

**Submission
No 656**

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Live Music Office

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The Hon Natalie Ward, MLC
Committee Chair
Joint Select Committee on Sydney's Night-Time Economy,
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RE: Joint Select Committee on Sydney's Night-Time Economy

The Live Music Office welcomes this Inquiry, and acknowledges the Terms of Reference.

Our submission references important work done by the NSW Government, the NSW Parliament, as well as the cultural, hospitality and business community, and local government; which we hope will provide support for real change.

A number of factors have led to major shifts in Sydney's Night-Time Economy. A lack of precinct planning, the cost of real estate and the introduction of lockouts in particular have had a large impact on the Night-Time Economy of the Central Business District and surrounding areas.

The circumstances that informed the introduction of the Liquor Freeze / CBD Plan of Management were a response to a particular point in time. In the view of not only the music industry, but many advocates for its introduction including Ralph Kelly, this time may have passed, and we look towards a new approach to rejuvenate the Night-Time Economy of Sydney.

Guiding principles for a new direction are clearly outlined in the *Committee for Sydney - Sydney as a 24hr City Report*, across 1) Expanding the diversity of night-time activities; 2) Effective Governance and Regulation; 3) An integrated approach to Planning and Transport; 4) Promoting Greater Sydney as a 24-hour city. Fundamentally, a cornerstone of coordinated planning must be a balanced liquor licensing framework, as communicated by Dr Jonathan Horton QC to the Independent Liquor and Gaming Authority (ILGA) in his *Review of Liquor Licence Conditions in the Newcastle Central Business District and Surrounding Areas*:

There does need to be flexibility in the licensing regime to encourage compliance. Venues that demonstrate good practices and that pose a lower risk ought to enjoy less restrictive conditions than those which do not¹.

In particular, the Live Music Office would like to recognise the Committee for Sydney for their leading work in this area through their *Sydney as a 24hr City* report, and our funding partners, APRA AMCOS and the Australian Music Association (AMA).

We greatly appreciate the opportunity to participate in this Inquiry. Please do not hesitate to contact the Live Music Office if we can be of assistance to support the Committee through the inquiry process.

Yours sincerely,

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¹ Dr Jonathan Horton QC (2018) P.3, *Review of Liquor Licence Conditions in the Newcastle Central Business District and Surrounding Areas*,

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About the Live Music Office

Established in 2013 by the Federal Government in partnership with the Ministry for the Arts, the Australia Council for the Arts and APRA AMCOS, the Live Music Office (LMO) was set up to review the impact of policy frameworks on the Australian live music sector and provide a central point of best practice reference and support.

The LMO is a national resource, to develop consistent tools and references to empower, capacity build, and bring direct benefits to artists and industry through providing;

1. Information, guidance, and research: Directly communicating and collaborating with state music organisations, researchers and media, the hospitality industry and government.
2. Strategic Planning Support: For State and Territory Music Plans, Capital City, Regional and Local Government Working Groups / Taskforces, live music census.
3. Advocacy: For Better Regulation - Liquor, Building, Town Planning regulatory best practice including exempt development and building code reform through State Regulation Roundtables and reviews.
4. Industry Development Programs: Creating the Live and Local Strategic Initiative with Create NSW, the Amplify Program, Live Music Map and Resources as well as Make Music Day.

Recent highlights and key achievements include:

- Removing the requirement for SA liquor licenses to require consent for live entertainment.
- Establishing the NT Music Industry Council with MusicNT, the NT AHA, artists and venues and 2017/18 research initiatives including the 2017 Live Music Census.
- Writing the Cool Little Capital report with Music ACT and responding to the associated *Urban Sounds Discussion Paper* investigating entertainment precincts in Canberra.
- Developing the 2016 Small Arts Venue variation to the National Construction Code in SA.
- Engaging with QMusic, Arts QLD and DPC in the 2016 QLD Live Music Industry Working Group process.
- Supporting the WA music industry and Government in establishing the WA Live Music - Arts and Cultural Regulation Working Group (2016).
- Participating in the 2018 NSW Parliamentary Inquiry into the Music and Arts Economy as well as the 2016 Sydney Night-Time Economy Roundtables.
- Sector consultation in Hobart and Launceston underpinning the Music Tasmania Contemporary Music Strategy for Budget Estimates, support for Music TAS.
- Delivering the Western Sydney and Regional Live and Local Strategic Initiative across 10 Councils in Western Sydney and 8 Councils in Regional NSW with Create NSW.
- Committed National Conference Participants – Presentations and Stakeholder Engagement including attending Changes in Melbourne this year.
- Live Music Map – Publishing an online map of live music venues, businesses and community radio across Australia as well as providing 20 online templates and resources covering the practical and business side of producing live music.

Focussing on NSW, The LMO has dedicated significant work to support the music industry and Night-Time Economy development since we were established in 2013. This work includes:

- 2013/14 - City of Sydney Live Music and Performance Taskforce (Chair)
- 2013/14 - Wollongong Live Music Taskforce
- 2014 - Leichhardt and Marrickville Council Live Music Reference Group
- 2016 – NSW Government Night-Time Economy Roundtables
- 2016 – NSW Treasury Evaluation of the CBD Plan of Management
- 2016/18 – Live and Local Strategic Initiative with Create NSW
- 2016 – Supporting Liquor and Gaming NSW lockouts venue exemption criteria
- 2017/18 - Committee for Sydney Night-Time Economy Commission
- 2018 – Submissions and evidence to the NSW Music and Arts Economy Inquiry
- 2018 – Newcastle Live Music Taskforce
- 2018 - Sydney Fringe Festival *An Anthology of Space Report*- Partner
- 2018 - Create NSW Contemporary Music Advisory Group
- 2018 - NSW DPE Night-Time Economy Guide Reference Group
- 2018 - Randwick Night-Time Economy Working Group
- 2018/19 - Club Music Advisory Group (CMAG)
- 2019 – Night Time Industries Association (NTIA)
- 2019 - Waverley Cultural Strategy Development

The Live Music Office has also been recognised for our work in recent Federal and State Parliamentary Inquiries:

2018 - NSW Parliamentary Music and Arts Economy Inquiry Recommendations:

Recommendation 8 - *That Create NSW collaborate with existing industry organisations such as the Live Music Office and MusicNSW in determining the allocation of funding for government programs related to music.*

Recommendation 12 - *That Create NSW lobby its Commonwealth counterparts to reinstate funding to the Live Music Office in recognition of its excellent work.*

Recommendation 13 - *That the NSW Government contract the Live Music Office to provide advice on the range of regulatory issues that this report identifies, in order to assist with their rapid resolution.*

Recommendation 44 - *That the NSW Government work with the Live Music Office and other music industry stakeholders to develop measures to remove outdated conditions that unnecessarily restrict music in venues.*

Recommendation 54 - *That the NSW Government continue to fund and expand the Live and Local Micro Festival Strategic Initiative delivered by the Live Music Office.*

2019 - Federal Music Inquiry Recommendation²

Recommendation 4) *That the Australian Government invest in the Live Music Office, to continue its work developing and advising on regulatory best practice.*

² The House Standing Committee on Communications and the Arts inquiry into: *Factors contributing to the growth and sustainability of the Australian music industry:*

Introduction

The LMO welcomes this Inquiry, and acknowledges the Terms of Reference:

That the Committee inquire and report into Sydney's Night-Time Economy, including any measures required to:

- (a) maintain and enhance community safety;*
- (b) maintain and enhance individual and community health outcomes;*
- (c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;*
- (d) enhance Sydney's Night-Time Economy; and*
- any other directly relevant matters.*

The City Night-Time Economy has been through a time of dramatic transformation. Alongside the disruption of the light rail construction, the introduction and operation of the lockouts has heavily impacted on the way the community, visitors and business interact with the city at night, and in particular, on the environment for working musicians and the hospitality industry.

The character of the city has changed dramatically.

Turning this around will require application to deliver on clearly and previously identified priorities which have been universally acknowledged through a series of forums.

Promotion and cultural participation will need investment as well as governance and better regulation. And importantly for all of these to happen, a preparedness for stakeholders to be constructive, and critically, a willingness to move away from fixed positions.

The Live Music Office also raises the good work being done in regional NSW for the Night-Time Economy through initiatives such as the Wollongong and Newcastle live music taskforces, as well as the Regional Live and Local strategic initiative across 8 Councils in Regional NSW. Whilst the terms of reference for this Inquiry are framed as Sydney focussed, there will be points identified through this inquiry for wider application to support regional NTE development. We would encourage the NSW Parliament to extend the terms of reference or establish a further inquiry into the Night-Time Economy for all of NSW; regional, remote and metropolitan.

The LMO would like to acknowledge the core funding provided by APRA AMCOS to enable our operation as well as the financial support of the Australian Music Association (AMA) for Make Music Day.

We dedicate this submission to the memory of significant Sydney music identity Sue Telfer who passed in recent weeks, in recognition of her longstanding work supporting the development of contemporary music at the coalface in the venues of inner Sydney.

The following pages table a number of suggested actions for the consideration of this committee, supported by the body of this submission.

Suggested Actions

- That the Committee recognise the primary work of the Committee for Sydney and their Night-Time Economy Commission through their *Sydney as a 24hr City* report.
- That the Committee recognise the evidence, findings and recommendations from the NSW Parliamentary Inquiry into the Music and Arts Economy (2018).
- The NSW Government convene a standing Better Regulation Working Group comprising state agencies and the Night-Time Economy and cultural sector in accordance with the previously endorsed recommendations from the Night-Time Economy Roundtables (2016) and the NSW Parliamentary Inquiry into the Music and Arts Economy (2018).
- That NSW Councils be supported in developing a precinct-based approach for Night-Time Economies that reduce land use conflict, regulatory overlap and supports a diversity of arts and cultural land uses.
- That the Committee have regard for the interests and cultural and night time economic development of Western Sydney, Northern Sydney and Southern Sydney as well as regional and remote NSW when considering the evidence and recommendations from this inquiry (Terms of Reference).
- The NSW Government make available the findings of the 2018 Create NSW musician's research.
- That the NSW Government match funding, per capita, for contemporary music with that of the Victorian Government over the next four years in accordance with Recommendation 7, Music and Arts Inquiry (2018).
- The NSW Government support diversity in the creative Night-Time Economy across age participation and a broad range of musical genres and art-forms through investment in programs and commensurate marketing funding, recognising programs supported by Music NSW and the Live Music Office.
- NSW Government to investigate matched funding, in-kind support and aligning existing programs to the Federal Governments forthcoming 2020 \$30.9m Australian Music Industry Package, and ensure this investment is optimised for not only Indigenous artists, export opportunities, touring and Women in Music mentoring, but also for the majority of artists and venues who are primarily small businesses in NSW.
- The NSW Government provide further investment for the Live and Local Strategy, recognising its outstanding contribution across Western Sydney and Regional NSW and the associated endorsed recommendation 54 from the NSW Parliamentary Inquiry into the Music and Arts Economy (2018).
- The NSW Government identify any additional layers of overlapping liquor licensing regulations applied within the Sydney CBD and Kings Cross Plans of Management precinct areas on top of the Temporary Liquor Freeze, 3 Strikes, and Risk Based Licensing.
- Ensuring the associated objectives of the NSW Liquor Act 2007 are adhered to with regards to the live music hospitality and tourism industries when reviewing and implementing liquor licensing applications, variations, and considering regulations such as the lockouts.
- Support a coordinated planning and liquor licensing system to remove duplication and facilitate community input in considering social impact and local neighbourhood issues associated with liquor licence applications (Recommendations 70 to 73 *Review report on the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007* (2013)).

- Remove the 1:30/2am lockouts and 3am last drinks for well managed hospitality industry and entertainment premises within the CBD and Kings Cross Plans of Management precinct areas.
- Review the Temporary Liquor Freeze still in place in 2019. Note recent Victorian reference.
- Reconsider the decision to maintain the Newcastle Lockouts, with further regard to the points made by Dr Jonathan Horton QC about well-run venues.
- Investigate the suite comprising South Australian Short Term Liquor Licenses for NSW application.
- NSW Government introduce live music venue liquor licences with standard 2am trading.
- Allow musicians to park for free in loading zones and metered spaces while they unload equipment through a permit available to music venues.
- Consideration of concessions for risk based licensing fees for live music venues informed by the Northern Territory and Finding 4, Music and Arts Inquiry (2018).
- Ensure that the public interest assessment of venues' tourism, community and cultural benefits is strongly considered during the liquor licence application or amendment process informed by the Western Australian process.
- The use of a mediation process should be promoted where possible and appropriate to deal with community disturbance issues in an informal and expeditious manner.
(Recommendation 74; *Review report on the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007* (2013)).
- The Committee recognise the leading work of Sydney Fringe Festival through their report - *An Anthology of Space 2015-2018: Activating unused and underutilised space for the creative industries and performing arts sectors of NSW*.
- Endorse a suite of tiered approaches across the planning approvals pathway including exempt and complying development to support the independent small to medium sector in accordance with the previously endorsed recommendations from the Night-Time Economy Roundtables (2016) and the NSW Parliamentary Inquiry into the Music and Arts Economy (2018),
- Support a National Construction Code (NCC) Small Venues NSW variation to support the independent small to medium sector across greater NSW in accordance with previously endorsed recommendations from the Night-Time Economy Roundtables (2016) and the NSW Parliamentary Inquiry into the Music and Arts Economy (2018).
- The NSW Government continue to support Make Music Day, recognising the good work this year from Create NSW and Transport for NSW and the potential for wider participation.
- Ensure collaboration in determining allocation of music funding (Recommendation 8) NSW Parliamentary Inquiry into the Music and Arts Economy (2018).
- The Committee undertake a venue tour with the Live Music Office of the live music scene in the inner west including Sydnenham. Marrickville and Dulwich Hill.
- That a new music program be dedicated to the memory of Sydney music identity Sue Telfer, in recognition of her longstanding work supporting the development of contemporary music at the coalface in the venues of inner Sydney.

