INNER WEST

Good Neighbour Policy

V3

IWC0220/0922

Title	**Good Neighbour Policy**
Summary	Council has implemented a Good Neighbour policy to provide guidance in the management of sound and activity management complaints for licensed and unlicensed premises.
Document Type	Policy
Relevant Strategic Plan Objective	• Strategic Direction 2: Liveable, connected neighbourhoods and transport. • Strategic Direction 3: Creative communities and a strong economy • Strategic Direction 4: Healthy, resilient, and caring communities
Legislative Reference	• *Local Government Act 1993* • *Protection of the Environment Operations Act 1997* • *Environmental Planning and Assessment Act 1979* • *Food Act 2003* • *Public Health Act 2010* • *Liquor Act 2007*
Related Council Documents	• Code of Conduct • Compliance and Enforcement Policy • Service Charter
Version Control	See last page

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1 Purpose

The purpose of this policy is to support the community's live music venues, licensed premises, creative spaces, sporting clubs and commercial businesses by providing them with assurance that the 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 that sit outside this policy.

The policy identifies the role of all stakeholders, such as residents, businesses, Council, Police and Liquor and Gaming NSW in managing sound and activity in an urban environment as well as outline Council's approach to amicably resolving these matters prior to taking any formal regulatory action.

2 Scope

This policy applies to all Councillors, Council Officers and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

3 Definitions

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

Councillor	Inner West Council elected representative
Council Officer	Inner West Council members of staff (including full-time, part-time, casual and contracted staff)
Government Agencies	Include Liquor & Gaming NSW and NSW Police
Licensed Premises	Premises which hold a liquor licence under the Liquor Act e.g. live music venue, pub, club, food premises etc.
Non-licensed premises	Any other premises which do not sell or supply liquor e.g. residence, creative and community spaces, commercial premises etc.
Policy	Refers to the Good Neighbour Policy

Sound and activity	Disturbances caused by patrons, music, entertainment, plant and equipment, deliveries and other general operational sound
Stakeholders	Include licensees, businesses, residents, tenants, 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 licensed and non-licensed premises are afforded reasonable amenity.

Objective 2 – Roles of Stakeholders

The roles of stakeholders are clear and committed to managing amenity expectations.

Objective 3 – Compliance

Implement a consistent and adaptable regulatory response in collaboration with the Government agencies to manage amenity expectations associated with licensed and non-licensed premises.

6 Handling of Complaints from Licensed Premises

Licensees 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.

Note: Complaints that relate to plant and equipment servicing a licensed premises are investigated by Council as per Section 7.

The NSW Government has introduced Vibrancy Reforms, legislative and policy changes which aim to improve the night-time economy. These reforms make Liquor and Gaming NSW the lead regulator, investigating and responding to sound and activity

management complaints from licensed premises, including those located in Special Entertainment Precincts.

If you are concerned about the level of sound coming from a licensed venue, please visit Liquor and Gaming NSW and follow their prescribed criteria for making a sound complaint.

7 Handling of Complaints from Non-licensed Premises

7.1 Managing sound through mediation

When a sound or activity concern is raised with a premises, there is an expectation that the operator will provide a commitment to lessening future sound impacts on the neighbourhood.

Should sound and activity management be an ongoing issue that has been unable to be resolved through previous attempts, Council may facilitate a mediation session, voluntarily bringing together the customer and representatives from the premises to discuss, understand and resolve the issues.

Mediation will ideally be held face to face on neutral ground. There may be circumstances with scheduling conflicts or health concerns where an online meeting is preferred.

7.2 Steps to take before lodging a formal customer request

Residents are encouraged to take the following steps prior to lodging a formal sound complaint with Council.

Identify the location and the 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 sound will assist the Council Officer when approaching the premises to investigate the impacts.

Approach the premises

Council's experience shows that when neighbours approach one another with reasonable grievances, they tend to be resolved quickly. This is particularly helpful with afterhours concerns so matters can be addressed as they occur. Resolutions may involve minor negotiations associated with times of use of noisy plant and equipment, closing certain windows or doors, routine maintenance or servicing and lowering the volume.

