



2011 Residents' Association Inc.

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Submission regarding *Draft Noise Guide for Local Government* (NSW Environmental Protection Authority)

We appreciate the State Government's attempts to rationalise the management of noise issues that impact the community, whether these emanate from large industry, aircraft, commercial business sources, or other sources (e.g. domestic noise from sound systems, air conditioning units, barking dogs, etc).

Of concern for our organisation, the 2011 Residents Association, is the impact on residential amenity of noise from businesses such as bars, clubs and other licenced venues, as well as venues that are licenced to operate 24 hours a day.

In particular, we are extremely concerned about the growing moves by Councils and by State government to limit the ability of residents to make noise complaints to the various regulating authorities, particularly in regard to these licensed premises and similar late-night venues; and furthermore to mandate that, as part of an updated process for the resolution of noise issues, residents must approach venue operators, or other persons or bodies that are creating unreasonable noise, as a 'first step' to resolving noise complaints.

It is on the public record that the Kings Cross and Potts Point communities were deluged by licenced premises during the period 2007-2014, and that many thousands of residents suffered not only from the basic lack of safety generated by the alcohol-fuelled violence that ensued, but also from the almost total lack of compliance with the strict licence and DA conditions that were continually ignored by licensees and venue operators.

As well, the area was a magnet for organised crime, drug dealers, and the sex industry, with its cast of aggressive and violent characters. When residents, in good faith, attended public meetings organised by City of Sydney Council to discuss noise issues and street violence, these 'industry representatives' also attended, and residents were targeted and belittled, the so-called 'face-to-face' mediation and consultation being an altogether threatening experience.

We hope our local Kings Cross/Potts Point environment has sufficiently changed since the introduction of the suite of legalisation in 2014 - the so-called 'Lockout laws' - and the calming and positive effects that have occurred here since then as a result.

But given the long track record over the past decade of many operators persistently breaching noise and licensing regulations in Kings Cross, the State Government's idea to promote face-to-face mediation between residents and licensees/owners is an approach that is potentially dangerous, and could involve a risk of harm to the complainants, especially if they are elderly or vulnerable.

Given their past track record showing lack of compliance (one infamous Darlinghurst Road venue was served with over 100 formal licence breaches by Kings Cross Police Licencing Branch), it is likely that venues will simply take no notice of the most reasonable of complaints, consider that they have now engaged in 'community consultation', and can just 'tick that box'.

And because many residents are afraid, with good reason, to approach venues with their complaints at 2, 3 or 4am - or at any time! - the venues can then claim there were "no complaints", and sadly many Councils and Government bodies are all too ready to resort to that excuse too.

We also want to emphasise that an ordinary resident is NOT a sound technician who can easily understand and familiarise themselves with the extremely complicated acoustic principles involved in the *Draft Noise Guide for Local Government*, which almost seem as though they are meant to dissuade the ordinary person from following up a noise issue.

Simply put, we know what we can hear.

If a noise is audible within the privacy of our own homes at unreasonable hours - e.g. at any time of night, which is universally regarded as a time for relaxation, peace and quiet, and sleep - then that noise, regardless of decibels or where it falls on the acoustic scale, should be regarded by any reasonable person as an intrusion on their privacy, well-being and amenity, and that of the neighbourhood that is being impacted.

We note that an acoustic specialist must have, as a minimum, a degree in engineering, science or architecture. Certainly these would be rare to find among our ordinary neighbours, so we challenge any non-academic councillor or council employee to make sense of the tables, graphs and equations on pages 163-164 and 167-168. It would be disappointing if these were used to justify to residents why their noise complaint has ultimately fallen on 'deaf ears'.

Finally, we are extremely concerned that while the State Government is responsible for passing licensing and noise control legislation and while Councils are responsible for approving or rejecting individual development applications for venues, both State and local government authorities are increasingly abrogating their responsibilities to monitor and enforce the laws and regulations and instead attempting to outsource those duties to residents to do it for them. That is absolutely unacceptable.

As used to be the case, we need to be able to call on the services of Council rangers and the Police to attend the source of noise, to check it, and to enforce the noise laws and regulations.

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Draft Noise Guide for Local Government (NSW Environmental Protection Authority) URL:
[https://web.archive.org/web/20210808223820/https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.nswepa-yoursay.files/8016/2743/3998/Draft Noise Guide for Local Government.pdf](https://web.archive.org/web/20210808223820/https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.nswepa-yoursay.files/8016/2743/3998/Draft_Noise_Guide_for_Local_Government.pdf)

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