The Night-Time Economy in NSW

The Joint Select Committee on Sydney's Night-Time Economy have available a number of comprehensive and current key primary sources including a suite of NSW Government programs, findings from the 2018 NSW Music and Arts Economy Inquiry the Committee for Sydney Night-Time Economy Commission – Sydney as a 24-hour City report and Additional Night-Time Economy Research which provide a great deal of valuable content already thoroughly developed within this field. These resources provide; data on Night-Time Economy metrics; guidance on priority areas for governance, regulation, planning and transport; evidence from associated industries, as well as findings and recommendations for music and arts economy development.

NSW Government Programs

The LMO recognises that the NSW Government has been extensively engaged in this area over recent years, through:

- 2016 – NSW Government Night-Time Economy Roundtables
- 2016 – NSW Treasury Evaluation of the CBD Plan of Management
- 2016 – Liquor and Gaming NSW lockouts venue exemption criteria
- 2018 – Submissions and evidence to the NSW Music and Arts Economy Inquiry
- 2018 - Create NSW Contemporary Music Advisory Group
- 2018 – Create NSW Contemporary Music Survey
- 2018 - NSW DPE Night-Time Economy Guide

The LMO has also been active industry participants across these programs, and appreciates the opportunity to provide specialist music industry capacity to these initiatives.

We also acknowledge the more recent work including:

- Music Now Contemporary Live Music Funding
- Activate Sydney Night Grants program
- NSW Night-Time Economy Event Directory & Supporting Promotion
- Reducing red tape to make it cheaper, faster and easier to set up and run a night-time business
- Guide for establishing and managing Night-Time Economy uses

The LMO appreciates the support currently being provided by both Create NSW, DPC and DPIE, and that developments are progressing. We understand that the NSW election and corresponding Machinery of Government (MOG) process has also been a contemporaneous consideration.

However, we are yet to have any contact from the NSW Government in regard to providing our recognised expertise for the Music Now Grants or for Activate Sydney @Night, We remain ready to support the delivery of the Music Now grants to ensure that much needed capacity building for venues is further increased.³

³ NSW Music and Arts Inquiry (2018) Recommendation 8 - That Create NSW collaborate with existing industry organisations such as the Live Music Office and MusicNSW in determining the allocation of funding for government programs related to music.

NSW Music and Arts Economy Inquiry 2018

The LMO welcomed the findings tabled from the 2018 Parliamentary Inquiry into the Music and Arts Economy in NSW, from what was a very thorough and rigorous investigation into the issues facing the music sector in NSW. We extend our thanks to the very open and supportive committee comprising members across the political spectrum. The associated report provides an extensive and comprehensive investigation in what was a major undertaking for the NSW Parliament and the music community in 2018.

There was wide-ranging engagement from the music and hospitality sector through the consultation process, with the Committee ultimately receiving 437 submissions.

We reference the four key findings from The Committee Report:

1. That there is massive potential for the contemporary music sector in New South Wales. The recorded music sector has grown rapidly over the last two years via online streaming. The majority of the industry is based in New South Wales.
2. That if New South Wales were to match Victorian funding for contemporary music per capita, it would require an expenditure in New South Wales of at least \$35 million over the four years of forward estimates.
3. That New South Wales has a music venue crisis, the causes of which are complex, but it is impacting negatively on the grassroots music scene in New South Wales, and on the national and regional touring circuits.
4. That the committee found no research available that suggested that music causes violence. In fact, the majority of the evidence the committee received suggested that music assists in preventing violence.

With sixty recommendations tabled by the committee, the report reflects a major investigation into our sector and community. Many of the Committee recommendations also align with the direction of the 2016 Night-Time Economy Roundtables, and are referenced in this submission.

The LMO was also recognised through the body of the inquiry report and specifically under recommendations; 8) Collaborate in determining allocation of music funding; 12) Create NSW lobby Commonwealth counterparts to reinstate LMO funding; 13) NSW Government contract LMO to provide advice on regulatory issues; 44) NSW Government work with the LMO and other music industry stakeholders to develop measures to remove outdated conditions that unnecessarily restrict music in venues; 54) NSW Government continue to fund and expand the Live and Local Micro Festival Strategic Initiative delivered by the LMO.

Committee for Sydney Night-Time Economy Commission – Sydney as a 24-hour City

Another primary source for this Inquiry is the Committee for Sydney Night-Time Economy Commission – *Sydney as a 24-hour City Report*.⁴

The LMO was able to provide our experience to the Commission through the development of the report, and alongside Kerri Glasscock, Sydney Fringe Festival Director and CEO, bring a live music and performance perspective to further assist shaping the recommendations.

We would like to especially acknowledge The Hon. Peter Collins, Chair – Night-Time Economy Commission and Michael Rose AM, Executive Chairman – Committee For Sydney, for their guidance of the Commission, and of course, James Hulme, Director of Advocacy for the Committee for Sydney, for his continuing robust engagement alongside the report development and delivery.

From the report:

The primary objective of the Commission was to explore and define the economic, social, cultural and civic potential of Greater Sydney as a 24-hour city. Our focus has been on Greater Sydney, not just the harbourside CBD. Our work reflects the fact that a successful night-time economy requires the coordination of multiple agencies and actors, effective planning and good governance and regulation. As such the Commission's recommendations are grouped in four areas:

1. Expanding the diversity of night-time activities
2. Effective Governance and Regulation
3. An integrated approach to Planning and Transport
4. Promoting Greater Sydney as a 24-hour city

The case for prioritising Night-Time Economy development is well made.

- The consumer data reflecting night time spend, satisfaction ratings and comparisons with other domestic and international cities makes for compelling reading, particularly comparisons by postcode of day/night spend and food/grocery percentages to general merchandise and restaurants and bars.
- The evening/night economy distinction is an important one (well recognised by Wollongong City Council in their previous coordinated economic development strategy).
- Live music features, but so also does retail, hospitality, amenities and cultural institutions.
- Governance and better regulation are strong themes, as well as evaluation of the lockouts, which this Inquiry is undertaking.
- The recommendation to establish a Night Time Industries Association has also been realised, with Michael Rodrigues being appointed Chair of the NTIA in November 2018 (*The Live Music Office is also a member of the NTIA*).
- Planned precincts also receive strong endorsement, underpinned by coordinated transport infrastructure.

So thoroughly developed is this work in our view, we have structured our submission to reflect the four key areas of this report, as an endorsement of the collective alignment demonstrated by the Commission through the formation of the report.

⁴ Committee for Sydney Night-Time Economy Commission (2018) *Sydney as a 24-hour City Report*

Additional Night-Time Economy Research

Another important and contemporary reference for the inquiry comes from Deloitte - *Imagine Sydney Play: the economic & social potential of a playful city*⁵:

In a media release from 15 February as the report was released, some of the top level findings were outlined through the below quotes from the research partners.

Night time economies are increasingly recognised as driving growth in cities – Sydney's Night-Time Economy is currently valued at more than \$27 billion and supports more than 230,000 jobs.

Matthews said: "The Night-Time Economy currently makes up 3.8% of Australia's economy, but this figure is 6% in the UK, suggesting there is real upside potential for Sydney. If we aimed for 6%, and nurtured and supported night time infrastructure and activities more effectively, we estimate the annual value of Sydney's Night-Time Economy could be more than \$43 billion across increased spending, and more employment and tourism."

Alcorn said that safety and security should always be paramount, but it was equally important that Sydney thinks beyond this.

"Businesses, for example, should be encouraged to create entirely new retail, service or entertainment offerings for night time customers, and partner with arts and culture and community groups to support extended opening hours and local events," she said.

The *Australian Night-Time Economy 2015*⁶ report prepared for the National Local Government Drug and Alcohol Committee also provides another data set:

The Night-Time Economy (NTE) in Australia accounts for 17% of all establishments (358,080 out of 2,121,053). Collectively, these employ more than 3.1 million people and generate sales turnover of \$660.8bn, making up 26% of Australian employment and contributing 19% of total turnover.

As does the Council of Capital City Lord Mayors (CCCLM) report (2018)⁷,

Sydney has the strongest and most concentrated NTE in Australia, with over 180 Core NTE establishments per km².

Sydney's Core NTE is a clear strength for the LGA as it represents almost 11% of all of Sydney's establishments. In terms of establishments per km², it is ranked:

- *first in Drink (22 per km²),*
- *second in Entertainment (33 per km²) and*
- *first in Food (128 per km²).*

Each of these sub-sectors experienced continued growth between 2016 and 2017, suggesting these positions are likely to be maintained in the future. Overall growth in turnover has occurred much faster than inflation (6.3% compared to 1.9%⁴).

⁵ Deloitte (2019): *Imagine Sydney Play: the economic & social potential of a playful city*

⁶ National Local Government Drug and Alcohol Committee (2017): *The Australian Night-Time Economy 2015*

⁷ The Council of Capital City Lord Mayors (CCCLM) (2018), *Measuring the Australian Night-Time Economy 2016-2017*

NSW Government Music and Night-Time Economy Actions Table

Much of the groundwork for music industry development and better regulation (distinct from the lockouts and festivals regulation) have been recognised previously through the following state level committees and reports. The following Table identifies common themes identified and endorsed through these forums.

Identified Music and NTE Actions: NSW Government Reviews		Creative Industries Strategy	NTE Roundtable Action Plan	Music and Arts Economy Parliamentary inquiry	Cultural Infrastructure Plan
Year		2013	2016	2018	2019
Music	Strategy	2013	6.6	4, 7, 8, 9,	
	Live and Local			54	Goal 17
	Industry Hub		6.6	3, 41,	Goal 7
	Research	3, 14	2.2	14,	Goal 1, 3
Governance	Night-Time Economy Minister	1, 2,	1.1	1, 25,	Goal 10
	NTE Master Plan		2.1	26,	Goal 1,12,13
Diversity	Late Night Retail		6.1		
	Culture	21		5, 19, 20, 33	Goal 4, 6, 13,15
	Institutions	32,			Goal 7, 15
	Regional	17, 33,		17, 18, 23, 34,	Goal 8, 17
Marketing		4,5,6,7,8,9	3.1, 7.1	6, 29,	
Regulation	Regulation Roundtable		1.1,	11, 13,	Goal 12
	Duplication			47, 48	Goal 12
Liquor Licensing	Remove Conditions			43, 44,	Goal 12
	Deregulate Genres			43, 44,	Goal 12
	Live Venues Licence			49	Goal 12
Planning	Exempt Development	34, 35, 36	2.7, 5.1, 6.5	37, 40,	Goal 1, 7, 8
	Complying Development	34, 35, 36	2.7, 5.1, 6.5	37, 40,	Goal 1, 7, 8
	Standard Instrument	34, 35, 36	6.5	36,	Goal 1, 7, 8
	Precincts	16, 17, 18		39, 42,	Goal 1, 2, 7, 10, 11,12, 18
	Agent of Change			39	Goal 1, 2, 7, 10, 11,12
National Construction Code (NCC)	Small Venues Variation	34, 35, 36	2.7, 5.1, 6.5	35,	Goal 7, 8
Police			4.1, 4.2		
Transport			3.2, 3.3		
Loading				31,	

Music, Safety, Health and Well-being.

In 2014 The LMO worked with the University of Tasmania, City of Sydney, City of Melbourne and the South Australian Government to determine the economic and cultural value of Australia's live music industry⁸.

Led by researcher Dr David Carter, This study also considered health and wellbeing benefits alongside the social, cultural and economic contributions of live music, with the following references from pages 10 and 11.

The link between performing arts experiences and health and wellbeing is well established (Carnwath & Brown, 2014). Music in particular has been shown through clinical research to effect immunological response, although more research is needed into how this functions (Fancourt, Ockelford, & Belai, 2014). Music is often used as a mood manipulator by advertisers and retailers (North, Hargreaves, & McKendrick, 1999), and people frequently use music for 'emotional self-regulation' (DeNora, 2000).

Active engagement with music has been shown to increase positive perceptions of self, which in turn leads to greater motivation, manifesting in turn in enhanced self-perceptions of ability, self-efficacy and aspirations (Hallam, 2005, 2010).

Live music has also been recognised as contributing to a sense of community, meaning and attachment to place (S. Cohen, 1999; Gallan & Gibson, 2013; Long, 2014). Live music is a communal event that incentivises like-minded individuals to gather, and "provides a sense of community that is not present when listening to music alone" (Black, Fox, & Kochanowski, 2007). The informal nature of the industry "blurs the business-social divide," (Watson, 2008) levelling the importance placed on social and business relationships to an equal standing.

