



Night Time
Industries
Association



Managing sound and noise in night-time venues

Acknowledgement of Country

The board and staff of the NTIA acknowledge that we are on unceded land of the Gadigal People of the Eora Nation. We pay our respect to Elders past, present and future and are privileged to celebrate a living culture of over 60,000 years.

Foreword

Whether it's sound from a performance at a live music venue, bar or pub, or noise from patrons exiting a venue, sound and noise are part of a thriving night-time economy.

Managing sound and noise is a crucial part of operating a venue of any type and size. This involves navigating a diverse landscape that includes engaging with regulatory authorities, planning legislation, the local business community, as well as nearby residents – and doing so in a way that still results in a unique and special experience for patrons.

Managing sound and noise requires technical knowledge such as setting and monitoring appropriate sound levels, as well as interpreting state and local government planning instruments. It requires investing time and resources into building relationships with local stakeholders, including those with different interests.

Fortunately, there are many night-time operators who have succeeded at doing exactly that.

This guidebook draws on the experience of existing night-time operators on how to manage sound and noise. It includes tips on how to minimise sound exiting your venue, how to deal with complaints, information on the importance of relationships, and where to turn to for advice.

I hope this guidebook serves as a useful resource to navigate the sound and noise management processes.

Best Regards,
Mick Gibb



Mick Gibb
CEO - Night Time Industries Association





Rules & Regulations

The regulation of sound and noise for venues comes under state and local government. The four public authorities most responsible for regulating sound and noise emitted by venues are:

- **Local Council,**
- **NSW Police Force,**
- **Department of Planning and Environment and**
- **Liquor and Gaming NSW.¹**

In November 2020 coordinated changes to the Liquor Act, Planning Act, and Local Government Act were introduced to provide a more supportive regulatory framework for venues ranging from small bars, to restaurants, pubs, live music venues, as well as night clubs and hotels. These changes were the result of more than a decade of advocacy and consultation, including the 2018 Parliamentary Inquiry into The Music and Arts Economy in NSW.²

The reforms are:

- **Opportunities for the creation of special entertainment precincts,**
- **Increased power for local councils to remove entertainment bans,**
- **Low impact live entertainment to be classified as exempt development.**

The reforms also provide local councils an opportunity to take responsibility for leading in “managing complaints about entertainment sound and noise that is emitted wholly from within licensed premises within their local council area.”³

However, even in circumstances where councils assume the lead role, complaints related to existing liquor licence conditions and complaints about noise that may arise from patrons leaving a licensed venue can still be referred to Liquor & Gaming NSW.

While night-time economy operators will benefit from these changes and the knowledge and relationships built up across the sector to get them approved, the planning and regulatory environment remains complex. Negotiating the rules and regulations can be a barrier to entry for new operators. Mistakes can be costly, time consuming, and in some cases make the difference on keeping a venue’s doors open. Below are the key considerations for successfully managing sound and noise.

¹ In rare circumstances EPA may have a role in regulating some music venues – for example, where a public authority operates a venue epa.nsw.gov.au/-/media/epa/corporate-site/resources/noise/22p4215-noise-guide-for-local-government.pdf

² [Parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2471](https://parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2471)

³ [Liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0005/978656/fm2041-local-councils-notice-to-manage-noise-complaints.pdf](https://liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0005/978656/fm2041-local-councils-notice-to-manage-noise-complaints.pdf)



Key Considerations

Location

Choose the right location to ensure your venue or offering is the right 'fit' for a particular neighbourhood. Identifying your ideal location includes consideration for relevant planning instruments and land-use classifications (what's allowed and what is not). It also includes issues like how patrons access the venue (transportation), lines of sight, appropriate lighting (safety), and nearby businesses or residents (which can complement or conflict with your vision for your venue).

You can learn about the planning instruments by booking a pre-DA consultation with the local council's planning unit. Check in with the local council on the cost of a pre-DA prior to booking it. You can also contact council's Economic Development team or Placemaking staff (if available) to discuss whether your proposed venue aligns with other priorities for the area. You can find out more about nearby residents by asking the relevant authorities for a copy of the complaints register, and of course walking through the area at different times throughout the week. This information can help confirm you are on the right track, or identify any potential hurdles.

Sometimes perception of what's offered is just as important as the actual offering. For example, neighbours may accept a certain level of sound and noise from a small bar, but be adverse to the same level of sound and noise coming from a live music venue. From both a planning and community engagement perspective, working within the context of what has previously been offered in the area allows you to draw on existing relationships and expectations.

Of course it's possible to experiment, test new ideas, and break with tradition. However, while being a pioneer offers new opportunities, it can also come with challenges. Choosing the right location doesn't guarantee success, but choosing the wrong location can make running a successful venue all the more difficult.



