after they leave the licensed premises. This includes anti-social behaviour or alcohol-related violence.

Existing development consents

Development consent conditions on licensed premises for the categories above will automatically cease to have effect from 1 July 2024. Councils and licensed premises are 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 Liquor Act's categories 1 or 2 continue to apply to licensed premises and will be enforced by the relevant council.

Applying conditions to future consents

For new development applications, councils should continue to apply development consent conditions for the purpose of managing sound and noise impacts even if these conditions will not have effect at licensed premises and any requirements imposed by the condition do not need to be complied with under the current legislative framework.

This is because development consents run with the land and are enduring, and conditions will be needed to ensure that noise from a premises have been considered and can be managed if required, should circumstances change in the future. For example, if the liquor licence for a venue is revoked and the business operation is no longer regulated under the Liquor Act's disturbance complaint framework, or if the legislation is further amended in the future.

Further information

View Liquor & Gaming NSW Disturbance Complaint Guidelines for licensed premises at www.liquorandgaming.nsw.gov.au

Department of Planning, Housing and Infrastructure circulars are available at:

planning.nsw.gov.au/circulars

Authorised by:

Monica Gibson

**Deputy Secretary
Planning Land Use Strategy, Housing and
Infrastructure**

Department of Planning, Housing and Infrastructure

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning, Housing and Infrastructure planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.