This is thought to be true of cultural and creative industry workers in general; as the long hours, socialising with other creative workers and the spill over between work and play generates a strong community (Pratt, 2000).

Finding 4 from last year's Music and Arts Inquiry speaks to an absence of causality between music and violence.

That the committee found no research available that suggested that music causes violence. In fact, the majority of the evidence the committee received suggested that music assists in preventing violence.

We table these as a premise for the Committee; to approach the consideration of the role that music can and should play in the development of a vibrant, safe and healthy Night-Time Economy through this inquiry.

On the evidence recognised by last year's Music and Arts Inquiry, in our view as well as experience, live music and performance have a primary role in contributing to a vibrant, safe and healthy Night-Time Economy.

⁸ Dr David Carter, UTAS (2015) *Economic and Cultural Value of Live Music in Australia 2014*,

Lockouts

The introduction of what is broadly recognised by the community as the lockouts (Kings Cross / CBD Plans of Management) were made without consultation with community, key businesses and stakeholders, and in direct contrast with the position communicated to industry and business by the NSW Government only weeks before.

Not surprisingly, introducing such an abrupt and drastic change into what is a finely tuned regulatory framework has had significant unintended consequences for the cultural and economic development of the Sydney CBD, the greater city, as well as wider NSW.

This was recognised at the time, and communicated to the NSW Government, as evidenced in a Lord Mayoral Minute from 24 February 2014.

City of Sydney Lord Mayor Clover Moore said:

There is concern in the community that some of the new measures introduced will have unintended ramifications for the cultural life of Sydney and the growth of live music venues. The extension of the liquor freeze may mean that no new cultural venues, such as theatres that operate a bar or music-focused venues, will be able to be established in the new CBD precinct. The introduction of a lockout and 3am cease alcohol service may also negatively impact the financial viability of responsibly trading venues that provide employment for musicians and performers, as well as contribute positively to our cultural life⁹.

Musicians lost work immediately.

Leading Sydney musician Matt McMahon in his submission to this inquiry writes;

Knee-jerk policy making since has had terrible consequences. As soon as the lock-out laws were enacted I lost a weekly late-night gig at the Spice Cellar in Elizabeth St in Sydney. This was a jazz trio where we encouraged the young musicians of Sydney to join in – providing a great opportunity of inter-generational exchange and expression. Fans, students, and professionals were all drawn together by our love of music. We were informed that the lock out laws made this unviable and we lost the gig as soon as the laws came in. No doubt there are many similar stories. It takes many years to foster the environment of expression, learning and sharing that allows art and culture to develop and thrive. Sydney is underperforming in this space.

Justine Baker, Chief Executive Officer, Solotel Group, in her evidence to the Music and Arts Economy Inquiry on Monday, 26 March 2018 said:

Since the lockouts, our weekly DJ slots have gone from 34 DJs to 12 and our band slots have gone from 12 to zero. We used to trade seven floors of the hotel. We now trade two floors seven days a week and one floor three days a week. The employment of promoters, DJ bookers, lighting and sound technicians and security also have diminished dramatically. Identification [ID] scanners that have been put in place were just another layer of sledgehammer over the top.

A 40% drop in live performance revenue from venues within the Sydney CBD lockout precincts were identified after the first year of operation in 2016 analysis by APRA AMCOS and the LMO.

⁹ Minute By The Lord Mayor, 24 February 2014 *NSW Government Announcement On Alcohol Issues*;;

Electronic Music Scene Impacts Particularly Acute

The impacts on the electronic music scene and the late night economy in Sydney has been particularly acute.

This has been thoroughly documented through the NSW Parliamentary Inquiry into the Music and Arts Economy (2018) process, and is also clearly communicated to this inquiry by the Club Music Advisory Group (CMAG), an independent collective of people working within the electronic music industry that convenes quarterly with APRA AMCOS.

In the submission on behalf of the Club Music Advisory Group (CMAG), Group Chair and Head of Sync for TMRW Music, John Ferris explains:

"With the venues closing, the loss of jobs of business owners is just the tip of the iceberg, jobs behind bars, taxi driver income, security staff, floor staff and then entertainment staff – promoters, musicians and DJs have all had significant job losses in the sector. Since the lockdown were introduced at least 270 venues have closed. Each closure puts out of work at least 10 people per venue, that's no less than 2,700 jobs directly affected, not including all of the associated industries that have also suffered: food outlets, taxi's, suppliers etc. Literally thousands of job losses at the hands of the government's heavy handed implementation of a blunt instrument, with no consultation with the sector and no concern for any nuanced response for venues that had no issues with violence".

We refer the committee and the community to the Club Music Advisory Group (CMAG) submission, (and note the LMO is also a member of CMAG).

The electronic music / dance scene is acknowledged as a significant component of the broader music sector ecology. Published in May 2019, The [IMS Business Report 2019¹⁰](#) estimates the value of the global electronic music industry 2018/19 to be \$7.2bn (USD). The 2019 IFPI Global Music Report¹¹ ranks Dance as the World's 3rd most popular genre; with an annual global consumer base estimated at 1.5 billion people.

But it's not just the music industry and hotels that have been impacted. In a July 1 2019 article in the GoodFood.com.au *"The reasons why so many Sydney restaurants are closing¹²"* Chef Mitch Orr from hatted Rushcutters Bay restaurant, had one piece of advice for anyone opening a new restaurant in Sydney. "Don't do it."

"We can only speak to our own experiences, but changes in the climate surrounding the industry have never been worse, from the effects of lockdown laws, to a stagnant economy and lack of support from all levels of government. Add to that staffing issues, Uber Eats, and the culture of 'new is better'."

A Mar 28, 2017 story in The Brag *'There's A New Trend In Sydney Venues Closing Down, And This Time It's Restaurants'* says:

"Sydney, it's time to take a good hard look at yourself, before the CBD becomes a ghost town."

¹⁰ IMS Business Report 2019

¹¹ IFPI Global Music Report (2019)

¹² GoodFood.com.au July 1 2019; *The reasons why so many Sydney restaurants are closing*

It is entirely understandable that the business, hospitality, tourism and cultural sector feel completely blindsided and totally unprepared for the unfortunate loss of jobs and opportunities that were about to unfold from the introduction of the Kings Cross and CBD Plans of Management.

On **26 November 2013**, former Commissioner of the Office of Liquor, Gaming & Racing, Michael Foggo had provided his five-year statutory *review report on the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007* to then Minister for Hospitality, George Souris and the NSW Government.

This report made a series of recommendations of importance to the live music and performance sector, including;

- Recommendation 31: The adoption of a standard set of conditions to be applied to all existing late trading venues is not supported.
- Recommendation 70: Consideration should be given to introducing a co-ordinated planning and liquor licensing model (as detailed in this report) as part of the planning reforms that are currently being progressed by the Government so as to provide one forum for consideration of social impact and local neighbourhood issues associated with a liquor licensing proposal.
- Recommendation 74: The use of a mediation process should be promoted where possible and appropriate to deal with community disturbance issues in an informal and expeditious manner.

Five weeks later, On **30 December 2013**, the position of the NSW Government was, by the understanding of those paying attention between Boxing Day and New Year's Eve, to be opposed to expanding the Newcastle lockouts:

NSW GOVERNMENT'S CRACKDOWN WORKING Monday 30 December¹³

Mr Souris also rejected calls for blanket restrictions based on the (so called) 'Newcastle model' to be imposed compulsorily on licensed venues across the State.

"I reaffirm the Government's commitment to tailored solutions to address specific alcohol-related problems in local communities which have achieved significant success in reducing violence.

"The recent independent review of the liquor laws advocates tailored solutions as opposed to a 'one size fits all' response.

Other local communities have achieved significant reductions in alcohol-related violence using tailored measures – not by adopting the Newcastle model.

"While there was a 26 % reduction in violent incidents in Newcastle's licensed premises between 2008 and 2012, there was a 28 % reduction State-wide over the same period.

"During this period there were greater reductions in violent incidents for other parts of NSW according the NSW Bureau of Crime Statistics and Research (BOCSAR) – without the Newcastle conditions.

¹³ George Souris MP, December 30 2013; *NSW Government's Crackdown Working*

22 days later, the lockouts were announced, and six weeks after that, the CBD Plan of Management, lockouts and last drinks, were only days away.¹⁴

Licensed venues and patrons in the Sydney CBD and Kings Cross precincts are reminded that 1.30am lockouts and 3am last drinks come into effect from next Monday, Minister for Hospitality, George Souris, said.

Four years down the track, the 2018 Inquiry into the Music and Arts Economy provided a comprehensive body of evidence as to the impacts of the lockouts on the city late night culture. As a primary source for this inquiry, the testimony from artists, venues and industry speak to a widespread loss of employment.

An associated story in the Sydney Morning Herald from May 27 2018¹⁵, *What the hell is going on in Sydney?*¹ 176 venues disappear¹ reads:

"Figures from Liquor & Gaming NSW show 418 licensed premises had closed in the Sydney CBD and Kings Cross since 2014, while 242 small bar and on premises licenses were granted.

So what are the lockouts?

What is widely recognised by the community as 'the lockouts' are in our understanding a complicated and conflated series of overlapping measures that have actually been incrementally layered over time. These include but are not limited to:

- Temporary Liquor Freeze (2009)
- The Three Strikes disciplinary scheme (commenced on 1 January 2012).
- Kings Cross Plan of Management (2012)
- CBD Plan of Management (2014)
- Kings Cross I.D Scanners (June 2014)
- Risk Based Licensing (July 2014)

Key themes emerging from last year's Music and Arts Economy Inquiry are the overlaps and associated impacts for business across NSW government regulation for the Night-Time Economy.

These also comprise:

- 7 separate agencies with jurisdiction over noise complaints.
- Parallel liquor licensing and development approvals process (Foggo, 2013).

But further to these however,

- How many additional measures are also applied in addition by liquor licensing overlays?
- How can it then be possible to evaluate their effectiveness or otherwise?

Justine Baker, Chief Executive Officer, Solotel Group, in her evidence to the Music and Arts Economy Inquiry on Monday, 26 March 2018 said:

¹⁴ George Souris MP Monday 17 February 2014, *ONE WEEK TO GO UNTIL LOCKOUTS AND LAST DRINKS*

¹⁵ Sydney Morning Herald from May 27 2018; *What the hell is going on in Sydney?*¹ 176 venues disappear

We have multiple layers of state and local regulations within our venues, and they are in conflict. I have had multiple managers in our venues who have left hospitality because of the compliance issues they face. They are highly stressed because of the responsibility and the continual visits from police, the local council and so on.

The complexity here encompasses more than just the overlapping regulations and processes. It's the varying interpretations across council police etc. that then send businesses into a labyrinth of doom.

This finding was deemed by last year's music and arts inquiry committee to be a priority action for the NSW government.

Recommendation 47 - *That, as a matter of priority, the NSW Government remove the duplication of regulatory and compliance responsibilities from multiple government agencies and local government.*

We reference the Objects of the NSW Liquor Act 2007¹⁶,

LIQUOR ACT 2007 - SECT 3 Objects of Act

(1) The objects of this Act are as follows:

(a) 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,

(b) to facilitate the balanced development, in the public interest, of the [liquor](#) industry, through a flexible and practical regulatory system with minimal formality and technicality,

(c) to contribute to the responsible development of related industries such as the [live music](#), entertainment, tourism and hospitality industries.

Noting the reference to the live music industry under s3.1.c, this is fundamental not only in applying for, amending or transferring a liquor licence, supporting all ages events; as well as providing context in arbitration over noise complaints for venues and the music industry, but also for supporting licence categories and the development and operation of the Act and Regulation.

In recent years the LMO has worked well with Liquor and Gaming NSW in supporting the half hour exemptions for live music venues under the Kings Cross and CBD Plans of Management.

On 1 June 2018, the NSW Government lifted the freeze on new liquor licences in Kings Cross and the Sydney CBD for venues with a focus on live music, arts and culture.¹⁷⁸ The committee was advised that as at 19 September 2018, 32 venues in the Sydney CBD and Kings Cross had been granted live entertainment exemptions allowing later last drinks and lock-out times.

The Liquor freeze is also viewed as problematic by the music industry and there are arguments that it embeds character and is inflexible to developing better night economies.

With regards to the *Temporary Liquor Freeze 2009*, recent changes in Victoria¹⁷ would be supported by the music industry for application also in Kings Cross and the CBD, particularly relating to capacity.

¹⁶ NSW LIQUOR ACT 2007 - SECT 3 Objects of Act

¹⁷ Minister for Consumer Affairs, Gaming and Liquor Regulation 29 June 2019; *Freeze On Late-Night Liquor Licences Extended*

Under revised guidelines, existing venues remain exempt and new venues can still apply to trade past 1am if they meet certain exemption conditions, for example, if they support live music or supply alcohol for a significant cultural or sporting event.