Relationships

1 Regulatory Authorities

It is difficult to overstate the importance of developing a working relationship with the relevant regulatory bodies. Whether starting a new venue or taking over an existing business, venue operators will engage with authorities such as Local Council, NSW Police Force, and Liquor and Gaming NSW. The NSW Government's Hospitality Concierge is a useful service to understand this landscape.

Venues can take a proactive approach to compliance by attending information sessions offered by council, as well as reading relevant guides and legislation. This helps ensure you are aware of the requirements and can speak the same language if challenges arise.

Introducing yourself to these agencies is an important first step on the journey of working together over time. This may involve asking to see the complaints register to identify issues that have come up in the past. Or it may be to request advice and feedback about how you operate. For example, successful venues have consistent and fair approaches for dealing with complaints regarding sound and noise. This includes clear thresholds on when to notify the police if an incident escalates or venue staff need to request assistance. Establishing a relationship before there is a problem to deal with makes it easier to find a solution.

Increasingly, the relationship between night-time operators and public sector agencies have evolved so that both parties have a better understanding of their shared interests – and how to work together. For example many councils express their interest to support night-time operators through documents such as Cultural Plans, Economic Development Strategies, Placemaking Initiatives, and grant programs. To see what support is available and the plans for your local council it is worth taking the proactive approach by reaching out to learn about their goals and plans.

The support may be something as simple as knowing who to contact in case of a problem, or a resource to share with a community member making a sound or noise complaint. At times there are more substantial resources available such as grants for sound attenuation, a waiver of fees for license reviews and amendments, or opportunities to partner on placemaking initiatives.

Simply expressing your desire to work collaboratively with regulatory authorities can help shift a relationship based on compliance, to one of achieving shared goals.

2 Business Communities

A thriving night-time economy includes a number of different offerings and experiences for people from all walks of life. Existing businesses have valuable insights gained through first hand experience of operating in the area. Building a relationship with other local businesses allows you to tap into this experience and can help to make your venue a success.

At the same time, business is a competitive landscape. It's inevitable that certain operators will be in competition for patrons.

However, it's still worth reaching out – even if it's just to introduce yourself and provide your contact details. This creates the opportunity to communicate down the track, or develop a coordinated approach to a shared problem. For example, perhaps you are attempting to deal with a vexatious neighbour who is consistently making sound and noise complaints to council or police. Communicating with nearby businesses may reveal a new strategy, or the opportunity for a collective approach to address the issue. In fact, reaching out to council or police as a group of businesses rather than as an individual can add weight to your claim about the nature of the issue, and a proposed solution. It's also highly valuable to engage with relevant industry associations and stakeholder groups to be part of a collective voice to address these challenges.

Finally, consider how to proactively support the other businesses in your area. Perhaps the line-up outside your venue is longer than you'd like and it is becoming difficult to manage loud patrons waiting around with nothing to do. By encouraging them to visit another venue while the line is long, you can help manage the risk of noise emanating from outside your venue while still keeping high patronage numbers in the neighbourhood. Some venues offer an SMS or 'call back' to notify patrons to come back when there is space. This can be done by taking their contact information, or a venue specific app.

3 Residents

The residents in your neighbourhood can help make your venue a success. Ideally, they can be some of your biggest supporters. However, a breakdown in the relationship with your neighbours can also be a headwind your business doesn't need. Establishing a relationship with local residents, and continuing to invest in that relationship, is crucial.

Simple steps to build good relations include:

- Keep residents informed: Let your neighbours know what you are doing. This simple courtesy helps establish respectful communication. It also gives them the opportunity to self-organise – such as planning to visit a friend, go to the gym, or plan their own night out if they know when an event is going to take place.
- Consider providing residents with a contact number for sound and noise concerns: Demonstrating a willingness to listen can help build a respectful relationship. In fact, simply knowing they have someone to call during the event is enough. You may also get valuable information that you can easily act on, such as a window that is supposed to be shut but has been opened, or of anti-social behaviour taking place behind the venue.
- Consider offering a 'drop-in' time for residents to meet with you: This can be one-on-one, or for community members as a group. It's important that the group session is well managed with a clear agenda and an opportunity for all parties to share their views. It's also an opportunity to discuss the existing sound attenuation strategies that are in place. Which approach you take depends on your experience and the nature of the issues to address.
- Consider reaching out to previous complainants: Reach out to prior complainants to demonstrate your interest in finding a solution. It's also a great way to collect information about their concerns to help identify and address any simple sound and noise issues. This may help inform your sound and noise mitigation strategy, or give you a heads-up about the kind of issues that may arise.
- Make an effort to be courteous: Some sound and noise complaints will not be about your venue, because residents may mistakenly blame you for noise from a house party, or another nearby venue. Be polite and direct them to the appropriate contact if available. Make an effort to keep a cool head, and seek to work collaboratively with the complainant - even if their complaint isn't coming from your venue.
- Keep your correspondence and documents: Keep accurate records of your interactions with neighbours. If a dispute arises, then evidence to support your claims will make a big difference. Record keeping also provides you with data which may help inform business decisions.