Evaluate the response of the premises

If you are dissatisfied with the response or action taken by the premises or if you feel that the sound remains at an unreasonable level, a request should be lodged with Council

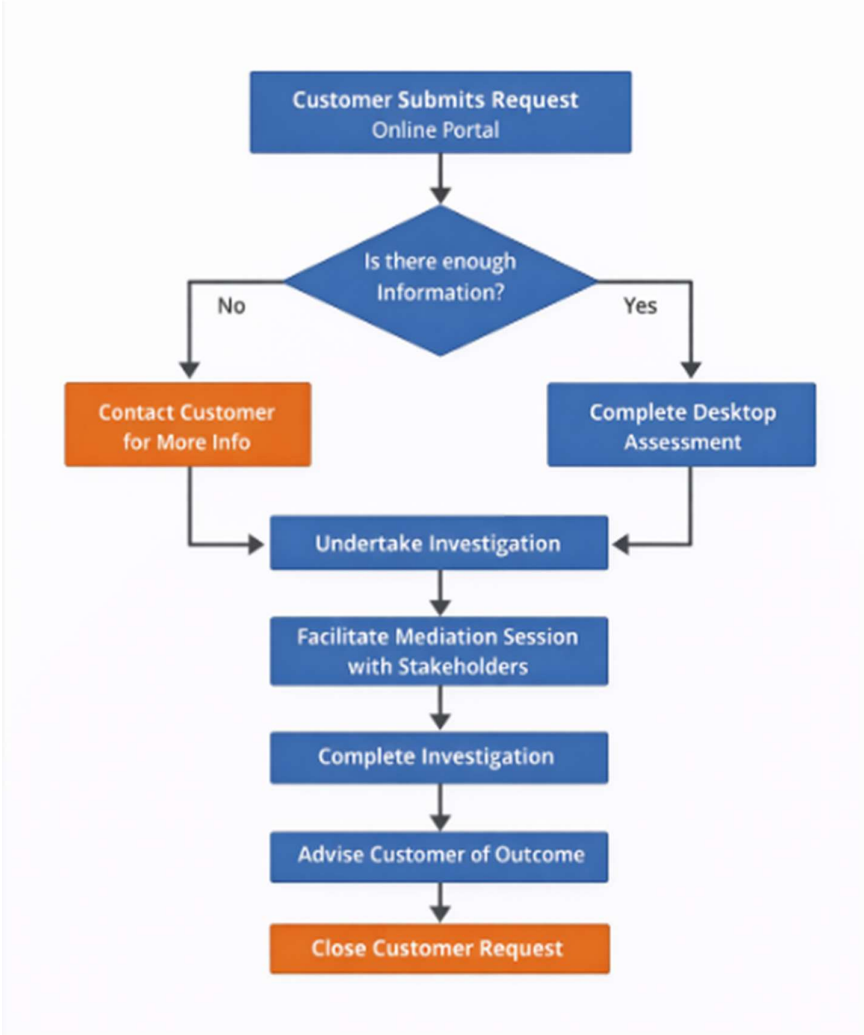
7.3 Council customer request handling procedure

Any customer requests associated with sound from a non-licensed premises, including those also located in a Special Entertainment Precinct, should be made to Inner West Council via the online portal. 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.

Note: Section 7.5 where immediate attention is required outside of normal business hours, the Police are the appropriate point of contact.

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

This flowchart illustrates the typical customer request handling process for non-licensed premises.



7.4 Managing sound though Council Investigations

Ongoing sound and activity management that cannot be resolved through the processes outlined in Section 7.1 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 sound and activity diary or the deployment of Council staff or a consultant to conduct sound monitoring at the premises at an undisclosed day and time. Any enforcement action will be considered in line with Council's Compliance and Enforcement Policy.

7.5 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 sound and activity assessments. This is particularly important when Council is unavailable and immediate attention is required due to the significancy of the concerns.

8 Breaches of this policy

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

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.

Governance use only:

Document	**Good Neighbour Policy**	***Uncontrolled Copy When Printed***	
Custodian	Director Planning	Version #	Version 2
Approved By	Council	ECM Document	39136028
Next Review Date	April 2027		

Amended by	**Changes made**	**Date**
Planning	New Policy	28 May 2019
Planning	Policy Review	9 April 2024