The revised guidelines, summarised as follows, support Melbourne's night-time economy and were developed through consultation with the live music industry and other stakeholders:

- The patron capacity limit for live music venues eligible for an exemption will be increased from 200 to 500 people*
- The Minister will be given the power to provide exemptions from the freeze to premises or ventures if they are of major economic significance*
- The Victorian Commission for Gambling and Liquor Regulation will be given the power to provide exemptions for venues seeking to trade past 1am for the live broadcast of a major international sporting event*
- Additional requirements for applicants seeking to trade after 1am on New Year's Eve within the freeze are removed*
- Council support will no longer be required for an application seeking an exemption from the guidelines*

The LMO also supported our colleagues at Music Victoria as the Liquor Freeze consultation was underway earlier this year.

We also table the wider support for a reconsideration and relaxation of the 'lockouts' that accompanied the announcement of this Inquiry.

A May 30 2019 story in the Sydney Morning Herald¹⁸ "*Father of one-punch victim won't oppose repeal of lockout law*" includes the following references:

- "I do think we need these reviews because if it stands at the end of three months that there is enough evidence that the link between alcohol and violence has decreased, and that we are now deemed to be a city which is safer for everyone to enjoy the amenities of its nightlife, then I guess it is 101 that we should relax or completely pull out lockout laws," Mr Kelly said.*
- Lord Mayor Clover Moore said the laws had taken a "sledgehammer" to Sydney's nightlife. "As the committee considers winding back the laws, it must consider other measures to ensure a safe and vibrant nightlife," Cr Moore tweeted on Wednesday.*
- Sydney Business Chamber policy director Chris Lamont said while the lockout laws had curbed alcohol-related violence "it's clear they've had a negative impact on the vibrancy of our city".*
- The Australia Hotel Association NSW director of liquor and policing John Green said: "The lockouts are blanket measures which have hurt many good venues."*

¹⁸ Sydney Morning Herald , May 30 2019 *Father of one-punch victim won't oppose repeal of lockout law*

Newcastle Lockouts

The decision in August 2018 by the New South Wales Independent Liquor & Gaming Authority (ILGA) not to make changes to existing lockouts and trading hours following an independent review of the Newcastle conditions was met with disappointment across local government and the live music and hospitality sector in Newcastle.

In his 16 March 2018 advice to the Independent Liquor and Gaming Authority¹⁹ following his *Review of Liquor Licence Conditions in the Newcastle Central Business District and Surrounding Areas*, Dr Jonathan Horton QC proposed that:

There does need to be flexibility in the licensing regime to encourage compliance. Venues that demonstrate good practices and that pose a lower risk ought to enjoy less restrictive conditions than those which do not.

One avenue open to ILGA is to make one or more of the variations referred to in this Report only for venues which have demonstrated good compliance. If ILGA wishes to institute one or more of the variations on a trial basis, it could consider doing so by granting exemptions to well performing venues only.

This way, it could monitor the effect of the variation in practice and decide whether to make the variation permanent, or extend it to other venues. Exemptions for live music offerings might be considered on this basis. This way, patrons who wish to enjoy late night activities can do so in a way and in a venue that poses a lower risk of harm.

Prior to this, in our 28 February 2018 submission to the Inquiry into the music and arts economy in New South Wales, the LMO said:

- The LMO has advocated for exemptions to the lockouts in Sydney for dedicated live venues which have been endorsed by the NSW Government and this modest concession has been successfully implemented, showing a way forward for diverse offerings and supporting jobs and opportunities for artists.
- The hospitality sector is seeking further parity with Sydney conditions around removing some restrictions on types of drinks being sold as well as exemptions for live music venues.
- Newcastle City Council are on the record as saying “We need laws that incentivise licensed venues to strive to make our CBD safer” and “It’s council’s view that venues who consistently demonstrate outstanding responsible service of alcohol should be allowed to trade longer than those that occasionally don’t”.

Importantly, we would argue that this review provided an opportunity to shift the narrative for the wider cultural and economic development of the City of Newcastle. Whilst the blanket lockouts are applied to 14 Hotels and bars from an individual venue perspective, by association there are very real implications for the perception of the greater city that it could be argued has moved on.

¹⁹P.3, Dr Jonathan Horton QC (2018) *Review of Liquor Licence Conditions in the Newcastle Central Business District and Surrounding Areas*,

We would like to also provide the following references to the Committee for their consideration in better understanding impacts of associated layers of regulation on live music venues:

In Queensland there are research programs also underway following adjacent liquor licensing policy responses, including the Queensland Alcohol-related violence and Night-Time Economy Monitoring project (QUANTEM) which we understand is due to table findings presently.

In March 2017, QMusic issued a survey to all live music venues in Brisbane's Safe Night Precincts (CBD, Valley, Caxton Street) to better understand the impacts of mandatory ID scanning on:

- Venue attendance / revenue
- Opportunities for live music performance
- Operational efficiency

For the purposes of this survey, a live music venue was defined as staging original live music more than twice a week. 29 venues fulfilled this definition. 22 venues responded to the survey (76%), including one major venue that is not located in a Safe Night Precinct but who wanted to comment on the broader impact of ID scanning on foot traffic outside SNPs.

Key findings:

- *68% of respondents have reduced the amount of live music they're staging because of the cost/impact of ID scanning.*
- *90% of respondents have experienced operational issues with ID scanners.*
- *78% of respondents state that attendance at their venue has reduced since ID scanning was initiated.*

And other research that might be of use to the Committee:

- In 2015 Dr Anne Fox tabled her report for Lion Nathan, [Understanding behaviour in the Australian and New Zealand night-time economies.](#)

Listening to live music or stand-up comedy, playing darts, chess, or other bar room games, karaoke, competitions and tournaments, all these can serve to distract drinkers from frustration and unite them as a group. Many young people feel they have to get drunk and then create their own entertainment. What is needed in drinking venues is a de-emphasis on the consumption of alcohol for its own sake and a refocus on the entertainment and group conviviality.

We need to encourage the establishment of night-time venues where alcohol is ancillary to the entertainment, not the centre of it.

- Allen Consulting Report - Alcohol Related Harm & The Operation Of Licensed Premises https://assets.justice.vic.gov.au/vcglr/resources/67906f13-93a3-417a-a4d4-a3f79d8d9c5d/report_alcoholharmstudy.pdf

- Deloitte Report on Economic, Social & Cultural Contribution of Live Music 2011 http://musicvictoria.com.au/assets/Documents/DAE_Live_music_report_2011.pdf

(Page 51 specifically addresses patron behaviour)

- Violence In Public Places: Explanations & Solutions (commissioned by Victoria Police) http://www.richardeckersley.com.au/attachments/A21_public_violence.pdf

(Page 12 references lockouts)

Diversity - Arts and Culture

There's incredible potential for diversity in the Night-Time Economy in greater Sydney and NSW.

For anyone who's ever been to Ramadan Nights supported by Canterbury Bankstown Council in Lakemba, it's more than apparent that a vibrant and safe and hugely popular cultural experience can be had away from the usual perception of a night time event.

The Live and Local strategy delivered by the LMO and Western Sydney and Regional Councils in partnership with Create NSW was a flagship vehicle for providing live music opportunities for cultural and linguistically diverse (CALD) communities.

- **Create NSW Priority Areas** were represented in every program, with a total of 236 CALD, 46 ATSI, 12 people with disabilities and 450 youth artists.

All-ages programs from Music NSW ensure access points for young people to the music industry through funded initiatives and grant programs as well as the FEEDBACK 2019 Conference.

On 30 March 2019 a major music program announcement was made by the Federal Government for targeted investment particularly for diversity initiatives as well as substantial small business support²⁰.

The Morrison Government has committed \$30.9 million in new funding for more live music and to create more opportunities for Australia's artists to compete in a global industry.

The Australian Music Industry Package will provide funding for a range of measures which include grants to assist Australian small businesses to host more live music and new mentoring programs to encourage greater representation of women and Indigenous artists in the music industry. The Government will also provide additional funding for touring. The four-year funding package includes the following measures:

- *The Live Music Australia initiative: \$22.5 million over four years to assist thousands of Australian small businesses with grants of up to \$10,000 each for artist costs and to invest in equipment or infrastructure to establish or upgrade live music venues and schedule more performances.*
- *Women in Music Mentor program: \$2.1 million to deliver a mentoring program to help women take their music career to the next level, including professional training in contract negotiation, marketing, and finance.*
- *Indigenous Contemporary Music program: \$2.7 million to establish a national development program for Indigenous musicians and bands for touring, recording and planning effective touring circuits.*
- *Contemporary Music Touring program boost: \$2 million to the Australia Council to increase performance opportunities for musicians, including in regional venues.*
- *Sounds Australia expansion: \$1.6 million to expand the program to assist the Australian music industry to capitalise on emerging markets in Asia.*

²⁰ Minister for Communications and the Arts, Senator the Hon Mitch Fifield (2019); *More live music, more opportunities for Australia's musicians*

Were the NSW government to consider either matched funding, in-kind support or aligning existing programs to these initiatives, this could ensure this investment is optimised for not only Indigenous artists, export opportunities, touring, regional and Women in Music mentoring, but also the majority of artists and venues that are primarily small businesses in the music industry in NSW²¹.

Strategic Plan – Contemporary Music

A strategic plan for contemporary music has been a recognised priority for the music industry in recent years, supported by the associate recommendations in the 2016 Night-Time Economy Roundtables and the 2018 Music and Arts Inquiry.

The LMO has had regular contact with Create NSW through the ongoing development process, and was a member of the 2018 Create NSW Contemporary Music Advisory Group.

Recommendation 4 - That Create NSW immediately complete and release its strategic plan for contemporary music.

Contemporary Music Survey

In September 2018 Create NSW developed a survey to collect vital information from NSW musicians and their representatives to assist in the development of a Contemporary Music Strategy for the State.

Whilst this research hasn't been made publicly available at the time of this submission, we believe this important work might be of great value for industry and the Committee in learning of the experiences and views of the musicians in NSW who took the time to participate last year, and we look forward to having its findings made available to the Committee. We thank Create NSW for their initiative to better understand our sector.

The undertaking of Live Music Mapping is also advocated for. The LMO has a strong track record in supporting and delivering these projects, including:

- 2013 - Wollongong Live Music Taskforce
- 2015 – Adelaide Live Music Census
- 2016– Adelaide Live Music Census
- 2017– Adelaide Live Music Census
- 2017 – Northern Territory Live Music Census
- 2018 – Newcastle Live Music Taskforce

Were any research to inform the development of new initiatives from the NSW government, we would like to propose that an appropriate new music program for the city or NSW be dedicated to the memory of significant Sydney music identity Sue Telfer, who passed unexpectedly in recent weeks, in recognition of her longstanding work supporting the development of contemporary music at the coalface in the venues of inner Sydney in particular.

²¹ Katie Wighton , February 22, 2019; Sydney Morning Herald, *Musicians are small businesses too*

Create NSW Live and Local Strategic Initiative

In his response on behalf of the NSW Government to last year's Music and Arts Economy Inquiry Committee Report²², Arts Minister Don Harwin MLC spoke well of the Live and Local program.

Create NSW has also funded the highly successful Live and Local music initiative in partnership with the Live Music Office and with the support of local councils in Western Sydney and Regional NSW.

The Live and Local Strategic Initiative from Create NSW and the LMO provided \$525,000 in funding across 2016/18 to bring local councils, local businesses and local musicians together to stage free family-friendly 'micro-music festivals' for the public.

- Support local businesses in programming live music
- Build capacity for local Councils to provide sustainable, locally specific music based events
- Provide direct access to best practice of contemporary music presentation, promotion, strategy and networks
- Enhance connections for local musicians to the local and domestic music industry
- Deliver best practice policy and regulatory guidance to local councils
- Coordinate a strong, collegiate regional music network within Western Sydney & Regional NSW
- Support all-ages audience development and access to live music.

In its first year (2016), five Western Sydney locations were selected to host programs, supported by \$150,000 from Create NSW (then Arts NSW). Events took place in:

- Blacktown
- Camden
- Fairfield
- Parramatta
- Wollondilly

After the success of the first year's events the NSW Government supported eight Regional Councils with \$150,000 funding and \$100,000 to support a further five more Western Sydney Councils as well as operational funding for the LMO.

Round 2 Regional NSW Councils:

- Armidale
- Kempsey
- Mudgee
- Newcastle
- Orange
- Tenterfield
- Tweed Shire

- Wagga Wagga

Round 2 Western Sydney Councils:

- Blue Mountains
- Campbelltown
- Cumberland
- Hawkesbury and
- Liverpool

²² 7 January 2019, NSW Government Response, *The music and arts economy in New South Wales*

At the completion of the program at June 30 2018:

- A total of **66 individual events** were held across all three funding programs.
- A total of **1359 musicians** participated in Live and Local, of which 782 (57%) individual male and 577 (43%) individual female musicians participated in the program.
- A total of **583 acts** were programmed, comprised of 244 male acts, 184 female acts and 155 mixed-gender acts were programmed. A total of 339 all-female and mixed-gender acts were programmed, representing 58% of the total acts programmed.
- A total of **852 performances** were programmed, with 348 male performances, 283 female performances and 231 mixed-gender performances. A total of 514 all-female or mixed-gender performances were programmed, representing 60% of the total number of performances.
- **Create NSW Priority Areas** were represented in every program, with a total of 236 CALD, 46 ATSI, 12 people with disabilities and 450 youth artists.
- The program presented a broad range of ages, from 9 years to 71 years.
- Total audience **attendance is estimated over 53,000** across the 18 LGAs in NSW. Based on findings by the Blue Mountains City Council economic development officer, a sample size of 2080 visitors was estimated to have generated around \$242,080 into the local economy from a single event.
- An estimated total of **\$448,514.00 of additional funding** was contributed by councils including both in-kind and cash contributions.
- A total of **262 venues** participated in the program.