Of course, not every complainant will want to engage with the venue about sound and noise matters. The important point for operators is to be proactive and consultative in engaging with the local residents. It can also help to share your documentation with regulatory authorities to demonstrate you are being proactive to address issues.



Learn From Experts:

When the Night Time Industries Association asked industry leaders for their top recommendations for new business owners, there was one piece of advice everyone agreed on: engaging a sound engineer or acoustic consultant will save you time and money in the long run.

Experts are familiar with measuring and monitoring sound levels. They understand the rules and can give advice on mitigation strategies. They can explain the trade-offs between options (for example investing in a small upgrade to achieve 80% of your vision instead of a major refurbishment to achieve 100% of what you want). Drawing on the experience of an expert will help you avoid costly mistakes, and provide guidance on how other venues have addressed similar issues in the past.

Over time you will want to become familiar with the relevant legislation governing sound and noise, but consider your capacity to take on this task while starting a new business. For example, what is your experience dealing with sound leaks? What about decibel levels or acoustics, and how these can be influenced by building design and weather?

Councils generally offer informal meetings to provide guidance. The information from these meetings are non-binding and the actual outcome of your Development Application will depend on details that can only be confirmed through applying. If you can afford it, hire a sound engineer or acoustic consultant.

Case Study: Keeping Sound Inside The Venue

Luke Rosie from Solotel shares some tips on how to manage sound and noise.

- Engage a sound engineer to measure sound levels during different times of the day. This can give you a sense of what the background noise is like at different times and can help ensure your compliance with regulations.
- Install seals around door frames and windows to avoid sound leaks.
- Ensure speakers are not on the ground to minimise vibration and the potential for sound to leak from the building.
- Check how your speakers are set up so they aren't pointing at doors and windows where sound could leak.
- Invest in technology and processes that all staff understand. Setting maximum output limits on speakers and sound systems means even if sound is turned up it won't exceed the limits the venue is able to make. Of course, this technology can be costly so making sure all staff know the right processes and regulations can ensure compliance across the venue.
- Conduct regular sound checks to monitor levels across a range of locations and times – and keep up to date records of when checks are completed.
- Ask guests to be quiet when they leave. This can include verbal reminders from staff and appropriate signage.



The Bank Hotel
Newtown



Case Study: Dealing With Noise Complaints

Sabrina Medcalf from Odd Culture Group shares her top tips on how to manage sound and noise complaints from residents.

- Actively respond to complaints by sending acknowledgement letters and what action was taken.
- Proactively communicate with residents to inform them about upcoming significant events or changes to regular event programming.
- Provide a 'sound complaint event hotline' phone number. This demonstrates a commitment to taking complaints seriously, and also provides residents with an opportunity to have their concerns addressed immediately rather than the following day during office hours. These calls or texts receive an immediate response. At times the communications are simply requests to confirm the sound levels are within allowed parameters or that doors and windows are shut.
- Develop an in-person forum for neighbours and businesses to come and discuss issues related to sound. The forum demonstrates a genuine effort to be a good neighbour by building relationships, listening to differing points of view, identifying points of agreement, and trying to create solutions.
- Keep records of all complaints and actions taken. This allows venues to track the number and frequency of complaints and can be used as evidence to support their claims in the event that a regulating authority becomes involved.

Top 10 Tips

1 Do your due diligence

Before opening a venue make sure to check it's an appropriate location or space, the previous use and proximity to neighbours. Ask for a copy of the complaints register if you are taking over an existing venue.

2 Engage a sound engineer or acoustic consultant

They can help you set up the space, and implement sound and noise mitigation strategies.

3 Identify key stakeholders

Establish a relationship with stakeholders (neighbours, Police, local Council and NSW Liquor and Gaming) before there is a problem to deal with. An existing relationship will make it easier to find a solution.

4 Develop short, clear operational checklists for staff

These checklists (sound check, security, etc.) need to be easy to follow and understand.

5 Develop a complaints process

Develop a plan and process to receive and handle complaints either over the phone, via email or in-person.

6 Consider providing a contact phone number

This will be helpful for people to call while the venue is operating.

7 Consider offering a drop-in time for residents

Consider offering a drop-in time for residents to meet with you. This can help build rapport, identify areas of agreement, and opportunity for improvement.

8 Encourage or train staff to develop effective communication skills

Including how to deal with difficult or emotive situations.

9 Ask guests to be quiet when they leave

If relevant, this can include verbal reminders from staff or appropriate signage.

10 Keep records and evidence relating to sound

Whether it's mitigation strategies, sound checks, and interaction with complainants. Assume you may need to present these records to a third party to support your claims.

Participants

This guidebook was developed by the Office of the 24-Hour Economy Commissioner and the Night Time Industries Association through consultation with industry leaders. Thank you to participants for sharing their expertise.

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