35 different types of businesses were activated across hospitality, retail, hotel and entertainment sectors, listed as follows:

- | | |
|------------------------------|-----------------------------------|
| • Cafes | • Tattoo Parlours |
| • Restaurants | • Music Store |
| • Pubs | • Wineries |
| • Public Domain | • BnB |
| • Small Bars | • Hall |
| • Clothing Stores | • Hairdresser/Barbershops |
| • Galleries | • Bakeries |
| • Homewares and Gift Stores | • Shisha Shop |
| • Book stores | • Bowling Alley |
| • Registered Clubs | • Theatres |
| • Hotels | • Museums |
| • Delis | • Florists |
| • Arcade | • Furniture Stores |
| • Co-working creative spaces | • Showground |
| • Historic Houses | • Cycleries |
| • Cinemas | • Lawnmower and Garden Businesses |
| • Shoe Stores | |
| • Breweries | |
| • Community Centres | |

These events were the catalyst for wide-ranging policy and strategy engagement with participating Councils, including:

- Engaging with the NSW Parliamentary Inquiry into the music and arts economy
- Participation in the consultation and development of the Create NSW Contemporary Music Strategy
- Connecting roles within Councils – cultural / events / development assessment / planning
- Enabling briefings on live music action plans, town planning models, best practice
- Supporting Local Government Night-Time Economy dialogue and consideration

The contribution of the program to Western Sydney and Regional NSW has been thoroughly endorsed by participants.

“The experience gained in organising the festivals, as well as feedback obtained from audience and participants suggest that there is an opportunity to further develop the live music scene within Tweed Shire. None of this would have been possible without the support of Create NSW and guidance from Live Music Office staff. Tweed Shire Council would like to express its appreciation for the opportunity to participate and look forward to the opportunity to work together in the future.”

David Burgener, Tweed Shire Council project lead.

Make Music Day

An important contributor to cultural diversity in NSW this year was Make Music Day Australia, which was promoted by a partnership between the LMO and the Australian Music Association (AMA) to underpin the 2019 program.

Make Music Day is a free celebration of music making around the world on 21 June. Launched in 1982 in France as the *Fête de la Musique*, it is now held on the same day in more than 750 cities in 120 countries.

Completely different from a typical music festival, Make Music Day is open to anyone who wants to take part. It's a DIY Music Festival! Every kind of musician — young and old, amateur and professional, of every musical persuasion — can organise their own gig, or join the many organisations that will host events, to share their music with friends, neighbours, and strangers. All of it is free and open to the public.

Preparing for June 21 this year Create NSW also built partnerships with the LMO to provide NSW Government support for Make Music Day.

- Sydney trains partnered with Create NSW who facilitated a number of events across Sydney on 21 June, including a Flash Mob choir of 500 people singing Locomotion at Wynyard Walk, and a series of performances by the Sydney Conservatorium of Music Contemporary Music Students.
- TAFE EORA music students performed across the day at Central Station concourse, and Mortuary Station was the backdrop for the making of a music video with Darlene Sings The Divas.
- Sydney Trains also provide for a carriage on the Wollongong, Newcastle and Blue Mountains line for musical performances, with the Ukulele Circus taking up the opportunity to perform all the way from Springwood to Central on the Blue Mountains line.

- Create NSW facilitated a pop up choir with the Sydney Philharmonic Choirs at the Cell Block Theatre at NAS, and an intimate performance of EORA TAFE students at the Brett Whitely studio.
- Create NSW also provided comms and strategic support with introductions to contacts across NSW, including local councils and corporate organisations like Vicinity Centres.

Participating music organisations included²³:

- Sydney Symphony Orchestra: Music of the Oud: Joseph Tawadros and the Sydney Symphony
- APRA AMCOS and the LMO: performances and participation by staff on 21 June 2018
- Create NSW Staff Choir

Local councils presenting Make Music Day events in NSW also included:

- The City of Canada Bay: Make Music Day Rhodes
- City of Parramatta - Make Music Day @ Sydney Olympic Park
- Liverpool City Council: Make Music Day at Macquarie Mall
- Waverley Council: Make Music Australia Day at Bondi Pavilion
- Wollongong City Council: Down the Rabbit Hole – Make Music Day Wollongong
- Newcastle City Council: One Song Sing

The LMO greatly appreciates the terrific support provided by the NSW Government to this exciting program, and we hope that this can now expand much further into 2020 and beyond.

Collaborative Marketing

The LMO advocates for further investment in Collaborative Marketing for the contemporary music scene in the greater Sydney and NSW. Like Live and Local and Make Music Day, these initiatives are important because they build partnerships and collaboration with the music industry and state and local governments, to collectively promote the local music scene and sustain participation and visitation.

Recently the LMO was in Adelaide for the launch of Umbrella Adelaide, an inspiring example of how the music industry as well as state and local government can partner to celebrate and promote their local live music scene. Umbrella Winter City Sounds is an open access live music festival presented by not-for-profit organisation, Music SA²⁴.

The 17 day festival will heat up the city and suburbs during winter with an exciting smorgasbord of over 350 live music events from July 12 to July 28. Established in 2016, Umbrella continues to grow in live music events by 30% each year and sees contemporary performances by local, national and international artists across pop, rock, hip hop, punk, jazz, world music, metal, folk and everything in between!

We acknowledge that there are excellent music programs within both Sydney Festival and Vivid Sydney. A point of difference with our counterparts in Adelaide and Melbourne is that both Umbrella Adelaide and the Melbourne Live Music Safari²⁵ are solely focussed on contemporary

²³ Make Music Day Australia website; <https://makemusicaustralia.org.au/>

²⁴ Umbrella Winter City Sounds, <https://umbrellaadelaide.com.au/about/>

²⁵ City of Melbourne, Live Music Safari <https://mmw.melbourne.vic.gov.au/live-music-safari/>

music, recognising that the Melbourne Live Music Safari is part of *Melbourne Music Week*, and Umbrella aligns with the 2019 *Indie-Con Australia* conference:

- *Leave the wallet at home as 13 of Melbourne's famed live music venues swing open their doors for a night of free music for Live Music Safari.*
- *Part musical treasure hunt, part choose-your-own-adventure, Live Music Safari celebrates Melbourne's dynamic local talent, treating music lovers and newcomers alike to an experience like no other.*

Lunchtime Concerts

There's also an opportunity to further promote and diversify the offering of lunchtime concerts in the Sydney CBD and beyond.

Once upon a time there were regular concerts in Martin Place that meant that live bands could have regular paid employment and build audiences for their night time venue gigs. These were held in high regard by the musicians who were able to play outside on Fridays in the city back in the day when they were a weekly part of the cultural diary in Sydney.

Currently there are regular and diverse live music programs from:

- The City Recital Hall
- Sydney Conservatorium of Music
- St Andrews Cathedral
- St Stephens Uniting Church

In 2014 supporting a program of contemporary music lunchtime concerts was a recommendation to the City of Sydney's Live Music and Performance Action Plan by the City of Sydney Live Music Taskforce.

Governance and Better Regulation

Governance

A leading theme that is shared across the 2014 Creative Industries Plan, 2016 Night-Time Economy Roundtables and the 2018 Music and Arts Economy Inquiry Report, is the need for effective governance to coordinate agencies, recognised also by the Committee for Sydney Night-Time Economy Commission in the premise for the *Sydney as a 24Hr City Report*.

Our work reflects the fact that a successful night-time economy requires the coordination of multiple agencies and actors, effective planning and good governance and regulation.

The associated area of our submission²⁶ to last year's Inquiry reads:

Subsequent to the coordinated work happening in the Sydney CBD, the scope is now widening for greater Sydney and regional NSW in this context, and the need for a role with the authority to drive change across agencies should be recognised, also acknowledging the important work undertaken to date by Create NSW.

There has also been extensive discussion around the rationale or otherwise for a Night Mayor/Tsar to act as a public interest advocate. Again, local context here is a primary consideration, and whilst a Night Tsar or Night Mayor may be the answer for London/Amsterdam, if we look to greater NSW whilst not without potential, these are localised positions and may ultimately be less effective than a go to person within executive government. Looking to the operational carriage of the broad responsibility to deliver change across agencies, this could take the form of a Minister for the Night Economy— or a dedicated area in the Department of Premier and Cabinet.

There is also an argument for a commissioner style role for the Night-Time economy, a similar position to the small business commissioner. One of the possible points about a ministerial role is that it excludes someone from the industry with sector knowledge from taking the role. The benefit of a Night Mayor / Tsar, although may not have the required authority for the task in this instance, is that they have a detailed understanding of the industry and are directly sourced from the sector. A commissioner could possibly provide this while still ensuring direct access and influence to government.

In our evidence to the Music and Arts Economy Inquiry Hearing in September last year²⁷, the LMO was further questioned about our position here, reaffirming our view that the preferred position is inside government.

The Hon. JOHN GRAHAM: *Given the time, I might just skip through some of these other recommendations, and I am particularly interested in how significant you see them designating responsibility for the night economy by having a night mayor or a night-time economy commissioner. It seems straightforward, but where does it sit in your priority list?*

Mr WARDLE: *It sits highly, but it would also sit within government. We have some pretty fine advocates around, but ultimately somebody who can coordinate the agencies.*

²⁶ Live Music Office Submission to: Legislative Council Portfolio Committee No. 6 - Planning and Environment – Inquiry into the Music and Arts Economy in New South Wales

²⁷ Friday, 14 September 2018 Hearing: Legislative Council Portfolio Committee No. 6 - Planning and Environment – Inquiry into the Music and Arts Economy in New South Wales

Proposed Live Music Industry Police Liaison Unit

On 8 April 2017 the LMO delivered a broad presentation to the Create NSW Night-Time Economy Taskforce on the music industry and better regulation, informed by our work nationally, as well as at the state and local level in NSW.

Amongst the agenda and associated references from the 2016 Night-Time Economy Roundtables was an item relating to Policing. There had been a number of interactions between venues, patrons and the NSW Police that had been problematic from our view over time, and we could see the need to build better mutual understanding and relationships with the NSW Police.

From our presentation:

To rebuild better working relationships and mutual understanding, we think that a way forward would be for a Live Music Industry Police Liaison Unit informed by the Gay and Lesbian Mardi Gras model be established. This could comprise Liquor and Gaming NSW, NSW police including ALEC, the live music sector and local government, and would provide the opportunity to convene on a biannual basis or where appropriate to work through policy and operational issues pertaining to NSW policing approaches to the live music and performance sector.

Policing of venues also featured in last year's Music and Arts Inquiry, including in the following exchange on 26 March:

The Hon. SHAYNE MALLARD: Council policing and enforcement of the regulations seem to be inconsistent. City of Sydney treats it one way and Parramatta treats it another way. Would that be your contention?

Ms BAKER: It would. I think it also changes depending on who is running the local area command at the time. You may not change, but one person changes. I must say our relationship with the police is really strong. The officers that visit our venues completely understand our business model and that we run safe venues and are not the issue. I think it is way higher up the food chain in terms of their purpose and why they believe it needs strong policing.

User Paid Policing for Events.

Going from the contact we have had with some event producers in NSW, there is not always a clear understanding from a music industry perspective as to how user paid policing for events operates in practice.

There are also concerns from the sector that the current system used by NSW Police to determine user-pays policing levels for major events lacks clarity and consistency, does not accurately reflect the level of risk posed by many events, and does not account for the experience or compliance history of the event producer²⁸.

Planning and budgeting for Live Music Events and Festivals requires a great deal of preparation, and with timelines that can have a lead in of 18 months to two years or longer.

Ensuring that compliance history, clarity and consistency are primary considerations when planning events and not have arbitrary compliance measures applied imminently before the day arrives is crucial to a sustainable live music and performance events industry.

²⁸ City of Sydney (2014): *Live Music Matters: Planning for Live Music and Performance in Sydney*

Better Regulation

The following Table identifies a range of sound / planning responses currently in place in NSW which we would advocate for as a starting point for baseline references for NSW councils to consider for town centres as a foundation for Night-Time Economy and arts and cultural development.

Reference Table of Sound / Planning Measures for NSW Local Government NTE Development		
City of Sydney (Late Night Trading DCP)	Late Trading for Retail	Allowing 24-hour trading across the entire city centre. Trading hours for low-impact businesses along village main streets would be extended from midnight to 2am
	NTE Precinct (Business Park Zoning)	A new 24-hour trading area with an arts, cultural and entertainment focus would be encouraged in a heritage warehouse precinct in north Alexandria
	Additional hours for performance and culture	Dedicated performance venues would be allowed up to 250 patrons and permitted 1 additional trading hour at closing time on a trial basis. All other licensed venues that host performances would be permitted 1 extra trading hour at closing time on nights when they provide at least 45 minutes of performance
Inner West Council	Complying Development	Leichhardt LEP 2013 amended to allow for existing restaurants and café's to change to a small bar by obtaining a Complying Development Certificate (CDC)
	Sydenham Creative Hub	Council's vision for the Sydenham Station Creative Hub was a vibrant entertainment and employment precinct where live music venues, small bars, restaurants and cafés thrive alongside traditional and creative industries.
	NTE Precinct (Business Park and Industrial Zoning)	The LEP includes a 'B7 Business Park' zone that has the objective of providing for creative industries such as the arts, technology, production and design sectors. The 'IN2 Light Industrial' zone will allow for certain creative industries which take the form of business premises or office premises in the arts, technology, production and design sectors
	Good Neighbours	Council officers will be required to convene a meeting with complainants and venue operators to discuss solutions rather than immediately launching compliance or legal action when complaints are received
Wollongong	S,149 Planning Certificates: See reference	"The Wollongong City Centre and Town Centres, play a key role in accommodation, cultural, sporting and business uses. A key to the revitalisation of these centres' is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre".
	Acoustic Privacy Standard	This includes double glazing external sliding doors and windows for reducing traffic and other low frequency noise such as music from surrounding night clubs.
	Noise Complaints Forum	In the Wollongong LGA noise complaints against live music/licensed premises can be considered by the

		<u>Community Safety Reference Group</u> – where council and the Local Area Command convene on wider issues around licensed premises and public safety.
	Standing DA's for event sites	Council decided to lodge its own DAs for these sites to gain a generic approval for a range of events. The Events Team then set up another quicker/simpler approval system which just checks proposed events against the consent conditions,
	Planning Seminars for Residents	Small businesses including creatives looking to establish in the Wollongong LGA can access guidance from Council prior to <u>pre-lodgement meetings</u> .
Wollongong City of Sydney Inner West Council	Case Management for venues	Small businesses including creatives looking to establish in the LGA can access guidance from Council

Case Study: Wollongong and Newcastle

In our submission to last year's Music and Arts Inquiry, the LMO expressed the view that the suite of measures introduced by Wollongong City Council for their Night-Time Economy and music industry would be of great assistance in supporting arts and cultural practice across metropolitan and regional NSW if more widely adopted. Since then Newcastle has indeed done the same.

In his evidence to last year's Music and Arts inquiry hearing in Wollongong²⁹, Mark Grimson, Economic Development Manager, Wollongong City Council, spoke to the success of their policy actions:

The council has had a strong focus on the evening economy, particularly, as we call it, the night-time economy, which involves trading from 5.00 p.m. until midnight. Wollongong City Council recognised the importance of a strong evening economy and of creative industries to generate a range of activities and experiences that are important to achieve and to maintain a creative and vibrant city.

With Newcastle also adopting the Wollongong approach, the two largest regional centres outside of Sydney now both have these policies.

Wollongong scene leads the way to save live music in Newcastle³⁰

Changes in Wollongong's live music scene over the past five years have been held up as a shining example of how to revitalise an ailing inner-city nightlife.

This high praise came from the Illawarra's northern rival, Newcastle, which last week adopted a slew of measures based on policies put in place in Wollongong five years ago.

Like Wollongong, Newcastle has been experiencing a CBD apartment boom, creating a clash between venues and residents and prompting a call for intervention from those within the music scene.

²⁹ July 4 2018, Mark Grimson, Economic Development Manager, Wollongong City Council, *Inquiry into The Music and Arts Economy in New South Wales*

³⁰ March 4 2018, Illawarra Mercury, *Wollongong scene leads the way to save live music in Newcastle*

Last Tuesday, to cheers from a public gallery packed with worried musicians, Newcastle councillors voted to adopt “the Wollongong Approach” to transform their nightlife, which they said was recognised by the NSW Live Music Office as “best practice” statewide.

Lord Mayor Gordon Bradbery said it was “not surprising that others would want to follow our example”, with Wollongong now boasting a strong “Night-Time Economy”.

“Wollongong council is often accused of being behind the times, this is one example of where we’re ahead of the game,” Cr Bradbery said.

Better Regulation Standing Committee / Roundtable

Governments have convened better regulation standing committees/roundtables in at least 5 states over the last 15 years in Australia to support the live music, arts, cultural and Night-Time Economy.

- Frank Henry from Brisbane City Council speaks to the collaboration required to enable Special Entertainment Precincts/Areas (SEP’s) in QLD, with the number of SEP’s in QLD now growing from one to four in 2019.
- Committee members Geoff Provost and John Graham would likely remember the 2007 Liquor Act and associated changes in NSW for Planning for Entertainment.³¹
- South Australia have developed important planning and building benchmarks in 2016/17.
- An associated recommendation from last year’s Music and Arts Inquiry speaks to the Victorian model, being a recurring standing committee.

Recommendation 11 - That Create NSW establish and convene a Live Music Roundtable in New South Wales, based on the Victorian model, which includes key government agencies and music industry stakeholders.

QLD	2004/5	Brisbane City Council / QLD Govt Agencies	Designing Special Entertainment Precinct / Local Laws
NSW	2006/8	NSW Govt Agencies and Industry	2007 Liquor Act EP&A / PoPE laws State BCA Variation
SA	2015/17	Regulation Roundtable	Remove Entertainment Consents Small Arts Venue NCC Variation
SA	2016	Streamlining Live Music Regulation	Exempt Development Musicians Loading
WA	2016	Live Music - Arts and Cultural Regulation Working Group	s117 of the Liquor Control Act 1988 Environmental Protection (Noise) Regulations
NSW	2016	Night-Time Economy Roundtables	NTE 25 Point Action Plan
QLD	2016	DPC Live Music Industry Working Group	Tackling Alcohol-fuelled Violence
VIC	>2019	Live Music Regulation Roundtables	All Ages Regulations Agent of Change / Review SePPN2 EPA Review Small Venues Regulation Sexual Assault and Harassment Taskforce

³¹ NSW Department of Planning, Industry and Environment; *Planning for Entertainment*.

The following table provides the Committee with some examples of existing precedents across the states and territories to reflect a number of regional approaches for some of the leading regulatory and policy issues that have emerged for NSW.

Table of National References for Better Regulation – <i>(Recognising the NSW Context)</i>			
Liquor	Public Interest Test	WA	Ensure that the public interest assessment to allow venues' tourism, community and cultural benefits to be strongly considered during the liquor licence application or amendment process
	Risk Based Licensing Discounts	NT	Live original local music / entertainment premises to receive a 10% reduction to the overall annual risk-based licensing fee:
	Liquor Freeze 500 cap	VIC	The patron capacity limit for live music venues eligible for an exemption increased from 200 to 500 people
	Short Term Licenses	SA	A short term licence may be granted for an event or occasion or series of events or occasions.
Planning	Planning Certificates	Wollongong	Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.
	Acoustic Privacy for Residential Development	City of Port Phillip	Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas
		Wollongong	"The air gap between the two panes should be at least 100mm that is good for reducing traffic and other low frequency noise such as music from surrounding night clubs".
		City of Sydney	Minus 5 precedent (Internal reading with doors and windows closed).
	Exempt Development	SA	Low Impact Entertainment
		NSW	New Year's Eve
		Victoria	Making 'Art gallery' and 'Museum' Section 1 (permit not required) uses in the Mixed Use Zone and Commercial 2 Zone. Making 'Art and craft centre' a Section 1 (permit not required) use in the commercial zones.

	Complying Development	Inner West Council (IWC)	Restaurants and café's to change to a small bar by obtaining a Complying Development Certificate (CDC)
		QLD	Sunshine Coast – Micro Breweries
	Special Entertainment Areas / Precincts	QLD	Fortitude Valley Nambour Southport Maroochydore (PDA)
		IWC	Sydenham Creative Hub
	Entertainment Precincts	ACT	Urban Sounds Discussion Paper
		WA	Planning for Entertainment Noise in the Northbridge Area: Public Consultation Paper
	Agent of Change Review	Victoria	Music Victoria
	Zoning	IWC	The 'IN2 Light Industrial' zone will allow for certain creative industries which take the form of business premises or office premises in the arts, technology, production and design sectors
National Construction Code	Small Arts Venues	SA	Venues assessed according to retail rather than theatre specifications for the purposes of building compliance under the National Construction Code
Loading		Yarra, Adelaide, Port Phillip	Parking permit to allow musicians to park in loading zones outside live music venues while they load or unload equipment.
Festivals	Events Regulation Review	WA	The discussion paper outlines a number of options and recommendations for managing public health risks associated with events in WA

Liquor Licensing

Alongside the previous reference to the recently amended Liquor Freeze in Victoria, the LMO raises a number of other recent changes to liquor licensing across Australia which in our view would better support the development of the live music and entertainment industry and Night-Time Economy in NSW in accordance with the associate objects of the NSW legislation.

Northern Territory – Risk Based Licensing

With the introduction of risk based licensing in the NT, discounts have been proposed for live music venues:

2.3 Discounts: It is proposed that each individual type of discount set out below will apply a 10% reduction to the overall annual risk-based licensing fee:

- *Live original local music/entertainment (provided in accordance with Music NT's policy)*

Western Australia – Public Interest Test

In Western Australia, Section 38(4) of the Liquor Control Act 1988 provides that the matters the licensing authority may have regard to in determining whether the granting of an application is in the public interest include -

- the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and
- whether the amenity, quiet or good order of the locality in which the licensed premises, or proposed licensed premises are, or are to be, situated might in some way be lessened; and
- whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and
- **(ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and**
- any other prescribed matter. (Please note: there are no prescribed requirements at this time)

South Australia – Short Term Liquor Licenses

The short term licence replaces the existing limited licence and authorises the licensee to sell or supply liquor, or the consumption of liquor. A short term licence may be granted for an event or occasion or series of events or occasions.

- Class 1 Licenses – would support independent artists presenting their own events
- Class 2 Licenses – would support promoters presenting larger events
- Class 2 BYO Licenses – would support artists and promoters who want to focus on the art form presentation and don't want to run a bar
- Class 2 Mobile Licenses – would support pop-up events or travelling industry initiatives
- Class 3 Licenses – would support larger concerts

We believe the class 1 and 2 licenses would also be compatible with the associated changes from 2016/17 for small arts venues under the National Construction Code as well as exempt development for low impact entertainment, and collectively provide real potential for enabling grass roots small scale activations, particularly for young people and those without significant resources required currently for similar activations.

Planning

The LMO refers the Committee to the important work delivered by Sydney Fringe Festival last year, which provides a thorough longitudinal industry perspective on the quite staggering challenges facing the small to medium independent performing arts sector in NSW.

An Anthology of Space 2015-2018: Activating unused and underutilised space for the creative industries and performing arts sectors of NSW.

We also would refer the Committee to the evidence given by Kerri Glasscock and Sydney Fringe Festival to last year's Music and Arts Inquiry at the Hearing on 26 March 2018.

The following examples provide the Committee with a number of case studies of corresponding approaches for NTE development with regard to planning approval pathways from NSW, South Australia and Victoria.

Exempt Development

South Australia	SA Development (Low Impact Entertainment) Variation Regulations 2017	Acts and activities that are not development (f) the carrying on of low impact entertainment on premises other than residential premises. low impact entertainment, in relation to premises, means live entertainment that is carried on— (a) inside a building; and (b) in accordance with the lawful use and occupation of the premises; and (c) in compliance with the Environment Protection Act 1993, but does not include— (d) prescribed entertainment within the meaning of section 105 of the Liquor Licensing Act 1997; or (e) entertainment that is to be carried on in connection with a proposed change of use of the premises.
New South Wales	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Trading Hours of Licensed Premises on New Year's Eve) 2017	The NSW Government provided an exemption for DA trading conditions for New Year's Eve 2017 to trade until 2am for licensed premises where their standard trading for a Sunday would've restricted operation to 10pm/12am depending on location.
Victoria	Amendment VC142, Victoria Planning Provisions (VPP), January 2018,	Making 'Art gallery' and 'Museum' Section 1 (permit not required) uses in the Mixed Use Zone and Commercial 2 Zone. Making 'Art and craft centre' a Section 1 (permit not required) use in the commercial zones.

Complying Development Case Study – Inner West Council

Existing restaurants and café's to change to a small bar by obtaining a Complying Development Certificate (CDC).

On the 9 November 2018 the Leichhardt LEP 2013 was amended to make opening a small bar in the Inner West a lot easier³².

The legislative changes only apply to the area covered by the Leichhardt Local Environmental Plan, at this stage, which covers the former Leichhardt Council area. It allows for existing restaurants and café's to change to a small bar by obtaining a Complying Development Certificate (CDC) which can be issued by either a Private Certifier or Inner West Council Building Certifiers in as little as 10 days.

- Land must be in Zone B2 Local Centre.
- The development is subject to a condition that the new use must be in accordance with the conditions of development consent applying to the old use that relate to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management and landscaping

The following recommendation from last year's Music and Arts Inquiry endorses exempt and complying development solutions for cultural activity.

Recommendation 37 - *That the NSW Department of Planning and Environment develop guidelines for exempt and complying development and ancillary development that provide clear examples of the type of cultural activity that may take place in a venue, without the need for development consent.*

National Construction Code (NCC)

The 2013, the [NSW Government Creative Industries Action Plan](#) found that:

Further, anecdotal reports suggest that current Building Code of Australia, health and safety and fire regulations provide unreasonable financially prohibitive restrictions for new venues to operate, particularly in Sydney. A deeper examination would assist in a better understanding of these issues.

In 2016 the South Australian Government introduced a small arts venue state variation to the National Construction Code – This red tape reduction measure supports the establishment of smaller dedicated performance spaces by assessing buildings as Class 6 rather than 9b Assembly Buildings.

This was also supported for NSW through last year's Music and Arts Inquiry through:

Recommendation 35 - *That the NSW Government introduce a New South Wales variation to the National Construction Code, like that implemented in South Australia, that assesses venues according to retail rather than theatre specifications for the purposes of building compliance under the National Construction Code.*

The LMO recognises that the NSW Department of Planning, Industry and Environment have a good understanding of the value of developing solutions in this area, and have dedicated staff and resources to progress this recommendation.

³² Leichhardt LEP 2013 (2018, Inner West Council, Small Bars Complying Development Certificate (CDC)

Integrated Planning and Transport

Planning

Precincts

The LMO strongly supports the development of a precinct based approach to Night-Time Economy planning.

Identifying the land use is a fundamental first step in setting the ground rules to guide regulation as well as cultural and economic development whilst balancing the needs and expectations of the community and business.

Last year's Music and Arts Inquiry made the following associated recommendation:

Recommendation 39 - *That the NSW Department of Planning and Environment investigate adopting a hybrid planning model to reduce land use conflict and support cultural activities in New South Wales by:*

- *amending the objects of the Environmental Planning and Assessment Act 1979 to include the protection and promotion of cultural activity, including live music*
- *adopting an agent of change approach to ensure that new dwellings within 100 metres of established cultural venues, such as live music venues, are required to have sound attenuation measures*
- *supporting the development of planned entertainment precincts.*

There are varying approaches already being applied in NSW across planning schemes and process, for example:

- The City of Sydney has revised their Late Trading Premises DCP.
- The City of Wollongong also has a coordinated approach that has been previously referenced in this submission, and also adopted by Newcastle.
- Inner West Council has the Sydenham Creative Hub, with has a corresponding reference from last year's Music and Arts Inquiry.

Recommendation 42 - *That the NSW Government consider the state significant nature of the Sydenham Creative Hub proposal if the Inner West Council continues to refuse approval.*

Once again, Justine Baker, Chief Executive Officer, Solotel Group, in her evidence to the Music and Arts Economy Inquiry on Monday, 26 March 2018 makes an interesting point worthy of further investigation, which speaks to alignment or otherwise sound assessment and compliance on their various venues in the City.

There is a precedent that is set that the acoustic measurement should be within your building with the doors shut and the air conditioning on. That was set at Circular Quay with the Minus 5 precedent. It was a bar that opened called Minus 5 and the Toaster building above them took them to court, basically. The precedent was set to say if you have a new development you can shut your doors and windows and put your air conditioning on and see if you are disturbed. That is not a consistent condition across all development applications. That is done from a planning instrument. We have some of our businesses that have that precedent set on the conditions and some that do not.

We raise important work happening across Australia in the precinct planning area for entertainment.

Queensland (2019)

On 28 March 2019, Sunshine Coast Council resolved to proceed with the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) - Special Entertainment Precincts relating to the designation of special entertainment precincts (SEPs) and the way entertainment uses are regulated more generally.

- To designate part of Nambour's activity centre and part of the Maroochydore City Centre Priority Development Area (PDA) as Special Entertainment Precincts under the Local Government Act 2009
- To amend the tables of assessment, development codes, zone codes and relevant local plan provisions for the Principal centre zone, Major centre zone, and parts of the District centre zone, Local centre zone and Tourist accommodation zone to:
 - o provide for "lower impact" entertainment uses (e.g. restaurants and small bars) across centre zones and key tourist areas to encourage vibrancy and support the Night-Time Economy in higher order centres;
 - o concentrate "higher impact" entertainment uses (e.g. night clubs and dedicated live music venues) in the designated SEPs and the Ocean Street Food and Music Sub-Precinct;
 - o provide for micro-breweries in the Principal centre zone and Major centre zone;
 - o amend the assessment benchmarks relating to noise criteria for venues, surrounding residential development and key mixed use areas;

Western Australia (2018)

In September 2018, The Department of Planning, Lands and Heritage, on behalf of the Western Australian Planning Commission, and the Department of Water and Environmental Regulation prepared a joint discussion paper, *Planning for Entertainment Noise in the Northbridge Area: Public Consultation Paper*³³.

This paper outlines proposed reforms that address the issue of entertainment noise impacts in the Northbridge mixed use entertainment precinct.

The reforms aim to achieve an effective balance between protecting the economic viability of entertainment activities and minimising the impact of entertainment noise from venues on existing and future noise sensitive development.

Australian Capital Territory (2016)

The *Urban Sounds Discussion Paper*³⁴ invited the community and related industries to consider how the planning framework can cater for everyday noise from restaurants, licensed premises, music venues and one-off events in mixed-use areas. Mixed-use areas are where residences are located together with businesses, entertainment venues and services.

The discussion paper sought community input on how the ACT planning and regulatory framework can support a range of activities where there is potential for conflict between venues and residents such as events and music in mixed-use areas. The aim is to maintain a balance between the needs of different users.

³³WA The Department of Planning, Lands and Heritage (2018) *Planning for Entertainment Noise in the Northbridge Area: Public Consultation Paper*

³⁴ ACT Environment and Planning (2016) *Urban Sounds Discussion Paper*

Transport

Musicians Loading

Loading gear in and out of venues in the City and beyond where limited or no parking is available is a perennial issue for working musicians in Sydney. I can speak from experience.

In what other professions do you potentially risk your entire days' pay every time you try and carry musical equipment from your car into a venue and then out again at the end of the show.

Musicians are having to dice with this on a daily basis every time they are working in the city. The NSW Government is across the issue, as it has featured a number of times in recent reports, as well as in the City of Sydney *Live Music and Performance Action Plan* (2014).

This measure, identified in the following action from last year's inquiry, if addressed, would actually make a very real and appreciated difference to the working lives of musicians in this city.

Recommendation 31 - *That Roads and Maritime Services, in collaboration with local councils, develop a parking permit that allows musicians to stop in loading zones for a set period of time when loading in and out of gigs.*

Musicians loading arrangements are in place in the City of Yarra and Port Phillip in Victoria, the City of Adelaide in South Australia, Nashville TN, as well as in Seattle and Portland in North America amongst others. Just recently the New Orleans City Council voted unanimously on Thursday May 23 to also allow musicians to park for free in loading zones and metered spaces while they unload equipment through a newly established permit available to music venues³⁵.

Light Rail, Heavy Rail.

Page 39 from the Committee for Sydney report references the role of transport in the night-time economy and a number of draft NSW Government transport strategies in development that include a commitment to enhance night-time transport and expanding overnight public transport services.

If we look to Action 3.3 from the Sydney Night-Time Economy Roundtables:

Conduct and promote a trial of public transport (such as train services, night buses, ferries, light rail) to 4am on Friday and Saturday nights; informed by further data analysis, review of current late night transport options, desktop and consumer research.

In reply, however, the December 2016 NSW Government response to the Night-Time Economy Roundtable report responded to say:

Transport for NSW already provides a network of late night transport services, and considers that buses are the most appropriate form of public transport given the level of demand for public transport late on Friday and Saturday nights.

And later in answers to questions on notice to say:³⁶

³⁵ Kevin Litten, NOLA.com | The Times-Picayune May 23, 201, *New Orleans musicians could get loading zone access to avoid parking tickets*

³⁶ Answers to questions on notice, NSW Government, received 2 May 2018, p 2.

The NSW Government advised that late night transport services had increased following the release of the night-time economy action plan. For example, in November 2017, the More Trains More Services program had delivered around 1,500 new services per week, including more than 750 on weekends. Additionally, this increase was mostly delivered in weekday late evening and weekend service.

It's important that late night transport options also including light rail service for the suburbs and outer Sydney where the infrastructure is in place, in particular for night time workers as well as young people and those on fixed lower incomes who may want to attend later events and performances.

The light rail for example on the Dulwich Hill line provides a 24hr service between central and the casino, but discontinues later services past the casino after midnight to the best of our knowledge, both on weeknights and slightly later on weekends. Hopefully the CBD and South East Light Rail will provide all night services to Kensington, Kingsford and Randwick as they come online.

Once again, the LMO acknowledges the fantastic support Transport for NSW provided for Make Music Day this year, as identified previously in this submission;

- Sydney trains partnered with Create NSW who facilitated a number of events across Sydney on 21 June, including a Flash Mob choir of 500 people singing Locomotion at Wynyard Walk, and a series of performances by the Sydney Conservatorium of Music Contemporary Music Students.
- TAFE EORA music students performed across the day at Central Station concourse, and Mortuary Station was the backdrop for the making of a music video with *Darlene Sings The Divas*.
- Sydney Trains also provide for a carriage on the Wollongong, Newcastle and Blue Mountains line for musical performances, with the Ukulele Circus taking up the opportunity to perform all the way from Springwood to Central on the Blue Mountains line.

Promoting Sydney as a 24hr City

With some international colleagues in Sydney last week, I wanted to show them a part of town where the musicians go. Where there's great music on every night of the week, and where we know we can find something on even if we haven't seen the gig guides. From Butchers Brew to Lazybones to Camelot to Django Bar to Gasoline Pony to the Hideaway Bar, these venues were full of people, on a wet Thursday night in the middle of winter,

It's likely that unless you were with a local, that the dynamic and organic inner west music scene through Enmore, Sydenham and Marrickville might be completely undiscoverable even for Sydney residents, let alone visitors. Yet these international music scholars will leave Sydney with a perspective that is completely at odds with the wider perception of Sydney because they had access to a growing music scene removed from the CBD and Kings Cross Plans of Management.

Sydney has a branding problem. Turning that around will require a fresh approach with regards to the lockouts, matched with committed and targeted investment.

Celebrating what we do well is a good place to start!

Despite the challenges, there's great artists and venues putting on amazing music and entertainment every night of the week in Sydney. Come with us.

Research 1: Economic Contribution of the Venue-Based Live Music Industry in Australia

In 2011 Ernst & Young was engaged by Australasian Performing Right Association (APRA), in conjunction with The Australia Council, Arts Victoria, Arts NSW and Live Performance Australia, to measure the contribution of the venue-based live music industry nationally from a venue owner and managers' perspective. The study provides an estimate of the venue-based live music industry's economic contribution in terms of gross output, value add and employment for the 2009/10 financial year. [See report link.](#)

In terms of its economic importance, the venue-based live music industry¹ in Australia generated revenues of \$1.21 billion during 2009/10 financial year (i.e. "industry output"). The revenue of the venue-based live music industry is driven by patron spend at live music performances, of which 16.7% was generated from ticket sales to live music performances, with the remaining 83.3% from patron spend on food and beverage. These revenues were generated from an estimated 41.97 million patrons attending a total of approximately 328,000 venue-based live music performances at 3,904 live music venues across Australia.

- On a State by State basis, New South Wales (32% of industry output) is the largest contributor to the venue-based live music industry, followed by Queensland (24%) and Victoria (22%).
- Venues surveyed have on average been staging live music performances for approximately 13 years, with the main reason for staging live music being to generate patronage (65.8%) and to invigorate other parts of the venue's business (50.8%).
- The most popular genre of live music staged at the venues surveyed was rock/pop, accounting for 38.5% of respondents, followed by "all styles" with 31.4% and blues/roots/country with 13.9%.
- It is estimated that 3,904 live music venues in Australia staged approximately 328,000 live performances in the 2009/10 financial year, equating to approximately 6,300 performances per week. This equates to 84 performances per live music venue per year (or 1.6 per week), of which 14 were ticketed performances and 70 were nonticketed.
- With regard to the nights of the week that live music is staged, the most popular nights are Friday (77.3%) and Saturday (75.1%) nights.
- 36.6% of venues book the services of artists/musicians directly (i.e. in-house) compared to using the services of an agent (22.4%), while 38.5% of venues use a combination of both.
- The venues surveyed were also asked what they saw was the barriers to owning/operating a live music venue. The impact of the current regulatory environment for live music venues (69.1%) and the cost of talent (61.7%) are clearly the biggest issues facing the industry. Of the 12.8% of respondents that selected "other", the most common reasons given were music licence fees and the cost of security.
- Venue-based live music acts as an incubator for emerging artists/performers. The ability to perform and trial new material with smaller audiences assists artists' with their development. While new technologies are providing different ways for artists' to reach audiences, live performance is critical for artists' technical and creative development, income generation and networking with fans and industry. Venue-based live performance is often the first step in furthering an artist's international career.

Research 2: The Cultural and Economic Value of Live Music Making in Australia

National research conducted by the University of Tasmania and released in August, 2015 by the Live Music Office shows the live music spending delivers at least 3:1 benefit to cost ratio, providing vital commercial, individual and civic benefits.

The report, [*The Economic and Cultural Value of Live Music in Australia 2014*](#), set out to value the economic, social and cultural contribution of the Australian live music industry with both a national consumer survey undertaken alongside a survey of venues in Hobart, Melbourne, Adelaide and Sydney. This is the first research of this scale completed since 2011.

This research was undertaken in partnership with the University of Tasmania, City of Sydney Council, City of Melbourne, The Government of South Australia, and The Live Music Office as an initiative of the City of Sydney Live Music and Performance Taskforce.

Other key findings from the research include:

- [Live music spending in Australia delivers at least 3:1 benefit-to-cost ratio;](#)
- [Nationally, an estimated 65,000 full and part-time jobs are created by monies spent on live music \(page 39\), with taxation revenue generated for all tiers of government;](#)
- [Food and drink is the number one expense for those attending a live music performance equating to 29.3 % of the total spend;](#)
- [Expenditure on tickets comes in second at 19.2 % of spend, followed by travel at 17.6 % and accommodation at 12.4 %;](#)
- [Audiences are prepared to travel significant distances to attend live music, and this demonstrates live music is a source of regional competitive advantage;](#)
- [Live Music attendance was identified by punters and venues as contributing to improved health and wellbeing.](#)

The research also investigated many long-standing industry perceptions.

- In Sydney for example, barriers to live music sustainability included licensing conditions, sound abatement and direct and indirect costs, particularly rent.
- Venues in Melbourne scored competition, market saturation, location and gentrification as barriers.
- Venues in Adelaide scored gentrification as the biggest barrier, while in Hobart, relative isolation was the main barrier to commercial success

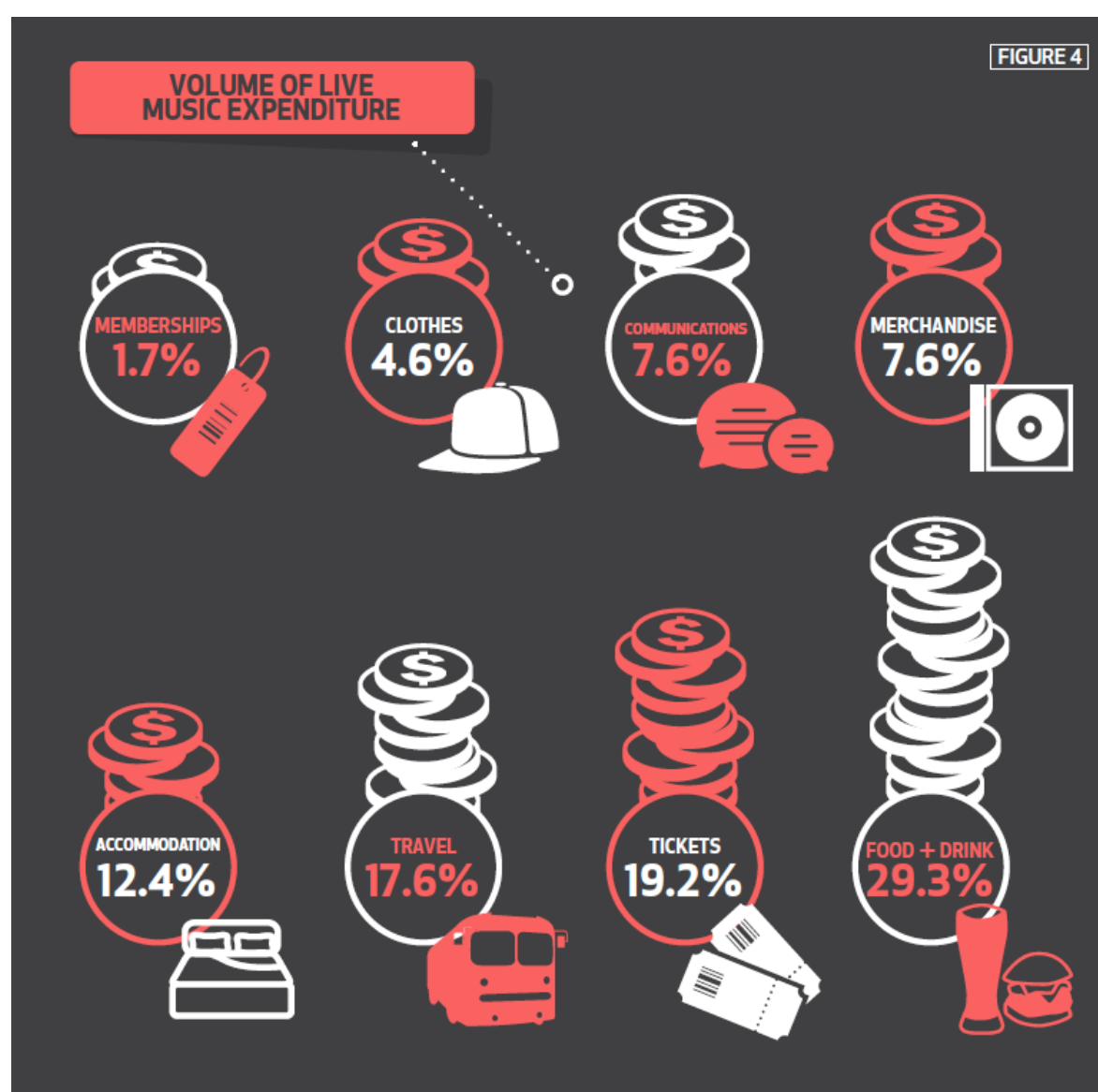
Live Music Consumption

The consumption of live music actually involves making a variety of related purchases across already defined sectors. In this study a number of these were measured, including:

- Accommodation and related expenses
- Clothes and fashion
- Food, beverages and other consumables

- Fuel, motor vehicle and travel expenses
- Memberships and subscriptions
- Merchandise (including CDs, programs, memorabilia)
- Phone, internet and communication expenses, and
- Tickets / entry fees

The composition of this spending is shown in Figure 4 and applied as a baseline to a number of the estimates of costs and benefits that follow. Of interest is the fact that producer accounts of live music making—even if perfectly conducted—will only ever capture ticket and food and beverage sales. It can be seen in Figure 4 that these categories describe **less than half** of the actual economic impact of live music making in Australia.

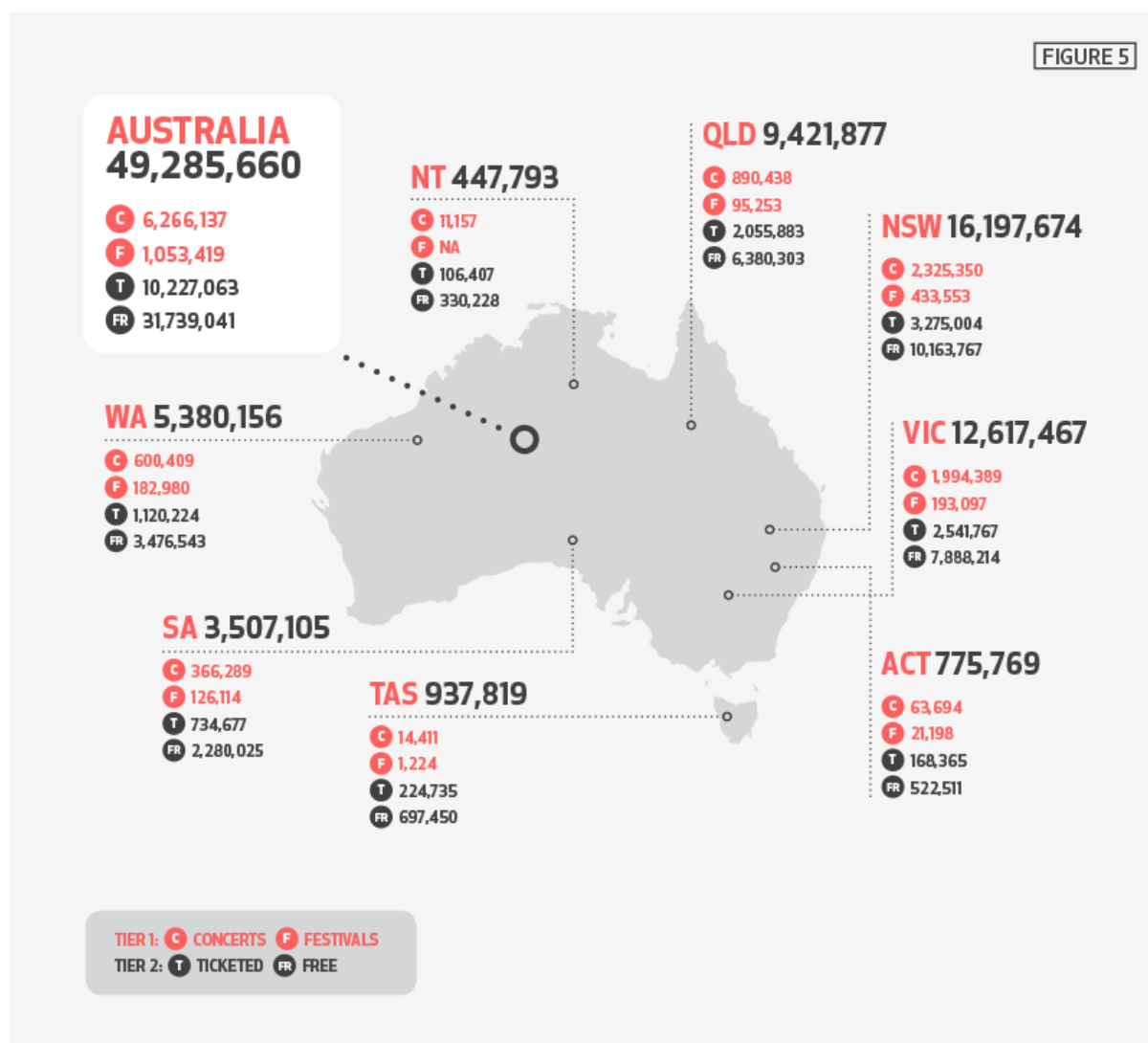


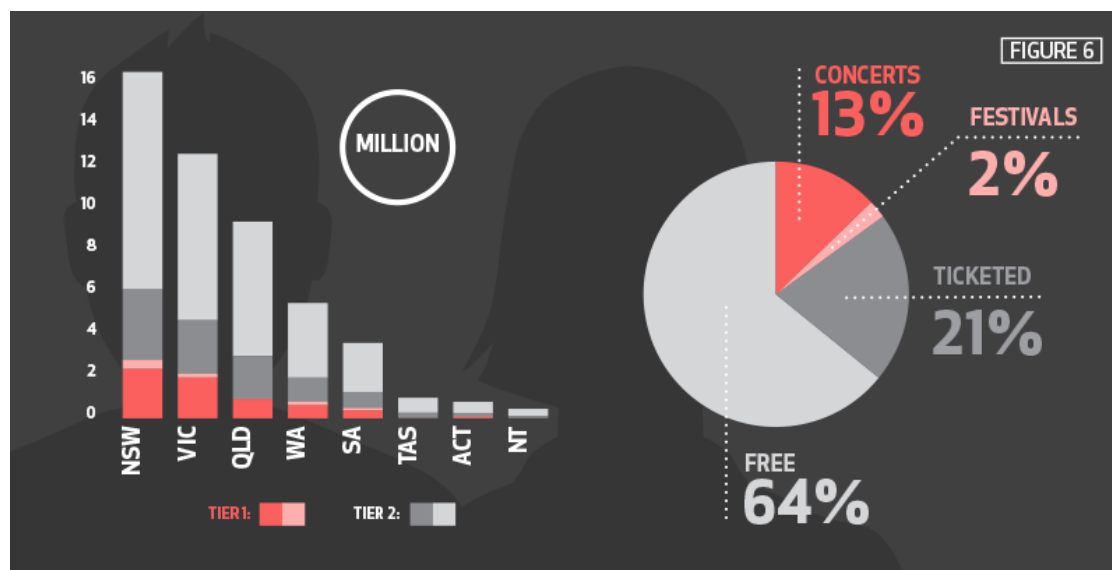
Live Music Attendance

In the absence of representative primary data, attendance and sales figures were drawn from Live Performance Australia (LPA) and the Australian Performing Rights Association (APRA AMCOS) (*Ernst & Young, 2011, 2014*), and cross-referenced with data from the ABS (2010a, 2014a).

Major ticketing companies, a number of larger self-ticketing venues and promoters, together with the Australian Council for the Arts contribute ticketing data to Live Performance Australia's (LPA) annual Ticket Attendance Survey and Review. In 2013, it was reported that there were 6.3 million tickets sold to contemporary music concerts at established venues, and another 1.1 million in tickets sales at single category (predominantly live music) festivals (*Ernst & Young, 2014*). These could be described as Tier 1 live music venues / events (*Hearn, Ninan, Rogers, Cunningham, & Luckman, 2004*).

The second Ernst & Young (2011) report on the Australasian Performing Right Association (APRA AMCOS) venue based live music industry revealed a total of 42.0 million live music attendances at, "...pubs / bars, clubs, restaurants / cafes and nightclubs," licensed by APRA AMCOS to host live music, or Tier 2 live music venues. Of these, 10.2 million were ticketed attendances, with the balance being un-ticketed (presumably free to enter / attend).





Audience Patterns of Attendance

The consumers surveyed attended music across a range of venues from house shows to stadium concerts and festivals. Figure 8 shows the percentage of respondents that reported attending live music in each type of venue by state and territory. Figures for the Northern Territory should be treated cautiously as only 0.7 % of respondents identified as living there.

